



LONDON BREED
MAYOR

CITY AND COUNTY OF SAN FRANCISCO
Department of Police Accountability
ONE SOUTH VAN NESS AVE., 8th FLOOR
SAN FRANCISCO, CA 94103



PAUL DAVID HENDERSON
EXECUTIVE DIRECTOR

August 21, 2020

Mayor London N. Breed
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

San Francisco Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: New Letter of Agreement – DPA and SFSO
Additional Civilian Oversight of Sheriff's Misconduct

Dear Mayor Breed and Board of Supervisors,

I am proud to report that the Department of Police Accountability (“DPA”) and the San Francisco Sheriff’s Office (“SFSO”) signed a new letter of agreement (“LOA”) to establish additional civilian oversight procedures for the Sheriff’s Office. This new agreement will ensure that all serious law enforcement misconduct in the SFSO is investigated and reviewed by an independent, outside agency.

There are two major changes that deserve your attention. First, the DPA will now accept complaints of misconduct directly from the public, including people in custody. Inmates in the county jails can contact the DPA directly by phone or in writing and report misconduct by deputies. And second, the DPA will investigate a wider breadth of cases, including any use of force that causes actual injury.

The new agreement also incorporates many of the policy proposals from the charter amendment for the Sheriff’s Oversight Board. Like in the charter amendment, the DPA will conduct regular audits of the SFSO and make policy recommendations. The DPA will also publish its case findings in an annual report, along with its audit findings and policy recommendations.

The DPA and SFSO hope this agreement will be a workable transition to the proposed charter amendment, or alternatively, a cost-effective way to accomplish the same important goals of additional oversight, transparency, and accountability.

The DPA and SFSO signed agreement is attached, but here are the primary highlights:

- The DPA will accept complaints of law enforcement misconduct directly from the public and from people in custody.
- The DPA will conduct an independent investigation, staffed by civilian investigators and attorneys with experience in law enforcement, custody issues, and civil rights law.
- The DPA will investigate the following types of cases:
 - Uses of force that cause actual injury;
 - Intentional use of a weapon or control device;
 - Sexual misconduct;
 - Pattern and practice of retaliation, harassment or bias; and
 - Reckless disregard for health of safety



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- The DPA will have the same access to evidence as the SFSO Internal Affairs Division, including the right to demand compelled interviews of sworn staff.
- The DPA will issue formal findings to the SFSO if it finds that a deputy violated internal regulations or local, state, or federal law.
- The DPA will publish an annual report that lists its cases, findings, and the SFSO's response.
- The DPA will conduct internal audits of the SFSO and publish its findings in public reports.
- The DPA will recommend policy changes and publish these recommendations in public reports.

During negotiations, the DPA and SFSO reviewed the charter amendment for the Sheriff's Oversight Board and attempted to incorporate as many policy proposals as possible, including the audit function and policy recommendations. Below is a chart showing the similarities and differences between the Charter Amendment and DPA.

Topic	Charter Amendment	DPA and SFSO Letter of Agreement
Types of Cases	All	<ol style="list-style-type: none"> 1. Uses of force that cause actual injury 2. Intentional use of a weapon or control device; 3. Sexual misconduct; 4. Pattern and practice of retaliation, harassment or bias; and 5. Reckless disregard for health of safety
Source of Complaints	Public, People in Custody, Government Agencies	Public, People in Custody, Government Agencies
Findings	Finding of Misconduct and Recommend Disciplinary Action	Finding of Misconduct
Access to Evidence	Same as Internal Affairs	Same as Internal Affairs
Audit Function	Same	Same
Policy Recommendations	Same	Same
Public Reporting	Quarterly and Annual Reports	Monthly and Annual Reports



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The DPA and SFSO plan to implement the LOA as soon as possible after appropriate meet and confer with the San Francisco Deputy Sheriffs' Association. The DPA and SFSO will continue working to strengthen civilian oversight, and we welcome any additional input or recommendations. If I can answer any questions or concerns, please do not hesitate to call.

Very truly yours,

A handwritten signature in blue ink that reads "Paul Henderson".

Paul Henderson
Executive Director



Handwritten text in blue ink, possibly a signature or name, located in the middle-left area of the page.

