LOCAL GOVERNMENT IN A BRAVE NEW WORLD
LAW ENFORCEMENT, CODE ENFORCEMENT,
AND PUBLIC AGENCY LIABILITY

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PANEL III
"BAD COP – GOOD COP:
POLICE CIVIL LIABILITY AND MISCONDUCT

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Joyce M. Hicks is the Executive Director of the San Francisco Office of Citizen Complaints (OCC), a position she has held since November 2007. The OCC was created by a voter adopted San Francisco City Charter amendment in 1982 with the mission of conducting fair and impartial investigations of civilian complaints of police misconduct or failure to perform a duty by members of the San Francisco Police Department. The charter also charges the OCC with making policy recommendations to the San Francisco Police Department on its policies and practices. The OCC receives and resolves over 700 complaints each year. The OCC uses a voluntary mediation program to resolve some of its complaints. The OCC’s 35-member staff is comprised of civilians who have never been police officers in San Francisco.

Ms. Hicks was the Executive Director of the City of Oakland Citizens’ Police Review Board from 2003 to 2007 (CPRB). The CPRB hears civilian complaints of police misconduct and makes policy recommendations on police policies and practices.

Ms. Hicks began her legal career in the Oakland City Attorney’s Office in 1977 where she served as one of two Chief Assistant City Attorneys for thirteen years, from 1987 to 2000. She obtained her JD from the University of California Berkeley Law School, Boalt Hall, and her B.A. in government from Pomona College, Claremont, California. Ms. Hicks is a member of the NACOLE board of directors. She is also the vice chair of the board of directors of the University of California’s International House of Berkeley.
The Mayor shall appoint a nominee of the Police Commission as the director of the Office of Citizen Complaints, subject to confirmation by the Board of Supervisors. The director shall serve at the pleasure of the Police Commission. If the Board fails to act on the appointment within 30 days, the appointment shall be deemed approved. In the event the office is vacant, until the mayor makes an appointment and that appointment is confirmed by the Board, the Police Commission shall appoint an interim director who shall serve at the pleasure of the Police Commission. The appointment shall be exempt from the civil service requirements of this Charter. The director shall never have been a uniformed member or employee of the department. The director of the Office of Citizen Complaints shall be the appointing officer under the civil service provisions of this Charter for the appointment, removal or discipline of employees of the Office of Citizen Complaints.

The Police Commission shall have the power and duty to organize, reorganize and manage the Office of Citizen Complaints. Subject to the civil service provisions of this Charter, the Office of Citizen Complaints shall include investigators and hearing officers.

As of July 1, 1996, the staff of the Office of Citizen Complaints shall consist of no fewer than one line investigator for every 150 sworn members. Whenever the ratio of investigators to police officers specified by this section is not met for more than 30 consecutive days, the director shall have the power to hire, and the City Controller must pay, temporary investigators to meet such staffing requirements. No full-time or part-time employee of the Office of Citizen Complaints shall have previously served as a uniformed member of the department.

Subject to rule of the Police Commission, the director of the Office of Citizen Complaints may appoint part-time hearing officers who shall be exempt from the civil service requirements of this Charter. Compensation of the hearing officers shall be at rates recommended by the Commission and established by the Board of Supervisors or by contract approved by the Board of Supervisors.

Complaints of police misconduct or allegations that a member of the Police Department has not properly performed a duty shall be promptly, fairly and impartially investigated by staff of the Office of Citizen Complaints. The Office of Citizen Complaints shall investigate all complaints of police misconduct, or that a member of the Police Department has not properly performed a duty, except those complaints which on their face clearly indicate that the acts complained of were proper and those complaints lodged by other members of the Police Department.
The Office of Citizen Complaints shall use its best efforts to conclude investigations of such complaints and, if sustained, transmit the sustained complaint to the Police Department within nine (9) months of receipt thereof by the Office of Citizen Complaints. If the Office of Citizen Complaints is unable to conclude its investigation within such nine-month period, the director of the Office of Citizen Complaints, within such nine-month period, shall inform the Chief of Police of the reasons therefore and transmit information and evidence from the investigation as shall facilitate the Chiefs timely consideration of the matter. The Office of Citizen Complaints shall recommend disciplinary action to the Chief of Police on those complaints that are sustained.

The director of the Office of Citizen Complaints, after meeting and conferring with the Chief of Police or his or her designee, may verify and file charges with the Police Commission against members of the Police Department arising out of sustained complaints; provided, that the director may not verify and file such charges for a period of 60 days following the transmittal of the sustained complaint to the Police Department unless the director issues a written determination that the limitations period within which the member or members may be disciplined under Government Code Section 3304, as amended from time to time or any successor provisions thereto, may expire within such 60-day period and either (i) the Chief of Police fails or refuses to file charges with the Police Commission arising out of the sustained complaint, (ii) the Chief of Police or his or her designee fails or refuses to meet and confer with the director on the matter, or (iii) other exigent circumstances necessitate that the director verify and file charges to preserve the ability of the Police Commission to impose punishment pursuant to Section A8.343.

The director of the Office of Citizen Complaints shall schedule hearings before hearing officers when such is requested by the complainant or a member of the department and, in accordance with rules of the Commission, such a hearing will facilitate the fact-finding process.

The Board of Supervisors may provide by ordinance that the Office of Citizen Complaints shall in the same manner investigate and make recommendations to the Chief of Police regarding complaints of misconduct by patrol special police officers and their uniformed employees.

Nothing herein shall prohibit the Chief of Police or a commanding officer from investigating the conduct of a member of the department under his or her command, or taking disciplinary or corrective action, otherwise permitted by this Charter, when such is warranted; and nothing herein shall limit or otherwise restrict the disciplinary powers vested in the Chief of Police and the Police Commission by other provisions of this Charter.

The Office of Citizen Complaints shall prepare in accordance with rules of the Commission monthly summaries of the complaints received and shall prepare
recommendations quarterly concerning policies or practices of the department which could be changed or amended to avoid unnecessary tension with the public or a definable segment of the public while insuring effective police services.

The Office of Citizen Complaints shall prepare a report for the President of the Board of Supervisors each quarter. This report shall include, but not be limited to, the number and type of complaints filed, the outcome of the complaints, and a review of the disciplinary action taken. The President of the Board of Supervisors shall refer this report to the appropriate committee of the Board of Supervisors charged with public safety responsibilities. Said committee may issue recommendations as needed.

In carrying out its objectives the Office of Citizen Complaints shall receive prompt and full cooperation and assistance from all departments, officers and employees of the City and County which shall promptly produce all records requested by the Office of Citizen Complaints except for records the disclosure of which to the Office of Citizen Complaints is prohibited by law.

The director may also request and the Chief of Police shall require the testimony or attendance of any member of the Police Department to carry out the responsibilities of the Office of Citizen Complaints.

A8.343 FINE, SUSPENSION AND DISMISSAL IN POLICE AND FIRE DEPARTMENTS

Members of the uniformed ranks of the fire or the police department guilty of any offense or violation of the rules and regulations of their respective departments, shall be liable to be punished by reprimand, or by fine not exceeding one month's salary for any offense, or by suspension for not to exceed three months, or by dismissal, after trial and hearing by the commissioners of their respective departments; provided, however, that the chief of each respective department for disciplinary purposes may suspend such member for a period not to exceed 10 days for violation of the rules and regulations of his department. Any such member so suspended shall have the right to appeal such suspension to the fire commission or to the police commission, as the case may be, and have a trial and hearing on such suspension. Written notice of appeal must be filed within 10 days after such suspension and the hearing of said appeal must be held within 30 days after the filing of said notice of appeal. If the commission shall reverse or alter the finding of the chief, it shall order that the member affected be paid salary for the time of the suspension received or altered.

In the event the chief should exercise such power of suspension' the member involved shall not be, subject to any further disciplinary action for the same offense; provided, that where the Office of Citizen Complaints has sustained a complaint and recommended discipline in excess of a 10-day suspension, the
Chief of Police may not exercise his or her power of suspension under this section without first meeting and conferring with the director of the Office of Citizen Complaints and affording the director an opportunity to verify and file charges with the Police Commission pursuant to Section 4.127. If the director of the Office of Citizen Complaints verifies and files charges, the Police Commission shall conduct a trial and hearing thereon, and the Chief of Police may not suspend the member pending the outcome of the Police Commission proceedings on the charges except as provided in Section A8.344.

Subject to the foregoing, members of the uniformed ranks of either department shall not be subject to dismissal, nor to punishment for any breach of duty or misconduct, except for cause, nor until after a fair and impartial trial before the commissioners of their respective departments, upon a verified complaint filed with such commission setting forth specifically the acts complained of, and after such reasonable notice to them as to time and place of hearings as such Commission may, by rule, prescribe. The accused shall be entitled, upon hearing, to appear personally and by counsel; to have a public trial; and to secure and enforce, free of expense, the attendance of all witnesses necessary for his defense. (Amended November 2003)
SFPD Must Cooperate With the OCC

Both the San Francisco Charter and SFPD General Order 2.04 require San Francisco police officers to cooperate with OCC investigations.

The police department encourages citizens to bring forth complaints of inadequate police service or official misconduct. When presented with complaints, officers must receive them with courtesy and without delay. This order also mandates full cooperation of all police department employees with OCC investigations.

Police Retaliation is Illegal

Officers are not allowed to contact complainants or witnesses regarding the issues raised by a complaint while the complaint is under investigation.

In 1988 the Police Commission established a policy that specifically prohibits police officers from threatening, intimidating, misleading, or harassing potential or actual OCC complainants, witnesses, or staff members. Retaliation against complainants is legally prohibited. Please notify the OCC immediately if you believe retaliation has occurred or has been threatened and immediate action will be taken.

OCC Outreach

The OCC would like to let you know what we do and how to utilize the OCC process. If you would like information on the agency or to arrange for a staff presentation at a school or a group meeting, please contact us at 415-241-7711.

The OCC also utilizes volunteers in various capacities. Please contact the agency if you wish to volunteer.

Your Complaint Makes a Difference

You are the starting point of civilian review. We rely upon you to bring to our attention problems with officers and department policies. We know that you feel strongly about your encounter with a police officer, or you would not have taken the trouble to register a complaint. But without adequate evidence, we cannot prove a complaint.

Your complaint goes into the officer's personnel record, where it will stay, even if the charges cannot be proved. In the event behavior of the sort you have alleged is repeated, the police department can take corrective action to help the officer to alter the offending behavior.

When should you file?

A complaint should be filed when you feel a member of the police department has acted improperly in the course of their work. Whether the complaint is related to discourteous treatment, an unjustified arrest, unnecessary force or any other police action you feel to be wrong, we want to know about it. While the OCC encourages you to sign your complaint, we will take anonymous complaints if necessary.

Who We Are

The Office of Citizen Complaints investigates complaints against San Francisco police officers and makes policy recommendations. The organization is staffed by a diverse group of civilians who have never been San Francisco police officers.

The office was created by a voter initiated charter amendment to the San Francisco City Charter in 1983. The OCC was placed under the direct supervision of the Police Commission as an independent agency, separate from the police department. The Police Commission is also a civilian body.

Office of Citizen Complaints
25 Van Ness Ave., Suite 700
San Francisco, CA 94102-6058
415.241.7711
fax: # 415.241.7733
webster: www.sfgov.org/occ

Office Hours
8:00 a.m. to 5:00 p.m.
Monday through Friday

Complaints can also be filed at Police District Stations:

- Tenderloin District
  - 301 Eddy Street
  - Central Station
  - 766 Vallejo Street
  - Southern Station
  - 850 Bryant Street
  - Bayview Station
  - 201 Williams Street
  - Mission Station
  - 630 Valencia Street
  - Airport Bureau
  - Police Sub-Station
  - Terminal 1, Lower Level

- Northern Station
  - 1125 Fillmore Street
  - Park Station
  - 1899 Waller Street
  - Richmond Station
  - 461 Sixth Avenue
  - Ingleside Station
  - 1 John Young Ln.
  - Tenderloin Station
  - 2345-24th Avenue

SFO International Airport
The Investigation Process

The purpose of an OCC investigation is to find out what happened. An investigation may include interviews of witnesses and officers, a review of police records, policies and procedures, a review of medical records, photographing individuals and scenes, and the gathering, preservation and inspection of any other pertinent evidence. Once an investigation has been completed, a finding is made as to whether the conduct of the officers violated any police department rules, or local, state or federal laws. Letters are sent to both complainant(s) and officer(s) advising them of the preliminary findings of the investigation.

Investigative Hearings

The OCC has a checks and balance system built into its investigation process. After the OCC makes its decision on a complaint, both the complainant(s) and named police officer(s) have the opportunity to review the evidence in the case with the investigator. If either party believes the investigation was incomplete or mishandled, they have the right to request an investigative hearing.

Hearings are granted at the discretion of the OCC Director. An independent investigative hearing officer will decide only the facts of your case. The facts are then applied to departmental rules and procedures by the Director, who will determine whether to change the preliminary findings made by our staff.

How to File a Complaint

The most effective way to file a complaint is to come into the OCC office. This will allow investigators to personally interview you and document relevant evidence. Other ways to file a complaint are:

- Call the OCC. Complaints may be filed over the telephone.
- Complete and return the complaint form by mail. The OCC will mail a form to you upon request. An investigator will contact you shortly after you file the complaint.
- Send us a letter detailing the incident. Please be sure to include your address and phone numbers so that we may contact you for additional information, if necessary.
- Go to a district police station. All district stations are open 24 hours a day. All police personnel are required to receive complaints courteously and to assist you with filing.

When you file your complaint, you should receive a copy, regardless of how or where it is filed.

Important Information When You File

When you file your complaint please include the following information in your description of the event:

- The day, date, time and exact location of the incident;
- The officer’s name, star number, description and vehicle or license number (if available);
- Witnesses’ names, addresses and telephone numbers;
- License numbers for vehicles involved in the incident;
- Any other evidence you feel may be important such as copies of citations, photographs, etc.

If you are injured, it is vitally important that you file your complaint as soon as possible so that photographs can be taken and medical records obtained quickly.

If a criminal case is pending against you, you should speak with your attorney before filing a complaint.

The Disciplinary Process

In the event a complaint is sustained, a report will be forwarded to the Chief of Police for further action. The Chief can hold a disciplinary hearing where up to a ten-day suspension may be imposed. If the nature of the allegation requires more serious discipline, or if the officer has had previous instances of misconduct, the Chief may send the complaint forward to the Police Commission. The Police Commission will then hold a formal administrative hearing and make a determination on the charges and on discipline up to and including termination of employment. Under an OCC verified complaint procedure, the OCC Director can elect to forward a complaint to the Police Commission if the Chief does not agree that misconduct occurred.

Mediation/An Alternative

The OCC has a mediation program which enables complainants to resolve their issues with the accused officer in a face to face dispute resolution process. The goal of the program is to bring together the involved parties in an effort to achieve mutual understanding. Mediation is limited to eligible cases as determined by the OCC and must be agreed to by both the complainant and the accused officer. Cases that are successfully mediated are not considered disciplinary proceedings in an officer’s record.
CITIZEN COMPLAINTS AGAINST OFFICERS

This order outlines the policies and procedures for receiving, investigating and processing citizen complaints against officers. It also describes the Office of Citizen Complaint investigative procedures and findings.

I. POLICY

A. It is the policy of the San Francisco Police Department to encourage citizens to bring forward grievances regarding inadequate police service or official misconduct by officers, and receive such complaints with courtesy and without delay. Officers shall cooperate fully with the Office of Citizen Complaints (OCC) and provide their full assistance in the expeditious and impartial processing of citizen complaints.

B. Members of the Department shall immediately receive citizen complaints of official misconduct whether received by letter, telephone or in person. The member receiving the complaint shall immediately refer the matter to the senior-ranking officer on duty in the station, division, section or unit where the complaint is being made. The senior-ranking officer on duty shall be personally responsible for the conduct of the investigation until relieved of responsibility as specified in this order.

II. PROCEDURES

A. RECEIVING A COMPLAINT/DUTIES OF SENIOR RANKING OFFICER

1. EVALUATION. Evaluate the seriousness of the allegation and determine whether an immediate investigation is needed (see Section B).

2. FORM PREPARATION. If the complaint is against an officer, prepare a Citizen Complaint Form (SFPD/OCC 293). Write only what the complainant states on this form. If the complainant is present, allow him/her to review the form and make any corrections; give the complainant a copy. If the complaint is received by telephone, read the complainant's statement as it is written on the form to assure accuracy. In either case, tell him/her that the complaint will be referred to the OCC for investigation.
3. ADDITIONAL INFORMATION/COMMENTS. If there is any additional information or comments that should be brought to the attention of the investigator, do not include it on SFPD/OCC 293. Instead, prepare it on a memorandum to your commanding officer for his/her review. The commanding officer shall then forward it promptly to the OCC.

4. ROUTING. Route the original Citizen Complaint form to the OCC and forward a copy to your commanding officer.

5. INTERNAL COMPLAINTS. A Citizen Complaint form shall not be completed when the complainant is a member of the Department or is a representative of another police department or government agency. Instead, prepare a memorandum specifying the nature of the complaint and forward it to the accused officer's commanding officer.

B. IMMEDIATE INVESTIGATION/DUTIES OF SENIOR-RANKING OFFICER

1. WHEN. You must conduct an immediate investigation if a delay imposed by assigning the complaint to the OCC will jeopardize the investigation or public safety. The following are examples of situations requiring an immediate investigation and report:

   a. The conduct is still occurring.

   b. The allegation is that an officer is unfit to perform police duties.

   c. A witness may be unavailable later.

   d. The complainant alleges criminal conduct.

   e. The complainant alleges unnecessary force, resulting in serious injury and medical treatment.

2. OCC NOTIFICATION. When an immediate investigation is required, immediately notify an OCC investigator by calling the OCC during business hours, or the answering service at 553-1407 during non-business hours.
3. INVESTIGATION. If the accused officer is assigned to your unit, make a complete investigation and prepare an immediate investigation report on a memorandum, in addition to the SFPD/OCC 293 form. Send the original OCC 293 to the OCC, and forward the immediate investigation report to your commanding officer for review. The commanding officer shall then forward the report promptly to the OCC.

4. UNIT NOTIFICATION/IMMEDIATE INVESTIGATION. When the officer is assigned to another unit, immediately notify the senior-ranking officer on duty at that unit who shall assume responsibility for the immediate investigation and report. If the unit is closed, contact the officer-in-charge through the Operations Center. Prepare and forward a copy of SFPD/OCC 293 to the OCC.

5. IMMEDIATE INVESTIGATION REPORT. The immediate investigation report must contain information that can be reasonably obtained before you report off duty. Examples are:
   a. Full name, address and telephone number of all witnesses.
   b. Statements from these witnesses.
   c. Preliminary findings and recommendations where appropriate.

C. MEMBER RESPONSE FORMS

1. RESPONSIBILITIES OF MEMBERS. A Member Response Form (MRF) must be completed by the member and received by the OCC within 21 calendar days of the notice. If the member cannot meet this deadline, he/she must contact the appropriate OCC investigator prior to the due date.

2. RESPONSIBILITIES OF COMMANDING OFFICERS. Commanding officers shall maintain copies of the Citizen Complaint forms (SFPD/OCC 293) to ensure that the OCC has received all complaints and to assist in maintaining accurate statistical records. Commanding officers shall also designate a member to maintain a log of all MRF's and interview notifications, distribute them, and return the properly completed forms and notifications to the OCC.
DGO 2.04.
07/20/94

D. O.C.C. INTERVIEWS. Members shall appear for scheduled interviews and be prepared to proceed. If a member needs to reschedule, he/she must contact the appropriate investigator at least 24 hours prior to the interview. The inability to arrange for a specific representative will not necessarily be cause for rescheduling the interview. The final decision to reschedule will remain with the O.C.C.

III. O.C.C. PROCEDURES

A. INVESTIGATIONS

1. PRELIMINARY INVESTIGATIONS. All complaints against sworn members are subject to Preliminary Investigations. Preliminary Investigation consists of the collection and review of basic case-related material. A case will be closed with no further action when the Preliminary Investigation clearly discloses one of the following:

   a. The available evidence is insufficient to prove or disprove the allegation.

   b. The evidence proves that the alleged act did not occur or that the accused member was not involved.

   c. The alleged act did occur but was justified, lawful and proper.

   The OCC will forward Preliminary Investigation complaints, along with the findings, to the accused member's Commanding Officer for information purposes only.

2. DIRECTED INVESTIGATIONS. When a Preliminary Investigation indicates that there is sufficient evidence to proceed, the complaint will be classified as a Directed Investigation and will be assigned to an OCC investigator.
3. FINDINGS. All Directed Investigations will include a finding for each allegation in the complaint. The types and definitions of OCC findings are as follows:

a. SUSTAINED
A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure. (Recommended only after the completion of a Preliminary Investigation.)

b. NOT SUSTAINED
The evidence fails to prove or disprove that the alleged act(s) occurred.

c. PROPER CONDUCT
The evidence proves that the alleged act(s) occurred; however, the act(s) were justified, lawful, and proper.

d. POLICY FAILURE
The evidence proves that the alleged act occurred but was justified by Department policy or procedures; however, the OCC recommends that the policy or procedure be changed.

e. SUPERVISION FAILURE
The evidence proves that the alleged acts occurred and were the result of inadequate supervision.

f. TRAINING FAILURE
The evidence proves that the alleged act resulted from inadequate or inappropriate training.

g. UNFOUNDED
The evidence proves that the acts alleged did not occur or that the accused officer was not involved.
h. INFORMATION ONLY  The evidence proves that the alleged act did not involve a sworn member of the Department or that the actions described were obviously imaginary. Information Only allegations are not counted as complaints against sworn members of the Department.

i. NO FINDING/WITHDRAWAL  The complainant failed to provide additional requested evidence, or the complainant requested a withdrawal of the complaint.

4. NOTIFICATION AND REVIEW. After completing a Directed Investigation, the OCC will ensure that every named officer and complainant receive a letter containing the disposition of the complaint and instructions for requesting a hearing.

5. TRANSMITTAL TO AND ACTION BY DEPARTMENT ON COMPLAINTS SUSTAINED BY THE OCC

a. When a complaint has been sustained and the OCC investigation (including Investigative Hearings) has been completed, the OCC's investigation and findings shall be transmitted to the Police Chief or the Chief's designee for review and actions.

b. The Chief or the Chief's designee shall complete his or her review and make an action recommendation within 60 days of receipt of an OCC case.

c. If, however, the Chief or Chief's designee cannot meet the deadline stated in Section 5. b., he/she shall seek an extension of time from the Police Commission. The Commission shall be advised of the reasons for the request for deadline extension, and accused officer(s), complainant(s) and witness(es) shall be informed of any delays and time extensions beyond the initial 60-day period.
6. STATISTICS AND RECOMMENDATIONS

a. As directed by the Police Commission, the OCC compiles and publishes monthly summaries and quarterly reports of complaint statistics.

b. These summaries and reports include, but are not limited to, the disposition by the Chief of Police and the Police Commission of complaints and allegations referred to the Chief of Police by the OCC Director.

c. As directed by the Police Commission, the OCC prepares and publishes quarterly recommendations concerning policies and practices of the Department.

d. The Chief of Police shall review OCC quarterly statistical reports within two weeks of the Chief's receipt of same. In the course of that review, the Chief shall cross-check OCC status and disposition information, particularly information on cases sustained by the OCC and referred to the Department for review and further action, and advise the Police Commission of any discrepancy. It is the intent of this policy; however, that apparent statistical discrepancies created by simple mathematical or typographical/ data entry errors shall be resolved by the Department and the OCC without reporting to the Commission, other than the publication of a corrected version of the report in which the error occurred.
Member-Initiated Driver Incapacity Proceedings
( DMV Re-Examination of Drivers Form DS 427 )

This bulletin establishes the procedures when a driver lacks the mental or physical capacity to safely operate a vehicle and requires retesting by the Department of Motor Vehicles. It also describes the difference between “priority” and “regular” re-examination and Members’ responsibilities when initiating a “priority” versus “regular” DMV re-examination of a driver.

California Vehicle Code § 21061 permits an officer to issue a Notice of Department of Motor Vehicle Re-Examination to a driver who cannot safely operate a vehicle because of the driver’s mental or physical condition. Evidence of incapacity is defined as “Serious physical injury or illness or mental impairment or disorientation, which is apparent to the traffic officer”.

DMV re-examinations are designated as either “priority” or “regular.” Both “priority” and “regular” re-examinations require evidence that a driver is incapable of safely operating a vehicle because of the driver’s mental or physical condition. Both require law enforcement to complete DMV form “DS 427”, indicating whether it is a “priority” or “regular” re-examination, and describe the driver’s behavior and condition under penalty of perjury. However, a priority re-examination includes addition requirements. DMV is required to respond immediately to “priority” re-examination requests. Members initiating a “priority” re-examination must provide the driver a copy of the completed form and immediately FAX a copy to the DMV office closest to the driver’s home. A list of DMV Driver Safety Offices are located on the back of the DMV DS 427. The completed form notifies drivers that their failure to contact DMV within five working days of receiving the notice of priority re-examination from the officer will result in an automatic license suspension.

To initiate a DMV Re-Examination proceeding against a driver, members shall:

1. Obtain a supervisor’s authorization to initiate DMV re-examination of a driver, including whether the re-examination is designated a “priority” (i.e. urgent) or “regular”.

2. Complete a Notice of Re-Examination of Driver form (DMV form DS 427) by indicating whether the DMV re-examination is a “priority” or “regular,” describing the driver’s condition (serious physical injury or illness or mental impairment or disorientation) and driving behavior, and signing the form under penalty of perjury.

3. Provide the driver a copy of the form when initiating “priority” re-examination. (The form notifies drivers that their license will be automatically suspended if they do not call DMV or appear at DMV within five days of the officer’s request for priority re-examination. DS 427 is a triplicate form that designates the white copy for DMV, the canary copy for law enforcement, and the pink copy for the driver.)

(over)
4. FAX the priority re-examination form immediately to the DMV office nearest the driver's home and mail the original to the same office. (The FAX numbers for all DMV offices in California are listed on the back of the re-examination form.)

5. Mail (not FAX) a "regular" re-examination form to the DMV office nearest the driver's home.

6. Provide DMV a copy of the traffic accident report if the driver was involved in a traffic accident.

7. Book into evidence a copy of the completed and signed DMV re-examination form.

8. Document in an incident report (or by a supplemental statement to an incident report) the following information:
   - The factual basis for the re-examination;
   - The type of re-examination (priority or regular);
   - The supervisor who authorized the DMV re-examination and what type of re-examination the supervisor approved (priority or regular);
   - The time, date, and manner in which the member provided the driver a copy of the DMV priority re-examination form;
   - The time, date, and manner in which the member provided DMV a copy of the DMV re-examination form (and accident report if applicable);
   - That the member booked into evidence a copy of the DMV re-examination form.


GREGORY P. SUHR
Chief of Police
CHILDREN OF ARRESTED PARENTS

I. POLICY

A. The goal of responding officers and Family and Children’s Services (FCS) workers is to minimize the disruption to the children of an arrested parent by providing the most supportive environment possible after an arrest, minimizing unnecessary trauma to the children of an arrestee, and determining the best alternative care for the children that is safe. The purpose of this policy is to establish the best methods for working with FCS and first responding officers.

B. Nothing in this policy negates parental rights to choose appropriate placement for their children consistent with the procedures outlined below. Unless there is compelling evidence to the contrary (obvious drug use, weapons or other indicators of an unsafe environment) parental discretion shall be respected. However, FCS maintains the ultimate responsibility for determining placement in the event the parent does not designate placement.

II. DEFINITION

CHILD. Any person under the age of 18.

III. PROCEDURES

Responding officers shall assist FCS by adhering to the following procedures:

A. When making an arrest, officers shall inquire about the presence of children for whom the arrested adult has responsibility. If the arrest is made in a home environment, officers should be aware of items which suggest the presence of children such as toys, clothing, formula, bunk bed, diapers, etc.

B. If it is safe to do so, officers should attempt to make the arrest away from the children or at a time when the children are not present.

C. If it is safe to do so, officers should allow the arrested parent to assure the children that they will be safe and provided for. If it is not safe or if the demeanor of the in-custody parent suggests this conversation would be non-productive, an officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurances to the children that both parent and children will be cared for.

D. When planning an arrest or search warrant, officers shall consider the ages and likely location of the children when determining the time, place and logistics of executing the arrest and/or search warrant.

E. If children are present, officers shall determine whether the non-arrested parent, an adult relative, or other responsible adult (i.e. godparent, adult neighbor) is willing to take responsibility for the children. Members shall conduct a preliminary criminal
background check and contact FCS to determine if the person willing to take responsibility for the children has a history of child abuse. Any history of sexual crimes, 290 PC registration status or violence against children makes the adult ineligible to assume responsibility for the children. However, this does not apply to the non-arrested parent unless there is a court order limiting contact with the children. In any event, officers shall notify the FCS worker of the intended placement.  *(Refer to DGO 7.01 III A. 1 through 6 for 300 W&I criteria)*

F. To contact FCS, officers shall call 558-2650, identify themselves and the nature of their call, and ask for an expedited response or call back from FCS. FCS workers have been advised to expedite these calls to officers and/or supervisors in the field.

G. If the arrested parent’s children are at school at the time of the parent’s arrest, in addition to contacting FCS, the responding officer shall contact the School Resource Officer (SRO) of that school. If the SRO is not available, the responding officer shall advise the school principal or the principal's designee of the parent’s arrest and provide placement information if it is available.

H. The reporting officer shall include the following in the incident report:
   • the name and contact information of the adult with whom the children were left,
   • any contact information of other family members the officers identified to assist FCS in case future placement is necessary, and
   • the name and contact information of the FCS worker and school personnel contacted.

**Reference:**

DGO 7.01, Policies and Procedures for Juvenile Detention, Arrest and Custody
POLICIES AND PROCEDURES FOR JUVENILES DETENTION, ARREST, AND CUSTODY

The purpose of this order is to set policy and procedures regarding arrest, detention, shelter bookings, and diversion of juveniles.

I. POLICY:
It is the policy of the San Francisco Police Department that all members shall treat individuals with respect and courtesy regardless of age or social status, and shall comply with all relevant General Orders, including but not limited to General Order 5.15 (Enforcement of Immigration Laws), General Order 5.17 (Policy Prohibiting Biased Policing) and General Order 5.20 (Language Access Services for Limited English Speaking Persons). Members of the San Francisco Police Department have a unique opportunity to influence the lives of children and youth. Members shall seek partnerships with families, schools and juvenile-centered groups to prevent and solve problems affecting children and youth. When detaining, arresting or taking a juvenile into temporary custody members shall choose the alternative that least restricts the juvenile’s freedom of movement, provided that alternative is compatible with the best interests of the child and the community.

Members shall protect the constitutional rights of all individuals with whom they come into contact regardless of age. Every juvenile shall be treated in accordance with all applicable laws. Airport Bureau members will comply with the contents of this order, however, since the Airport Bureau utilizes San Mateo County Juvenile Facilities, these members will comply with exceptions to this order defined in Airport Bureau General Order 97-013.

II. DEFINITIONS:

A. JUVENILE: Any person under 18 years of age.

B. CHILD: Any person under 14 years of age.

C. INFANT: Any person under 2 years of age.

D. DEPENDENT: Any person under the age of 21 who is under the jurisdiction of the Juvenile court because of parental abuse, neglect, or abandonment.

E. GUARDIAN: Adult responsible in the absence of a parent.

F. MINOR: Any person under 21 years of age
G. EXIGENT CIRCUMSTANCES:

Exigent circumstances are defined as situations that require deviation from procedures, such as a threat to life, safety, or property, a fleeing suspect, or the potential loss or destruction of evidence. (e.g., physical loss of property, witness or victim.)

III. PROCEDURES: Members should avoid bringing juveniles into any police facility (including district stations) that contain a lockup for adults. Members should make reasonable efforts to investigate, facilitate release, or arrange transfer of the juvenile from the field or from juvenile facilities such as Huckleberry House, Community Assessment and Referral Center (CARC), and Juvenile Justice Center (JJC- formerly YGC). Only after a member has made reasonable efforts from the field or from juvenile-centered facilities such as Huckleberry House, CARC, and JJC to investigate, facilitate release, or arrange for transfer of the juvenile, may a member bring a juvenile to a police facility that contains a lockup for adults. In the extraordinary circumstance that requires a member to bring a juvenile to a police facility containing a lockup for adults, the member shall strictly comply with the following procedures:

A. EMERGENCY OR TEMPORARY SHELTER (300 W&I). Members shall take all juveniles detained for emergency or temporary shelter to the Child Protective Services (CPS) for medical screening and placement. Detention for emergency or temporary shelter is appropriate when any of the following conditions exist:

1. The juvenile is in immediate need of medical care.

2. The juvenile's physical environment poses an immediate threat to the juvenile's health or safety.

3. A juvenile left unattended poses an immediate threat to the juvenile's health or safety. Prior to detaining the juvenile, members shall attempt to contact the juvenile's parent or guardian to determine if the parent or guardian is able to take custody of the juvenile.

4. The juvenile is in immediate danger of physical or sexual abuse.

5. The juvenile has been ordered by juvenile court to be temporarily removed from the custody of his or her parents and a member has reason to believe that the juvenile has violated an order of the juvenile court or has left any placement ordered by the juvenile court.

6. WRITTEN STATEMENT: When the juvenile has been taken into temporary custody pursuant to Section 305 W&I, officers shall take reasonable steps to inform the parent, guardian, or responsible person, that the juvenile has been taken into protective custody. Further, the parent, guardian, or responsible person shall be advised that a written statement is
available which explains the parent’s or guardian’s procedural rights and the preliminary stages of the dependency investigation and hearing. The written statement is available through all public schools, probation offices, and welfare offices.

B. TEMPORARY DETENTION: When taking a juvenile into temporary detention under Section 601 W&I (runaway, beyond parental control) or 602 W&I (violation of criminal law), members shall follow these procedures:

1. SEARCHES: Search the juvenile for weapons, evidence or contraband, refer to Section H.

2. MIRANDA: Read the juvenile the Miranda advisement (625 W&I Code). Members shall take reasonable steps to read the advisement as soon as practical, but within a half-hour of taking the juvenile into custody. The name of the member reading the Miranda advisement shall be included in the police report. If the juvenile was taken to a police facility, the arresting officer shall document on the Secure or Non-Secured Detention of Juvenile Log Forms (SFPD 473/472) their name, star and who provided the Miranda advisement to the juvenile.

3. PARENTAL NOTIFICATION: Take immediate steps to notify the juvenile’s parent, guardian, or a responsible person that the juvenile is in custody and the place where he or she is being held.

4. JUVENILE FACILITY: After a member has made reasonable efforts from the field or from appropriate juvenile-centered facilities (e.g. Huckleberry House, CARC, or JJC) to investigate, arrange release, or transfer, may a member bring a juvenile to a police facility containing an adult lockup.

5. DETENTION LOGS: Prior to the end of each watch, the platoon commander shall ensure that the Secure or Non-Secured Detention of Juvenile Log Forms (SFPD 473/472) have been properly completed.

6. TELEPHONE CALLS: Immediately after taking the juvenile to a place of confinement and, except where physically impossible, no later than one hour after he/she has been taken into custody, members shall allow the juvenile to make at least two telephone calls: one call completed to his/her parent or guardian, a responsible person or his/her employer, and another call completed to an attorney.

7. ACCESS TO BASIC AMENITIES. In secure and non-secure detention, members shall ensure that the following amenities are made available to juveniles:

   a. Reasonable access to toilets and washing facilities,
b. A snack if the juvenile has not eaten within 4 hours,

c. Reasonable access to drinking water,

d. Privacy during visits with family, guardian, and/or lawyer,

e. Reasonable access to a telephone.

8. WELL-BEING: Members are responsible for the security, safety, and well-being of detained juveniles.

9. SUICIDE RISK AND PREVENTION: Members shall keep any juvenile who appears suicidal under constant personal observation while in their temporary custody. Members shall, as soon as practical, contact a supervisor who shall then be responsible for having the juvenile appropriately evaluated for psychiatric services. Members shall notify the juvenile’s parent, legal guardian, or responsible person (foster parent, boarding school, etc.), in the event of a suicide attempt. (See DGO 7.02, Psychological Evaluation of Juveniles).

10. MEDICAL ASSISTANCE AND SERVICES: Members shall ensure that juveniles who are obviously injured or ill are examined at SFGH prior to being booked. In the event of an emergency medical situation, an ambulance should be summoned immediately. Members shall make notification to the juvenile’s parent, legal guardian, or responsible person (foster parent, boarding school, etc.), in the event of a serious illness or injury. (Also see DGO 5.09, Absentia Bookings and Prisoner Security.)

C. JUVENILE DETAINED FOR 601 W&I OFFENSES: A juvenile held in non-secure custody for any violation of 601 W&I may not be securely detained unless the juvenile commits separate criminal violations which would violate 602 W&I (criminal offense) while in custody. If a juvenile commits a separate criminal violation, members shall refer to Section D and follow procedures for a 602 W&I or a 5150 W&I detention. When detaining for 601 W&I, members shall strictly comply with the following policies:

1. Members shall not hold a juvenile in a locked room.

2. Members shall not handcuff juveniles to themselves or any fixed object.

3. Members shall ensure that juveniles do not have any contact with any adult or other juvenile prisoners.

4. Members shall maintain direct visual supervision of the juvenile at all times to prevent any communication between adult prisoners and juveniles and to ensure the safety of the unsecured juvenile.
5. Members shall not use video equipment as a substitute for constant personal observation.

6. No juvenile shall be detained at a district station more than six hours.

7. If a member is unable to reach the juvenile's parent(s), guardian, or responsible person or if the parent/guardian cannot or will not respond, members shall take the juvenile to Huckleberry House or other agency contracted by the City and County to receive juveniles for any violation of 601 W&I.

8. Members shall make an entry into the Non-Secure Detention Log (SFPD 472) indicating the reasons and circumstances for the non-secure detention, starting time and ending time of the detention, and the officer's name and star.

D. JUVENILE DETAINED FOR 602 W&I OFFENSES:

1. NON-SECURE CUSTODY. Juveniles detained for 602 W &I offense, under the age of 14 (regardless of the offense), and juveniles age 14 and over, who do not reasonably present a serious security risk of harm to themselves or others, shall be held in non-secure custody. These juveniles shall be held in accordance with section C.1 through C.8 of this general order.

2. SECURE DETENTION: A juvenile age 14 and over, who the detaining members reasonably believe present a serious security risk of harm to self or others, may be held in secure detention.
   a. Members shall take reasonable steps and consider the following factors before placing a juvenile in secure detention:
      1) The juvenile’s physical and emotional age, maturity, and history of delinquency and criminal contacts,
      2) The seriousness of the offense,
      3) The juvenile's behavior,
      4) Availability of staff to adequately supervise a juvenile, and
      5) The age, type and number of other subjects being held at the facility.
   b. Members shall adhere to the following policies when holding a juvenile in secure detention:
1) Members shall inform the juvenile of the purpose for his or her detention, the expected detention time and of the 6 hour maximum.

2) Members may handcuff the juvenile to a stationary object for a maximum of 30 minutes. After 30 minutes, members shall either remove the juvenile from secure detention or obtain approval from a supervisor to extend the secure detention. Each 30 minute extension shall be approved and recorded by a supervisor on the detention log.

3) If an adult prisoner is present with the juvenile in the same room or area, members shall maintain constant direct visual supervision of the juvenile at all times to prevent any communication between adult prisoners and juveniles and to ensure the safety of the juvenile.

4) Members shall make an entry in the Secure Detention log (SFPD 473) indicating the offense, reasons and circumstances for the secure detention, the starting and ending time of the detention, and the names of the member and the supervisor who approved the detention.

5) A juvenile shall be permitted to retain and wear his/her personal clothing unless the clothing is inadequate, presents a health or safety problem, or is required to be utilized as evidence of an offense.

6) When a juvenile is released from secure detention but remains at the police facility, the non-secure detention log (SFPD 472) shall also be completed.

3. INTERROGATIONS:

a. Immediately prior to questioning a juvenile, members shall again advise the juvenile of the Miranda admonishment. Such admonition shall be given in language appropriate to the age and the sophistication of the juvenile and in accordance with General Order 5.20. In addition to the Miranda admonishment, the officer shall tell the juvenile that he or she may have a parent/guardian present before and during an interrogation.

b. Immediately after taking the juvenile to a place of confinement and, except where physically impossible, no later than one hour after he/she has been taken into custody, allow the juvenile to make as least two telephone calls: one call completed to his/her parent or guardian, a responsible person or his/her employer, and another call completed to an attorney.
c. If a juvenile expresses a wish to have a parent/guardian present during the interrogation, this will be allowed unless the parent/guardian is a witness or suspect to the crime for which the juvenile is being interrogated or exigent circumstances exist (e.g., unduly hampered by the delay or if an emergency exists).

d. The number of officers interrogating a juvenile shall be limited to two at any given time.

e. Interrogations shall be audio recorded absent exigent circumstances.

f. Members shall take reasonable steps to notify parents or guardians as described in Section III.G, below.

E. 601 & 602 W&I CODE OPTIONS: When determining which disposition of the juvenile to choose, the officer shall elect the alternative which least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the minor and the community. If circumstances do not warrant admonishing, diverting or citing, members shall phone a juvenile probation officer assigned to the Community Assessment Referral Center (CARC) or other designated receiving facility.

F. PROCEDURES FOR ADMONISHMENT, DIVERSION, CITATION AND BOOKING:

1. ADMONISHMENT: If circumstances do not warrant diverting, citing, or booking, members may admonish the juvenile at the scene, or in the presence of a parent or guardian. Members should only admonish juveniles who have no prior 602 W&I contacts and whose involvement in the crime was minimal. Notification may be made by telephone, in person, by leaving a note, or by going to the juvenile's home, as appropriate.

Upon admonishment and release of a detained juvenile, the officer shall issue an 849(b)(1) PC form and prepare an incident report as required by DGO 5.03.

Upon admonishment of a juvenile who was free to leave at any time during the contact (i.e. not detained) or briefly detained, members need not issue a certificate of release or complete an incident report (DGO 5.03).

2. DIVERSION: When admonishment is insufficient, but circumstances do not warrant citing or booking, members may divert the juvenile as follows:

a. 601 W&I VIOLATION: A juvenile may be diverted for 601 W&I violation (runaway, beyond parental control) to the Huckleberry House or other agency contracted by the City and County to receive juveniles held for any violation of 601 W&I. A member of the Juvenile
Probation Department will be on duty to process the offender. Members shall prepare an incident report and an admission form and shall attach a copy of the form to the report.

b. 602 W&I VIOLATION: If a juvenile has been arrested for a non-violent offense and has little or no criminal record, the juvenile may be eligible for diversion. **ALL** of the criteria on the Diversion Form shall be met. When diverting a juvenile for a criminal offense (602 W&I), members shall follow these procedures:

1) Members shall obtain parental consent to divert the juvenile from the juvenile's parent or guardian and inform the parent or guardian that a diversion officer will contact him or her.

2) Complete the Juvenile Diversion Checklist (SFPD 245) and fax it with a copy of the incident report to the Juvenile Division.

3) When completing SFPD 245 members shall enter an “X” in the subject code and list the offense(s) committed. Members shall title the report by naming the incident followed by the phrase "Juvenile Diverted" (e.g. Vandalism/Juvenile Diverted). A juvenile may be diverted in the same incident where others are cited or booked.

4) Members shall forward a photo of any evidence to the Juvenile Division.

5) Members shall not process or obtain "J" numbers for diverted juveniles.

6) Members shall attach a copy of SFPD 245 to the incident report.

3. CITATIONS: Whenever possible, members should cite juveniles and release them to their parent, guardian or responsible person. Members who believe that a violation should be brought to the attention of the Courts, but believe booking the juvenile is not necessary, shall cite the juvenile.

   a. CRIMINAL CITATION (602 W&I)
      See DGO 5.06, Citation Release.

   b. TRAFFIC INFRACTION CITATION
      See DGO 9.01, Traffic Enforcement.

4. BOOKING: Members shall book when any of the following exists.

   a. The seriousness of the offense is such that the release of the juvenile would prove dangerous to the public, as determined by the
Risk Assessment Instrument and in consultation with a Juvenile Probation Officer.

b. The juvenile is arrested pursuant to a warrant.

c. The juvenile is in possession of a firearm.

i. Pursuant to a Memorandum of Understanding between the Department of Social Services and the Juvenile Probation Department, members shall book any child under the age of eleven who is being booked for 602 W&I offenses at the Child Protection Center (CPC) not the Juvenile Justice Center (JJC).

ii. Before booking a juvenile, the arresting officer shall complete an admission form summarizing the circumstances of the offense and declaring the probable cause for arrest.

iii. The officer shall phone a juvenile probation officer assigned to the Community Assessment Referral Center (CARC) or other designated receiving facility. Members shall not transfer the juvenile to other members, JJC, CARC or other receiving facilities unless an admission form has been completed by the arresting officer.

5. Members shall follow juvenile procedures established through “A” Priority Department Bulletins.

G. NOTIFICATION OF PARENT OR GUARDIAN: When a juvenile has been detained, brought into a police or juvenile facility, or has been transported by a member, that member shall take immediate steps to notify the juvenile’s parent, guardian, or a responsible person that the juvenile is in custody and the place where he/she is being held, was transported or temporarily detained.

1. NOTIFICATION: Notification may be made by telephone, in person, by leaving a note, or by going to the juvenile's home, as appropriate.

   a. When a parent, guardian or responsible person is contacted, he/she shall be notified where the juvenile is in custody, the violation or the reason for the detention and/or transportation. Further, he/she shall be informed of the Miranda Rights of the juvenile and that such admonishments have been given to the juvenile. Parent and juvenile will be allowed to speak with one another (at this point) if either party so desires.

   b. Should an initial attempt to contact a parent, guardian or responsible person fail, renewed attempts shall be made by phone every thirty minutes until the processing and investigation has been completed.
The time of all calls shall be entered on the Non-Secured or Secured Detention Logs.

c. If a parent, guardian or responsible person has not been contacted at the conclusion of the investigation and processing, the assigned officer shall be responsible for arranging for delivery of the written notification to the parent, guardian, or responsible person (providing information about the juvenile's detention, his/her present whereabouts, and the name of the assigned officer or responsible contact officer).

2. OUT OF TOWN: If the juvenile resides outside of the city, members shall make a telephone call to the parent, guardian or responsible person. When possible, members should attempt to make this call collect. If notification cannot be made by telephone, members shall arrange for notification through the local law enforcement agency.

3. JUVENILE VICTIMS: When a member takes a report from a juvenile who is a victim of a crime, the member shall notify the juvenile's parent, legal guardian, or responsible person as soon as reasonable. This notification is not to be made in the event that the suspect is the parent, guardian or responsible person. If the report is being taken at a school, the member may request school personnel make the notification.

4. DOCUMENTING NOTIFICATION: Members shall include in their incident report how notification was made or what actions the member took in attempting to notify parents or guardians.

H. SEARCHING JUVENILES: Members shall search juvenile arrestees immediately for weapons, contraband and items of evidence. Juvenile searches shall be conducted only by a member of the same gender as the juvenile.

1. EXIGENT CIRCUMSTANCES: If a member has knowledge or reasonably believes that a juvenile of the opposite sex has a dangerous weapon concealed upon him or her, the juvenile may be restrained (handcuffed) until a search can be made by a member of the same gender as the juvenile. If there is a life-threatening situation, a member may search a juvenile of the opposite gender.

I. TRANSPORTING JUVENILES: Members may only transport a juvenile for a lawful police purpose. Members shall make parental notification as per Section III. G.

1. WITH ADULTS: Members shall not knowingly transport juveniles with adult arrestees.
2. **FEMALE JUVENILES:** Female juveniles shall, when possible, be transported by female officers. If a female officer is unavailable, then two male members shall transport female juveniles with a supervisor’s approval.

3. **DOCUMENTING THE TRANSPORT OF JUVENILES:** Prior to the transport of any juvenile, officers shall broadcast to Department of Emergency Management (DEM) his or her destination and the police vehicle's starting mileage. Upon arrival, officers shall inform DEM of their ending mileage. In both instances, dispatch shall broadcast and record in CAD a starting time and ending time for the transport.

4. **USE OF SEATBELTS:**
   (See DGO 9.04) Seat Belt Policy

**J. JUVENILE NUMBERS AND PROCESSING**

1. **JUVENILE NUMBERS:** Members shall obtain a juvenile number (J number) when formal action is taken against a juvenile under Section 601 or 602 W&I Code.

2. **PROCESSING:** Members shall process a juvenile when:
   a. The juvenile is arrested for any felony offense, or
   b. The juvenile is arrested for any firearm or weapon related offense, or
   c. The juvenile is arrested for sex/prostitution related offenses, or
   d. The juvenile has a failure to appear on his/her record, or
   e. The juvenile's identity cannot be confirmed.

When booking a juvenile for 601 or 602 W&I Code and processing is not necessary, members shall affix the juvenile’s right thumb print on the back of the police liaison copy (goldenrod) of the admission form. Members shall document in the incident report the method used to confirm the juvenile's identity.

**K. CHANGES OF CUSTODY**

1. If a subject is taken into custody for an adult warrant and prior to booking it is discovered that the subject is a juvenile, members shall process the subject as a juvenile and book him or her at JJC. Members shall notify CJ #9 and request that a booking form be completed with a notation that the subject is a juvenile and is being held at JJC.
2. If a subject booked at CJ #9 is found to be a juvenile, a unit from Southern Station, shall process and transport the juvenile to JJC. If the juvenile is violent, members may use a patrol wagon to transport the juvenile.

3. If a subject over 18 years of age is arrested for a juvenile warrant, members shall book the subject at County Jail #9. If the subject has additional charges, members shall notify JJC, book the subject at County Jail #9 and place a hold on the subject for Juvenile Court.

L. UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR NARCOTICS:
Members shall have juveniles who are under the influence of alcohol or drugs taken by paramedics to SFGH for medical examination prior to being booked at JJC. If the juvenile must remain in the hospital and booking is required, members shall complete an admission form and deliver it to JJC. Members shall place a police hold on the juvenile and request that a counselor be dispatched to the hospital for the purpose of taking custody of the juvenile.

Members shall remain with the juvenile until medically cleared or relieved by the counselor from JJC. If released by medical staff while still in police custody, members shall transport the juvenile to JJC. If the juvenile is violent, members may request the patrol wagon from Mission Police Station.

M. JUVENILE JUSTICE CENTER ADMISSIONS AND REPORT REQUIREMENTS.

1. Members shall complete Section (A) of the Juvenile Detention Disposition Report Form (#JUS 8716) for any arrest of a juvenile for any criminal offense except 647(f) P.C. and Vehicle Code Violations that are categorized as infractions.

2. When a juvenile is being admitted to Juvenile Justice Center (JJC) for a criminal offense, the member shall provide the incident report to JJC as soon as possible.

3. When a juvenile is being admitted to (JJC) for a criminal offense, members shall complete Section (A) of the Juvenile Detention Disposition Report Form (#JUS 8716) and submit this form to the on-duty probation officer along with the admission form, San Francisco Juvenile Court, Form #1202-03. Members shall also attach a photocopy of the face sheet of the Juvenile Detention Disposition Report Form (#JUS 8716) to the original incident report to be forwarded to the Report Management Section.

4. When completing the admission form, in addition to providing a probable cause statement, members shall provide, when available, aggravating and mitigating information about the juvenile and offense. For example, relevant information may include the seriousness and extent of injury to a victim, value of property stolen or damaged, degree of juvenile’s
involvement in an offense, prior offense history or lack thereof, ability of family member to supervise juvenile, flight risk, juvenile’s school and employment record.

5. When members are instructed by the probation officer assigned to the Community Assessment Referral Center (CARC) or other designated receiving facility to transport the juvenile to the Center for citing and release, the member shall complete Section (A) the Juvenile Detention Disposition Report Form (#JUS 8716). Members shall also attach a photocopy of the face sheet of the Juvenile Detention Disposition Report Form (#JUS 8716) to the original incident report to be forwarded to the Report Management Section.

6. If CARC or other designated receiving facility is closed or declines to receive a juvenile and the juvenile is not going to be referred to JJC, members shall issue a citation to the juvenile and release the juvenile to a responsible person.

Members shall complete Section (A) of the Juvenile Detention Disposition Report Form (#JUS 8716) and submit the original form along with an attached photocopy of the incident report through inter-department mail to the Juvenile Division, attention JJC liaison officer. A photocopy of the face sheet of the Juvenile Detention Disposition Report Form (#JUS 8716) shall be attached to the original report to be forward to the Report Management Section.

N. RELEASING A JUVENILE: Members are required to ensure the safety of the juvenile in their care or custody. Members shall document the name of the responsible person to whom the juvenile was released in the police report or in the CAD history. Members shall consider factors such as time of day, location of release, and the age and known vulnerability of the juvenile in determining the best circumstances for releasing that juvenile.

O. PSYCHIATRIC CASES:
(See DGO 7.02, Psychological Evaluation of Juveniles.)

P. MISSING JUVENILES:
(See DGO 6.10, Missing Persons)

Q. SEXUAL ASSAULTS:
(See DGO 6.16, Sexual Assaults)

R. IN-CUSTODY DEATH
(California Code of Regulations (CCR) Title 15, Section 1046; See DM 12, Booking and Detention Manual, Section 12, Emergency Procedures)

S. REVIEW OF DEPARTMENT BULLETINS CONCERNING JUVENILE PROCEDURES.
All Department Bulletins concerning Juveniles will be reviewed 90 days before their expiration date in accordance with department policy.

**Reference:**
DGO 5.03, II A (1) and (2), Brief Detentions & Prolonged Detentions.
DGO 5.06, Citation Release.
DGO 6.10, Missing Persons.
DGO 6.16, Sexual Assaults.
DGO 7.02, Psychological Evaluation of Juveniles.
DGO 9.01, Traffic Enforcement.
DGO 9.04, Seat Belt Policy.
DM 12, Booking and Detention Manual.
The Bay Citizen

San Francisco police told to follow law on residences

Shoshana Walter

Memo from chief emphasizes hotel residents' rights in search and seizure cases

by Shoshana Walter — October 8, 2012, 12:01 a.m

After a mentally ill man was shot and killed by a police officer inside his residential hotel room, the San Francisco Police Department has clarified its policy on entering homes: All residents, including those living in hotels, have the same privacy rights.

Amid little fanfare, Police Chief Greg Suhr admonished the officer and issued a training memo to the department that outlines the law. The memo states that officers are allowed to enter a residence only when there is an immediate safety threat, to prevent the destruction of evidence, when the officers are in hot pursuit of a suspect or if the residence is a crime scene.

Officers also are allowed to enter with a resident’s consent, with a warrant, to provide emergency medical assistance or if the resident’s probation or parole conditions permit searches. After the memo was distributed in July, officers were required to sign a statement that they had read and understood it.
“Members are reminded that individuals have an expectation of privacy in their residences,” Suhr wrote. “Tenants of hotels, including single room occupancy hotels, possess the same constitutional rights and protections related to law enforcement entry into their hotel room.”

The memo was a quiet resolution to a tragic case. In 2010, a patrol officer shot and killed a mentally ill man inside his residential hotel room after the manager unlocked the man’s door.

The officer, Kimberly Koltzoff, had been responding to a noise complaint. When she arrived at the Granada Hotel, the manager led her to the room of Michael Lee, a mentally ill man with a history of hostility toward the police. Instead of knocking, the manager unlocked Lee’s door, and Koltzoff walked inside. Moments later, the officer shot Lee.

San Francisco’s Office of Citizen Complaints, which investigates complaints against officers, determined earlier this year that Koltzoff had violated department policy by illegally entering Lee’s residence. According to the group’s report, Suhr determined that Koltzoff had received inadequate training and did not discipline her for the shooting. Although officers are trained in search and seizure law, Suhr ordered Koltzoff to receive new training and issued the memo to ensure all officers were familiar with the requirements pertaining to residential hotels.

“The point is, you need to be treating these single-room occupancy hotel residents the same way you treat anybody who lives in a single-family dwelling,” said Joyce Hicks, executive director of the Office of Citizen Complaints, which helped draft the memo. “You have the same rights.”

San Francisco police officers have come under increasing criticism for using room keys to enter residential hotel rooms, a practice that led attorneys to accuse the department of abusing the city’s poorest residents. Last year, several hotel managers told The Bay Citizen that they regularly gave police officers the room keys because they believed it helped combat crime, which is common in some residential hotels.

The FBI is investigating several cases after public defender Jeff Adachi released a series of surveillance videos last year that allegedly showed San Francisco police officers illegally entering and searching residential hotel rooms. The videos show them taking items that were never booked into evidence or mentioned in police reports. In some cases, the officers had used hotel passkeys to get into the rooms.

As a result of the videos, prosecutors dropped hundreds of cases, and many of the officers were placed on desk duty. The San Francisco Police Officers Association has reported that several officers have been called to testify as witnesses before a federal grand jury.

Adachi, who had been lobbying the Board of Supervisors to pass legislation barring police officers from using hotel room keys, said Suhr’s memo satisfied his concerns.
“We don’t want a situation where police can enter anyone’s residence without a reason,” he said. “And we certainly don’t want a different standard to apply just because they live in single-room occupancy hotels.”

But Adachi, who said he has not seen any recent cases, still expressed skepticism.

“It remains to be seen whether or not the practice will end,” he said.
Entering Residences
(Houses, Apartments, Hotels, including SRO Hotels)

The United States Supreme Court recently explained the limitations the Fourth Amendment imposes on law enforcement officers' authority to enter a residence when they do not have a warrant and no exigency exists: "When law enforcement officers who are not armed with a warrant knock on a door, they may do no more than any private citizen might do. And whether the person who knocks on the door and requests the opportunity to speak is a police officer or a private citizen, the occupant has no obligation to open the door to speak." Kentucky v. King, 131 S.Ct. 1849, 1862 (2011).

Members are reminded that individuals have an expectation of privacy in their residences. Tenants of hotels, including single room occupancy hotels, possess the same constitutional rights and protections related to law enforcement entry into their hotel room.

When entering a person's residence, officers shall comply with the Constitutional mandates of search and seizure law. Under the Constitution, law enforcement officers may enter a residence only if one or more of the following conditions is present prior to entry:

- A resident or person with actual or apparent authority over the residence requests that the officers enter.
- A resident or person with actual or apparent authority over the residence consents to the officers entering.
- The officers have an objective reasonable basis for believing that a resident has a search condition as a condition of his/her active parole or probation.
- The officers have a valid search warrant for the residence.
- The officers have a valid arrest warrant for a resident of the premises.
- There are exigent circumstances that warrant immediate entry, such as the need to respond to an imminent threat to the safety of officers or other persons, or to prevent the imminent destruction of evidence (this "destruction of evidence" condition does not apply to infractions).
- Officers have an objectively reasonable basis for believing that someone in the residence needs medical assistance.
- The officers are in fresh pursuit or hot pursuit of a suspect.
- The residence is a crime scene.

PASS KEYS: Officers shall not enter apartments or hotel rooms with a pass key unless one or more of the above conditions are met.

PROPERTY MANAGERS: Officers may not ask a property manager or other building representative to use a pass key to provide officers entry to an apartment or hotel room unless one of the above conditions is met. Further, a property manager or other building representative may not request or give consent on behalf of a resident for officers to enter that resident's lawfully occupied apartment or hotel room.

SEARCHES: Any search based on consent must comply with Department Bulletin 11-134.

GREGORY P. SUHR
Chief of Police
Language Access Services for Limited English Proficient (LEP) Persons

The purpose of this order is to establish language access procedures, consistent with federal, state and local law, for San Francisco Police Department (SFPD) members to follow when encountering a limited English proficient (LEP) person. This order also defines the importance of effective and accurate communication between SFPD members and the community they serve. Language barriers can impede such effective and accurate communication in a variety of ways. Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency from accessing and/or understanding important rights, obligations, and services, or from communicating accurately and efficiently in different situations. Hampered communication with limited English proficient victims, witnesses, suspects, and community members can jeopardize safety and create evidentiary and investigative challenges.

I. POLICY

It shall be the policy of the San Francisco Police Department to take every reasonable step to ensure timely and accurate communication and access to all individuals regardless of national origin or primary language. When performing law enforcement functions, members shall provide free language assistance to LEP individuals whom they encounter or whenever an LEP person requests language assistance services. The San Francisco Police Department recognizes the importance of effective and accurate communication between its members and the diverse community it serves. It is the policy of this department to inform members of the public that language assistance services are available free of charge to LEP persons and that the Department will provide these services to them as part of the department’s community policing and enforcement efforts.

II. DEFINITIONS

A. PRIMARY LANGUAGE: The language in which an individual is most effectively able to communicate.

B. LIMITED ENGLISH PROFICIENCY (LEP) PERSON: Individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English.

C. INTERPRETATION: The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

D. TRANSLATION: The replacement of written text from one language (source language) into an equivalent written text into another language (target language).

E. QUALIFIED BILINGUAL MEMBER: For purposes of this order, SFPD members who identify themselves as “bilingual” must demonstrate, through a formal procedure which has been established by the Department of Human Resources (DHR), competency to communicate in the source language by demonstrating the ability to listen to a communication in one language (source language) and orally convert it to another language (target language) while retaining the same meaning. The Department will provide all members with training in interpreting techniques, roles, and ethics so that they may understand and follow confidentiality and impartiality rules for interpreters as defined by DHR.
F. QUALIFIED CIVILIAN INTERPRETER: A Qualified Civilian Interpreter is an individual who has been certified by the City or other designated qualifying agency. A Qualified Civilian Interpreter may be an employee of another city department or an outside agency contracted to provide language interpretation services to the Department. The Department will contract with outside agencies to provide in person as well as telephonic interpretation services.

G. EXIGENT CIRCUMSTANCES: Exigent circumstances are defined as situations that require deviation from procedures, such as a threat to life, safety, or property, a fleeing suspect, or the potential loss or destruction of evidence. (e.g., physical loss of property, witness or victim.)

III. PROCEDURES

SFPD members are to follow these procedures in all encounters absent exigent circumstances; however, exigent circumstances may require some deviation. In such situations, SFPD members shall use the most reliable, temporary interpreter available. Once the exigency has passed, members are expected to revert to the procedures set forth in this general order.

A. GENERAL. The following procedures shall apply to members who encounter LEP individuals while performing law enforcement functions.

B. IDENTIFICATION OF PRIMARY LANGUAGE.

1. All SFPD members will be provided a language identification card to aid in the identification of the primary language spoken by the LEP individual.

2. SFPD members should display the language identification card to the LEP person so the person can identify the language they speak prior to calling a qualified bilingual member, contract, or professional interpretation service. The member should then request the appropriate interpreter.

3. If the LEP person does not appear able to read or understand the language identification card, the member should call Department of Emergency Management (DEM/ECD) or the professional interpretation service and advise the service of the situation. With assistance from the language service member, members should attempt to ascertain the LEP individual’s language in order to obtain a suitable interpreter.

C. USE THE SERVICES OF BILINGUAL MEMBERS

1. Staff Services shall maintain a listing of all SFPD Qualified Bilingual Members. This list will be provided to and kept at the Operations Center.

2. In the event that SFPD Bilingual Members are unavailable, SFPD members may also utilize a Qualified Civilian Interpreter. Contract and professional interpretation associations, or other professional interpreter services include interpretation services offering in-person interpretation, as well as those offering telephonic interpretation. SFPD
officers shall be provided with the appropriate contact information and any department account code information to access such services.

D. ORDER OF PREFERENCE. Members shall provide oral interpretation services to LEP persons they encounter in the following order of preference unless deviations are required to respond to exigent circumstances.

1. Direct Communication by Qualified Bilingual Member: The preferred method of providing services to LEP persons is through the use of a Qualified Bilingual Member.

2. Use of Qualified Civilian Interpreter: When Qualified Bilingual Members are unavailable, members shall use a Qualified Civilian Interpreter or a professional interpreter to provide in person interpretation services.

3. Telephone Interpreter: When qualified interpreters are not available to provide service in person, SFPD members may utilize DEM/ECD or use the language card to access the professional language service provider or Qualified Civilian Interpreter to provide interpretation services by telephone.

4. Officers should take reasonable steps to insure that the qualified interpreter does not know any of the parties.

E. RESTRICTIONS.

1. SFPD members should not use family members, neighbors, friends, volunteers, bystanders or children to interpret for a LEP person unless exigent circumstances exist and a more reliable interpreter is not available, especially for communications involving witnesses, victim and potential suspects, or in investigations, collection of evidence, negotiations or other sensitive situations.

2. If an exigent circumstance requires a member to use family members, neighbors, friends, volunteers, bystanders or children for initial language assistance, the member shall seek the assistance of a Qualified Bilingual Member, Qualified Civilian Interpreter, or other professional interpreter to confirm or supplement the initial translation or interpretation as soon as practical.

F. GENERAL INTERVIEWS: When conducting general interviews, members should seek the assistance of a Qualified Bilingual Member, Qualified Civilian Interpreter, or other professional interpreter, or the language line whenever the member encounters an LEP person who requests an interpreter or is unable to communicate with or is experiencing difficulty communicating with the member.

G. FORMAL INTERVIEW: The accuracy of victim and witness statements is a priority in criminal investigations. Thus, to ensure effective communication and accuracy, either a Qualified Bilingual Member or Qualified Civilian Interpreter shall be used when taking formal statements or conducting any formal interview of a LEP witness and/or victim. Written forms shall be provided to the witness and/or victim in his or her primary language when available. In the case of forms that have not been translated into the LEP person’s primary language and
in the case of illiteracy, forms shall be read to the witness and/or victim in his or her primary language by a Qualified Bilingual Member, or Qualified Civilian Interpreter.

H. INTERROGATIONS

1. The Miranda admonition, and all other written forms shall be provided to the suspect in his or her primary language when available. In the case of forms that have not been translated into the LEP person’s primary language and in the case of illiteracy, forms shall be read to the suspect, by the Qualified Bilingual Member or Qualified Civilian Interpreter, in his or her primary language.

I. PROCEDURES FOR SPECIFIC SCENARIOS

1. Custodial Interrogations and Crime Victim Interviews:

   a. Formal crime victim interviews and custodial interrogations of suspects potentially involve statements with evidentiary value, upon which an individual may be impeached in court. As such, accuracy is a priority. Moreover, a failure to protect the rights of LEP individuals during arrests and custodial interrogations presents risks to the integrity of the process. SFPD members must recognize that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. A Qualified Bilingual Member or Qualified Civilian Interpreter shall be used for any custodial interrogation or taking of a formal statement where the suspect or witness’ legal rights could be adversely impacted. The preferred method for interviewing a LEP individual is direct communication. When a Qualified Bilingual Member is not available to directly communicate with a LEP individual a Qualified Civilian Interpreter shall be provided. The following procedures shall be utilized in custodial interrogations:

   1) Contact a Qualified Bilingual Member or Qualified Civilian Interpreter to appear in person, unless the LEP person consents to the use of an interpreter via telephone or other exigent circumstance(s) exist. SFPD members shall have access to contract interpreters and/or a directory of professional interpreter associations and services. All LEP custodial interrogations shall be taped unless exigent circumstance(s) exist.

   2) Advice of Miranda admonition and all other written forms and notices shall be provided to both the suspect and witness in his or her primary language when available. In the case of forms that have not been translated into the LEP person’s primary language and in the case of illiteracy, forms shall be read to the individual, by the Qualified Bilingual Member or Qualified Civilian Interpreter, in his or her primary language.

2. Field Contacts, Enforcement, and Investigations:

   a. Field contacts with LEP persons could generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts.
3. Notification of Interpretation Services to LEP Individuals: At the main public entry or lobby of each SFPD Facility, as defined in Administrative Code Section 91.2 (e), signs shall be posted stating that interpreters are available free of charge to LEP individuals.

J. INCIDENT REPORTS. Whenever an incident report is prepared regarding an incident involving an LEP person, the incident report shall identify the primary language spoken by the LEP individual, the person who provided the interpretation, and the manner in which interpretation services were provided.

K. TRANSLATED DOCUMENTS. SFPD shall maintain written forms and guidelines for assistance to LEP individuals.

1. Transcribing Tapes and Other Evidence Into English: The Department shall translate tapes, documents, evidence, or documents submitted by LEP individual(s) into English when such evidence is necessary to continue the investigation and/or prosecution of a criminal case or a Departmental administrative investigation.

L. AIRPORT BUREAU. Airport Bureau members, and other members of the San Francisco Police Department providing services at the Airport, will adhere to department policies. Airport Bureau members and other members of the San Francisco Police Department providing services at the Airport will contact Airport Communications when language assistance is required at the San Francisco International Airport.

M. COORDINATION WITH DEPARTMENT OF EMERGENCY MANAGEMENT. On a monthly basis the Department shall provide the Department of Emergency Management (DEM/ECD) with a copy of the Department’s Bilingual Personnel List.

N. TRAINING.

1. In an effort to ensure all SFPD members are properly trained in these guidelines, the SFPD will provide periodic training in member awareness of the LEP policies, how to access both in-person and telephone interpreters, and how to work with interpreters. The Department shall conduct such trainings for new recruits, at in-service training and at Roll Call for SFPD members at least every two (2) years. Initial training shall be conducted within 180 days of the Police Commission’s adoption of this General Order.

O. RECORDING AND TRACKING OF LANGUAGE ACCESS EFFORTS: The Deputy Chief of the Administration Bureau will be responsible for, and will direct as necessary, divisions within the Bureau to address translation and interpreter services, develop training, respond to language access concerns/suggestions by staff and the public, review Department progress and coordinate budgetary, procurement and contracting matters related to language access.

1. Language Access Liaison Officer

a. The Department shall designate a Language Access Liaison officer. This officer shall prepare quarterly (or more frequently as needed), a written report on LEP matters, through the chain of command, to the Chief of Police.
b. The Language Access Liaison officer’s duties include but are not limited to:

1. Monitoring compliance with the General Order;
2. Coordinating language access training at the Academy;
3. Coordinating interpreter training for qualified bilingual members and employees;
4. Coordinating telephonic and third party interpreter services as required by this order;
5. Working with the Department of Emergency Management to establish a system that immediately identifies LEP calls and promptly dispatches language assistance, preferably with a bilingual officer speaking the needed language;
6. Coordinating as needed meetings with the Office of Citizen Complaints and community groups to discuss and resolve language access complaints;
7. Overseeing the LEP data collection as detailed below; (this will require implementation of RMS); and
8. Preparing a biannual report for the Police Commission addressing the Department’s language access efforts.

2. Each year, the Department shall collect the information required by San Francisco Administrative Code sec. 91.9(b)(1-14). In addition, the Department shall collect LEP data as to all calls for service, contacts and investigations that require an incident report.

3. In a yearly report to the Police Commission, the Department shall provide data concerning 1) the number of calls for service, contacts and investigations involving LEP persons where an incident report was required; 2) the manner in which interpretation services were provided; 3) any complaints concerning language access which have been forwarded by the Office of Citizens Complaints; and 4) the Department’s resolution to any language access complaints. This report shall be a public document that is posted on the Police Department and Police Commission’s website and provided to the Office of Citizen Complaints in advance of its presentation to the Police Commission.

Reference:
DG0 2.04, Citizen Complaints Against Officer
MISUNDERSTANDINGS CAN HARM THE SAFETY OF OFFICERS AND THE PUBLIC!

I KNOW SOME ENGLISH. DO I REALLY NEED AN INTERPRETER?

You may understand or speak some English, but you may still want an interpreter. Interpreters can help you:
- Prevent misunderstandings.
- Give accurate information.
- Understand your legal rights.
- Request services such as victim’s services & translated forms.

WHO CAN OBTAIN LANGUAGE SERVICES?

Language services are provided to anyone who is a limited English proficient (LEP) person. This means that English is not your primary language and you may have difficulties reading, speaking or understanding English.

WILL I BE CAUSING INCONVENIENCE OR PROBLEMS IF I ASK FOR AN INTERPRETER?

Everyone has the right to effective and accurate communication with the police, and SFPD wants to assist.

Produced By
The San Francisco Police Department
in cooperation with
the Language Access Coalition

The Language Access Coalition is a network of language access advocates that includes the American Civil Liberties Union of Northern California, Asian Law Caucus, Asian Pacific Islander Legal Outreach, Asian Pacific Islander Youth and Advocacy Network, Bay Area Immigrant Rights Coalition, Chinese for Affirmative Action, Community Youth Center, Immigrant Legal Resource Center, La Raza Centro Legal, Lawyers’ Committee for Civil Rights, Mujeres Unidas y Activas, Legal Services for Children, Office of Citizen Complaints, People Organizing to Demand Environmental & Economic Rights, Safety Network Program, San Francisco Department on the Status of Women, San Francisco District Attorney’s Office, San Francisco Immigrant Rights Commission, San Francisco Public Defender’s Office, San Francisco Youth Commission, Sunset Neighborhood Beacon Center, and Youth Law Center.

QUESTIONS/COMMENTS/CONCERNS:

SFPD’s Language Access Liaison Officer
Hall of Justice
850 Bryant Street, Rm. 500
San Francisco, CA 94103
Tel: (415) 533-9161

Office of Citizen Complaints
25 Van Ness Ave., 7th Floor
San Francisco, CA 94102
Tel: (415) 241-7711

GUIDE TO LANGUAGE ASSISTANCE SERVICES

SAN FRANCISCO POLICE DEPARTMENT PROVIDES FREE LANGUAGE SERVICES

Language assistance for limited English proficient (LEP) individuals is a free service that is part of SFPD’s community policing and enforcement efforts and Department General Order 5.20.
SFPD’s GOAL IS TO PROVIDE TIMELY AND ACCURATE COMMUNICATION

HOW DO I OBTAIN LANGUAGE SERVICES?

If you can speak some English:
1. Try to tell the officer you need an interpreter in your language. Say, “I would like an interpreter, and I speak [language or dialect].”
2. The officer may also have you identify the language you speak, using a Language Identification Card that lists many different languages.
3. Find the language you speak on the card and point it out to the officer.
4. The officer will then call for a qualified bilingual officer or a telephone interpreter to help.

If you speak no English:
1. The officer will show you a Language Identification Card.
2. Find the language you speak on the card and point it out to the officer.
3. The officer will then call for a qualified bilingual officer or a telephone interpreter to help.

WHAT IF I DO NOT SPEAK A COMMON LANGUAGE?

SFPD has access to telephone interpreters who speak many different languages, including Tagalog, Vietnamese, Hindi, Korean, Japanese, German, French, Italian, and many more!

SFPD WILL PROVIDE LANGUAGE SERVICES WHEN YOU TALK WITH A POLICE OFFICER

WHAT KIND OF LANGUAGE SERVICES DOES SFPD PROVIDE?

- Qualified bilingual officers who speak Spanish, Cantonese, Mandarin, and Russian.
- Access to interpreters through a telephone interpreter system for all other languages (such as, Tagalog, Vietnamese, Hindi, etc.) or if a qualified bilingual officer is not available.
- Your rights (“Miranda Rights”) will be read to you in your primary language by a qualified bilingual officer or telephone interpreter.
- Interviews with the police will be conducted in your primary language by a qualified bilingual officer or telephone interpreter.
- Written forms will be provided or read to you in your primary language by a qualified bilingual officer or telephone interpreter.

CAN MY CHILD, RELATIVE, OR A BYSTANDER INTERPRET FOR ME?

- SFPD officers will not use children, family, or bystanders unless there is an emergency. Emergencies include a threat to life, safety, or property.
- As soon as the emergency ends, the SFPD officer will go back to using an approved interpreter and use that interpreter to check the accuracy of the initial interpretation.
- Your child, relative, or a bystander, may not know the right vocabulary to interpret for you.

SFPD’S LANGUAGE ASSISTANCE IS ESPECIALLY IMPORTANT WHEN YOU ARE:

1. Interviewed by officers.
2. Read your Miranda Rights.
3. Given forms to fill out.
4. Formally questioned.
Reasons Complainants Mediate

- To be fully heard and understood.
- To give officers feedback.
- To prevent similar incidents.
- To regain confidence in police services, and respect for officers.
- To hear the officer’s perspective.

Reasons Officers Mediate

- To be understood: Officers can’t always explain their actions in the field.
- To hear complainant’s perspectives.
- To speak directly with the person rather than have the complaint decided by others.
- To improve relations with individuals and the community.
- To resolve the complaint outside the disciplinary process.

The Mediators will:

- Explain ground rules and answer questions.
- Ensure that the parties behave in a respectful manner.
- Ask questions to clarify and identify issues.
- Listen to both sides of the story.
- Not take sides or pass judgment.
- Treat all information revealed in the course of the discussion as confidential.
- Keep the discussion focused, productive and non-threatening.
- Assist in resolving the dispute.

Suggestions for a Constructive Mediation

Be willing to offer your perspective to explain how you were affected.

Listen – and show that you are listening.

Don’t blame or shame. Most people become defensive, rather than open to new perspectives.

Be open to learning different perspectives.

Be calm and focused. Everyone benefits when people concentrate on the issues at hand.

Be prepared to work toward a solution.

Ask for clarification. Frequently, what you don’t know or understand can be the key to a solution.

Speak for yourself, and let others do the same. Explain how you felt during the incident and the effect it had on you.

The Office of Citizen Complaints

25 Van Ness Avenue, Suite 700
San Francisco, CA 94102-6058

Phone: (415) 241-7711
Fax: (415) 241-7733
Email: donna.salazar@sfgov.org
www.sfgov.org/occ
Thank you for Considering Mediation!

Mediation is an alternative way of resolving complaints about police conduct. The OCC identifies cases where the parties might benefit from a face-to-face discussion of their perspectives on the encounter that resulted in a complaint. If both the complainant and the officer agree, the case is taken out of the investigation process and scheduled for a mediation with our trained volunteer mediators.

The mediators are neutral third parties trained and experienced in helping people resolve their differences in a constructive manner. Everything said in the course of a mediation is confidential. Because mediation is voluntary, there is a greater chance that the parties genuinely want to resolve the problem in a mutually agreeable fashion.

Mediation can be a powerful teaching tool and learning experience for both the complainant and the officer. It is often the only time a complainant will have an exchange with an officer outside of a law enforcement context. Likewise, an officer may have never had a complainant explain the effect of the officer's actions.

The Benefits of Using Mediation

- Mediation allows the parties to resolve their differences themselves, rather than depend on the judgment of others.
- Mediation can be more satisfying than the normal complaint process because of the opportunity to resolve the complaint in a non-adversarial forum.
- Mediation can improve relations between communities and the police.
- Mediation can be more effective and efficient than the traditional investigation process.
- Mediation can impact the attitudes, understandings, and behavior of the officer and the citizen.
- Mediation is confidential. Nothing said in the course of the mediation can later be used in legal proceedings.
- Because mediation is voluntary, the parties are more likely to abide by any agreement they make.

Frequently Asked Questions

The incident was unpleasant the first time, won’t mediation be the same?

Mediation can work even with difficult people and emotional incidents. The mediators are trained to help people resolve issues in a safe and respectful way. The mediation will be held in a neutral location.

Will I have to apologize?

No. You may not have done anything wrong. When apologies are made they are voluntary.

What if I am unhappy with how the mediation is progressing or the other party just wants to verbally attack me?

The mediation is conducted by trained mediators who are present to maintain a respectful environment. Part of a mediator’s job is to ensure that all parties are treated respectfully. Verbal abuse or threatening conduct is inappropriate in a mediation. No one is compelled to reach an agreement.
What Does NACOLE Do?

The National Association for Civilian Oversight of Law Enforcement (NACOLE) is a non-profit organization that brings together individuals and agencies working to establish or improve oversight of law enforcement in the United States. NACOLE welcomes people and organizations committed to fair and professional law enforcement that is responsive to community needs.

NACOLE, established in 1995, is incorporated under the laws of the State of Maryland. The organization has an elected board of directors, which is composed of individuals in the field of citizen oversight of the police. The board manages the organization pursuant to a set of bylaws.

NACOLE is dedicated to promoting greater police accountability through the establishment or improvement of citizen oversight agencies by:

- Organizing an annual training conference to increase the knowledge and skills of staff members and volunteers who work in oversight.
- Providing technical assistance and advice to jurisdictions that are considering the creation or revitalization of oversight bodies.
- Identifying best practices as they emerge from the experiences of members.
- Encouraging networking, communication and information-sharing to counter the isolation inherent in the profession.
- Furnishing information to government officials and community representatives that will support their advocacy of oversight in their states, counties, cities and towns.

NACOLE assists, educates and connects its members in a variety of ways.

- NACOLE assists by providing technical assistance and advice to jurisdictions and others that are considering the creation or revitalization of citizen oversight bodies in their communities.
- NACOLE educates members by organizing an annual training conference that highlights best practices in the rapidly evolving world of citizen oversight through a program featuring guest speakers, panel discussions and workshops.
- NACOLE connects members to one another through informal and formal networks of people who freely share their expertise and experiences in citizen oversight.
- NACOLE members can access the enhanced Members Only section of the website.
Who should attend NACOLE’s annual training conference?

- Oversight agencies, their members and staffs.
- Elected officials and other representatives of local governments.
- Members of civic, civil rights and other advocacy groups that seek to promote greater police accountability.
- Law enforcement agencies and their staffs that seek to learn more about citizen oversight and that also want to broaden their knowledge of police accountability issues.
- Academics, researchers, students who are conducting or planning to conduct research in this area.
- Journalists and others who would like to meet oversight practitioners and learn about citizen oversight developments in the U.S. and abroad.

What kinds of technical assistance, advice and training does NACOLE provide jurisdictions?

- NACOLE is a clearinghouse of information for communities that want to start up new oversight agencies or improve already existing ones. NACOLE’s website contains many useful resources and materials that are available to everyone.
- NACOLE provides, for a reasonable fee, consulting services to states, counties, cities and towns to assist in the design or refinement of oversight mechanisms.
- NACOLE provides training to staff members and volunteers of oversight agencies.

What is the Police Oversight E-mail Group?
This is NACOLE’s official discussion group. It provides news, employment announcements and information of general interest about police accountability issues and citizen oversight developments to anyone who signs up for the service, which is free. Please visit NACOLE’s website, www.NACOLE.org, to sign up.

What is the NACOLE Review?
This is NACOLE’s newsletter that is published at least twice a year. The NACOLE Review publishes articles and features on the work of citizen oversight agencies and organizations in the U.S. and abroad, as well as information about recent developments in the field of police accountability. Current and past editions of the newsletter are available on the NACOLE website, www.NACOLE.org.

How do I join?
If you support the goals of NACOLE and would like to become a member, please contact Joyce M. Hicks or Mark Smith, Membership Development and Engagement Committee Co-Chair, at joyce.hicks@sfgov.org or msmith2@bart.gov. You may join online or download a membership application from the NACOLE website, www.NACOLE.org.