

1 [Affirming the Board of Supervisors Commitment to Equal Justice and the Right to Protest and  
2 Urging Reforms in National Policing and Judicial Practices]

3 **Resolution affirming the San Francisco Board of Supervisors commitment to equal**  
4 **justice under the law and the First Amendment right to protest, recognizing the United**  
5 **States’ broken and racially biased police and justice systems, commending the San**  
6 **Francisco Police Department for its upholding protesters First Amendment Rights and**  
7 **urging the Department of Justice, Congress, and President Obama to review national**  
8 **policing and judicial practices to truly bring equal justice under the law.**

9  
10 WHEREAS, The Fourteenth Amendment to the United States Constitution states that  
11 no state shall “deny to any person within its jurisdiction the equal protection of the laws;  
12 therefore government institutions across the nation have a responsibility to ensure equal  
13 protections and outcomes for all people;” and

14 WHEREAS, The report, *Operation Ghetto Storm*, authored by the Malcolm X  
15 Grassroots Movement, documents 313 Black people in the United States who were killed by  
16 “police, security guards, and vigilantes” in 2012, or one every 28 hours; and

17 WHEREAS, A recent analysis by the news organization ProPublica found that the risk  
18 of young Black males being shot and killed by police is twenty-one times greater than the risk  
19 for young white males; and

20 WHEREAS, The recent incidents of officer involved killings of people of color,  
21 overwhelmingly impacting young Black and Brown men, has led to sustained, large-scale  
22 protests across the country and underscored the United States’ centuries old, failed promise  
23 of racial equality; and

24 WHEREAS, The failure of recent grand juries in St. Louis, Missouri and Staten Island,  
25 New York to indict officers Darren Wilson and Daniel Pantaleo in the killings of Michael Brown

1 and Eric Garner, respectively, two unarmed Black men have left many profoundly  
2 disappointed and questioning the credibility of our country's justice system; and

3 WHEREAS, While these grand jury decisions have led to sustained, large-scale  
4 protests across the country from people who believe that law enforcement can act with  
5 impunity, many law enforcement officials believe the grand jury decisions were correct –  
6 demonstrating the wide gulf in perspectives between many people of color and law  
7 enforcement that challenges their ability to work together; and

8 WHEREAS, Effective public safety efforts rely on good community-police relations  
9 based on mutual trust, transparency, and accountability; and

10 WHEREAS, The San Francisco Police Department (SFPD) has made a strong effort to  
11 serve San Francisco's various communities and is one of the most diverse police departments  
12 in the nation; and

13 WHEREAS, San Francisco has shown a stronger commitment to community-police  
14 relations, as evidenced in the training that SFPD officers receive in community-police  
15 relations, community outreach and urban law enforcement as well as in SFPD's adherence to  
16 the City's Sanctuary City Ordinance and Due Process for All Ordinances; however, San  
17 Francisco is not immune to tensions between communities and police after incidents involving  
18 the use of force, including officer-involved shootings, leading to peaceful protests about racial  
19 profiling, the police's use of force, and accountability in police investigations, and demands for  
20 justice; and

21 WHEREAS, These tensions have their root in a social, educational and economic  
22 system which disproportionately limits opportunities for African American and Latino residents;  
23 and

24 WHEREAS, Despite advancements in training, community outreach, police-community  
25 relations and creating an inclusive police force, the SFPD inherits the outcomes of this racially

1 biased system that are failing people of color in fundamental ways, showing that one's race is  
2 a major factor determining the opportunities a person can receive in life and that our society  
3 still suffers from racial bias; and

4 WHEREAS, In May of 2014, the SFPD Internal Affairs Division's Summary of Officer  
5 Involved Shootings Since 2000 memorandum reported that since 2000, 97 San Francisco  
6 Police Department (SFPD) officer-involved shootings have occurred, resulting in 33 deaths  
7 and 35 people being injured, and

8 WHEREAS, Internal Affairs memo reported that in every case where someone was  
9 killed in an SFPD office-involved shooting, the officers were found to have acted within policy;  
10 however, a number of cases created controversy and tensions between communities and the  
11 police; and

12 WHEREAS, The Anti-Eviction Mapping Project has identified the race of 90 of the 94  
13 people killed by SFPD since 1985, and found that 71% of those killed were people of color,  
14 and 41% were black; and

15 WHEREAS, All ten victims of officer-involved shootings in Northern California this year  
16 have been people of color; and

17 WHEREAS, Activists in Ferguson, Missouri have asked protesters across the nation to  
18 connect the killing of Michael Brown to local police killings, resulting in many Bay Area  
19 protesters focusing on the killings of Oscar Grant and Alex Nieto in addition to that of Michael  
20 Brown; and

21 WHEREAS, Alex Nieto was killed by SFPD officers on March 21, 2014 when he was  
22 shot at least ten times; and

23 WHEREAS, Alex Nieto was widely known by many prominent community members in  
24 the Mission and Bernal Heights and Excelsior, many of whom believe the SFPD has not  
25

1 shared vital information with the community, including the names of the officers involved in the  
2 shooting; and

3 WHEREAS, Community members are still upset that nearly nine months after the  
4 shooting, none of the names of the officers involved in his killing have been released, and

5 WHEREAS, The SFPD, citing concerns for officer safety has not released the names of  
6 the officers involved; and

7 WHEREAS, This impasse has undermined trust between some members of the  
8 community and police, and leading to nearly nine months of peaceful protests with community  
9 members focused on their concerns about racial profiling, the police's use of force, lack of  
10 transparency and accountability in police investigations, and demands for justice; and

11 WHEREAS, The police killings of Michael Brown and Eric Garner, and far too many  
12 other young people of color have generated a wave of protests across the country from  
13 community members frustrated by police brutality, impunity, lack of transparency, and the  
14 unjust system of justice; and

15 WHEREAS, The vast majority of these demonstrations and marches have been  
16 peaceful, but in several places around the country, there have been incidents of violence and  
17 vandalism, which is never acceptable; and

18 WHEREAS, Many local and state law enforcement agencies, but not the SFPD, have  
19 responded to the protests with an overwhelming show of force, including military-grade  
20 weapons and equipment; and

21 WHEREAS, Unlike police departments elsewhere in the country, including some in the  
22 Bay Area, the San Francisco law enforcement community has spent thousands of hours over  
23 their regular hours and over typical overtime hours upholding residents' First Amendment  
24 Rights to peaceful assembly and protest; and

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1           WHEREAS, In guaranteeing these rights, the SFPD has acted proactively and  
2           defensively, not exhibiting the use of overwhelming force, eschewing more forceful tactics,  
3           despite some officers being attacked and injured by people who have not protested  
4           peacefully; and

5           WHEREAS, These military tactics across the nation have deepened the divide between  
6           protesters and police, but have not quelled the powerful voices calling for fundamental change  
7           and social justice in our police and judicial systems and in society as a whole; now, therefore,  
8           be it

9           RESOLVED, That the San Francisco Board of Supervisors extends its deepest  
10          condolences to the families of victims of police killings; and, be it

11          FURTHER RESOLVED, The Board of Supervisors commends the San Francisco law  
12          enforcement community's work in upholding First Amendment Rights and how the SFPD have  
13          shown great restraint in responding to protesters, even those who have not demonstrated  
14          peaceably; and

15          FURTHER RESOLVED, The Board of Supervisors condemns non-peaceful protest  
16          including vandalism and laments any injury to officers at the hands of demonstrators who  
17          protest with violence; and

18          FURTHER RESOLVED, That the Board of Supervisors affirms its commitment to equal  
19          justice under the law and pledges to work with the community and public safety departments  
20          to review local ordinances, officer training, and policies to address racial profiling and the use  
21          of excessive force and to ensure transparency and accountability within public safety  
22          departments; and

23          FURTHER RESOLVED, That the Board of Supervisors affirms the First Amendment  
24          right of the public to engage in nonviolent peaceful protest, free from excessive use of force  
25          and intimidation through military tactics and equipment; and

1 FURTHER RESOLVED, That the Board of Supervisors commends the SFPD for not  
2 deploying military-grade equipment in response to recent protests; and

3 FURTHER RESOLVED, That the Board of Supervisors endorses the national demands  
4 of the Ferguson Action coalition, including:

5 – Urging the Department of Justice to conduct a comprehensive review of local policing  
6 practices to develop standards for community involvement and oversight strategies, use of  
7 force standards, and standards for independent investigatory/disciplinary mechanisms;

8 – Urging the Department of Justice to create grants to implement community oversight  
9 mechanisms and to withhold federal funds for police departments that engage in  
10 discriminatory policing practices or fail to implement standards for community involvement and  
11 oversight strategies, use of force standards, and standards for independent  
12 investigatory/disciplinary mechanisms;

13 – Urging San Francisco’s representatives in Congress to pass the “Stop Militarizing  
14 Law Enforcement Act” and the “StopEnd Racial Profiling Act;”

15 – Urging San Francisco’s representatives in Congress to hold hearings to investigate  
16 racial profiling and police use of force, particularly in communities of color;

17 – Urging President Barack Obama to enact a National Plan of Action for Racial Justice  
18 that sets concrete targets for reducing racial disparities; and, be it

19 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board  
20 to transmit copies of this resolution to the San Francisco Police Commission, San Francisco  
21 District Attorney George Gascón, California Attorney General Kamala Harris, San Francisco’s  
22 representatives in Congress and the United States Senate, to Attorney General Eric Holder,  
23 and to President Barack Obama.

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