

File No. 190799

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: July 9, 2020

Board of Supervisors Meeting:

Date: _____

Cmte Board

- Motion
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- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

- _____
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- _____
- _____

Prepared by: John Carroll

Date: July 2, 2020

Prepared by: John Carroll

Date: _____

1 [Condemning the Increase of Racial Profiling and Discrimination Harassment]

2
3 **Resolution condemning the increase of racial profiling and discrimination harassment**
4 **from private businesses and individuals who profile people of color for suspicion of**
5 **crime or denial of service based on the individual's race, age, ethnicity, language,**
6 **gender, sexual orientation, immigration status, and national origin.**

7
8 WHEREAS, There has been an increase of racial profiling and discriminatory incidents
9 recorded and posted on social media targeting people of color in public, private property, and
10 retail businesses in San Francisco and in the Bay Area; and

11 WHEREAS, On July 7, 2019, a youth program called Project Level, which employs 75
12 disadvantaged youth through Mayor London Breed's Opportunities For All Initiative, brought
13 their interns to the Forever 21 flagship store on Stockton Street to purchase clothes for a
14 video shoot, was confronted by the store manager and police officers and falsely accused of
15 shoplifting; and

16 WHEREAS, No apology from the manager of Forever 21 was given to the Project Level
17 program staff and interns on the manner in which they were targeted and treated; and

18 WHEREAS, On July 4, 2019 in San Francisco, an individual accused a Black man for
19 breaking into an apartment building when he was waiting for his disabled friend in the lobby;
20 and

21 WHEREAS, In June 2018, in San Francisco, an individual accused an 8-year old Black
22 girl for "illegally selling water without a permit" in front of her residence across from Oracle
23 Park; and

24 WHEREAS, In May 2018, in Oakland, an individual called the police on a group of
25 Black men who were having a barbecue at Lake Merritt; and

1 WHEREAS, All across the United States, there has a been an increase of incidents in
2 which individuals of the majority called have called the police on people of color for conducting
3 regular daily activities; and

4 WHEREAS, All across the United States, there has been an increase of incidents in
5 which individuals of the majority have threatened people of color who speak another language
6 other than English; and

7 WHEREAS, The City and County of San Francisco has affirmed its commitment to
8 developing a discrimination-free community regardless of race, age, ethnicity, language,
9 gender, sexual orientation, immigration status, and national origin; now, therefore, be it

10 RESOLVED, That the San Francisco Board of Supervisors reiterates its responsibility
11 to work to prevent discrimination in all its forms and prides itself on treating all individuals with
12 dignity and respect; and, be it

13 FUTHER RESOLVED, That the San Francisco Board of Supervisors urges that
14 companies commit to providing bias-based training, training employees to provide customers
15 with information on how to file a discrimination complaint, and companies committing to
16 investigate any allegations of discrimination; and, be it

17 FURTHER RESOLVED; That the City will call for a boycott of any business that profiles
18 or discriminates an individual on the basis of race, age, ethnicity, language, gender, sexual
19 orientation, immigration status, and national origin to be enacted.

Resolution Calling for Examination and Measurement of the Community's Contribution to Biased Policing Based on Findings from the 2016 SF DOJ Collaborative Reform Initiative

Whereas in 2015, the SFPD was involved in six fatal officer-involved shootings.

Whereas in a 2010 criminal investigation, a series of racist, sexist, and homophobic text messages was found to have been shared among a group of SFPD Officers.

Whereas as the public was not informed about the biased texting until February 2014.

Whereas, a sworn declaration from an FBI special agent filed in federal court identifies overtly racist statements made between SFPD officers.

Whereas in February 2016 in response to unrelenting community outcry over a spate of fatal officer involved shootings, San Francisco's Mayor Lee called for a DOJ Collaborative Review of SFPD.

Whereas within the 272 recommendations the DOJ Review called for the SFPD to change procedures under Bias Policing. Recommendation 25.3 of the assessment advised that the community along with SFPD participate in Biased Awareness activities.

Be it resolved that to address the Non-Police Officer or Community's contributions to Biased Policing the SF Board of Supervisors requires that:

1. City Agencies review their partnerships with social media companies that allow the stigmatization of People of Color under the guise of pursuing public safety.
2. City agencies should examine their partnerships with public safety groups to ensure their volunteers and employees are versed in bias awareness and receive anti-bias training. The fulfillment of this training should be made publicly available on group websites.
3. SFPD Community Policing protocols should require:
 - a. Bias awareness/anti-bias training for all volunteers and paid employees of public safety city groups;
 - b. Each district's Community Police Advisory Board (CPAB) to have a designated seat for an Anti-Bias Liaison filled by a district community member;
 - c. CPABs to be independent bodies, allowing captains to nominate members, who would then be reviewed and appointed by Supervisors or other elected officials not tied to the SFPD;
 - d. Bias Awareness/Anti-Bias Training for employees of each of the city's Community Benefit Districts (CBD); and
 - e. Bias Awareness/Anti-Bias for Training Neighborhood Watch Block Captains.
4. Each SFPD District's Newsletter should include a segment entitled "**This is NOT Community Policing: 'We Don't Need You To Do That'**" citing real examples of Racial Profiling.
5. SF Board of Supervisors should recommend to the state that California State Stalking Laws include Anti-Bias legislation in order to curb racial profiling and title such legislation **Trayvon's Tracking Law**.

Resolution Calling for Examination and Measurement of the Community's Contribution to Biased Policing Based on Findings from the 2016 SF DOJ Collaborative Reform Initiative

6. Because implicit bias still permeates policing and safety organizations and structures, restorative justice strategies should be used wherever possible, as opposed to the state's criminal justice system.

Be it further resolved that during the implementation of the above requirements, SF contract an appropriate firm in order to both examine and measure bias within the above named segments in order to evaluate the impact of this work. All findings should be made publicly available online.

Resolution Calling for Examination and Measurement of the Community's Contribution to Biased Policing Based on Findings from the 2016 SF DOJ Collaborative Reform Initiative

Citations

1. DOJ Collaborative Reform Initiative : An Assessment of the San Francisco Police Department, Executive Summary, October 2016.
2. Ibid.
3. Ibid.
4. Declaration of Special Agent Tyler Nave in Support of Government's Opposition to Defendant Furminger's Motion for Bail Pending Appeal at 1-2 & Exhibit A, *United States v. Furminger* , No. CR 140102 CRB (N.D. Cal. Mar. 15, 2015) ECF No. 247-1.
5. "As detailed below **biased policing** is the use, to any extent or degree, of actual or perceived race, color, ethnicity, national origin, religion, gender, age, sexual orientation, or gender identity in determining whether to initiate any law enforcement action in the absence of a specific suspect description." SFPD DGO 5.17 Rev. 05104111
6. DOJ Recommendation 25.3 instructs SFPD "...expand its focus on initiatives relating to anti-bias and fully implement existing programs as part of the overall bias strategy, including the existing Not on My Watch program aimed at engaging officers **and the community on addressing issues of bias.**"
7. Full text of "Transcript of George Zimmerman's Call to the Police"
https://archive.org/stream/326700-full-transcript-zimmerman/326700-full-transcript-zimmerman_djvu.txt .
Accessed February 4, 2018.

San Francisco Interrupting Racial Profiling

We are a group of San Francisco residents working to interrupt racial profiling on social media and in public life. Our mission is to prevent harm, injury, and stigmatization of People of Color.

Mission

Interrupt Racial Profiling

Our mission is to prevent harm, injury, and stigmatization of People of Color channeled through social media or experienced in community life. We know that People of Color are often the most targeted online and we therefore act to interrupt the processes that allow the targeting of People of Color. We seek to honor and embrace People of Color for this population's true character and demonstrated contribution to their community. We know that through unveiling the cloud of online conversations, exposing and mitigating harmful input both here and in our communities, we can create safe and welcoming neighborhoods.

Vision

Truth and Reparations

We recognize that traditionally marginalized communities, especially Black people, are the primary target of hate crimes in California, as well as nationally. We therefore seek to interrupt those activities--both online and in our physical communities--that target People of Color with hate and abuse. We seek to offer healing support to those

San Francisco Interrupting Racial Profiling

People of Color harmed and injured by abuse through Restorative Justice, calling in willing parties to healing circles for Truth and Reparations, the making of amends. Then and only then will we realize a beloved community.

Values

Challenge Campaigns That Target People of Color

We challenge social/political movements that involve targeting People of Color. We believe the focus of resistance movements should be fighting at the institutional and systemic level, rather than targeting individuals, which simply recreates the oppressor/oppressed dynamic. Further, because of the false and misleading stories that fuel the internet, we follow the example of Zoe Quinn: we reject strategies such as hacking, online stalking or doxing tactics. We also reject deliberate intimidation and harassment in real life, as these are some of the very same activities we aim to interrupt and end. Instead, we will surface instances of racial bias and racial profiling and will follow the practice of “calling in” as opposed to “calling out.” Peaceful nonviolence resistance doesn’t leave anyone wounded in its wake, it takes the moral high ground and leads the way to the moral high ground. We also follow the example of Martin Luther King Jr. who stated:

*“Love is creative, understanding goodwill for all men.
It is the **refusal** to defeat any **individual**.
When you rise to the level of love, of its great beauty and*

San Francisco Interrupting Racial Profiling

*power,
you seek only to defeat evil **SYSTEMS**.
Individuals who happen to be caught up in that system,
you love,
but you seek to defeat the **SYSTEM.**"*

Interrupting Racial Profiling Campaign

Draft

Resolution Calling for Examination and Measurement of the Community's Contribution to Biased Policing Based on Findings from the 2016 SF DOJ Collaborative Reform Initiative

Whereas in 2015, the SFPD was involved in six fatal officer-involved shootings.¹

Whereas in a 2010 criminal investigation, a series of racist, sexist, and homophobic text² messages was found to have been shared among a group of SFPD Officers.

Whereas as the public was not informed about the biased texting until February 2014³.

Whereas, a sworn declaration from an FBI special agent filed in federal court identifies overtly racist statements made between SFPD officers.⁴

Whereas in February 2016 in response to unrelenting community outcry over a spate of fatal officer involved shootings, San Francisco's Mayor Lee called for a DOJ Collaborative Review of SFPD.

Whereas within the 272 recommendations the DOJ Review called for the SFPD to change procedures under Bias Policing⁵. Recommendation 25.3 of the assessment advised that the community along with SFPD participate in Biased Awareness activities.⁶

Be it resolved that to address the Non-Police Officer or Community's contributions to Biased Policing the SF Board of Supervisors requires that:

¹ [DOJ Collaborative Reform Initiative](#): An Assessment of the San Francisco Police Department, Executive Summary, October 2016

² Ibid

³ Ibid

⁴ Declaration of Special Agent Tyler Nave in Support of Government's Opposition to Defendant Furminger's Motion for Bail Pending Appeal at 1-2 & Exhibit A, *United States v. Furminger*, No. CR 140102 CRB (N.D. Cal. Mar. 15, 2015) ECF No. 247-1.

⁵ "As detailed below **biased policing** is the use, to any extent or degree, of actual or perceived race, color, ethnicity, national origin, religion, gender, age, sexual orientation, or gender identity in determining whether to initiate any law enforcement action in the absence of a specific suspect description." SFPD DGO 5.17 Rev. 05104111

⁶ DOJ Recommendation 25.3 instructs SFPD "...expand its focus on initiatives relating to anti-bias and fully implement existing programs as part of the overall bias strategy, including the existing Not on My Watch program aimed at engaging officers and the community on addressing issues of bias."

1. City Agencies review their partnerships with social media companies that allow the stigmatization of People of Color under the guise of pursuing public safety.
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 - c. CPABs to be independent bodies, allowing captains to nominate members, who would then be reviewed and appointed by Supervisors or other elected officials not tied to the SFPD;
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 - e. Bias Awareness/Anti-Bias for Training Neighborhood Watch Block Captains.
4. Each SFPD District's Newsletter should include a segment entitled "**This is NOT Community Policing: 'We Don't Need You To Do That'**"⁷ citing real examples of Racial Profiling.
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6. Because implicit bias still permeates policing and safety organizations and structures, restorative justice strategies should be used wherever possible, as opposed to the state's criminal justice system.
7. Be it further resolved that during the implementation of the above requirements, SF contract an appropriate firm in order to both examine and measure bias within the above named segments in order to evaluate the impact of this work. All findings should be made publicly available online.

⁷Full text of "Transcript of George Zimmerman's Call to the Police"

https://archive.org/stream/326700-full-transcript-zimmerman/326700-full-transcript-zimmerman_djvu.txt.

Accessed February 4, 2018

My name is Marty Jaye and I am a member of San Francisco Interrupting Racial Profiling. I am here today to endorse Supervisor Walton's resolution Condemning the Increase of Racial Profiling and Discrimination Harassment. Also I urge the Committee's support of our Resolution Calling for Examination and Measurement of the Community's Contribution to Biased Policing as presented by IRP's director, Angela Jenkins.

SF-IRP tracks racial profiling in the SF community and in on-line crime and safety apps such as Nextdoor, Citizen and Amazon Ring. We have been alarmed at the proliferation of incidents injurious to people of color (especially Black people) and the lack of racial bias oversight in these venues. From the frightening encounters with police experienced by folks targeted for being Black to the pervasive racial profiling online to high numbers of 911 calls implicating Black people, we believe intervention is urgently needed.

In June 2018, a community member harassed an 8-year-old Black girl in her neighborhood for selling water "without a permit" on a hot day July 2018 then called 911 to report her. In July 2018 Black entrepreneur Viktor Stevenson was opening his business in the Mission when he was approached by several SFPD officers, one with his hand on his gun. A neighbor had called 911 suspicious that this man was committing burglary. On the on-line community app Nextdoor, posts frequently identify suspicious individuals with vague descriptions such as "young Black men," "tall Black man," "thugs," "ghetto types," etc. And per SFPD's Admin 96A reports, calls for service citing Black individuals have averaged 40% of calls over the past few years while most recent census numbers count Black people as merely 5.6% of the City's population.

Public announcements by SFPD neighborhood crime and safety watch groups supported by the City urge people, "If you see something, say something," and "trust your instincts" in identifying suspicious activity in their communities, but offer nothing to the public in the way of implicit bias awareness. SF-IRP urges the Board of Supervisors to take proactive responsibility to address this issue City-wide. We support high quality implicit bias training across the board in SF businesses, Community Benefit Districts, Community Police Advisory Boards and community public safety groups.

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
7/16/2019 @ 5:30 pm
[Signature]

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, Ronen, HANEY

Subject:

Condemning the Increase of Racial Profiling and Discrimination Harassment

The text is listed:

Resolution condemning the increase of racial profiling and discrimination harassment from private businesses and individuals who profile people of color for suspicion of crime or denial of service based on the individual's race, age, ethnicity, language, gender, sexual orientation, immigration status, and national origin.

Signature of Sponsoring Supervisor: [Signature]

For Clerk's Use Only