1. Home

SFPD Chief Bill Scott ends the release of most booking photos, saying new reform aims to reduce bias, affirm procedural justice 20-063

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San Francisco Chief of Police William Scott today implemented a groundbreaking new policy that will end the San Francisco Police Department's practice of releasing booking photos or "mug shots" except in circumstances where their release is necessary to warn the public of imminent danger or to enlist the public's assistance in locating individuals, including at-risk persons.

The policy change, which Chief Scott issued in a unilateral department notice this morning, was heavily influenced by SFPD's partnership with experts in a collaborative reform process that included input from academia, community groups, news organizations and members of San Francisco's Police Commission, Public Defender's Office, District Attorney's Office and Department of Police Accountability.

"This policy emerges from compelling research suggesting that the widespread publication of police booking photos in the news and on social media creates an illusory correlation for viewers that fosters racial bias and vastly overstates the propensity of black and brown men to engage in criminal behavior," Scott said. "By

implementing this groundbreaking new policy today, SFPD is taking a stand that walks the walk on implicit bias while affirming a core principle of procedural justice — that those booked on suspicion of a crime are nonetheless presumed innocent of it. I'm grateful for the expertise of our academic partners, Dr. Jack Glaser from the University of California Berkeley's Goldman School of Public Policy and Dr. Jennifer L. Eberhardt of Stanford University, for their guidance in developing our policy. I am also thankful to the members of our San Francisco Police Commission, Public Defender Manohar Raju, District Attorney Chesa Boudin, Department of Police Accountability Director Paul Henderson, community members and news media professionals who also gave helpful input in this collaborative process."

"San Francisco's is the first police department in the nation, to my knowledge, to implement a policy to halt the release of most booking photos in order to avoid the problems they risk creating by fostering implicit bias," said Dr. Jack Glaser, a professor at the University of California Berkeley's Goldman School of Public Policy and author of the book, Suspect Race — Causes & Consequences of Racial Profiling. "Kudos to SFPD Chief Bill Scott for his commitment to a reform that's on the leading edge of 21st century policing and which holds the promise of being a national model for other police departments to follow."

Law enforcement agencies across California and around the nation routinely release booking photos through departmental news releases, on web sites and through social media channels. A 2003 California Attorney General's opinion, which was cited in SFPD's notice on the new policy today, addressed a legal question as to whether law enforcement agencies in the nation's largest state had discretion to provide copies of photographs of arrested persons in response to requests from members of the public.

Then-Attorney General Bill Lockyer's office opined at the time that law enforcement agencies do have such discretion, "though once a copy is furnished to one member of the general public, a copy must be made available to all who make a request." Unlike prescribed information in which the California Public Records Act requires disclosure, however, the A.G. opinion had "no hesitation in finding that mug shots fall within the 'records of investigations' exemption" of relevant law, making the release of police booking photos wholly discretionary. (Source: California State Attorney General's Opinion No. 03-205, July 14, 2003, https://oag.ca.gov/system/files/opinions/pdfs/03- 205.pdf)

View the full Department Notice below in PDF form

Department Media Relations and Social Media - Booking Photos and Arrestee Information (PDF)

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