

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

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

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

DATE: June 10, 2020

SUBJECT: LEGISLATION INTRODUCED

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

File No. 200592

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

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

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

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

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

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

Sponsor(s):

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

Subject:

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

The text is listed:

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

Signature of Sponsoring Supervisor: /s/ Shamann Walton

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