



the San Francisco

POLICEMAN

OFFICIAL PUBLICATION OF THE SAN FRANCISCO POLICE OFFICERS ASSOCIATION

To Promote the Efficiency and Good Name of the San Francisco Police Department and its Members



Member of COPS—California Organization of Police & Sheriffs

Member of ICPA—International Conference of Police Associations

SPECIAL EDITION

204

The Bar Association of San Francisco

PROPOSED CITIZENS COMPLAINT PROCEDURES FOR THE SAN FRANCISCO POLICE COMMISSION

March 17, 1976

1 PURPOSE

The effective investigation of, and prompt response to, citizens' complaints of police misconduct and the maintenance of police discipline are essential to the trust that society places in its police.

These citizen complaint procedures provide for the screening and investigation of citizens' complaints by staff responsible to the San Francisco Police Commission. They provide for the impartial, open and prompt investigation and disposition of complaints in a manner that protects both the public and individual police officers.

CITIZENS COMPLAINT BUREAU & PROCEDURES

Public hearings will be held regarding the Bar Association and the Police Incidents Group proposals for a Citizens Complaint Bureau.

The Board of Directors of the San Francisco Police Officers' Association have taken a stand against this outside control of the Police Department by the Lawyers Union of San Francisco and other anti-police groups.

Notification of the times of these meetings will be posted in every station and bureau of the Police Department.

In order to oppose these measures effectively, total participation by the entire membership of the San Francisco Police Officers' Association is mandatory.

Gerald A. Crowley
President, S.F.P.O.A.

2 POLICY

a. Receipt of Complaints

It is the policy of the Police Commission and the Police Department to encourage citizens to bring complaints about the conduct of police department members and the operations of the Department itself to the attention of the Police Commission and the

Police Department, whenever a citizen believes that a police act is improper. Complaints will be received courteously at all times by every employee of the Police Commission and Department.

The Commission and the Department will make every effort to insure that no adverse consequences will result to any person or witness as a result of having brought a complaint or having provided information in any investigation of a complaint. Any employee or member who subjects a complainant or witness to recrimination is subject to appropriate disciplinary action.

c. Public Education

Copies of these procedures shall be available to the public and a pamphlet summarizing these procedures shall be distributed.

c. Investigation

An impartial, open, and thorough screening and investigation of every complaint will be made in accordance with the procedures prescribed herein.

d. Disposition

The disposition of citizens' complaints will be made in a fair and prompt manner, consistent with the time limits prescribed in these procedures and with the obligation of providing a fair and lawful process for the citizen and police officer alike.

3 DEFINITIONS

a. Complaint

A complaint is a statement 1) alleging that a member of the Police Department has engaged in an improper act, and/or 2) indicating that the complainant believes that a policy, rule, procedure or practice of the Police Department should be changed. All complaints shall be recorded on the complaint forms described below.

b. Misconduct

Under these procedures misconduct is shown by a preponderance of evidence that a member of the Department has violated a rule, procedure, or other order of the Department, a city ordinance, a state or federal statute or constitutional provision. Misconduct

includes any established violation whether or not it was originally alleged in a complaint, and as to any violation or alleged violation of constitutional provisions, misconduct shall include violations where an officer knew or should have known that a violation was committed.

c. *Category I Complaints*

A category I complaint is a statement alleging that a member has engaged in an improper act in connection with the rights of citizens or the performance of police duties on behalf of citizens, such as, but not limited to, use of excessive force, illegal search, false arrest, derogatory or insulting language, misuse of firearms, refusal to enforce the law, neglect of duty, theft, bribery, and extortion.

d. *Category II Complaints*

A category II complaint is a statement alleging that a member has engaged in an improper act in connection with internal police department procedures and deportment, such as, but not limited to, uniform specifications, consumption of alcohol, failure to adhere to internal procedures, physical fitness, and failure to obey orders.

e. *Category III Complaints*

A category III complaint is a statement indicating that a policy, rule, procedure, or practice of the Police Department should be changed. If allegations of a complaint, when taken as true and read in the light most favorable to the person making the allegations, show that no rule, procedure, order, ordinance, statute, or constitutional provision has been violated the complaint is category III. A category III complaint, in effect, criticizes or challenges a policy, rule, procedure, or law authorizing the questioned conduct because it indicates that the action of a police department member is a result of police directives or settled law.

4 OFFICE OF CITIZEN COMPLAINTS

Responsibility for the administration of these citizen complaint procedures shall be vested in an *Office of Citizen Complaints* created by and accountable directly to the Police Commission.

The Commission shall appoint one person, who has not been a member of the Police Department, to be the Director of the Office of Citizen Complaints. The Director shall serve at the pleasure of the Commission. The Director shall hire and supervise a staff of investigators, who have not been members of the Police Department, and it shall be their responsibility to conduct the investigation of all Category I and III complaints, and to provide investigatory assistance to the Police Department at the request of the Police Commission.

The Director shall hire and supervise administrative, clerical, investigative and other personnel necessary to the functions of the Office.

The Director shall recruit one or more "full-time" Hearing Officers who have not been members of the Police Department, and who shall be appointed by the Police Commission for one year terms. The Hearing Officers shall conduct hearings on complaints as set forth herein and shall submit findings and recommendations, and advisory recommendations as to changes in Department policies and practices, to the Chief of Police and Police Commission.

The Director shall promulgate internal Office procedures, and prepare necessary standardized forms for the conduct of investigations.

5 DISTRIBUTION OF COMPLAINT PAMPHLET

a. A pamphlet describing the purposes and procedures of the Office of Citizen Complaints shall be prepared in plain and concise English, Spanish, Chinese, and Tagalog, and distributed by the Office of Citizen Complaints.

b. Each complainant shall be given this pamphlet at the time the complaint is lodged.

6 COMPLAINT FORMS

a. The Office of Citizen Complaints shall prepare pre-numbered complaint forms in simple, concise language and make them available to the public at all police facilities including the Office of Citizen Complaints.

A Spanish, Chinese, and Tagalog master translation of the complaint form shall be available at each police facility to assist non-english speaking citizens.

b. The complaint form shall include space for the following:

- (1) Name, address and telephone number of the complainant;
- (2) Name, address and telephone number (if known) of the alleged victim of police misconduct if other than the complainant;

(3) Name(s), address(es), telephone number (s) and descriptions of any witness(es) to the alleged incident;

(4) Name(s), and/or badge number(s) and description(s) of the member(s) of the Department against whom the complaint is lodged;

(5) Name(s) and/or badge number(s) and description(s) of other department member(s) witnessing or involved in the alleged incident;

(6) Name, address and telephone number of any attorney or other representative of the complainant to whom communications concerning the complaint, its investigation and disposition should be addressed in lieu of the complainant;

(7) Date, time and location of the alleged incident;

(8) Narrative description of the events giving rise to the complaint;

(9) Statement, if known, whether the complainant, the alleged victim of the police misconduct (if other than the complainant) or any other witness to the alleged incident was questioned, detained, arrested and/or charged with criminal conduct as the result of the events giving rise to the complaint;

(10) Statement whether it is permissible for the assignee investigator to contact the complainant at home or place of employment;

(11) Name, address, telephone number and signature of the person assisting the complainant if other than the department member described in (12) below;

(12) Name, and/or badge number and signature of the department member who receives the complaint;

(13) Instructions to forward the completed form to the Office of Citizen Complaints, and give a duplicate copy to the complainant.

c. All complaint forms shall state in bold type that a complainant facing pending criminal proceedings related to the substance of the complaint is advised to consult with an attorney before lodging the complaint; that statements made in the course of the complaint process can affect the criminal proceedings.

d. The right of any person to bring a complaint shall be absolute and unconditional; the reluctance or refusal of the complainant to prepare a complaint form shall not impair his or her right to lodge a complaint. If the complainant will not fill out the form, or sign it, it shall be completed by the employee or department member with whom the complaint is lodged.

7 RECEIVING COMPLAINTS

a. The Office of Citizen Complaints and the Police Department shall accept all complaints at any time. Complaints shall be accepted in writing, in person, by telephone, or by any other means of communication, whether the complainant offers his or her name or submits the complaint anonymously.

b. Any person may be accompanied by an attorney or other representative at the time a complaint is filed and at any time mentioned hereafter in these procedures.

c. If the complaint is lodged *in person*, the employee or member receiving the complaint shall furnish the complainant with duplicate blank pre-numbered *complaint forms*. The complainant shall be asked to fill out the form, use the duplicate to make one carbon copy, to sign the form in the space provided, and to have any person assisting in the filing of the complaint sign the form in the space provided. An oath or sworn declaration shall not be required. The complainant may refuse to sign the form or to give his or her name.

The complainant shall be assisted by a member of the Department if the complainant desires. In all cases, the employee or member taking the complaint shall sign the form in the space provided. If the complaint is lodged at a place other than the Office of Citizen Complaints, the original of the form shall be placed in a sealed envelope and transferred to the Office immediately. The carbon copy of the completed form shall be given to the complainant to serve as a record of the filing of the complaint.

d. If a complaint is lodged by *mail*, any Department member receiving the complaint shall immediately transfer the complaint to the Office of Citizen Complaints. The complaint form shall be completed by the Office of Citizen Complaints on the basis of information in the correspondence. The Office of Citizen Complaints shall, within two working days, mail a copy of the completed citizen complaint form to the complainant as a record of the filing of the complaint.

e. If the complaint is lodged by *telephone*, during office hours of the Office of Citizen Complaints, the complainant shall be requested to call that office. When the office is closed, the complainant shall be instructed to call the Operations Center. The Office of Citizen Complaints staff or Operations Center staff shall fill out an original complaint form and, prepare one duplicate copy of the complaint form, as a record of the filing of the complaint. The staff employee taking

the complaint shall give his or her name to the complainant, and give the number of the form used. The Operations Center shall transmit both the original and the copy in an envelope to the Office of Citizen Complaints. The Office of Citizen Complaints shall within two working days furnish the complainant with a copy of the completed form.

f. If the complaint is lodged by an *anonymous* person, the receiving Department member shall inform the complainant of the availability of the form channels under this procedure, and that, although the complaint will be investigated, the statement of the anonymous complainant will not be used as evidence under these procedures. The receiving member shall endeavor to obtain the facts necessary and appropriate for the completion of the complaint form, record information on the form, and in the space provided for the complainant's signature indicate "anonymous complainant." The receiving member shall transmit the completed form immediately to the Office of Citizen Complaints.

g. If a complaint alleges conduct which is of a *serious and immediately continuing nature*, the Commanding Officer, or highest ranking office of the member on command on duty at the time, shall take action immediately investigate the allegations and make appropriate corrective response if warranted. Corrective response such as temporary reassignment relief from duty, may be taken in all cases of a *serious and immediately continuing nature* including on-duty consumption of alcoholic beverages, on-duty emotional instability, or serious misunderstandings of departmental directives. Immediate action by the highest ranking officer shall be in addition to, not in substitution of, referral to, and investigation of, the complaint by the Office of Citizen Complaints. However, the ranking officer shall inform the office of the writing of all pertinent facts found and all corrective action taken.

h. Every effort shall be made to facilitate the convenient, courteous, and prompt receipt and processing of citizen complaints. A department member who interferes with, discourages, or delays the filing and investigation of complaints, shall be subject to appropriate disciplinary action.

8 COMPLAINT REGISTER

a. The Office of Citizen Complaints shall maintain a central register for recording the actions taken on each complaint.

b. The Central Register shall be open for public inspection during office hours and shall contain space for the following:

- (1) Number of complaint;
- (2) Date complaint was filed
- (3) A brief description of the subject matter of the complaint;
- (4) Date of completion of the investigation;
- (5) Date of request for a hearing before the Hearing Officer;
- (6) Date of the hearing before the Hearing Officer;
- (7) Date of any petition for a hearing before the Police Commission;
- (8) Date of the hearing before the Police Commission;
- (9) Date of notification of final disposition to the complainant and accused department member;
- (10) Final disposition of the complaint;
- (11) Action taken by the Chief of Police and the Police Commission.

c. The Central Register shall not reveal the name of the complainant, or the name or identity of the accused member(s).

d. Promptly after the Office of Citizen Complaints receives a complaint, the original completed complaint form shall be compiled in a file folder; and the office shall enter the receipt of the complaint in the Central Register.

9 INFORMING PARTIES OF FILING OF COMPLAINT

a. Within two working days after receipt of a complaint, the Office of Citizen Complaints shall notify the complainant, accused member(s) of the Police Department and the Chief of Police that the complaint has been assigned to an investigator. The name of the investigator and his telephone number shall be given that notice.

b. The accused member of the Department and the Chief of Police shall be given a copy of the complaint form along with the notice described in S9(a) above. If the member complained of is not identifiable from the complaint form, he shall be notified as soon as the investigation establishes his identity, and shall then be given a copy of the complaint form.

10 LIMIT TIME ON INVESTIGATION OF COMPLAINTS

a. The Office of Citizen Complaints shall complete the investigation of complaints within thirty calendar days of receipt of the complaint. If the investigation cannot be completed within thirty days, the Director of the Office shall notify the complainant, accused member, and Chief of Police setting forth the reasons for the delay, and the Director shall establish a new deadline, not to exceed 15 days, unless the Police Commission shall extend the time for good cause.

b. The complainant, the accused member, and Chief of Police shall be notified in writing of the new deadline within two working days after it is established.

11 INVESTIGATION RESPONSIBILITY

a. Screening and assigning of complaints by category described in S3(c), (d) and (e) above shall be done by the Office of Citizen Complaints. If the complaint is of a serious and immediately continuing nature, as described in Section 7(g) above, the commanding officer of the member complained of shall be informed at once.

b. The Director of the Office of Citizen Complaints may assign the investigation of complaints filed by members of the Police Department, and shall investigate any other matter at the request of the Police Commission. At the direction of the Police Commission the Director shall prepare general reports about situations which have caused recurring complaints by citizens.

c. Upon receipt of a complaint, the Director of the Office of Citizen Complaints shall promptly assign a member of the Office staff to conduct a preliminary screening of the complaint. The preliminary screening shall determine whether the complaint falls within Category I, II, or III, or more than one category. The assigned investigator shall have access to pertinent written or recorded information held by the Police Department which will aid in this preliminary determination and which will aid in further investigation.

d. The assigned investigator shall conduct a thorough investigation of all Category I complaints, all complaints that fall within both Categories I and II, and all Category III complaints that need to be clarified or that require further factual evidence to be meaningfully processed. Category II complaints (internal police matters only) shall be transferred for investigation to the Chief of Police who will assign the investigation to the commanding officer of the member complained of. The investigation of all complaints may include, but is not limited to, the following investigative methods.

(1) Interviews with the complainant, the alleged victim of police misconduct if other than the complainant, the accused member, all other citizen and police witnesses to the alleged incident who are identified on the complaint form or who are discovered in the course of the investigation, and other persons who are likely to have information about the alleged incident. The interview with the complainant shall be conducted at a place most convenient for the complainant. Interviews with members of the Department shall be during their regular duty hours, if practical. Members of the Department shall not be subjected to threats, coercion, or overbearing investigative methods.

Any person may have counsel or other representative present at his or her interview, who shall be allowed a reasonable opportunity to question the person interviewed. Unless the complainant grants permission, the complainant shall not be contacted at a place of employment.

Any complainant or member who is or is likely to become a party to any civil or criminal proceeding pertaining to the alleged incident shall be advised of the right to remain silent. The complainant or member shall be informed that dispositions will be made by a preponderance of evidence presented.

(2) Written statements from all participants and witnesses to the alleged incident. No participant including complainants and members shall be required, threatened, or coerced into making a statement.

(3) Analysis of all physical evidence, if any, associated with the alleged incident.

(4) All other investigative methods which may be permissible and appropriate.

e. Investigation shall not be delayed or suspended by virtue of any civil or criminal proceeding to which the complainant is a party, unless the complainant requests, the Chief of Police agrees, and there is no basis to believe that the alleged conduct of the member is of a continuing nature.

f. All relevant information obtained by the assigned investigator shall be entered in the investigation file.

12 IDENTIFYING ACCUSED MEMBER OF THE DEPARTMENT

a. If the department member thought to be the subject of a complaint cannot be identified by the complainant or alleged victim and the assigned investigator is unable to proceed because of the lack of identification of the member, all interested persons shall be asked to identify the member from personnel pictures, which are not more than one year old, comprising the class of members thought to have engaged in misconduct, such as those at a particular station, or on a particular watch.

13 INVESTIGATION REPORT

a. Upon completion of the investigation, the assigned investigator of commanding officer (if the complaint is of Category II), shall prepare an Investigation Report.

b. The Investigation Report shall be detailed. The body of the Report shall be organized as follows:

(1) *Complaint.* This section shall consist of a resume of the complaint as made by the complainant, and an itemized listing of each allegation of the complaint. It shall be concise, and shall include reference to those rules, procedures, orders, ordinances, statutes, other settled law, or constitutional provisions which would be violated, if the allegations are taken as true.

(2) *Investigation.* This section shall consist of a chronological summary of the investigation and pertinent facts derived from interviews conducted with the complainant, accused member, and all witnesses available; written statements from any of the interested persons; description and analysis of any physical evidence obtained; and all other information and materials pertinent to the complaint which came to the attention of the assigned investigator.

(3) *Conclusion.* This section shall consist of the findings of the investigation and reasons for the findings in connection with each allegation. Category III complaints should be reported as such in the report.

c. The investigator of a Category I or III complaint shall forward the entire investigation file, including the Complaint Form and the Investigation Report, to the Director of the Office of Citizen Complaints. Commanding officers investigating Category II complaints shall forward a copy of the completed Investigation Report to the Chief of Police and to the Director of the Office of Citizen Complaints.

14 REVIEW OF THE INVESTIGATION

a. The Director of the Office of Citizen Complaints shall promptly review the entire investigation file and Report of all Category I and III complaints. Category II Reports shall be filed for reference in a central file. Upon completion of the review including revision of the Report if necessary or completion of further investigation which the director may direct, the Director shall forward the entire investigation file and Report of Category I complaints to the Hearing Officer assigned in regular rotation.

If upon review of the investigation file of a Category I complaint in the light most favorable to the complainant or the victim of alleged misconduct the Director determines that there is no basis in fact supporting any finding of misconduct the Director may close the matter, and inform the complainant that the complainant was shown to be unfounded, explaining why that determination was made. The complainant shall be informed of the right to petition the Police Commission for reconsideration in accordance with S19(g). Reconsideration shall be liberally granted, and shall result in a hearing before the Hearing Officer.

b. Category III files and Reports shall be retained by the Director, who shall summarize all Category III Reports, once per month, and forward that summary to the Chief of Police and the Police Commission. The Director shall prepare a letter to the Category III complainant explaining the disposition, and inviting the complainant to discuss the matter personally with the Office.

15 NOTIFICATION OF INVESTIGATION COMPLETION

a. Immediately upon approval of the Investigation Report of Category I complaints, a copy of the Report shall be furnished by mail to the complainant and to the accused member of the Department.

b. The complainant and accused member shall be notified in writing of the following:

- (1) The completion of the investigation;
- (2) The name of the Hearing Officer and his telephone number;
- (3) That an attorney or other representative may be consulted if the complainant wishes to do so;
- (4) That a personal hearing must be requested in writing within ten (10) calendar days by returning the notice; and
- (5) That an attorney on behalf of the complainant or accused member may participate at a hearing before the Hearing Officer.

c. The notification described in subsection b. above shall be provided in Spanish, Chinese, and Tagalog as well as English.

16 HEARING BEFORE THE HEARING OFFICER

a. Both the complainant and accused department member shall have a right to request a personal hearing of the complaint before the Hearing Officer. The complainant or member must make such a request in writing within ten (10) calendar days of the date the notice prescribed in section 15(b) is mailed. If the request is made after this period has expired, the complainant or member must show good cause, such as sickness, or absence from his or her residence, before the request may be granted. *In no case* will requests received later than 30 days after the notice is mailed be honored, except by order of the Police Commission.

b. If a hearing is not requested or neither party appears, the Hearing Officer shall proceed to review the file and Report and shall make an advisory recommendation for disposition addressed to the Chief of Police as described in Section 19(c).

c. Category II complaints shall not lead to a hearing before the hearing officer; the investigation file and Report shall be used by the Chief of Police in making a disposition.

17 PROCEDURE FOR SCHEDULING HEARING

a. The Hearing Officer shall determine the place, date and time of the hearing, which shall be held within ten (10) working days after receipt of the request for a hearing.

b. The complainant and accused member shall be notified of the place, date and time of the hearing. They shall also be provided a written copy of the procedures that will be followed in the hearing before the Hearing Officer, and shall have access to the investigation file.

18 HEARING PROCEDURE

a. The hearing shall be informal and strict rules of evidence shall not be applied. The Investigation Report shall serve as the basis for the hearing, and the investigator may give evidence. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.

b. The hearing shall be open to the public.

c. The complainant and accused member shall each have the right to:

- (1) Representation by counsel;
- (2) Call and examine witnesses;
- (3) Present evidence and introduce exhibits;
- (4) Cross-examine witnesses on any matter relevant to the issues raised.

d. A taped record will be made and shall be available at cost to any person who requests it.

19 DISPOSITION OF COMPLAINTS

a. Disposition of Category I complaints shall be made after a hearing or upon review of the investigation report and file. Disposition of Category II complaints shall be made by the Chief of Police. Complaints may be referred for further investigation, if necessary, and a new hearing date for Category I complaints may be set.

b. After completion of the hearing, if a hearing is provided by these procedures, and review of all additional evidence, if any, and the rules, procedures, orders, ordinances, statutes, other settled law, or constitutional provisions allegedly violated, the hearing officer or commanding officer shall make written findings of fact and shall make a conclusion that specific rules, procedures, orders, ordinances, statutes, other settled law, or constitutional provisions have been violated, according to the following two classifications:

- (1) The allegations of the complaint, or other allegations developed in the course of the investigation are sustained;

- (2) The allegations of the complaint, or other allegations developed in the course of the investigation are not sustained. The standard of proof is by a preponderance of the evidence.
- c. The Hearing Officer shall transmit the findings of fact and conclusion, and an advisory recommendation with a statement of reasons in support thereof, to the Chief of Police, with a copy to the Director of the Office.
- d. Commanding Officers investigating Category II complaints shall prepare reports which include a conclusion as in 19(b) above, which shall be referred to the Chief of Police.
- e. The complainant and member shall each receive a copy of the findings, conclusion and recommendations described in section 19(c) (hearing officer), and 19(d) (commanding officer).
- f. The Chief of Police, or his delegates, shall approve, disapprove, or modify the recommendation of the Hearing Officer or commanding officer, and shall take appropriate disciplinary action, including the filing of a charge before the Police Commission for trial in accordance with the City Charter, if such is warranted. The decision of the Chief of Police in connection with disciplinary action shall be based solely upon the findings, and the decision shall be made within 30 days after the findings become final.
- g. Within seven working days of notification of the findings of the Hearing Officer or the commanding officer, both the complainant and accused member may petition the Commission for a hearing before the Commission. The hearing may be granted in the Commission's discretion, but a hearing shall not be granted solely for the purpose of reviewing the disciplinary recommendation (unless review is required by the City Charter).
- h. If a hearing, as in (g) above, is granted it shall be

limited to a review of the investigation and hearing, and a determination of whether the Hearing Officer or commanding officers' findings are supported by substantial evidence, unless formal charges under the City Charter have been filed against the member or the member has appealed a suspension under the city Charter, in which case the member shall receive a trial *de novo* before the Commission.

20 NOTIFICATION OF FINAL DISPOSITION OF THE COMPLAINT

- a. The Commission shall advise the complainant, the accused member, the Office of Citizen Complaints, and the Chief of Police in writing of the outcome of any hearing before the Commission and the reasons for the Commission's action.

21 PUBLIC RECORDS

- a. All Findings of the Hearing Officers shall be indexed at the Office of Citizen Complaints. These reports shall be open to public inspection during office hours of the Office of Citizen Complaints. The final action on all complaints shall be noted.
- b. Reports of Category III complaints, Findings that a complaint is without basis in fact, and findings on uncorroborated anonymous complaints shall not be open to public inspection, except when required by law.
- c. All files of the Office of Citizen Complaints shall be retained for at least three years following final disposition of a complaint.

22 PUBLICATION OF STATISTICAL REPORTS

The Office of Citizen Complaints shall publish

quarterly reports giving statistical information concerning complaints, dispositions, and action taken, and describing those rules, procedures, orders, ordinance statutes, other settled law, or constitutional provisions relating to the complaints filed and investigation conducted, breaking the statistics down by police districts.

23 MISCELLANEOUS PROVISIONS

- a. Nothing contained in these procedures prohibits commanding officer from taking reasonably necessary corrective action with regard to a member of his command, limited to retraining, and private admonishment or private reprimand, when such is warranted.
- b. The Police Commission shall review the full investigation files of any member of the Police Department who is the subject of five or more complaints (not including uncorroborated anonymous complaints) in any twelve month period. After examining the files, and giving the member an opportunity to appear and present evidence, the Commission shall determine, with the advice of the Chief of Police, whether any corrective action is necessary to remedy an established pattern of inappropriate conduct, or a misunderstanding of preestablished departmental directives or law.
- c. The Police Commission shall review the monthly reports of Category III complaints, and correspondence directed to it which requests that a Department policy, rule, procedure, order, or practice should be changed. The Commission shall schedule public hearings to receive public input on matters of serious concern to citizens as indicated by the reports and correspondence. The Commission shall hold hearings in accordance with the City Charter on all proposed changes in Department regulations.

April 12, 1976

Police Commission of San Francisco
Room 551
Hall of Justice
850 Bryant Street
San Francisco, California

Re: Proposal for the establishment of an Office for Citizen Complaints

Enclosed you will find a proposal submitted by the Police Incidents Group concerning the structure of the forthcoming hearings on the Office of Citizen Complaints.

We feel that it is imperative that the Commission commit itself to a series of well publicized public hearings held in various neighborhoods within San Francisco.

Holding hearings in the neighborhoods will increase public awareness of the issues before the Commission in the areas most often affected by police action.

We also suggest that the Commission embark on a publicity campaign sending notice of the hearings, as well as copies of the Bar Association proposal, to community newspapers and community radio stations.

Nerda Ruiz
Member of
Police Incidents Group

PROPOSAL FOR POLICE COMMISSION PUBLIC HEARINGS ON ESTABLISHMENT OF AN OFFICE OF CITIZEN COMPLAINTS

Suggested Witnesses:

- Members of representative minority groups i.e.: Chicano, Black, Asian, Native American, Coyote, Etc.
- San Francisco Police Chief
- Police Officers Association
- Internal Arrais - personnel
- Supervisor (1)
- Persons who have initiated complaints with the I.A.B.
- Criminal Justice persons - statistical information - arrest/convictions

Internal Affairs Bureau

- Function and responsible of Internal Affairs Unit. To include specific types of investigations resulting from citizens complaints.
- Relationship with:
 - Police officer
 - Chief of Police
 - Legal department of police department
- Methods of handling/processing of citizens complaints
- Suggested witnesses:
 - Head of Internal Affairs
 - Internal Affairs Investigators
 - Chief of Police
 - Members of 1971-72 San Francisco Committee on Crime

Internal Affairs Bureau Areas of Interest

- History of Internal Affairs Bureau
- Investigatory Process
- Reporting System
- Appeal Process
- Relationship with police department

(f) Relationship with city administration

- Relationship with community groups - other groups
- Suggested witnesses:
 - Members of 1971-1972 San Francisco Committee on Crime
 - Wx-Chief Scott
 - Captain Elbert
 - Members of Police Department, Legal
 - Staff of Internal Affairs Bureau

Composition of Hearing Board

- San Francisco Police Commissioners
- Representatives - from Minority Communities

Needs

Staffing

- 1 Full time Staff Assistant
- 1 Full time secretary - 2 months
- During hearings - 1 steno
- 1 tape facility operator
- 1 full time staff assistant
- Sufficient budget to cover:
 - Printing
 - Duplicating
 - Postage
 - Taping Facilities
 - Meals for Saturday hearings
 - Coffee for all meetings
 - Travel expenses for special witnesses
 - Custodial expenses
 - Publicity (T.V. Radio, Newspapers established media, affiliative media)
- Attorney
- Consultants

Time Frame / Location of Public Hearings

April - May
Planning
May - June
Hearings
June - July
Findings &
Recommendations

Suggested locations for Public Hearings:

Since at least (40) witnesses are anticipated and commissioners will have difficulty participating in daytime meetings, two (2) evening meetings per week for three (3) weeks and one (1) all day Saturday meeting is recommended.

Suggested Locations for the Hearings Are:

League of United Latin American Citizens (L.U.L.A.C.)
3000 Folsom Street, San Francisco, California

Whitney Young Neighborhood Center
Whitney Young Circle

Podiatry Clinic
Eddy and Pierce

Queen Ada Lodge
Turk and Fillmore

Cameron House Presbyterian Mission Office

Hamilton Methodist Church

Dudley Stone School