

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Dan Leung, Legal Assistant/Acting Commission Secretary, Sheriff's Department Oversight Board

FROM: Stephanie Cabrera, Assistant Clerk, Government Audit and Oversight Committee

DATE: March 13, 2023

SUBJECT: HEARING MATTER INTRODUCED

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The Board of Supervisors' Government Audit and Oversight Committee has received the following hearing request, introduced by Supervisor Walton on March 7, 2023:

**File No. [230277]**

**Hearing on the Sheriff's Department Oversight Board 2022 Annual Report; and requesting the Sheriff's Department Oversight Board to report.**

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 or by email at: [Stephanie.Cabrera@sfgov.org](mailto:Stephanie.Cabrera@sfgov.org).



# Sheriff's Department Oversight Board

CITY AND COUNTY OF SAN FRANCISCO

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Board Member

DAN LEUNG  
Legal Assistant

## **SAN FRANCISCO SHERIFF'S DEPARTMENT OVERSIGHT BOARD 2022 ANNUAL REPORT TO THE SAN FRANCISCO BOARD OF SUPERVISORS**

The San Francisco Sheriff's Department Oversight Board was established by amendment to the San Francisco City Charter proposed by Supervisor Shamann Walton and passed by voters in the November 2020 General Election. Charter Section 4.137, Sheriff's Department Oversight, established the Sheriff's Department Oversight Board (SDOB) and the Office of Inspector General (OIG).

Section 4.137 gives the SDOB authority to:

- Appoint the Inspector General in the Sheriff's Department Office of Inspector General.
- Evaluate the work of the OIG and review the Inspector General's individual work performance.
- Compile, evaluate, and recommend law enforcement custodial and patrol best practices.
- Conduct community outreach and receive community input regarding SFSD operations and jail conditions, by holding public meetings and soliciting input from persons incarcerated in the City and County.
- Hold hearings, issue subpoenas to witnesses to appear and for the production of evidence, administer oaths, and take testimony.

The SDOB consists of seven members, four appointed by the Board of Supervisors and three appointed by the Mayor. The appointments of the four Board of Supervisors appointees, Ovava Afuhaamango, Michael L. Nguyen, William Palmer, II and Jayson Wechter became effective January 13, 2022. The appointments of the three Mayoral appointees, Dion-Jay Brookter, Xochitl Carrion and Julie D. Soo became effective December 12, 2021.

Dan Leung serves as the Board's Interim Secretary/Legal Assistant.

Charter Section 4.137 requires that all SDOB members complete training and orientation on custodial law enforcement, constitutional policing, and Sheriff's Department ("SFSD") policies and procedures, within 90 days of assuming office for their first term. In February 2022, Jesse Smith, a legal intern in the Department of Police Accountability (DPA) who was asked by DPA to act as an interim secretary for the SDOB, began coordinating the 20 hours of required training by the Sheriff's Department. SDOB members attended four classes lasting five hours each in three groups, with no more than three SDOB members in each group. The trainings took place at the SFSD facility at 120 14th Street in March and April 2022.

In March 2022, Mr. Smith began polling SDOB members regarding their schedule availability for the first SDOB meeting. On May 1, 2022, Mr. Smith's tenure at the DPA ended. On May 31, 2022, Dan Leung was hired by the DPA as the Interim Secretary for the SDOB, and on June 16, 2022, he began coordinating logistics for the first SDOB meeting. In June 2022, Mr. Leung also began creating the web page where the SDOB meetings and agenda would be posted and handling other logistical tasks, such as providing SDOB members with a sample Rules of Order for the Board to adopt.

The SDOB held four meetings in 2022, all in-person at City Hall, on August 22, September 26, November 4 and December 2.

Due to limitations on the availability of a meeting room at City Hall equipped with SFGovTV cameras, the availability of SFGovTV to provide media services, and the scheduling availability of SDOB members, the first two SDOB meetings were scheduled for the last Monday of the month at 5:30 pm.

Prior to the September meeting, the Board was informed that SFGovTV could not support live broadcast of the meetings on Mondays at 5:30 pm. At the September meeting, the Board decided to meet on the first Friday of the month from 4:00 pm to 7:00 pm (SFGovTV informed the Board they could not provide media service for the meetings after 7:00 pm those days).

On or about December 2, 2022, the Board was informed that media service could not provide support past 5:00 pm on Friday evenings. The Board therefore decided to move its meetings to the first Friday of the month from 2:00 pm to 5:00 pm beginning with its January 2023 meeting.

At the SDOB's inaugural meeting on August 22, 2022:

Sheriff Paul Miyamoto, Director Paul Henderson of the Department of Police Accountability (DPA) and DPA Chief of Staff introduced themselves and gave brief remarks.

Deputy City Attorney (DCA) Jana Clark from the City Attorney's Office introduced herself as the SDOB's legal advisor. Ms. Clark presented information regarding Board and Commission authority in general and on restrictions of Boards and on individual members, and gave a presentation on Charter Section 4.102, the San Francisco City Attorney's Good Government Guide, and Charter Section 4.137. DCA Clark also presented and explained the resolution making findings to allow teleconferencing meetings under California Government Code Section 5493(e). DCA Clark also presented samples of other City Commission Rules of Orders.

The Board voted to hold over the election of officers until the next meeting when all Board members are present.

At the Board's meeting on September 26, 2022:

The Board elected officers: Jayson Wechter was elected President and Xochitl Carrion was elected Vice-President.

Kate Howard from the Department of Human Resources (DHR) gave a presentation on recruitment and selection of an Inspector General (IG) including use of DHR resources and/or outside recruiting firms.

The Board voted to request proposals from DHR and from qualified recruiting firms for recruitment of the Inspector General.

Camilla Tauffic from the Mayor's Budget Office (MBO) gave a presentation on the budget cycle and current SDOB budget.

Chief Richard Jue of the San Francisco Sheriff's Office presented reports on staffing, in custody statistics, and policy on educational access in the jails.

The Board discussed adoption of Rules of Order.

At the Board's meeting on November 4, 2022:

Kate Howard from the Department of Human Resources (DHR), appearing remotely, gave a presentation on recruitment and selection of an Inspector General including use of DHR resources and/or outside recruiting firms.

Phil Eure, the former (and first) Inspector General for the New York City Police Department and former Executive Director of the Washington D.C. Office of Police Complaints, and Dr. Richard Rosenthal, who created three police oversight agencies, gave remote presentations about best practices and their experiences recruiting and hiring an Inspector General and establishing an Office of Inspector General.

A technical problem with WebEx prevented the Board from taking public comment as required by the Sunshine Ordinance, so the Board moved to adjourn the meeting prematurely.

At the Board's meeting on December 2, 2022:

Shawn Sherburne from the Department of Human Resources appeared remotely for further discussion and to answer questions about the Office of Inspector General, recruitment of an Inspector General and the selection of a recruitment firm.

Nicole Armstrong, Chief Operations Officer of the Department of Police Accountability, appeared and presented on the role of DPA, the processes for DPA to support and do the work of the SDOB, operational staffing, minimum budget requirements, the need for hiring of an 1823 for budgeting, and budget proposals.

Marshall Khine, Assistant Chief Attorney with the Department of Police Accountability appeared and gave a background information on his experience. Mr. Khine discussed what needed to be done to get the OIG up and running and detailed the work DPA has done to assist with the OIG startup. Mr. Khine stated it would take time to hire an Inspector General and time to build the infrastructure of the OIG. Mr. Khine stated that DPA continues the work that they took on investigating complaints against Sheriff's Department personnel without a work order or funding, which taxed their resources. Complaints don't stop because there is no Inspector General and DPA continues the work. Mr. Khine explained further that Budget season is coming up and we (DPA on behalf of the OIG and the SDOB) need to submit a proposal budget to ensure that funds for the SDOB are protected. Mr. Khine spoke about building additional programming and creating community liaisons, creating and building a transition plan, the Section 3304 Government Code statute of limitations, office space, a case management system, and

infrastructure that can be built without making policy, allowing the Inspector General to develop their own policy and protocol.

Due to time constraints, no public comment was taken on this line item. Questions by the board members and public comment on the presentation by the Department of Police Accountability were continued to the next regular meeting on January 6, 2023.

During 2022, the Board did not conduct any community outreach, nor did it evaluate law enforcement custodial and patrol best practices by the Sheriff's Department. The Office of Inspector General will not come into existence until the Board appoints an Inspector General.

Therefore, no OIG reports were submitted to the Board.

Looking ahead:

In 2023, the Board plans to:

Work with the Department of Human Resources regarding recruitment of the Inspector General.

Hold 4 community meetings to solicit community input regarding the recruitment of the Inspector General.

Hold subsequent community meetings to receive community input regarding SFSD operations and jail conditions, including soliciting input from persons incarcerated in the City and County.

Monitor the Department of Police Accountability's actions regarding building infrastructure for the Office of Inspector General.

On February 22, 2023, the Board voted to include the following addendum to the annual report.

**ADDENDUM:**

Looking forward to 2023, at its January 2023 regular meeting, SDOB made great strides to advance its charge to hire an Inspector General (IG). At the January meeting, VP Xochitl Carrion moved to have a Committee on the Qualification Considerations of an Inspector General, with VP Carrion and Member Julie D. Soo as committee members. The motion passed unanimously with all members present. Later that same month, the Committee held a special meeting to solicit public input.

At the February 3, 2023, regular meeting, Member Soo presented a draft of the IG job description and a timeline with benchmarks for SDOB for the remainder of 2023. At the same meeting, member Soo by vote was designated as the point person with the Department of Human Resources (DHR) to move forward in a job posting and search for the inaugural IG. The timeline also designated in-person community meetings for community input on qualification considerations of an IG. The February meeting was also a watershed moment in that the following operation documents that had been carried over since August 2022 were finally adopted: Rules of Order / Bylaws, Mission Statement, and Statement of Incompatible Activities (SIA).

During February, DHR interviewed all Board Members individually about the IG job qualifications so as to incorporate their thoughts and to refine the job posting initiated by Member Soo. DHR believes that seating an IG by October 2023 is a realistic goal.

The budget has been of top concern and the February meeting entertained a second budget presentation. The initial budget with the Charter Amendment did not fully anticipate personnel, office space, hardware, and office supplies.

SDOB greatly appreciates the Department of Police Accountability (DPA) and the Mayor's Office of Budget. Both entities have been instrumental in helping to create a realistic budget so that the IG can be successful in creating an entirely new department. DPA has also been very supportive in bridging personnel and other support until such time as an IG is able to set up an independent office.

### **Board Member biographies:**

#### **Ovava Afuhaamango**

Ovava is a Tongan/Samoan woman, born and raised in SF. She currently works as a Marketing Manager for a beauty retailer. Like most Pacific Islanders, Ovava comes from a large family and has a deep sense of community. She hopes to advocate on behalf of the Black and Brown community that she comes from.

#### **Dion-Jay Brookter**

Dion-Jay ("DJ") Brookter is the Executive Director of Young Community Developers Inc. (YCD). YCD is a 501(c)(3) non-profit community-based service education, training, and employment placement service provider to San Francisco's underserved (Bayview/Hunter's Point) community residents. In 2021, YCD served over 1,500 customers and secured placement for 500 program participants across several industry sectors. Mr. Brookter's extensive public and private experience include Exec. Director of the Southeast Community Facility and management positions within World Savings and Fresno Career Development Institute. Mr. Brookter holds a B.S. in Speech Communication (Utah State Univ.) and an MBA from the Univ. of Phoenix.

#### **Xochitl Carrion, Vice President**

As an ALTO lead attorney, Xochitl Carrion develops legal solutions for our corporate clients' crime and public safety concerns. She proactively expands and strengthens law enforcement, prosecution and community relationships and partnerships to address retail crimes efficiently and effectively. Prior to joining ALTO, Ms. Carrion served as an Assistant District Attorney in the San Francisco District Attorney's office, where she investigated and prosecuted misdemeanors, juvenile crimes, domestic violence, police and sheriff misconduct/shootings, hate crimes, and violent and serious felonies, including retail thefts. She also has significant civil attorney experience. Specifically, for 7+ years at Goldfarb & Lipman, LLP, Ms. Carrion represented affordable housing developers and funders, government agencies, non-profit and community-based organizations, and private real estate clients in transactional and litigation matters.

Ms. Carrion is a long-time champion for justice. She has served in 30+ leadership positions in civic and community-based organizations/entities, non-profits, and foundations. For example, she serves as a member of the California Law Revision Commission (CLRC), to which she was appointed by Gov. Gavin Newsom in 2022 and was first appointed to CRLC by Gov. Edmund G. Brown Jr. in 2011. During her first term, she was elected as chair in 2012-2013, and as vice-chair in 2011-2012. Currently, Ms. Carrion also serves as board member and Co-Chair of the Development Committee of Horizons Foundation - the first foundation by, of, for LGBTQ people.

In addition, she serves as the Northern District Vice President (Statewide Judicial Chair) for the California La Raza Lawyers Association.

Ms. Carrion is committed to empowering herself and others with knowledge. She is a graduate from UC Hastings College of the Law with a CALI Award for Excellence in State and Local Government Law and UCLA with a double major of Chicana/o Studies/Women's Studies (highest honors) with a minor in LGBT Studies and specialization in Labor and the Workplace. Furthermore, Ms. Carrion has provided hundreds of trainings and presentations throughout her educational and professional career, and is eager to further train fellow attorneys, government officials/staff, corporate clients, and diverse communities.

Ms. Carrion resides in the TenderNob, a vibrant diverse community, with her wife, two children, and two senior dogs.

### **Michael Nguyen**

Michael Nguyen works in public safety for the San Francisco Sheriff's Department. His parents fled the Vietnam War and came to America. Michael grew up in San Francisco and lived in the Tenderloin for many years, eventually moving to the Richmond District. He worked in his parent's restaurant to help the family pay the bills but was unfortunately exposed to crime at a very early age. Michael often de-escalated many situations while working at his family's business. He dropped out of High School due to personal family issues and was unsure what he wanted to do in life, but he knew he wanted to help people. He returned to school and graduated from Treasure Island Job Corps in San Francisco and earned a High School Diploma. He then studied sociology and received a two-year degree from Skyline College. Later on, Michael returned to Treasure Island Job Corps as a Substitute Teacher. He liked helping at-risk students and found the work gratifying. He naturally transitioned into Public Safety to make a more significant impact, working at McGeorge School of Law in Sacramento as a Public Safety Officer and then – after getting some experience – transitioning to the Sheriff's Department. Michael is a volunteer firefighter for the California State Guard in his free time.

His goal is to be a beacon of light in people's lives and help as much as possible. He wants to bring happiness to people and considers himself a team player and an open book, sharing what he knows and his experiences with others.

### **William Palmer, II**

In March of 2019, William “Tariq” Palmer was released from CSP-Solano after serving 31 years, 23 years were ruled by the California Supreme Court as constitutional excessive punishment. He immediately assumed the position as a leader by advocating for social reforms, and mentoring youth both in the community and college students at the University of San Francisco as part of the PACE program. Requests began to pour in for William to share his story of becoming a self-advocate for his freedom and opening the door for thousands of youth offenders (The American parole system is an endless trap — and a moral outrage - The Washington Post) with major journals, law enforcement, and teen groups. William had his own challenges with reentry, his housing at GEO was like jail: and his parole officer arrested him for the appearance of violating his myriad of conditions, feeling that he “cheated his way out.” William Palmer was appointed to the San Francisco Reentry Council on the Sentencing Commission. He decided in 2021 that it was time to bring to life his system-impacted organization, Life After Next, to create the flagship of reentry in San Francisco and the Bay Area. William has added to his portfolio an investment company, Studio 3<sup>3</sup> to empower start-ups with micro-lending seed money and to purchase property to provide holistic reentry transitional housing. He’s a member of HipHopForChange.org, The Adachi Project, United Playaz, Marin Shakespeare’s Returning Citizen Theater Troupe, and on the board of the Peace Resource Center (San Diego). After completing the Freedman Policy/Communication Fellowship, he worked on

the Thea Selby CA Assembly campaign. He's the Editor of the East County North Star newspaper. He credits living in San Francisco and being appointed to the Reentry Council's Sentencing Commission and Sheriff Department Oversight Board for providing the opportunity to exercise his civic duties.

**Julie D. Soo**

Julie D. Soo is a senior staff counsel with the California Department of Insurance and is charged with prosecuting enforcement cases among her regulatory duties. In 2017, she prevailed in a \$12 million settlement against a surplus line insurer, one of the largest of its kind for the Department. She volunteers for a variety of community causes, including addressing hate crimes, civil rights education, campaign work, and community health advocacy. Julie served on the San Francisco Commission on the Status of Women (SFCOSW) from 2009 to 2021 and is a past president. She is active with the California Democratic Party Executive Board as a lead co-chair of the Platform Committee and served two terms as the chair of the Asian Pacific Islander Caucus. Julie also served nine years on the Board of Trustees for Saint Francis Memorial Hospital. She has also served and advised the

National Asian Pacific American Bar Association's Civil Rights Committee. A fourth-generation San Franciscan, she is a Lowell High School alumna and holds an A.B. with a double major in Pure Mathematics and Statistics from U.C. Berkeley, an M.A. in Applied Mathematics from U.C. San Diego, and a J.D. from Golden Gate University School of Law.

Prior to law, Julie engaged in pension actuarial science, insurance underwriting, and was a medical economist. Julie is well-known for her past work as a journalist with AsianWeek, a pan-Asian national weekly based in San Francisco, where she covered breaking stories, provided legal and political commentary, and wrote about Asian American history and notable figures. She appeared on New California Media, a public television news roundtable for California's ethnic news community, and served as a guest host for Voice of the Neighborhood, a political radio talk show targeted to the Bay Area Cantonese-speaking community. She was selected as a 2006 California Endowment Health Journalism fellow based on her story about a Chinatown shooting where six youths were wounded and her discovery that San Francisco's leading trauma center lacked interpreters past late evening hours to help non-English proficient patients and families. The story caught the attention of the Mayor, Chief of Police, and hospital administrators and led to policy changes. Julie has also served as a legislative aide and advisor to members of the San Francisco Board of Supervisors.

Julie has received awards for her community work: Women Making History Award (2004), Democratic Women's Forum of San Francisco; Vagina Warrior Award (2012), Filipina Women's Network; Outstanding Giving Back Award (2013), Asian Women's Resource Center; Best Community Leader Award (2015), Korean American Journalists Association; Inspiring Leadership Award (2018), San Francisco Collaborative Against Human Trafficking (SFCOHT); and, Woman Warrior Award (2019), Pacific Asian American Women Bay Area Coalition (PAAWBAC).

She believes in storytelling and shared experiences as a means of building unity and has been a producer and advisor on documentary films. Julie has conversational abilities in Cantonese and has recently studied Mandarin to further her community work.

**Jayson Wechter, President**

Jayson Wechter has over 40 years of investigative experience in the public and private sector and a long history as a civilian oversight practitioner and advocate. In 1982, he worked on the community-based campaign to create San Francisco's Office of Citizen Complaints (OCC), now known as the Department of Police Accountability. He began working at the OCC on its first day of operation in 1983 as a supervising investigator.



After leaving the OCC, Mr. Wechter worked as an investigator for the San Francisco Public Defender's Office and operated his own investigative agency.

Mr. Wechter returned to the OCC in 1998. Over the next 19 years, he conducted hundreds of investigations, including officer-involved shootings, serious use of force, and allegations of biased-based policing. He designed the OCC's training program for new investigators and wrote many of the criteria used to evaluate investigator performance. He also served as the SEIU 1021 union shop steward for the OCC's investigators and administrative staff.

Mr. Wechter has been an active member of the National Association for Civilian Oversight of Law Enforcement (NACOLE) since 2003. He served on NACOLE's Board of Directors for seven years and has chaired or served on its Professional Standards, Strategic Planning, Training, Education & Standards and Conference committees. He wrote NACOLE's Qualification Standards for Oversight Investigators and Supervising Investigators and drafted much of its Recommended Training for Board and Commission Members. He played a major role in writing NACOLE's Code of Ethics, which has been adopted by dozens of oversight agencies around the U.S.

Mr. Wechter has conducted trainings and delivered presentations at numerous NACOLE conferences since 2004 and has done training on effective oversight practices for board and commission members, elected officials, and community members in California, Iowa, Virginia, and Vermont.

Mr. Wechter earned the Certified Practitioner of Oversight designation from NACOLE. He is also a Certified Legal Investigator, Certified Criminal Defense Investigator, and Certified Force Science Analyst.

## Introduction Form

*(by a Member of the Board of Supervisors or the Mayor)*



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

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)  
*(Routine, non-controversial and/or commendatory matters only)*
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor  inquires..."
- 5. City Attorney Request
- 6. Call File No.  from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission       Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes       No

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

Sponsor(s):

Walton

Subject:

Hearing - San Francisco Sheriff's Department Oversight Board 2022 Annual Report

Long Title or text listed:

Hearing on the San Francisco Sheriff's Department Oversight Board 2022 Annual Report; and requesting the Sheriff's Department Oversight Board to report.

Signature of Sponsoring Supervisor: