



City and County of San Francisco

Meeting Minutes

Public Safety and Neighborhood Services Committee

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Members: Gordon Mar, Catherine Stefani, Matt Haney

Clerk: John Carroll (415) 554-4445

Thursday, May 27, 2021

10:00 AM

Regular Meeting

Present: 4 - Gordon Mar, Catherine Stefani, Matt Haney, and Rafael Mandelman

The Public Safety and Neighborhood Services Committee met in regular session through videoconferencing, and provided public comment through teleconferencing, on Thursday, May 27, 2021, with Chair Gordon Mar presiding. Chair Mar called the meeting to order at 10:01 a.m.

Remote Access to Information and Participation

In accordance with Governor Newsom's Executive Order No. N-33-20 declaring a State of Emergency regarding the COVID-19 outbreak and Mayor London N. Breed's Proclamation declaring a Local Emergency issued on February 25, 2020, including the guidance for gatherings issued by the San Francisco Department of Public Health Officer, aggressive directives were issued to reduce the spread of COVID-19. On

March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely (via Microsoft Teams) and will allow remote public comment via teleconference. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings, or to watch meetings on demand.

Members of the public are encouraged to participate remotely via detailed instructions on participating via teleconference available at: <https://sfbos.org/remote-meeting-call>. Members of the public may participate by phone or may submit their comments by email to: john.carroll@sfgov.org; all comments received will be made a part of the official record. Regularly-scheduled Public Safety and Neighborhood Services Committee meetings begin at 10:00 a.m. on the second and fourth Thursdays of each month. Committee agendas and their associated documents are available at <https://sfbos.org/committees>.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Mar, Vice Chair Stefani, and Member Haney were noted present.

A quorum was present.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

200784 [Administrative Code - Restrictions on Police Use of Specific Types of Force as a Crowd-Control Tactic]

Sponsors: Haney; Walton, Ronen, Preston, Chan and Mar

Ordinance amending the Administrative Code to prohibit the Police Department from using, deploying, launching, or firing of extended impact weapons, kinetic impact projectiles, chemical agents, disorientation devices, and military grade equipment during lawful assemblies and in other circumstances (curfew violations, verbal threats directed at an officer, noncompliance with an officer's order).

07/21/20; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 8/20/2020.

07/29/20; REFERRED TO DEPARTMENT. Referred to the Police Department, the Police Commission, the Department of Police Accountability, the Sheriff, the District Attorney, and the Public Defender for informational purposes.

08/04/20; REFERRED TO DEPARTMENT. Referred to the Youth Commission for review and comment.

08/18/20; RESPONSE RECEIVED. On August 17, 2020, the Youth Commission voted unanimously to support the the ordinance, with modifications.

04/16/21; REMAIN ACTIVE. Supervisor Haney requested this matter remain active for an additional six months until October 16, 2021.

Heard in Committee. Speakers: Wesley Saver (Glide Foundation); Nick Robinson; Speaker; Gus; Speaker; Sophia; Sam McLaughlan; Rebecca Ruiz; Speaker; Speaker; Speaker; Jon Jacobo; Alfred Moreno; spoke on various concerns related to the hearing matter.

Member Haney moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 1, by striking 'During Lawful Assemblies and in Certain Other Circumstances' and inserting 'as a Crowd-Control Tactic'; on Page 1, Lines 3-8, to read 'Ordinance amending the Administrative Code to prohibit the Police Department from deploying, using, launching, or firing extended impact weapons, kinetic impact projectiles, chemical agents, disorientation devices, and military grade equipment as a crowd-control tactic, except in certain circumstances; and requiring the Police Department to prepare public reports following any permitted use of such equipment or devices.'; on Page 3, Lines 3-8, by inserting '(6) Historically, the San Francisco Police Department ("SFPD") has facilitated thousands of peaceful protests and continue to respond in ways that protect and respect the sanctity of life. (7) While protesters may use harsh or undesirable language directed at law enforcement officers, we expect our San Francisco Police Officers to facilitate all First Amendment activities in accordance with applicable SFPD policies and orders.'; on Page 3, Lines 10-14, by clarifying that the SFPD does not possess kinetic impact projectiles; on Page 3, Lines 19-20, by inserting '(3) Law enforcement agencies use various projectiles delivered or launched from kinetic impact weapons.'; on Page 4, Lines 8-14, by striking 'Launching kinetic impact projectiles from afar leads to inaccurate targeting, which may strike vulnerable body parts, as well as cause unintended injuries to those not targeted' and inserting 'Due to the fluid and often fast-moving nature of protests and demonstrations, the use of kinetic impact weapons often leads to inaccurate targeting, causing unintended injuries to bystanders. Law enforcement departments must continuously train their officers and examine the best practices in the use of kinetic impact weapons to reduce the unintended consequences'; on Page 5, Lines 15-16, by striking 'These weapons have no place in effective crowd intervention, management, or control'; on Page 6, Lines 10-11, by inserting 'SFPD has not utilized water cannons as a crowd-control device'; on Page 6, Line 14, by inserting 'SFPD has not utilized acoustic weapons as a crowd-control device'; on Page 6, Line 17, by inserting 'SFPD has not utilized energy weapons as a crowd-control device'; on Page 7, Lines 7-10, by removing beanbag rounds from the definition of "Kinetic Impact Projectiles"; on Page 7, Line 16, by striking "'Riot" shall have the same definition as in California Penal Code Sections 404 et. seq'; on Page 7, Lines 21-25, by striking 'either (1) during a lawful assembly protected by the First Amendment under the United States Constitution, except in response to a Riot, to the extent specified in subsection (b); or (2) in response to a violation of a curfew, a verbal threat directed at an officer, or noncompliance with a law enforcement order or directive' and inserting 'as a crowd-control tactic'; on Page 8, Lines 1-6, by inserting '(b) SFPD may not use tear gas, CS gas, or any other tear gas or chemical agent that is designed to cause physical pain or irritation or to temporarily incapacitate a person, or Extended Range Impact Weapons with Kinetic Impact Projectiles as a crowd-control tactic. SFPD may use all other permissible Chemical Agents and Extended Range Impact Weapons with bean bag rounds, as a crowd-control tactic in the following circumstances and subject to the restrictions in this subsection (b):'; on Page 8, Line 11 through Page 10, Line 4, by inserting '(1) Before using any permissible Chemical Agents or Extended Range Impact Weapons, an officer must determine that lower levels of force are not feasible in accordance the Department's Use of Force Policy, as that policy may be amended from time to time; (2) Before using any permissible Chemical Agents or Extended Range Impact Weapons, an officer must determine that there is an immediate threat of death or serious bodily injury to one or more persons and that the use of Chemical Agents or Extended Range Impact Weapons with bean bags rounds are necessary to restore safety; (3) Officers must ensure that the use of permissible Chemical Agents and Extended Range Impact Weapons complies with SFPD's Use of Force Policy, as that policy may be amended from time to time, including but not limited to de-escalation and time-and-distance tactics, and applicable mandatory first aid and medical assessment requirements; and (4) Officers must make reasonable efforts to target permissible Chemical Agents and Extended Range Impact Weapons at individuals the officers have identified as being engaged in violent criminal conduct and target them only, and may not target permissible Chemical Agents or Extended Range Impact Weapons indiscriminately at people who are not engaged in violent criminal conduct; and (5) Officers may use permissible Chemical Agents or Extended Range Impact Weapons during a Riot as defined by Cal. Penal

Code 404 et. seq. (c) Military-Style Vehicles. SFPD may use mine-resistant ambush protected vehicles, heavily armored military-style vehicles, or bearcat vehicles for rescue operations only. All other uses are prohibited. **(d) Mutual Aid.** SFPD shall make efforts to ensure any other jurisdictions providing mutual aid assistance or resources to assist SFPD responding to crowd-control situations, comply with the requirements of this Chapter 10A. **(e) Reporting Requirements for Use of Chemical Agents or Extended Impact Weapons.** SFPD shall provide a written report to the Police Commission within 10 days following any use of Chemical Agents or Extended Range Impact Weapons as a crowd-control tactic or during a Riot, as defined in Cal. Penal Code 404 et. seq. Such report shall include: (1) The factual circumstances surrounding the use of Chemical Agents or Extended Range Impact Weapons; (2) A detailed description of de-escalation, time and distance, and any other tactics used prior to the use of the Chemical Agents or Extended Range Impact Weapons, and an assessment of how those alternatives worked or failed; (3) A description of whether law enforcement agencies other than SFPD provided mutual aid, and if so, whether the agencies' conduct was consistent with the requirements of this Chapter 10A; and (4) Any other information requested or required by the Police Commission. SFPD and the Police Commission shall make these reports publicly available on SFPD's and the Police Commission's website. Following the receipt of each such report, the Police Commission shall hold a public hearing to discuss the report and make findings and recommendations as needed.; and making other clarifying, conforming, and clerical changes throughout the ordinance. The motion carried by the following vote:

Ayes: 3 - Mar, Stefani, Haney

Ordinance amending the Administrative Code to prohibit the Police Department from deploying, using, launching, or firing extended impact weapons, kinetic impact projectiles, chemical agents, disorientation devices, and military grade equipment as a crowd-control tactic, except in certain circumstances; and requiring the Police Department to prepare public reports following any permitted use of such equipment or devices.

Member Haney moved that this Ordinance be CONTINUED TO CALL OF THE CHAIR AS AMENDED. The motion carried by the following vote:

Ayes: 3 - Mar, Stefani, Haney

210304 [Administrative Code - Departmental Overdose Prevention Policies]

Sponsors: Haney; Ronen and Safai

Ordinance amending the Administrative Code to require the Department of Public Health, Department of Homelessness and Supportive Housing, Human Services Agency, and Department of Emergency Management to develop and submit to the Board of Supervisors departmental overdose prevention policies.

03/23/21; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 4/22/2021.

03/29/21; REFERRED TO DEPARTMENT. Referred to the Public Health, Homelessness and Supportive Housing, Human Services Agency and Emergency Management for informational purposes.

04/07/21; TRANSFERRED to Public Safety and Neighborhood Services Committee.

Heard in Committee. Speakers: Eileen Loughran (Department of Public Health); Supervisor Ahsha Safai (Board of Supervisors); presented information and answered questions raised throughout the discussion. Wesley Saver (Glide Foundation); Laura Thomas (San Francisco AIDS Foundation); Felicia James; Jesus Egan; Brian Edwards; Anak Sul Rama; Seth Kath; Dennis Smith; Speaker; spoke on various concerns related to the hearing matter.

Supervisor Safai requested to be added as a co-sponsor.

Member Haney moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Mar, Stefani, Haney

President Shamann Walton appointed Supervisor Rafael Mandelman, in place of Supervisor Haney, to the Public Safety and Neighborhood Services Committee for the meeting of May 27, 2021, beginning at 1:00 p.m.

Member Haney was noted not present at 12:57 p.m., and for the remainder of the meeting.

Supervisor Haney Excused from Attendance

Chair Mar moved to excuse Supervisor Haney from attending the Public Safety and Neighborhood Services Committee regular meeting of Thursday, May 27, 2021, beginning at 1:00 p.m. The motion carried by the following vote:

Ayes: 3 - Mar, Stefani, Mandelman

Excused: 1 - Haney

210270 [Hearing - Update on FY2019-2020 Annual Proposition T (Treatment on Demand Report)]

Sponsors: Mandelman; Stefani, Ronen and Haney

Hearing to provide an update on the Fiscal Year (FY) 2019-2020 Annual Proposition T (Treatment on Demand) Report; and requesting the Department of Public Health, Department of Homelessness and Supportive Housing, Adult Probation Department, and Sheriff's Department to report.

03/09/21; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

03/17/21; REFERRED TO DEPARTMENT. Referred to the Department of Public Health, Department of Homelessness and Supportive Housing, Adult Probation Department, and Sheriff's Department for informational purposes.

Heard in Committee. Speakers: Supervisor Rafael Mandelman (Board of Supervisors); Hillary Kunins and David Pating (Department of Public Health); Steve Adami and Victoria Westbrook (Adult Probation Department); Cedric Akbar (Westside Community Solutions); Laura Thomas (Treatment on Demand Coalition); presented information and answered questions raised throughout the discussion. Jennifer Friedenbach (Coalition on Homelessness); Anak Sul Rama; Francisco da Costa; Mary Kate Becalao; Michael Lyon (Senior and Disability Action); Seth Kath; David Elliot Lewis (Treatment on Demand Coalition); Wesley Saver (Glide Foundation); Brian Edwards; Speaker; Andi Stone (San Francisco AIDS Foundation); Speaker; David Grace; spoke on various concerns related to the hearing matter.

Member Mandelman moved that this Hearing be CONTINUED TO CALL OF THE CHAIR. The motion carried by the following vote:

Ayes: 3 - Mar, Stefani, Mandelman

Excused: 1 - Haney

ADJOURNMENT

There being no further business, the Public Safety and Neighborhood Services Committee adjourned at the hour of 2:20 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Public Safety and Neighborhood Services Committee on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.