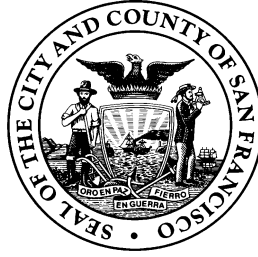


BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Rafael Mandelman, Chair  
Public Safety and Neighborhood Services Committee

FROM: John Carroll, Assistant Clerk

DATE: June 19, 2020

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**  
Tuesday, June 23, 2020

The following file should be presented as a COMMITTEE REPORT at the Board meeting, Tuesday, June 23, 2020. This item was acted upon at the special Public Safety and Neighborhood Service Committee meeting on Thursday, June 19, 2020, at 1:30 p.m., by the votes indicated.

**Item No. 46                      File No. 200592**

**Resolution urging the Civil Service Commission to adopt rules to disqualify any applicant for employment in the Uniformed Ranks of the Police Department and the Sheriff's Office based on prior acts of misconduct.**

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Rafael Mandelman - Excused  
Supervisor Catherine Stefani - Aye  
Supervisor Shamman Walton - Aye  
Supervisor Ahsha Safai - Aye

Cc: Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Alisa Somera, Legislative Deputy  
Anne Pearson, Deputy City Attorney

File No. 200592

Committee Item No. 1

Board Item No. 46

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: June 19, 2020

Board of Supervisors Meeting:

Date: June 23, 2020

#### Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Public Correspondence                        |

#### OTHER

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <u>YC Memo and Resolution – June 15, 2020</u>        |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <u>Committee Report Request Memo – June 16, 2020</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral FYIs – June 10, 2020</u>                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | <u>_____</u>   |

Prepared by: John Carroll

Date: June 16, 2020

Prepared by: John Carroll

Date: June 19, 2020

1 [Urging the Civil Service Commission to Establish Disqualifying Standards for Applicants for  
2 Position of Police Officer and Sheriff Deputy Applicants Based on Misconduct]

3 **Resolution urging the Civil Service Commission to adopt rules to disqualify any**  
4 **applicant for employment in the Uniformed Ranks of the Police Department and the**  
5 **Sheriff’s Office based on prior acts of misconduct.**

6  
7 WHEREAS, The San Francisco Police Department (SFPD) and the San Francisco  
8 Sheriff’s Office are entrusted with keeping all community members in San Francisco safe and  
9 enforcing laws; and

10 WHEREAS, All San Franciscans equally deserve to feel safe when interacting with  
11 police and should be able to trust that the officers tasked with protecting them have no prior  
12 history of excessive force, racial bias, or other significant misconduct; and

13 WHEREAS, There is a national crisis over repeated instances of police brutality and  
14 killings of Black people and persons of color; and

15 WHEREAS, There is a longstanding history of racial bias in policing nationwide,  
16 especially towards Black people; and

17 WHEREAS, George Floyd, a Black Man, was killed by a Minneapolis Police Officer  
18 who kneeled on his neck for over eight minutes while he struggled to breathe and who had 17  
19 prior complaints against him and multiple officer-involved shootings but was permitted to  
20 remain on the police force; and

21 WHEREAS, Video footage taken in San Francisco recently depicted a police officer  
22 using a similarly violent tactic of kneeling on a Black man during an arrest; and

23 WHEREAS, SFPD and the San Francisco Department of Police Accountability are  
24 actively investigating the actions depicted in the video; and

1           WHEREAS, There have been over 70 officer-involved shootings in San Francisco in  
2 the past decade; and

3           WHEREAS, The San Francisco Community Corrections Partnership, Juvenile Justice  
4 Coordinating Council, Reentry Council, Juvenile Probation Commission, Police Commission  
5 and Sentencing Commission all voted affirmatively to prioritize racial equity so that all people  
6 may thrive; and

7           WHEREAS, Various San Francisco criminal justice policy bodies have acknowledged  
8 that communities of color have borne the burdens of inequitable social, environmental,  
9 economic, and criminal justice policies, practices, and investments; and

10          WHEREAS, The legacy of these injustices has caused deep racial disparities  
11 throughout San Francisco’s juvenile justice and criminal justice system; and

12          WHEREAS, Various San Francisco criminal justice policy bodies, have committed to  
13 the elimination of racial disparities in the criminal justice system; and

14          WHEREAS, Members of the public cannot fully trust law enforcement officers or feel  
15 safe if they are uncertain whether an officer with whom they interact had a prior history of  
16 significant misconduct or abuse; and

17          WHEREAS, It is difficult, and in some cases prohibited, especially under California law  
18 for members of the public to know about prior complaints or findings related to law  
19 enforcement officer misconduct; and

20          WHEREAS, Public trust, including in San Francisco, is badly damaged between law  
21 enforcement and many of the communities they serve, particularly communities of color; and

22          WHEREAS, The Board of Supervisors aspires to hold the San Francisco Police  
23 Department and the San Francisco Sheriff’s Office to the highest standard of professionalism  
24 and integrity; now, therefore, be it

25

1 RESOLVED. That the Board of Supervisors urges the Civil Service Commission to  
2 adopt rules requiring the disqualification of any applicant for employment in the Uniformed  
3 Ranks of the San Francisco Police Department or San Francisco Sheriff's Office if:

4 (1) The applicant has been the subject of a sustained finding or two unsustained  
5 complaints by different complainants against the applicant by any law enforcement agency or  
6 oversight agency, following an investigation and opportunity for administrative appeal by the  
7 applicant, that the applicant, while employed as a peace officer, engaged in serious  
8 misconduct, which includes but is not limited to the following: use of excessive force, racial  
9 bias, sexual assault. discrimination against any person or group based on race, gender,  
10 religion, nationality, or sexual orientation. or dishonesty directly relating to the reporting,  
11 investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation  
12 of misconduct by another peace officer or custodial officer, including, but not limited to, any  
13 sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or  
14 concealing of evidence; or

15 (2) The applicant resigned or retired from their employment as a peace officer in any  
16 jurisdiction during the pendency of a disciplinary proceeding related to alleged serious  
17 misconduct by the applicant while they were employed as a peace officer, and the proceeding  
18 was suspended or terminated as a result of the applicant's resignation or retirement, until  
19 such a time that the applicant has been exonerated for the pending allegation.

BOARD of SUPERVISORS



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TDD/TTY No. 554-5227

## MEMORANDUM

TO: Kiely Hosmon, Director, Youth Commission

FROM: John Carroll, Assistant Clerk,  
Public Safety and Neighborhood Services Committee

DATE: June 10, 2020

SUBJECT: LEGISLATIVE MATTER INTRODUCED

---

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following resolution, introduced by Supervisor Walton on June 2, 2020. This item is being referred for comment and recommendation.

**File No. 200592**

**Resolution urging the Civil Service Commission to adopt rules to disqualify any applicant for employment in the Uniformed Ranks of the Police Department and the Sheriff's Office based on prior acts of misconduct.**

Please return this cover sheet with the Commission's response to John Carroll, Assistant Clerk, Public Safety and Neighborhood Services Committee.

\*\*\*\*\*

RESPONSE FROM YOUTH COMMISSION      Date: June 15, 2020

No Comment  
 Recommendation Attached

Chairperson, Youth Commission

Youth Commission  
City Hall ~ Room 345  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4532



(415) 554-6446  
(415) 554-6140 FAX  
www.sfgov.org/youth\_commission

## YOUTH COMMISSION MEMORANDUM

**TO:** John Carrol, Assistant Clerk, Public Safety and Neighborhood Services Committee  
**FROM:** Youth Commission  
**DATE:** Tuesday, June 16, 2020  
**RE:** Referral response to BOS File No. 200592 [Resolution Urging the Civil Service Commission to Establish Disqualifying Standards for Applicants for Position of Police Officer and Sheriff Deputy Applicants Based on Misconduct]

At our **Monday, June 15, 2020, meeting**, the Youth Commission unanimously voted to support the following motion:

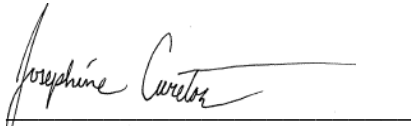
BOS File No. 200592 [Resolution Urging the Civil Service Commission to Establish Disqualifying Standards for Applicants for Position of Police Officer and Sheriff Deputy Applicants Based on Misconduct]

The Youth Commissioners also voted to include the following comments, recommendations, and question:

- expand the criteria of misconduct [officer shootings, sexual misconduct, domestic violence, perjury, and drunken driving]
- define the use of "significant misconduct" - as this is often subjective and is tied to what do we deem as normal/and goes into what behavior we excuse
- define the use of "excessive force" - as this is often case by case, subjective terms
- include a clause pushing for a more stringent review of criminal convictions who have been law enforcement officers in California or applied to be one
- name how many roadblocks there are for communities of color to get justice for their loved ones from uncooperative government workers to missing case files to sloppy record-keeping
- clearly define and expand this resolution to other law enforcement agencies such as the Juvenile Probation Department and Adult Probation Department.
- Question - does this legislation disqualify any applicant from uniform ranks or admin roles as well?

\*\*\*

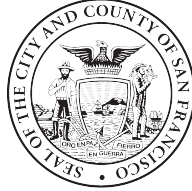
Youth Commissioners thank the Board of Supervisors for their attention to this issue. If you have any questions, please contact our office at (415) 554-6446, or your Youth Commissioner.

A handwritten signature in black ink, reading "Josephine Cureton". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Josephine Cureton, Chair  
Adopted on June 15, 2020  
2019-2020 San Francisco Youth Commission



Member, Board of Supervisors  
District 8



City and County of San Francisco

## RAFAEL MANDELMAN

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DATE: June 16, 2020

TO: Angela Calvillo  
Clerk of the Board of Supervisors

FROM: Supervisor Rafael Mandelman  
Chairperson

RE: Public Safety and Neighborhood Services Committee  
COMMITTEE REPORT

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Pursuant to Board Rule 4.20, as Chair of the Public Safety and Neighborhood Services Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on June 23, 2020, as a Committee Report:

200592 [Urging the Civil Service Commission to Establish Disqualifying Standards for Applicants for Position of Police Officer and Sheriff Deputy Applicants Based on Misconduct]

**Resolution urging the Civil Service Commission to adopt rules to disqualify any applicant for employment in the Uniformed Ranks of the Police Department and the Sheriff's Office based on prior acts of misconduct.**

This matter will be heard at a Special Meeting of the Public Safety and Neighborhood Services Committee on June 19, 2020 at 1:30 p.m.

A handwritten signature in black ink, appearing to read "RJM".

Rafael Mandelman

BOARD of SUPERVISORS



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Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Michael Brown, Executive Officer , Civil Service Commission  
William Scott, Chief, Police Department  
Paul Miyamoto, Sheriff  
Chesa Boudin, District Attorney  
Manohar Raju, Public Defender  
Shakirah Simley, Director, Office of Racial Equity

FROM: John Carroll, Assistant Clerk,  
Public Safety and Neighborhood Services Committee,  
Board of Supervisors

DATE: June 10, 2020

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Walton on June 2, 2020:

**File No. 200592**

**Resolution urging the Civil Service Commission to adopt rules to disqualify any applicant for employment in the Uniformed Ranks of the Police Department and the Sheriff's Office based on prior acts of misconduct.**

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Rowena Carr, Police Department  
Asja Steeves, Police Department  
Johanna Saenz, Sheriff's Department  
Katherine Johnson, Sheriff's Department  
Nancy Crowley, Sheriff's Department

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## MEMORANDUM

TO: Kiely Hosmon, Director, Youth Commission

FROM: John Carroll, Assistant Clerk,  
Public Safety and Neighborhood Services Committee

DATE: June 10, 2020

SUBJECT: LEGISLATIVE MATTER INTRODUCED

---

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following resolution, introduced by Supervisor Walton on June 2, 2020. This item is being referred for comment and recommendation.

**File No. 200592**

**Resolution urging the Civil Service Commission to adopt rules to disqualify any applicant for employment in the Uniformed Ranks of the Police Department and the Sheriff's Office based on prior acts of misconduct.**

Please return this cover sheet with the Commission's response to John Carroll, Assistant Clerk, Public Safety and Neighborhood Services Committee.

\*\*\*\*\*

RESPONSE FROM YOUTH COMMISSION      Date: \_\_\_\_\_

\_\_\_\_\_ No Comment  
\_\_\_\_\_ Recommendation Attached

\_\_\_\_\_  
Chairperson, Youth Commission

Hello, my name is Mimi Klausner. I am a white, 35 year resident of San Francisco and have been involved in police accountability issues for five years. First I want to say that it is time now to fully defund the police department and use those funds in ways that will actually keep our communities safe. That may have sounded radical about a month ago but there are now thousands of people out in the streets of San Francisco and millions around the country that are calling for police abolition.

That said, the resolution you have before you is long overdue and I applaud Supervisors Walton and Safai for trying to reform the bureaucracy to help reduce the number of SFPD officers who are likely to murder and terrorize my Black and Brown brothers and sisters.

If adopted by the Civil Service Commission as policy it will block the hiring of officers such as Joshua Cabillo who murdered Derrick Gaines, a 14 year old boy, in South San Francisco in 2012. By 2015 Cabillo was working for SFPD and in 2016 went on to shoot a man in the back in North Beach. He has used excessive force on many people in the Mission and other places. No surprise. No surprise at all.

I feel strongly, however, that the resolution should include a grandfather clause, if that's the right term, to **fire** any current SFPD officer who had a sustained finding or two unsustained findings of major misconduct in another jurisdiction. Keeping officers like Joshua Cabillo is only going to lead to more violence by the cops. There are already too many current SFPD cops who are likely to commit violence again. The resolution is good but it just doesn't go far enough.

# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Walton, Yee, Preston, Peskin, Fewer, Ronen, Haney

Subject:

Urging the Civil Service Commission to Establish Disqualifying Standards for Applicants for Position of Police Officer and Sheriff Deputy Applicants Based on Misconduct

The text is listed:

Resolution urging the Civil Service Commission to adopt rules to disqualify any applicant for employment in the Uniformed Ranks of the San Francisco Police Department and the San Francisco Sheriff's Office based on prior acts of misconduct.

Signature of Sponsoring Supervisor: /s/ Shamann Walton

For Clerk's Use Only