

AMENDMENTS OFFERED BY SUPERVISOR AVALOS
ITEM NO. 52, 12/16/2014

FILE NO. 141234

RESOLUTION NO.

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 SFPD**
6 **for its upholding protesters First Amendment Rights and urging the Department of**
7 **Justice, Congress, and President Obama to review national policing and judicial**
8 **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, ~~Despite strong and overwhelming evidence,~~ The failure of recent grand
25 juries in St. Louis, Missouri and Staten Island, New York ~~have failed~~ to indict officers Darren

1 Wilson and Daniel Pantaleo in the killings of Michael Brown and Eric Garner, respectively, two
2 unarmed Black men, ~~showing that even the most egregious acts of police brutality are~~
3 afforded impunity by our justice system have left many profoundly disappointed and
4 questioning the credibility of our country's justice system; and

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

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

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

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

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

1 WHEREAS, Despite advancements in training, community outreach, police-community
2 relations and creating an inclusive police force, the SFPD inherits the outcomes of this racially
3 biased system that are failing people of color in fundamental ways, showing that one's race is
4 a major factor determining the opportunities a person can receive in life and that our society
5 still suffers from racial bias; and

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

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

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

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

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

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

1 WHEREAS, Alex Nieto was widely known by many prominent community members in
2 the Mission and Bernal Heights and Excelsior, many of whom believe the SFPD has not
3 shared vital information with the community, including the names of the officers involved in the
4 shooting; and

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

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

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

14 WHEREAS, The police killings of Michael Brown and Eric Garner, ~~Oscar Grant~~, and
15 Alex Nieto, and far too many other young people of color have generated a wave of protests
16 across the country from community members frustrated by police brutality, impunity, and lack
17 of transparency, and the unjust system of justice; and

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

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

24 WHEREAS, Unlike police departments elsewhere in the country, including some in the
25 Bay Area, the San Francisco law enforcement community has spent thousands of hours over

1 their regular hours and over typical overtime hours upholding residents' First Amendment
2 Rights to peaceful assembly and protest; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board
24 to transmit copies of this resolution to the San Francisco Police Commission, San Francisco
25 District Attorney George Gascón, California Attorney General Kamala Harris, San Francisco’s

1 representatives in Congress and the United States Senate, to Attorney General Eric Holder,
2 and to President Barack Obama.

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AMENDMENTS OFFERED BY SUPERVISOR COHEN
BOARD OF SUPERVISORS MEETINGS – 12/16/14
ITEM NO. 52 FILE NO. 141234

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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
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24 WHEREAS, The failure of recent grand juries in St. Louis, Missouri and Staten Island,
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1 and Eric Garner, respectively, two unarmed Black men, have left many profoundly
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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, Since all people are created equal, these indicators show that our society
25 and its institutions; and

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2 relations and creating an inclusive police force, the SFPD inherits the outcomes of this racially
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From: Caldeira, Rick (BOS)
Sent: Tuesday, December 16, 2014 9:03 AM
To: BOS Legislation (BOS)
Subject: FW: YC Support for BOS File No. 141234 Resolution Affirming the Board of Supervisors Commitment to Equal Justice and the
Attachments: Four YC Actions 12-15-14.pdf
Categories: 141234

For file.

From: Carpenter, Adele
Sent: Monday, December 15, 2014 8:47 PM
To: Caldeira, Rick (BOS)
Subject: YC Support for BOS File No. 141234 Resolution Affirming the Board of Supervisors Commitment to Equal Justice and the

Hi, Rick,

I am writing to confirm that the Youth Commission tonight adopted a motion of support for BOS File No. 141234 [Resolution Affirming the Board of Supervisors Commitment to Equal Justice and the Right to Protest and Urging Reforms in National Policing and Judicial Practices]. The file was not referred to the YC as it has been referred for adoption without committee reference at tomorrow's board meeting.

A memo detailing the actions taken at tonight's YC meeting this evening, including documentation of the YC's general motion of support for File No. 141234 is attached to this email, for your reference.

Please let me know if you have any questions.

Thanks very much.

Adele Failes-Carpenter
Director
San Francisco Youth Commission
Office: (415) 554-7112 | Fax: (415) 554-6140

Visit the official [Youth Commission site](#) and [YC facebook page](#).
Sign up for [our newsletter](#).

Complete a Board of Supervisors [Customer Satisfaction form](#).



YOUTH COMMISSION MEMORANDUM

TO: Honorable Mayor Edwin M. Lee
Honorable Members, Board of Supervisors

CC: Angela Calvillo, Clerk of the Board of Supervisors
Maria Su, Director, Department of Children, Youth, and their Families
Hydra Mendoza, Mayor's Families & Children's Advisor
Nicole Wheaton, Mayor's Legislative Director and Commission & Board Liaison

FROM: 2014-2015 Youth Commission

DATE: Monday, December 15, 2014

RE: Four Youth Commission actions at the December 15, 2014 meeting: Adoption of YC Resolution 1415-AL-03 [Providing Fee Waivers for Eligible San Francisco DACA Applicants]; Support BOS File No. 141193 [Resolution Urging the Municipal Transportation Agency to Implement Free Muni for Seniors and People with Disabilities]; Support BOS File No. 141234 [Resolution Affirming the Board of Supervisors Commitment to Equal Justice and the Right to Protest and Urging Reforms in National Policing and Judicial Practices]; Approval of a letter of support for District 5 Local Merchants Partnering on a Youth Workforce Initiative.

At our regular meeting of Monday, December 15, 2014, the Youth Commission adopted YC resolution 1415-AL-03 [Providing Fee Waivers for Eligible San Francisco DACA Applicants]. This resolution commends Mayor Lee's recent commitment to extending the DreamSF initiative and his authorization of new funding for the Office of Civic Engagement and Immigrant Affairs following President Obama's executive action on immigration. The resolution urges for the dedication of funds for grants to cover application fees associated with applying for Deferred Action for Childhood Arrivals and urges for the expansion of the DreamSF initiative.

Additionally, the Youth Commission voted to support Board of Supervisors file no. 141193 [Resolution Urging the Municipal Transportation Agency to Implement Free Muni for Seniors and People with Disabilities]. The record of our response is contained in 1415-RBM-08.

Moreover, the Youth Commission approved a motion of support for Board of Supervisors file no. 141234 [Resolution Affirming the Board of Supervisors Commitment to Equal Justice and the Right to Protest and Urging Reforms in National Policing and Judicial Practices].

Finally, the Youth Commission approved a letter of support for District 5 merchants partnering with Mo'Magic and District 5 youth organizations on youth workforce initiatives.

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

(BOS)

From: Caldeira, Rick (BOS)
Sent: Tuesday, December 16, 2014 9:02 AM
To: BOS Legislation (BOS)
Subject: FW: URGENT: Commitment to Equal Justice and the Right to Protest and,Urging Reforms in National Policing and Judicial Practices

Categories: 141234

For file.

From: Calvillo, Angela (BOS)
Sent: Monday, December 15, 2014 10:10 PM
To: <Pmonette-shaw@earthlink.net>
Subject: Re: URGENT: Commitment to Equal Justice and the Right to Protest and,Urging Reforms in National Policing and Judicial Practices

Mr. Monette-Shaw,
I have received your submission and will include it in the Cpages and file as requested.
All the best!
Thank you
Angela Calvillo
Clerk of the Board

On Dec 15, 2014, at 8:00 PM, pmonette-shaw <Pmonette-shaw@earthlink.net> wrote:

December 15, 2014

San Francisco Board of Supervisors

The Honorable Eric Mar, Supervisor, San Francisco Board of Supervisors, District 1
The Honorable Mark Farrell, Supervisor, San Francisco Board of Supervisors, District 2
The Honorable Katy Tang, Supervisor, San Francisco Board of Supervisors, District 4
The Honorable London Breed, Supervisor, San Francisco Board of Supervisors, District 5
The Honorable Jane Kim, Supervisor, San Francisco Board of Supervisors, District 6
The Honorable Norman Yee, Supervisor, San Francisco Board of Supervisors, District 7
The Honorable Scott Wiener, Supervisor, San Francisco Board of Supervisors, District 8
The Honorable David Campos, Supervisor, San Francisco Board of Supervisors, District 9
The Honorable Malia Cohen, Supervisor, San Francisco Board of Supervisors, District 10
The Honorable John Avalos, Supervisor, San Francisco Board of Supervisors, District 11
Angela Calvillo, Clerk of the Board (for Petitions and Correspondence File)

1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

**Commitment to Equal Justice and the Right to Protest and
Urging Reforms in National Policing and Judicial Practices**

Dear Board of Supervisors,

I strongly urge the Board of Supervisors to unanimously approve the resolution by Supervisor John Avalos on tomorrow's Board agenda at item #52.

As the proud uncle of three African-American nieces and their multiracial children, I am concerned about the disparities facing people of color involving police and judicial practices.

Normally, the phrase is "As so goes California, so goes the Nation." However in this case, many other jurisdictions around the country are considering or have adopted similar resolutions. This turns the axiom inside out: "As so goes the Nation, so goes San Francisco." As a City, we need to stand by other jurisdictions around the country and publicly adopt what is a long-overdue commitment to equal justice and police reform.

In this City of St. Francis, San Franciscans have long been national leaders in the struggle for equal justice and the right to public protest.

It is heartening to learn that Supervisors Campos, Cohen, Kim and Mar have signed on as co-sponsors to Supervisor Avalos' resolution.

I fully support each of the "Resolved" statements in Supervisor Avalos' Resolution, and I urge you to vote unanimously as our Board to pass this important resolution.

To the extent that public safety staff in San Francisco may be pressuring you to not pass Avalos' resolution, I urge you to ignore any such opposition. As a national leader in civil rights for all, San Francisco simply must adopt this Resolution. We owe as much to all of the victims of officer-involved killings and their families, not only in San Francisco, but across the Bay Area and the nation.

Make San Franciscans proud of its City leaders: Pass this Resolution tomorrow unanimously!

Respectfully submitted,

Patrick Monette-Shaw
Columnist
Westside Observer Newspaper

cc: Angela Calvillo, Clerk of the Board

No virus found in this message.

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