

File No. 221206

Committee Item No. 4

Board Item No. 33

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Public Safety and Nggh Services

Date: Sept. 28, 2023

Board of Supervisors Meeting:

Date: October 17, 2023

Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution - VERSION 2
<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 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 - FY2022-2024 - Clean
<input type="checkbox"/>	<input type="checkbox"/>	MOU - FY2022-2024 - Redline
<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 / DRAFT Mills Act 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 type="checkbox"/>	Public Correspondence

OTHER

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>SFPD Memo – June 7, 2023</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>DA Memo – June 2, 2023</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>District 1 Letter of Inquiry – May 10, 2023</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Response YC – December 19, 2022</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Referral FYI – December 6, 2022</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Referral YC – December 6, 2022</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>AB 1594 – July 12, 2022</u>

Prepared by: Stephanie Cabrera

Date: Sept. 20, 2023

Prepared by: John Carroll

Date: October 12, 2023

Prepared by: _____

Date: _____

1 [Urging Creation of Programming and Resources for Victims of Gun Violence]

2
3 **Resolution urging the San Francisco Department of Public Health to create a program**
4 **to provide resources and education for victims of gun violence regarding their rights to**
5 **file lawsuits against gun manufacturers in accordance to California State Assembly Bill**
6 **No. 1594.**

7
8 WHEREAS, According to San Francisco Police Department data, there have been 139
9 shootings in 2022 resulting in injury or loss of life in the City and County of San Francisco; and

10 WHEREAS, These shootings resulted in 113 victims injured by gun violence and 26
11 victims killed by gun violence; and

12 WHEREAS, Gun violence disproportionately affects Black and Brown communities in
13 San Francisco; and

14 WHEREAS, According to San Francisco Police Department data, from 2017
15 to 2020, 67% of victims killed by gun violence in San Francisco were Black and Latino men;
16 and

17 WHEREAS, According to San Francisco Police Department data, the total population
18 of Black and Brown residents in the City and County of San Francisco is below ten percent;
19 and

20 WHEREAS, Gun violence disproportionately affects young adults and children in the
21 City and County of San Francisco; and

22 WHEREAS, According to San Francisco Police Department data, in San
23 Francisco, 45% of gun violence homicide victims are under the age of 35; and

24 WHEREAS, According to San Francisco Police Department Data, in San
25 Francisco, 78% of victims injured by gun Violence are under the age of 35; and

1 WHEREAS, According to reporting by the Washington Post, nationally, Black men
2 make up 52% of all gun homicide victims, despite comprising less than 6% of the population;
3 and

4 WHEREAS, According to the UCSF Wraparound Project, in the United States, for
5 every homicide by gun violence, 100 others are injured by gun violence, and an estimated
6 cost of care for victims of gun violence in the United States is \$264 billion annually; and

7 WHEREAS, According to the Giffords Center against Gun Violence, over 110 people
8 die from gun violence every day in the United States; and

9 WHEREAS, According to the National Gun Violence Archive there were 690 mass
10 shootings in the United States in 2021, and there have been 617 mass shootings so far
11 in 2022; and

12 WHEREAS, Nationwide, we have seen hate based mass shootings rise, in March 2021
13 there were 8 people killed in Atlanta, in what was determined to be motivated by anti-Asian
14 hate; and

15 WHEREAS, In May 2022, a White-Supremacist shooter targeted a market in Buffalo,
16 New York motivated by hatred for African-Americans, killing ten people; and

17 WHEREAS, In November 2022, a shooter motivated by hate for the LGBTQ+
18 community targeted a club hosting a drag event in Colorado Springs, Colorado, killing five
19 people; and

20 WHEREAS, According to reporting by the Washington Post, between 2020 and 2021
21 there was a record 43 million firearms purchased in the United States; and

22 WHEREAS, According to reporting by National Public Radio (NPR), since 2020 gun
23 manufacturers have earned over \$3 billion dollars in profits from reported gun sales in the
24 United States; and

1 WHEREAS, This year, families from Sandy Hook Elementary sued Remington claiming
2 that the manufacturer's marketing of the AR-15-style rifle appealed to troubled men, like the
3 shooter who killed 26 people including children and teachers, violating Connecticut state law
4 and resulted in a \$73 million settlement; and

5 WHEREAS, On July 12, 2022, Governor Gavin Newsom signed into law Assembly Bill
6 No. 1594 (AB 1594), on file with the Clerk of the Board of Supervisors in File No. 221206,
7 which is hereby declared to be a part of this Resolution as if set forth fully herein, creating a
8 path for private citizens and local governments to sue gun manufacturers for the harm their
9 products cause when they do not follow California gun laws as allowed under federal law; and

10 WHEREAS, California law requires rigorous background checks to purchase a gun,
11 prevents straw purchases, requires the sale of safety devices with each firearm and bans the
12 sale or manufacturing of assault weapons; now, therefore, be it

13 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
14 urges the San Francisco Department of Public Health to establish a program to provide
15 services and information for victims of gun violence to their rights relating to AB 1594 in the
16 City and County of San Francisco beginning on January 1, 2024; and, be it

17 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
18 Francisco urges the San Francisco Department of Public Health to expand existing violence
19 prevention programs to include a program to support victims of gun violence in San Francisco
20 and provide information and resources relating to rights afforded by AB 1594 and work with
21 the City Attorney's office the City Administrators' Office, and the Mayor's Budget Office to
22 identify funding and staffing as necessary.



SAN FRANCISCO POLICE DEPARTMENT
Response to Supervisor Connie Chan
Letter of Inquiry – Victim Services



June 7, 2023

The Honorable Connie Chan
County Board of Supervisors, District 1
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Dear Supervisor Chan:

RE: Letter of inquiry from Supervisor Connie Chan dated May 9, 2023

On behalf of the San Francisco Police Department (SFPD), the below information is being provided in response to your letter of inquiry relating to providing services to victims, including those from marginalized communities who may not have the ability or resources to recover from violent encounters.

The main focus of the San Francisco Police Department (SFPD) is to ensure the safety of the public by responding to calls for service, taking incident reports, and investigating crimes either at the district station level, or for more complex cases, through the Investigations Bureau and Special Operations Bureau/Traffic Unit for traffic collisions investigations. As such, the SFPD itself does not specifically have the mechanisms that provide direct support and resources to victims such as advocates, liaisons, or counselors.

However, the SFPD has multiple policies specifically related to how and when members are required to offer and/or refer victims to services in line with local, state, and federal laws. In addition, the Community Engagement Division's (CED) Community Liaison Unit (CLU) and the units within the Investigations Bureau, specifically the Special Victims Unit (SVU), have procedures in place to coordinate with other City departments and outside agencies to provide outreach services and resources to victims and survivors of crimes, which will be explored in further detail below. These partnerships are critical in the quest to provide victims with the resources needed to recover from their experience, whether it be monetary losses or emotional/physical trauma.

In addition, the SFPD strives to work in collaboration with those agencies and organizations who provide direct services to victims and to train our members on the appropriate steps to take to make meaningful and effective referrals to ensure victims/survivors receive services and are not traumatized or victimized further.

It is our hope that the following information provides insight into the efforts of the SFPD when interacting with victims/survivors, protecting their right to privacy, and working in partnerships to provide essential support services. We appreciate your commitment to our City and its residents, visitors, and businesses.

1. What is the number of victims your agency served in 2021, 2022, and to date in 2023?

	2021	2022	2023 01.01 - 05.30.23
REPORT CATEGORY	# of Victims	# of Victims	# of Victims
AGGRAVATED ASSAULT	4,010	4,524	1,627
BATTERY/OTHER ASSAULT	5,733	6,382	2,787
BURGLARY	10,937	9,190	3,569
ROBBERY	3,720	3,752	1,720
LARCENY THEFT	45,899	51,576	18,021
MOTOR VEHICLE THEFT	6,782	6,921	2,846
SEXUAL ASSAULT	862	933	360
VANDALISM	10,941	10,195	3,869
DOMESTIC VIOLENCE	4,178	4,335	1,652
ELDER ABUSE	515	548	239
CHILD ABUSE	678	697	311
GRAND TOTAL	94,255	99,053	37,001

2. What is the demographic breakdown for those victims?

BY RACE/ETHNICITY	2021	2022	2023 01.01 - 05.30.23
RACE/ETHNICITY	# of Victims	# of Victims	# of Victims
American Indian or Alaskan Native	402	410	174
Asian or Pacific Islander	11,327	12,867	5,014
Black	7,128	7,386	2,873
Hispanic or Latin	11,276	12,027	4,980
OTHERS	36,447	36,473	13,181
Unknown	4,288	4,406	1,619
White	23,387	25,484	9,160
Total	94,255	99,053	37,001

BY GENDER/IDENTITY	2021	2022	2023 01.01 - 05.30.23
GENDER/IDENTITY	# of Victims	# of Victims	# of Victims
Female	29,555	31,606	11,779
Male	39,815	41,979	15,349
Non-Binary	33	43	28
Others	24,377	24,909	9,615
Unknown	475	516	230
Total	94,255	99,053	37,001

BY AGE	2021	2022	2023 01.01 - 05.30.23
AGE	# of Victims	# of Victims	# of Victims
0-17	3,039	3,595	1,574
18-29	17,953	18,756	6,920
30-39	19,659	20,377	7,327
40-49	14,118	15,116	5,528
50-59	10,941	11,347	4,309
60+	9,483	10,217	3,960
Unknown	19,062	19,645	7,383
Total	94,255	99,053	37,001

A more detailed breakdown of the information is included in Attachment CC.

3. What services have been provided to the victims your agency has served?

Although the SFPD does not provide services such as counseling, housing, or compensation directly to victims, our main focus is to respond to calls for service, gather accurate and pertinent information to include in incident reports, thoroughly investigate all cases, and to protect victims/survivors from being further victimized. Policies and procedures are everchanging to incorporate updates to laws and recommendations from advocates and stakeholders (including the Police Commission and Department of Police Accountability), as well as to reflect current trends and best practices in law enforcement.

To ensure all members are trained and have the knowledge and skills to provide meaningful services to, it is important to note that sworn law enforcement officers in California are required to receive extensive training beginning with the successful completion of a certified Police Academy, which the SFPD operates its own academy. California requires a minimum initial training for sworn officers of 664 hours. Currently, the SFPD Academy is 32 weeks for a total of 1,280 hours. However, the next scheduled academy and those in the future will be 34 weeks for a total of 1,360, which is over double that of the California minimum.

The established curriculum for academies encompasses those requirements established by the California Commission on Peace Officers Standards and Training (POST) and follows, in most cases exceeds, their mandated modules which include lessons in all of the above subjects discussed. Following graduation from the Academy, sworn officers complete a Field Training Program followed by a probationary period in patrol before being assigned to their permanent station.

In addition, all sworn officers are then required to complete 80 hours of advanced officer training every two years which includes instruction on “perishable skills.” Again, the SFPD goes beyond the 80-hour requirement and ensures all officers continue their education in law enforcement skills and knowledge by providing ongoing training in hundreds of different subjects and current topics including implicit bias, the duty to intervene, 4th Amendment rights, strategic communication, LGBTQI+ community awareness, and community policing.

The course listings can be found on the POST website at [California POST Course Catalog](#).

And, when new policies or procedures are implemented, including Department General Orders, training is developed and provided to all officers, and civilian members as appropriate, either in a classroom setting for more comprehensive policies (i.e., DGO 5.01, Use of Force) or through roll-call training done at the station level. This level of skill, knowledge, and experience is essential to provide professional, skilled service to this city.

The following information provides an overview of the policies and procedures in place that speak directly to the rights of victims.

Victim of Violent Crime Act

One of the most important policies focusing on providing for victims is Department General Order (DGO) 6.19, Victim of Violent Crime Notification (Attachment A). This policy was implemented to administer the Victim of Violent Crime Act (Cal. Government Code §13959 et. seq.) and outlines the policy and procedures members are required to follow to adhere to State law. Every police facility is required to prominently display informational signs giving notification of the Victims of Violent Crime Act, and forms are available in numerous languages to assist victims through the process of applying for victim compensation.

Patrol Officer Responsibilities

As part of the California Victims' Bill of Rights Act of 2008, when an individual becomes a victim of a crime, the responding officer, upon taking an incident report, is required to provide the victim with a Marsy's Rights Card/Victim Rights notification (Attachment B). This complies with California Penal Code sections 679.026(b) and 679.026(c), and applies to victims of all crimes – infractions, misdemeanors, and felonies. This card is not only required to be provided to the direct victim of the crime, but also to the person's spouse/significant other, parents, children, siblings, guardian, or other lawful representative. The card, which is available in the City's identified core languages, provides information related to the rights of victims as well as resources available to them.

Per Department Notice 20-126, Department-Issued Business Cards and Reportee Follow-Up, members are required to provide members of the public with a Reportee Follow-Up Form (Attachment DD, SFPD Form 105) in the appropriate language to anyone who makes an incident report or who may have information related to an incident (i.e., a witness). This form indicates the district in which the incident occurred and/or assignment of the officer, the incident case number, how to obtain a copy of the police report, contact information for the officer, as well as other resource contact information.

Investigations Bureau/Special Victims Unit

The SFPD's Special Victims Unit (SVU) was redefined in 2011 realigning various units of the Investigations Bureau – including Sexual Assault, Domestic Violence/Elder Abuse, Mission Persons, and Human Trafficking – under one roof in order to provide specialized services with a focus on victim support. At that time and since, the SFPD has had a partnership with La Casa de las Madres (La Casa) (Attachment C) with the goal of providing survivors of domestic violence and their families with

services, including immediately in the form of obtaining Emergency Protective Orders. La Casa continues to maintain office space at the SFPD's SVU office for ease of access to survivors and offers crisis response and support services including counseling and shelter to domestic violence victims.

Currently, SVU has 40 investigators who are all specially trained to handle sexual assault investigations and are cross trained in domestic violence response. Investigators, through an on-call basis, are available 24-hours a day to immediately respond to and investigate sexual assault and domestic violence cases, as well as other sensitive crimes including child and elder abuse. SVU investigators also review non-arrest and misdemeanor cases and forwards them to the District Attorney if warranted. The SFPD also investigates cases in which arrests have not been made.

Department policy on these types of crime outline not only the procedures members must follow for responding to and the investigation of incidents, but the role the investigator plays in the process of support to victims/survivors. These policies include requirements on the treatment of injuries, referral to services, providing information on a wide range of protective orders, and the training required for sworn officers.

Sexual Assault Incidents

In addition to DGO 6.19, Victim of Violent Crimes, the SFPD has several policies specifically addressing members' responsibilities to provide assistance to victims/survivors of sexual assault beginning with DGO 6.16, Sexual Assaults (Attachment D). Furthermore, the SFPD strictly adheres to the California Sexual Assault Victim's DNA Bill of Rights and requires members to not only refer survivors to a rape/sexual assault counseling center, but to provide the Sexual Assault Victim's DNA Bill of Rights card which includes additional resource referral information (Attachment E).

When responding to a sexual assault, Patrol officers offer the victim, more appropriately referred to as a survivor, with the opportunity to provide a Sexual Assault Evidence Kit (SAEK) at Zuckerberg San Francisco General Hospital and Trauma Center (SFGH) collected by a trained forensic nurse. In compliance with department policy and procedures (Attachment F, Crime Lab Unit Order 19-001 and Attachment G, SVU Unit Order 16-002), the SAEKs are collected promptly. This evidence is required to be submitted to the Crime Lab within five days of the incident for DNA processing. The Crime Lab creates a DNA profile, if able, and uploads qualifying DNA profiles into CODIS within 120 days. All SAEKs are processed regardless of the circumstance (i.e., absence of known suspect information), and the SFPD's average processing and submittal turnaround is currently 29 days. There currently is no backlog of SAEKs waiting processing -- meaning all SAEKs have been processed, analyzed, and entered into CODIS if applicable.

In an effort to provide the best possible service to all victims/survivors, all district station members are required to adhere to Department Bulletin 21-174, Sexual Assault Survivors at District Stations (Attachment H). The focus of this policy is to ensure those victims/survivors who are Limited English Proficient (LEP) receive the same level of service as English-speaking victims/survivors. The policy outlines the steps members shall take including providing a certified bilingual officer or qualified interpreter to assist throughout the process.

All incidents of sexual assault are investigated by members assigned to SVU. Throughout the investigation of a sexual assault incident, investigators strictly adhere to the Sexual Assault Victim's DNA Bill of Rights by contacting the victim/survivor as required throughout the course of the investigation. Victims/survivors are notified if a hit has been made in CODIS or a genetic profile has been developed. SVU investigators maintain constant communication with DV and sexual assault victims/survivors while the case remains open. SVU investigators will refer victims/survivors to the DA's Office Victim Services for any further assistance.

Per Police Commission Resolution 16-28, the SFPD is required to report to the Police Commission twice a year as to the department's efforts to comply with the tenets of the DNA Bill of Rights. The resolution and example of the report is attached (Attachment I).

Working in partnership with advocates and stakeholders, the SFPD implemented policies to comply with California Family Code §6228. The victim/survivor or their representative is entitled to receive a copy of an incident report for the alleged crimes of domestic violence, sexual assault, stalking, human trafficking, and abuse of an elder or dependent adult within five working days of the request, free of charge, unless good cause for delay exists. If good cause exists, reports shall be released no later than ten working days after request is made. The SFPD's Crime Information Services Unit (CISU) at 1-415-575-7232 can be contacted for assistance.

The quality of services provided to victims/survivors are reviewed by the Sexual Assault Response Team (SART) that includes a coordination of efforts with our external partners including the Child and Adolescent Support Advocacy and Resource Center, Rape Treatment Center, District Attorney's Office, SF Women Against Rape, UCSF Trauma Recovery Center, and the SF Medical Examiner's Office. Monthly meetings are held with members of SART to discuss thoughtful solutions to concerns and issues and how to improve the services and support available to victims/survivors. Additional information is online [San Francisco Sexual Assault Response Team - Division of Trauma Recovery Services](#).

Domestic Violence Incidents

Following the initial response by Patrol officers to calls of suspected domestic violation, cases are referred to SVU for a more in-depth investigation. Centralizing the responsibility for these investigations allows for a more effective coordination of services for victims/survivors. As mentioned earlier, the SFPD has a partnership with La Casa as well as the Asian Women's Shelter (Attachment J) to assist with providing these vulnerable victims, as well as their families, with the needed resources following an incident.

In addition, the SFPD is a member of the Domestic Violence Multi-Disciplinary Team in partnership with the Department on the Status of Women, the District Attorney's Office, Black Women Revolt Against Domestic Violence, and La Casa. Through this collaboration, the Domestic Violence Lethality Assessment Program was developed and implemented originally in the Bayview district (Attachment K).

The overall tenets of the Lethality Program were included in the updated policy, DGO 6.09 Domestic Violence (Attachment K), which was approved by the Police Commission in November 2022. This

included an update to the Domestic Violence Manual (Attachment M) which serves as a training resource for all sworn members responding to calls for service involving a possible domestic violence situation.

These updated policies and procedures were developed through a very concentrated and detailed process with members of the community, identified stakeholders, organizations providing victim services, subject matter experts, other City agencies, and the SFPD.

Investigations Bureau/Violent Crimes – Homicides and Gun Violence

The Investigations Bureau has the responsibility to investigate all homicides and injury shootings. Homicide cases are unique in that the victim is deceased. However, the SFPD considers the victim's families as the survivor/victim, and as such, has protocols in place to provide assistance and services in these incidents (Attachment N).

The SFPD expanded our Cold Case Unit to specifically evaluate those cases that have not been solved to determine if there is new or existing evidence that can be re-examined, and more importantly, to keep in contact with the survivor/victim. In addition, the SFPD facilitates collaborative meetings with the Department of Public Health and the survivors/victims to provide updated information and services. Homicide and cold information are posted on the SFPD website.

The Homicide Unit just completed a project that made the site more user friendly, and expanded the postings to include additional information on the individual case, rewards offered, and the investigator currently assigned to the case [Homicides and Cold Cases | San Francisco Police Department](#).

For shooting victims, the SFPD participates in several partnerships in an effort to not only provide services to victims, but to address the underlying factors of gun violence to develop strategies to reduce this criminal activity. This includes participation on the Street Violence Response Team (SVRT) as part of the Street Violence Intervention Program (SVIP) through the Mayor's Office of Violence Preventions Services. This partnership includes the Mayor's Office, the SFPD, Adult Probation, Juvenile Probation, DPH, Housing Authority, District Attorney's Office, SF Unified School District, and faith-based community leaders.

SVRT meets weekly to review incidents and develop strategies to address the violence and the impact on victims. However, following a critical incident such as a shooting or homicide, the Crisis Response Team begins working immediately.

In addition to the SFPD responding to the incident and having the responsibility to investigate the crime, the below chart outlines the responsibilities of key partners following a violent critical incident.

Department of Public Health

- Respond to homicides/critical incidents either at the scene or hospital
- Engage with and support family/victims
- Provide support services – 24/7
- Act as liaison between the SFPD and hospital staff
- Link to Victim Services

District Attorney/Victim Services

- Crime scene cleanup
- Funeral/burial expenses
- Home/vehicle modifications if victim becomes disabled
- Income loss
- Medical/dental/mental health services
- Relocation
- Home/residential security

San Francisco Police Department

- Investigate homicide/critical incident
- Follow-up with victims/survivors on status of case
- Coordinate victim services with partners

Community Engagement Division/Community Liaison Unit (CLU)

The Community Engagement Division (CED) proactively engages with the community to build relationships to better serve our City. Working directly with the district stations through individually assigned liaisons, members are able to provide outreach to victims on an ongoing basis. CED also works with community-based organizations, faith leaders, and the San Francisco Safety Awareness For Everyone ([SF SAFE](#)) to develop strategies, provide outreach, and offer services to those in need.

CED also houses the Community Liaison Unit (CLU). A relatively new unit, the main focus of CLU is to foster relationships and to provide support and outreach to victims of historically marginalized communities especially following prejudice-based incidents involving serious bodily injury or life-threatening injuries. CLU will follow up with victims of hate crimes, prejudice-based incidents, and violent crimes involving marginalized communities.

When a crime occurs in which a vulnerable member of the community such as the elderly or Limited English Proficient individual becomes a victim, the incident is referred to CLU. There, the case is reviewed and a plan for outreach and support is developed including contacting various victim resource partners in the community who may be able to assist the victim. A member of CLU contacts the victim and/or their family and offers various options and resources that can help to alleviate the impact the criminal act had on the victim. Partners in this initiative include the Community Youth Center (CYC), the District Attorney's Victim Services, community groups, and victim organizations.

As of May 21, the below tables reflect the outreach done by members assigned to CLU.

Outreach By Month	2022 TOTAL	2023 YTD
January	8	20
February	9	23
March	6	24
April	9	15
May	14	13
June	11	
July	6	
August	13	
September	14	
October	10	
November	12	
December	12	
Total	124	95

Outreach Race/Ethnicity	2022 Total	2023 YTD
African American	14	5
Asian	80	50
Caucasian	15	20
Latin	15	18
Muslim	0	0
Other	6	5
Total	130	98

Incidents w/AAPI Victims	2022 Total	2023 YTD
Home Invasion	37	3
Robbery	394	210
Assaults	1112	461
Burglary	1276	463
Total	2819	1137

4. List your agency's protocol to ensure victim privacy.

The SFPD adheres to all local, state, and federal laws in releasing information to the public under the City's Sunshine Ordinance, California Public Records Request Act and other open government laws including the identifying information of victims.

To ensure the privacy of victims, the SFPD adheres to several California Government Code (GC) sections including GC §7923.600(a) which allows for the redaction or non-release of records of complaints to, investigations conducted by, or records of intelligence information or security procedures complied by local police agencies when conducting an investigation. This also allows for the withholding of information related to juveniles.

Additionally, GC §7923.615(a)(1) and 7923.615(b)(1) allow for victim information of specific crimes including sexual assaults and domestic violence to be withheld. And Evidence Code §1040 allows for information to be withheld if disclosure of the information is against the public interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity to disclose the information.

In the field, Patrol officers respond to incidents/calls for services and follow policies that require specific confidentiality. For example, victims of domestic violence or sexual assault can request

confidentiality at the time an incident report is taken. If this occurs, the victim/survivor's name and identifying information is not included in the report and a box marked "Confidential" on the cover page of the incident report is checked. When the "Confidentiality" box is marked, "CONFIDENTIAL" in red across each page of an incident report is generated (Attachment O).

All other divisions/units of the SFPD, including the Crime Information Services Unit (Records) and Legal Division adhere to protocols established by the aforementioned local and state laws. DGO 3.16, Release of Police Reports, (Attachment P) outlines who is authorized to receive police reports and under what circumstances. This policy complies with San Francisco Admin Code §67.27 and California Government Code. In addition, all confidential data, information, and materials is disposed of following strict guidelines that follow FBI, US and California Department of Justice, and local mandates (Attachment Q).

It is important to note that after a case is closed, the Sunshine Ordinance requires complete disclosure, except that it still permits the department to withhold the following [S.F. Adm. Code, § 67.24 (d)]: a. Witnesses names and addresses (alphabetical letters should be substituted), except that the state law requires release when this information is requested by a victim, the victim's representative, or an insurance carrier that might be liable. (Cal. Gov. Code 7923.600(a)).

Below are examples from department policies that specifically speak to victim privacy.

- DGO 6.09, Domestic Violence, Pg. 10, Section 3: *Members shall offer confidentiality to victims of domestic violence. If the victim requests confidentiality, members shall check the "confidentiality requested" box in the Victim Reporting Section of the incident report.*
- DGO 6.16 Sexual Assaults, Pg. 3, Section 3: *CONFIDENTIALITY OF PUBLIC RECORDS. Penal Code Section 293.*
- DGO 6.19, Victim of Violent Crime Notification, Pg. 1, Section B: *Victim Services...relocation.*
- Department Notice 21-038, Disposal of Confidential Information.
- DGO 5.22, Interacting with Transgender, Gender-Variant, and Nonbinary Individuals - *J. Protection of Privacy Information regarding an individual's TGN status should be kept on a need-to-know basis to ensure the privacy and confidentiality of the TGN individual is respected.*

Additionally, DGO 10.11, Body Worn Cameras (Attachment R), and DN 23-045, Activation of Body Worn Cameras (Attachment S) address when members are not allowed to activate or need to terminate the recording of body worn cameras to protect confidentiality.

5. What is your agency's protocol to prevent misgendering and deadnaming transgender victims?

The City and County of San Francisco adopted the Gender Inclusion Policy, and all City departments are required to comply with that policy (Attachment T).

In 2018, the SFPD developed a policy, DGO 5.22, Interacting with Transgender, Gender-Variant, and

Nonbinary (TGN) Individuals (Attachment U) which was approved by the Police Commission. At that time, all forms used throughout the department were updated to include expanded designators beyond using the gender-specific male or female (Attachment V).

The policy and associated training outline acceptable forms of addressing, identify, and interacting with TGN individuals. It requires that all members address TGN individuals by their preferred name and by pronouns appropriate to their gender identity such as he, she, or they. In addition, members are not allowed to make assumptions about an individual's sexual orientation based upon an individual's gender expression or identity.

The policy also provides guidelines on the appropriate enforcement actions that are allowed when interacting with TGN individuals such as conducting a search, transporting a detainee, and appropriate holding cell placement.

Other policies related to interacting with TGN individuals include DGO 2.01, General Rules of Conduct, Section 14 which states that when acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane, or uncivil language. Members shall also address the public using pronouns and titles of respect appropriate to the individual's gender identity as expressed by the individual.

DGO 5.17, Bias- Free Policing Policy (Attachment W), states that members are charged with protecting the rights for all people, regardless of race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, mental or physical disability, or socio-economic status. Police action that is biased is illegal and violates these rights. Biased policing is unsafe, unjust, and ineffective. It also alienates the public, fosters distrust of police, and undermines legitimate law enforcement efforts.

Training Provided to Officers for Interacting with LGBTQI+ and TGN Individuals

The SFPD expects that officers be professional, reasonable, and respectful. Numerous SFPD trainings are held regarding tactful discretion, and this skill comes in a wide range of interactions with the public especially as it relates to LGBTQI+ and TGN individuals.

At the Academy, officers are provided instruction on "Interacting with Gender Diverse People and Sexual Orientation Minorities," which has been taught for over 10 years. The training was developed using national standards by several experts in the field, including an SFPD officer who has been an advocate for the LGBTQI+ and TGN community throughout his career. The material includes curriculum specific to "Misgendering" and "Deadnaming" of individuals with a focus on victims.

Some of the information officers learn through their training is reflected below and has been provided by the lead instructor. This training exposes officers to legal requirements, how to request specific required information while remaining sensitive to the individual, and circumstances that make it difficult to ascertain the preference of the individual (self-identification).

Legal Documentation:

Officers have the authority to ask for “legal” name, date of birth, and supporting documentation such as ID cards, when legally appropriate. Officers may ask if any other names have been used (Also Known As: AKA) for appropriate investigative purposes. These questions are rudimentary and required in all investigations regardless of gender identity. Officers are taught to refer to the person as they identify, and if legal documentation is required, the legal name and correlating legal information is put into the report. If the victim identifies differently than the legal information, then that information also may be included in the report when relevant.

Relevancy/ Privacy:

Some people are not "out" to all about their gender identity, and there are various personal scales of privacy regarding name and pronouns. These scales may be fluid and shift over time and place for various reasons (religion, country of origin, family, culture, etc.). Gender identity can be extremely personal and not everybody feels safe sharing that information with government officials or those within earshot. Some people prefer to have their legal information in a police report and not include their personal/private information.

Cannot Self-identify:

There are time sensitive and problematic instances where a person may be reported missing or deceased, and therefore, that individual cannot “self-identify.” This means invariably the identification of the individual (missing/victim/deceased) is dependent upon the reporting party’s perception (co-worker, family member, friend, partner, etc.). Unfolding emergency/exigent situations where time is limited and or victim is unable to communicate (such as victim of vehicle collision, traumatic injury, mentally unstable, unconscious, etc.), disabilities, and language barriers may also slow down effective/efficient communication regarding self-identity.

Handout in class (attached):

LGBTQI+ Resource Guide (Attachment X)

Brochure, Tips for working with Transgender Coworkers" (Pamphlet created by Transgender Law Center) (Attachment Y)

6. What is your agency’s protocol to provide victim services with cultural and language competency?

In tandem with the City’s Language Access Ordinance, the SFPD developed policies and procedures to address the needs of individuals who are limited English proficient (LEP) as well as for those who are deaf and hard of hearing. In addition, the SFPD publishes information on our website, “[Guide to Language Assistance Services | San Francisco Police Department](#),” which includes information in the five core languages

The SFPD is required to not only submit an annual report to the LAO, but a separate annual report is provided to the Police Commission detailing our efforts, complaints received, and actions to implement recommendations provided by the Department of Police Accountability’s Language Access Working Group (Attachment Z).

As communications is integral to providing services to victims, these policies are very detailed and were drafted with the input and support of community advocates, identified stakeholders, subject matter experts, other City agencies, and the SFPD.

The SFPD's protocol to provide victim services with cultural and language competency is outlined in DGO 5.20, Language Access Services for LEP Persons (Attachment AA). Members are required to take all reasonable steps to ensure timely and accurate communication and access to all individuals regardless of national origin or primary language. Free language assistance is provided to LEP individuals when requested by an individual or a member becomes aware of the need. If immediate translation services are not available or will be delayed by use of a certified SFPD member or qualified interpreter, the SFPD uses the Language Line to communicate with an LEP individual.

All district stations are required to have signage in the City's core language as well as all forms and brochures produced by the SFPD are translated into these languages.

In an effort to ensure all SFPD members are properly trained in these guidelines, periodic training is provided to members in LEP policies, how to access both in-person and telephone interpreters, and how to work with interpreters. This training is conducted for new recruits, at in-service training, and at roll calls at least every two years.

The SFPD has collaborated with the Department of Emergency Management (DEM) to improve response and tracking of calls for service involving LEP individuals. DEM has designated "LEP" (Limited English Proficiency) as a secondary code when a call requires language interpretation services. Officers are required to follow up with DEM to advise whether interpretation services were provided and to indicate the language in CAD at the conclusion of the call.

As mentioned above, the Community Liaison Unit (CLU) was created specifically to meet the needs of marginalized communities, including those who are limited English proficient. CLU is staffed with members who are not only sensitive to their needs, but who are specially trained and/or are bi- or multilingual.

In September 2020, after an extensive development and research phase with advocates, the Police Commission approved the department's policy DGO 5.23, Interacting with the Deaf and Hard of Hearing (Attachment BB). Under the Americans with Disabilities Act of 1990, the SFPD has an obligation to provide the same level of service to all individuals including those with limited or no hearing. Research also shows that individuals with disabilities are at a higher risk to become victims of crimes, so it was essential that this policy and associated training be developed.

7. Status update on the implementation of the JUSTIS integrated data and technology program.

The City's Department of Technology, under the direction of the County Administrator's Office, is the lead agency in the JUSTIS Project ([JUSTIS Council | San Francisco \(sf.gov\)](#)). The SFPD has an appointed representative that participates in the ongoing project; however, it is suggested that any update on the implementation of JUSTIS be referred to COIT for more information.

8. Status update on the implementation of the Office of Victim and Witness Rights.

Proposition D, Office of Victim and Witness Rights was approved by the voters in June 2022. The proposed ordinance was designed to establish a new City department, and as such, the SFPD would suggest this information be requested from the Board of Supervisors or the Office of the Mayor.

9. In the event of a specific group, such as the homeless community or Asian community, becoming targets of violent crimes, what is the protocol for public notification?

Generally, the SFPD does not disclose individual investigative steps as the confidentiality of investigations is crucial in most instances. Each investigation is unique, is approached differently, and is guided by the details and information that have been collected. The SFPD balances the safety of the community with the integrity of the investigation, and under Government Code §7923.600(a), dissemination of information on open or active investigation(s) is limited.

However, if there is a recognizable trend of a specific criminal activity, the SFPD has deployed strategies to notify the community in the past. For example, for several years, the AAPI community had been victimized by groups of criminal gangs with a focus on elderly Chinese in a series of thefts known as the “blessing scams.” Once identified as a serial criminal activity, the Investigations Bureau worked alongside the District Attorney’s office, SF SAFE, and the community to develop outreach materials including an information video that was distributing through social media, traditional media, media within the Chinese community, and at community centers servicing the AAPI population. The video is available online [SFPD Blessing Scam - YouTube](#). Through these efforts, enforcement strategies, and thorough investigations, the SFPD was successful in identifying and arresting several suspects for these crimes, many of whom were identified as committing these crimes in major cities throughout the country.

The district station Captains hold monthly meetings with their Captain’s Police Advisory Boards (CPAB) and coordinate meetings at their station which are open to the general public. The purpose of these meetings is to exchange ideas, concerns, and address issues of those who live in their respective districts. In addition, the Captain and their staff routinely attend meetings within the community to address public safety concern and trends providing information and tips to avoid being victims. The Captains also produce weekly newsletters and are active on social media outlets such as Twitter and Facebook providing information about current crime trends, areas of concerns, and community events.

As mentioned earlier, the SFPD works in coordination with SF SAFE ([SF SAFE](#)). SAFE staff communicate directly with the district Captains and provide support and resources for their community. SAFE staff coordinates activities and quarterly meetings of the Community Police Advisory Boards to discuss issues of concern. An example of community outreach orchestrated by SAFE in coordination with the SFPD was the Park Smart program which was developed following a dramatic increase in vehicle break-ins throughout the city [Park Smart – SF SAFE](#).

If you have additional questions, please contact Policy and Public Affairs Director Diana Oliva-Aroche at 415-837-7123, or email to diana.oliva-aroche@sfgov.org.

Sincerely,


WILLIAM SCOTT
Chief of Police

/cf/rm

Attachments:

Attachment A: DGO 6.19, Victim of Violent Crime policy
Attachment B: Marsy's Card
Attachment C: MOU – La Casa de las Madres
Attachment D: DGO 6.16, Sexual Assault
Attachment E: DB 18-082, Sexual Assault Form 540
Attachment F: DB 17-114, DNA Victim Bill of Rights
Attachment G: SVU Unit Order 16-02, Sexual Assault Investigations
Attachment H: DB 21-174 Sexual Assault at District Stations
Attachment I: Police Commission Resolution 16-28, Sexual Assault Evidence Kits
Attachment J: MOU – Asian Women's Shelter
Attachment K: DV Lethality Program
Attachment L: DGO 6.09, Domestic Violence
Attachment M: Department Manual 26, Domestic Violence
Attachment N: Unit Order 21-01, Cold Case
Attachment O: Confidentiality Form
Attachment P: DGO 3.06 Release of Police Reports
Attachment Q: DN 21-038, Disposal of Confidential Information
Attachment R: DGO 10.11, Body Worn Cameras
Attachment S: DN 23-045, Activation of Body Worn Cameras
Attachment T: CCSF Gender Inclusion Policy
Attachment U: DGO 5.22, Interacting with Transgender, Gender-Variant, and Nonbinary Individuals
Attachment V: DB 18-032, Nonbinary Gender Code
Attachment W: DGO 5.17, Bias-free Policing
Attachment X: LGBTQI Guide
Attachment Y: Tips for Coworkers
Attachment Z: 2022 Annual LEP Report
Attachment AA: DGO 5.20, Language Access
Attachment BB: DGO 5.23, Interacting with Deaf and Hard of Hearing
Attachment CC: 2021 – 2023 Victim Demographics
Attachment DD: Department Notice 20-126, Department Issued Business Cards



Brooke Jenkins
District Attorney

June 2, 2023

The Honorable Connie Chan
Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Chair Chan,

Since taking office, one of my top priorities has been to strengthen the Victim Services Division (VSD), which serves as the main point of contact for crime victims and their families. VSD offers access to resources so that victims and their loved ones can navigate legal proceedings and the healing process. This work consists of increasing and streamlining communication between the assistant district attorneys and the victim advocates in order to develop a healthy, transparent, and collaborative working relationship. It is of the utmost importance that survivors feel supported and comfortable to voice their lived experience and know that my office will serve as their champion.

I share your concerns that far too many marginalized communities in San Francisco are not receiving the necessary investments or resources needed to recover from violent events. The Victim Services Division in my office treats crime victims with the compassion and dignity they deserve, while providing space, both public and private, to share their experiences. A key element of the Victim Services Division is to begin the healing process by offering equitable access to services and programs regardless of their race, gender-identity, immigration status, or socio-economic status. I appreciate the questions you have asked of my office as this is an incredibly important conversation and below are my responses.

1. What is the number of victims your agency served in 2021, 2022, and to date in 2023?

Year	Count of Victims Served
2021	8,851
2022	9,028
2023 (January 1, 2023 – May 15, 2023)	4,537
Three-Year Total	22,416

2. What is the demographic breakdown of those victims?

Race/Ethnicity	2021	2022	2023*
American Indian/Alaska Native	4	5	4
Asian/Asian American	1,399	1,409	616
Black/African American	1,677	1,691	773
Latino or Hispanic	2,110	2,228	1,156
Native Hawaiian & Other Pacific Islander	11	10	3
Other/Unknown	1,207	1,387	856
White	2,443	2,298	1,129
Total	8,851	9,028	4,537

* January 1 – May 15, 2023



Brooke Jenkins
District Attorney

Age Group	2021	2022	2023*
12	217	195	47
13-17	198	164	74
18-24	809	708	330
25-59	5,536	5,584	2,760
Age 60 and Older	1,278	1,347	664
Other/Unknown	827	1,058	692
Total	8,851	9,028	4,537

* January 1 – May 15, 2023

3. ***What services have been provided to the victims your agency has served?***

The District Attorney's Victim Services Division is the connection between victims and law enforcement offices, criminal justice agencies, and local community partners. Victim Advocates serve as critical liaisons offering case updates, support during court hearings and testimony, and provide information about victims' rights. A key element of all our Victim Advocates' work includes knowledge-of and access-to other community-based services and resources that so that referrals can be made if additional legal and/or medical support is necessary. VSD also offers interpreter services to help with assessment and intervention processes in order to gain insight into a victim's perspectives, wishes, feelings and lived experience. This service is critical as interpreters reduce communication barriers for victims so that access to criminal advocacy, crisis interventions, and notifications of criminal justice events can be obtained. Additionally, the Victim Services Division provides civil legal assistance in obtaining protection or restraining orders, as well as support with restitution efforts. All VSD's work is done regardless of whether a suspect has been identified or not, or if criminal charges have been filed. Our Victim Advocates pride themselves on confidentiality and doing the work regardless of criminal exposure, age, immigration status, or background. Additionally, soon after taking over the office, I created the Vulnerable Victims Unit that oversees prosecutions of crimes perpetrated against vulnerable victims, and houses prosecutions of hate crimes, cases of violence against the elderly and elder financial abuse. This new unit is dedicated to protecting and supporting vulnerable communities throughout San Francisco and is composed of experienced attorneys charged with conducting sensitive and complex investigations and prosecutions.

4. ***List your agency's protocol to ensure victim privacy.***

The initial conversation between all Victim Advocates and victims includes a comprehensive explanation of the limits of confidentiality in compliance with *Brady* law. Victim Advocates utilize a Release of Information form signed by the victim to ensure there is privacy and consent when speaking to or involving others. This includes communications with other governmental agencies to support the victim. Our Victim Advocates are trained to use encrypted computers when entering cases and work in private spaces to avoid confidential information from being shared without the victim or the victim's representative's approval. The SFDA's Office is a secure location and has the option to meet with victims either in private rooms and/or in community-based spaces based on the victim's preference.



Brooke Jenkins
District Attorney

5. ***What is your agency's protocol to prevent misgendering and deadnaming transgender victims?***

Promoting the correct use of pronouns, titles, and names can result in protecting public safety for all people, whereas misgendering and deadnaming can lead to distrust and fear of the legal system. The San Francisco District Attorney's Office has a policy addressing gender neutral and gender inclusive pronoun use for people encountering the criminal legal system. In order to mitigate any harms and to promote a culture of respect and safety, the San Francisco District Attorney's Office implements this policy officewide. All Victim Advocates review police reports, talk with assistant district attorneys assigned to the case, and go over demographic information, which includes gender preferences. Advocates are prepared to inquire about cultural needs during the initial intake. If advocates notice any reporting referencing a different name/gender, advocates are trained and prepared to inquire and discuss with the victim. Additionally, when reviewing a case, SFDA's Intake Division and/or charging ADA will document any available information regarding any witness/victim's person's correct gender pronouns in the SFDA file. If a witness or victim's gender pronouns change during the course of a case, the assigned ADA will correct the pronouns in the SFDA file. If a witness or victim/survivor uses a first name other than their legal name that name will be documented and used by all staff.

6. ***What is your agency's protocol to provide victim services with cultural and language competency?***

All victims are asked for their language of preference upon the initial contact with the Victim Services Division. We are fortunate to have victim advocates within the Victim Services Division who speak different languages for the purposes of working closely with a particular victim or their loved ones. VSD has access to a Specialist Advocate who provides translation when appropriate and uses the Language Line Services (video and/or phone) supported by SFDA to provide translation services when needed. All Victim Service documents, and orientation educational sheets, are provided in various languages including Spanish, Mandarin, Cantonese, Arabic, Tagalog, Vietnamese, Thai, and Russian.

7. ***Status update on the implementation of the JUSTIS integrated data and technology program.***

In September 2022, after upwards of a decade of using the DAMION case management system, the SFDA transitioned to eProsecutor, to update the office's case management capabilities and improve our ability to track and analyze data relevant to criminal and victim cases. EProsecutor has data feeding in from both JUSTIS and the court management system. This has meant significant changes with regard to the data the Victim Services Division has access to with regards to their caseload. When using DAMION, staff received a very limited summary of victim demographic information and services provided. Whereas with eProsecutor, staff now receive much more detailed reporting and can link victim case information to criminal case information to better understand the relationship that a victim's case has to the type of crime they experienced. This analysis also includes defendant demographics and case outcomes.

8. ***Status update on the implementation of the Office of Victim and Witness Rights.***

On June 7, 2022, the voters of San Francisco passed Proposition D – *Office of Victim and Witness Rights; Legal Services for Domestic Violence Victims* (Prop D). The Voter Information Pamphlet and Sample Ballot booklet produced by the Department of Elections for the June 7, 2022, consolidated statewide direct primary election did not reference the Office of the District Attorney in connection to Prop D, nor did the ballot title. The initiative was placed on the ballot through the legislative process



Brooke Jenkins
District Attorney

and would therefore refer you to either Supervisor Catherine Stefani's Office of the Office of the Mayor.

9. *In the event of a specific group, such as the homeless community or Asian community, becoming targets of violent crimes, what is the protocol for public notification?*

The Victim Services Division is committed to ensuring the rights of all victims are protected, while offering support and information at all stages of the criminal justice process. This work is conducted citywide and is inclusive of all our communities regardless of their race, immigration status, age, sexuality, and background. Our staff monitors phone lines and the victimservices@sfgov.org inbox 24/7 in order to provide victims and their families information related to service providers, community-based organizations, faith-based organizations, medical personnel, and government agencies on an as needed basis. VSD has created informational sheets and workshops educating bystanders on how to support citizens who may be present during a hate crime. We actively train for mass casualty events, partnering with a various, diverse communities to ensure their inclusion in our response should a mass casualty event target specific communities' culture/religion. Additionally, our office remains in contact with media outlets and community organizations across San Francisco to provide updates on available resources for victims, high profile events, and educational opportunities hosted within certain neighborhoods.

The advocates in the Victim Services Division prioritize the victims' needs above all else and do so with a tireless work ethic and a compassion-first approach. Our office experienced a 14.9 percent increase in the number of victims receiving at least one service from VSD between the years of 2018 (7,856) to 2022 (9,028). The current workload for each Victim Advocate is currently 500 cases to 1 victim advocate, creating a significant challenge when attempting to ensure that all victims receive the same attention.

We truly appreciate the partnership with the community-based organizations that also provide support, advice, and guidance on criminal events, and believe that further investments to allow for greater case management by CBOs would be a valuable commitment. Additionally, a central element of healing for crime victims is restitution. Jurisdictions throughout the Bay Area and California are currently experiencing impediments to implement and operate restitution programs, whereas having a Restitution Specialist would be greatly beneficial to tracking data related to amounts stipulated, paid, unpaid, and unclaimed.

The Victim Services Division strives to make the criminal legal system humane and accessible by assisting victims and their families in the aftermath of a crime, during criminal prosecution, and after a verdict has been reached. Even if justice is served in the courtroom, it does not always immediately change the way victims feel in their day-to-day lives afterwards. I am proud of the Victim Services Division and look forward to partnering with you on any opportunities to expand our work through targeted investments to support communities in need.

Sincerely,

A handwritten signature in blue ink that reads 'Brooke Jenkins'.

Brooke Jenkins
District Attorney

BOARD OF SUPERVISORS
CITY & COUNTY OF SAN FRANCISCO

OFFICE OF THE CLERK OF THE BOARD



Phone: (415) 554-5184
Email: Angela.Calvillo@sfgov.org

May 10, 2023

Brooke Jenkins, District Attorney
Office of the District Attorney
350 Rhode Island Street
San Francisco, CA 94103
Via Email: Brooke.Jenkins@sfgov.org

William Scott, Chief of Police
San Francisco Police Department
1245 Third Street
San Francisco, CA 94158
Via Email: William.Scott@sfgov.org

Dear District Attorney Jenkins and Chief Scott,

At the May 9, 2023, Board of Supervisors meeting, Supervisor Chan issued the attached inquiry to the Office of the District Attorney (DA) and the San Francisco Police Department (SFPD). Please review the attached introduction form and letter of inquiry, which provides the Supervisor's request.

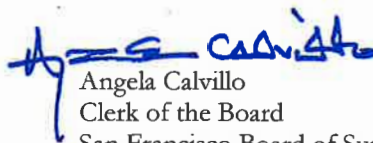
The inquiry, in summary, requests that the DA and SFPD provide responses to the following:

1. What is the number of victims your agency served in 2021, 2022, and to date in 2023?
2. What is the demographic breakdown of those victims?
3. What services have been provided to the victims your agency has served?
4. List your agency's protocol to ensure victim privacy.
5. What is your agency's protocol to prevent misgendering and deadnaming transgender victims?
6. What is your agency's protocol to provide victim services with cultural and language competency?
7. Status update on the implementation of the JUSTIS integrated data and technology program.
8. Status update on the implementation of the Office of Victim and Witness Rights.
9. In the event of a specific group, such as the homeless community or Asian community, becoming targets of violent crimes, what is the protocol for public notification?

Please contact Kelly Groth, Kelly.Groth@sfgov.org, Legislative Aide to Supervisor Chan, for any questions related to this request, and copy BOS@sfgov.org on all communications to enable my office to track and close out this inquiry. Please provide your response no later than June 1, 2023.

For questions pertaining to the administration of this inquiry, do not hesitate to contact me in the Office of the Clerk of the Board at (415) 554-5184.

Very Truly Yours,


Angela Calvillo
Clerk of the Board
San Francisco Board of Supervisors

WN/JA

Attachments:

- Introduction Form
- Letter of Inquiry

Youth Commission
City Hall ~ Room 345
1 Dr. Carlton B. Goodlett Place



(415) 554-6446
(415) 554-6140 FAX

YOUTH COMMISSION MEMORANDUM

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

CC: Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy Director

FROM: 2022-2023 Youth Commission

DATE: Friday, December 30, 2022

RE: SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS File No. 221206

At its in-person meeting on Monday, December 19t 2022 the Youth Commission took the following action:

1. Motion to Support File No. 221206 Resolution urging the San Francisco Department of Public Health to create a program to provide resources and education for victims of gun violence regarding their rights to file lawsuits against gun manufacturers in accordance with California State Assembly Bill No. 1594.

2. Questions and Recommendations to be presented by the Full Youth Commission:

Once the Department of Public Health has a program proposal, the Full Youth Commission would like to be consulted in their efforts for implementation and engaging youth.

Please do not hesitate to contact Youth Commissioners or Youth Commission staff (415) 554- 6446 with any questions. Thank you.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Alondra Esquivel-Garcia, Director, Youth Commission

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

DATE: December 6, 2022

SUBJECT: LEGISLATIVE MATTER INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following legislation, introduced by Supervisor Chan on November 29, 2022. This item is being referred for comment and recommendation.

File No. 221206

Resolution urging the San Francisco Department of Public Health to create a program to provide resources and education for victims of gun violence regarding their rights to file lawsuits against gun manufacturers in accordance to California State Assembly Bill No. 1594.

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: 12/30/2022

J No Comment
Recommendation Attached

A handwritten signature in black ink, appearing to read "Carroll", written over a horizontal line.

Chairperson, Youth Commission

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Alondra Esquivel-Garcia, Director, Youth Commission

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

DATE: December 6, 2022

SUBJECT: LEGISLATIVE MATTER INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following legislation, introduced by Supervisor Chan on November 29, 2022. This item is being referred for comment and recommendation.

File No. 221206

Resolution urging the San Francisco Department of Public Health to create a program to provide resources and education for victims of gun violence regarding their rights to file lawsuits against gun manufacturers in accordance to California State Assembly Bill No. 1594.

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

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Dr. Grant Colfax, Director, Department of Public Health
Anne Pearson, Deputy City Attorney, Office of the City Attorney
Carmen Chu, City Administrator
Tom Paulino, Liaison to the Board of Supervisors, Mayor's Office

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

DATE: December 6, 2022

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Chan on November 29, 2022:

File No. 221206

Resolution urging the San Francisco Department of Public Health to create a program to provide resources and education for victims of gun violence regarding their rights to file lawsuits against gun manufacturers in accordance to California State Assembly Bill No. 1594.

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: Offices of Chair Mar and Supervisor Chan
Greg Wanger, Department of Public Health
Dr. Naveena Bobba, Department of Public Health
Sneha Patil, Department of Public Health
Ana Validzic, Department of Public Health
Ken Bukowski, Office of the City Administrator
Vivian Po, Office of the City Administrator
Angela Yip, Office of the City Administrator
Andres Power, Mayor's Office

Assembly Bill No. 1594

CHAPTER 98

An act to add Title 20 (commencing with Section 3273.50) to Part 4 of Division 3 of the Civil Code, relating to firearms.

[Approved by Governor July 12, 2022. Filed with Secretary of State July 12, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1594, Ting. Firearms: civil suits.

Existing law generally regulates the transfer and possession of firearms. Existing law also provides for various private rights of action. Existing law also provides that specified unfair methods of competition and unfair or deceptive acts or practices are unlawful. Existing law also makes false advertising unlawful.

This bill, beginning on July 1, 2023, would establish a firearm industry standard of conduct, which would require a firearm industry member, as defined, to establish, implement, and enforce reasonable controls, as defined, take reasonable precautions to ensure that the member does not sell, distribute, or provide a firearm-related product, as defined, to a downstream distributor or retailer of firearm-related products who fails to establish, implement, and enforce reasonable controls, and adhere to specified laws pertaining to unfair methods of competition, unfair or deceptive acts or practices, and false advertising. The bill would also prohibit a firearm industry member from manufacturing, marketing, importing, offering for wholesale sale, or offering for retail sale a firearm-related product that is abnormally dangerous and likely to create an unreasonable risk of harm to public health and safety in California, as specified.

This bill would also authorize a person who has suffered harm in California, the Attorney General, or city or county attorneys to bring a civil action against a firearm industry member for an act or omission in violation of the firearm industry standard of conduct, as specified. The bill would authorize a court that determines that a firearm industry member has engaged in the prohibited conduct to award various relief, including injunctive relief, damages, and attorney's fees and costs.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited, as the Firearm Industry Responsibility Act.

SEC. 2. The Legislature finds and declares all of the following:

(a) The Legislature's intent and purpose in enacting the Firearm Industry Responsibility Act is to protect public health and safety in California by promoting safe and responsible firearm industry member practices and ensuring that firearm industry members may be held justly accountable for wrongful conduct that endangers and harms the public in California.

(b) Firearm industry members' business conduct has enormous direct and secondary impacts on individuals, families, and communities across California. Firearm industry members profit from the sale, manufacture, distribution, importing, or marketing of lethal products, and products designed to be used with and for lethal products, that are frequently used to threaten, injure, and kill human beings in California, and which frequently cause enormous harms to individuals' and communities' health, safety, and well-being, as well as economic opportunity and vitality.

(c) The firearm industry has long been made aware of these harms, and has been called on to adopt reasonably feasible and effective reforms to their business practices to prevent or minimize those harms, but many firearm industry members have failed to do so.

(d) California has adopted critical laws regulating aspects of the firearm industry. However, some members of the firearm industry have continued to develop dangerous business practices and to manufacture, sell, distribute, and market increasingly dangerous new products designed to circumvent and undermine these laws. That purpose has often been explicit in advertisements for products ranging from unserialized ghost gun build kits to bump stocks to bullet button assault weapons, and many more.

(e) Accordingly, the Legislature finds that it is necessary to proactively establish an affirmative obligation that firearm industry members meet a reasonable standard of conduct, and face civil liability for harms caused by knowing violations of that standard, including when those violations do not constitute criminal conduct.

(f) Many other industries are required to adopt reasonable controls that are reasonably feasible and effective at preventing foreseeable and substantial risks to the public, including the illicit use of their products. The Firearm Industry Responsibility Act is intended to bring regulation of firearm industry members who conduct business in California, who sell their products to California consumers, and who have reason to believe that their products will be sold or possessed in California, closer in line with these widely accepted public health and safety standards.

(g) Firearm industry members' failures to adopt reasonable controls to protect public health and safety have led to foreseeable and grave public harms that could have been reasonably prevented with minimal cost or effort.

(h) Such failures also provide an unfair business advantage to irresponsible firearm industry members over more responsible competitors who take reasonable precautions to protect human life and well-being.

(i) The Legislature intends to ensure a level playing field for responsible firearm industry members, incentivize firearm industry members to take reasonable steps to protect public health and safety, and ensure that members

of the California public who are harmed by a firearm industry member's violation of law, and public officials acting on behalf of the people of California, may bring legal action to seek appropriate justice and fair remedies for those harms in court.

SEC. 3. Title 20 (commencing with Section 3273.50) is added to Part 4 of Division 3 of the Civil Code, to read:

TITLE 20. FIREARM INDUSTRY RESPONSIBILITY ACT

3273.50. As used in this title, the following definitions apply:

(a) "Ammunition" has the same meaning as provided in subdivision (b) of Section 16150 of the Penal Code.

(b) "Firearm" has the same meaning as provided in subdivisions (a) and (b) of Section 16520 of the Penal Code.

(c) "Firearm accessory" means an attachment or device designed or adapted to be inserted into, affixed onto, or used in conjunction with a firearm that is designed, intended, or functions to alter or enhance the firing capabilities of a firearm, the lethality of the firearm, or a shooter's ability to hold and use a firearm.

(d) "Firearm-related product" means a firearm, ammunition, a firearm precursor part, a firearm component, and a firearm accessory that meets any of the following conditions:

- (1) The item is sold, made, or distributed in California.
- (2) The item is intended to be sold or distributed in California.
- (3) The item is or was possessed in California and it was reasonably foreseeable that the item would be possessed in California.

(e) "Firearm precursor part" has the same meaning as provided in Section 16531 of the Penal Code.

(f) "Firearm industry member" shall mean a person, firm, corporation, company, partnership, society, joint stock company, or any other entity or association engaged in the manufacture, distribution, importation, marketing, wholesale, or retail sale of firearm-related products.

(g) "Reasonable controls" means reasonable procedures, acts, or practices that are designed, implemented, and enforced to do the following:

(1) Prevent the sale or distribution of a firearm-related product to a straw purchaser, a firearm trafficker, a person prohibited from possessing a firearm under state or federal law, or a person who the firearm industry member has reasonable cause to believe is at substantial risk of using a firearm-related product to harm themselves or another or of possessing or using a firearm-related product unlawfully.

(2) Prevent the loss or theft of a firearm-related product from the firearm industry member.

(3) Ensure that the firearm industry member complies with all provisions of California and federal law and does not otherwise promote the unlawful manufacture, sale, possession, marketing, or use of a firearm-related product.

3273.51. (a) A firearm industry member shall comply with the firearm industry standard of conduct. It shall be a violation of the firearm industry standard of conduct for a firearm industry member to fail to comply with any requirement of this section.

(b) A firearm industry member shall do both of the following:

(1) Establish, implement, and enforce reasonable controls.

(2) Take reasonable precautions to ensure that the firearm industry member does not sell, distribute, or provide a firearm-related product to a downstream distributor or retailer of firearm-related products who fails to establish, implement, and enforce reasonable controls.

(c) A firearm industry member shall not manufacture, market, import, offer for wholesale sale, or offer for retail sale a firearm-related product that is abnormally dangerous and likely to create an unreasonable risk of harm to public health and safety in California. For the purposes of this subdivision, the following shall apply:

(1) A firearm-related product shall not be considered abnormally dangerous and likely to create an unreasonable risk of harm to public health and safety based on a firearm's inherent capacity to cause injury or lethal harm.

(2) There shall be a presumption that a firearm-related product is abnormally dangerous and likely to create an unreasonable risk of harm to public health and safety if any of the following is true:

(A) The firearm-related product's features render the product most suitable for assaultive purposes instead of lawful self-defense, hunting, or other legitimate sport and recreational activities.

(B) The firearm-related product is designed, sold, or marketed in a manner that foreseeably promotes conversion of legal firearm-related products into illegal firearm-related products.

(C) The firearm-related product is designed, sold, or marketed in a manner that is targeted at minors or other individuals who are legally prohibited from accessing firearms.

(d) A firearm industry member shall not engage in any conduct related to the sale or marketing of firearm-related products that is in violation of the following sections:

(1) Paragraph (1), (2), (3), (4), (5), (6), (7), (8), or (9) of subdivision (a) of Section 1770.

(2) Section 17200 of the Business and Professions Code.

(3) Section 17500 of the Business and Professions Code.

(4) Section 17508 of the Business and Professions Code.

3273.52. (a) An act or omission by a firearm industry member in violation of the firearm industry standard of conduct set forth in Section 3273.51 shall be actionable under this section.

(b) A person who has suffered harm in California because of a firearm industry member's conduct described by subdivision (a) may bring an action in a court of competent jurisdiction.

(c) (1) The Attorney General may bring a civil action in a court of competent jurisdiction in the name of the people of the State of California to enforce this title and remedy harm caused by a violation of this title.

(2) A city attorney may bring a civil action in a court of competent jurisdiction in the name of the people of that city to enforce this title and remedy harm caused by a violation of this title.

(3) A county counsel may bring a civil action in a court of competent jurisdiction in the name of the people of that county to enforce this title and remedy harm caused by a violation of this title.

(d) If a court determines that a firearm industry member engaged in conduct described by subdivision (a), the court may award any or all of the following:

(1) Injunctive relief sufficient to prevent the firearm industry member and any other defendant from further violating the law.

(2) Damages.

(3) Attorney's fees and costs.

(4) Any other appropriate relief necessary to enforce this title and remedy the harm caused by the conduct.

(e) (1) In an action alleging that a firearm industry member failed to establish, implement, and enforce reasonable controls in violation of paragraph (1) of subdivision (b) of Section 3273.51, there shall be a rebuttable presumption that the firearm industry member failed to implement reasonable controls if both of the following conditions are satisfied:

(A) The firearm industry member's action or failure to act created a reasonably foreseeable risk that the harm alleged by the claimant would occur.

(B) The firearm industry member could have established, implemented, and enforced reasonable controls to prevent or substantially mitigate the risk that the harm would occur.

(2) If the rebuttable presumption described by paragraph (1) is established, the firearm industry member has the burden of proving by a preponderance of the evidence that the firearm industry member established, implemented, and enforced reasonable controls.

(f) An intervening act by a third party, including, but not limited to, criminal misuse of a firearm-related product, shall not preclude a firearm industry member from liability under this section.

3273.54. (a) This title shall not be construed or implied to limit or impair in any way the right of a person or entity to pursue a legal action under any other authority.

(b) This title shall not be construed or implied to limit or impair in any way an obligation or requirement placed on a firearm industry member by any other authority.

(c) This title shall be construed and applied in a manner that is consistent with the requirements of the California and the United States Constitutions.

3273.55. This title shall become operative on July 1, 2023.

SEC. 4. If any provision of this act, or part of this act, any clause within this act, any combination of words within this act, or the application of any

provision or part or clause or combination of words of this act to any person or circumstance, is for any reason held to be invalid or unconstitutional, the remaining provisions, clauses, words, or applications of provisions, clauses, or words shall not be affected, but shall remain in full force and effect, and to this end the provisions of this measure are severable.

O

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):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only