Resolution affirming the San Francisco Board of Supervisors' support for the Use of Force policy unanimously agreed upon by the San Francisco Police Commission and urging the San Francisco Police Officers Association to implement the Use of Force policy unanimously agreed upon by the San Francisco Police Commission.

WHEREAS, The United States Department of Justice (DOJ) was invited by Mayor Edwin M. Lee on January 21, 2016 to intervene and review, among other things, the Use of Force strategies of the San Francisco Police Department; and

WHEREAS, In the June 2016 publication of the San Francisco Police Officers Association (SFPOA) Journal, SFPOA President Martin Halloran wrote in reference to the officer-involved shooting of Jessica Williams, who was killed while her car was in motion, that “the death resulted from a failure to comply with lawful commands and an exhaustion by police of all reasonable options. Instead, those deceased persons chose to resist and assault the officers who were simply doing their jobs the way they were taught, using the tools issued to them, and following orders;” and

WHEREAS, Mr. Halloran recognized that his officers “were simply doing their jobs the way they were taught;” and,

WHEREAS, Following extensive stakeholder meetings, the San Francisco Police Commission unanimously approved and updated the Department’s 1995 Use of Force policy on June 22, 2016, given officer-involved shootings that sparked public outrage and raised questions about the ethics, excessive force, and racial disparities resulting from the existing Use of Force policy; and
WHEREAS, The DOJ released its findings and recommendations on October 12, 2016, which included Finding 23 and Recommendation 23.1, which read as follows: "Finding 23: [...] The department's pending draft order on use of force allows shooting at vehicles when there is an immediate threat of death or injury by means other than the vehicle. Recommendation 23.1: The SFPD should immediately implement this provision of the draft policy;" and

WHEREAS, The same prohibition has been adopted successfully by large metropolitan police departments including New Orleans, Las Vegas, Philadelphia, Washington DC Metropolitan Police Departments and has been recommended by the International Association of Chiefs of Police; and

WHEREAS, On October 12, 2016, Mayor Lee stated that he was "proud to report that the San Francisco Police Department will accept and implement every, single recommendation" from the DOJ and that these reforms are necessary and "important steps forward" to restoring trust between police and constituents; and

WHEREAS, Despite more than five months of negotiations, the work between the San Francisco Police Commission and the SFPOA has come to an impasse; and

WHEREAS, The SFPOA is refusing to accept the prohibition against shooting at moving vehicles as recommended by the Police Commission and the Department of Justice; and

WHEREAS, local Use of Force policies are a community-level intervention to hold police accountable; and

WHEREAS, On December 1, 2016, the SFPOA released a misleading video that represented "Trump-like fear mongering" in an ad dramatizing instances when they believe shooting at moving targets in vehicles might be necessary; and
WHEREAS, In every case where a person was killed in an SFPD officer-involved shooting, the officers were found to have acted within policy; however, a number of cases created controversy and tensions between communities and the police; and

WHEREAS, The objective of the DOJ investigation was to update antiquated policing laws that must evolve with the values of 21st century policing and San Francisco; and

WHEREAS, We are in a critical moment when we must stand fearlessly in the face of falsehoods and propaganda when it comes to defending our identity as a City; and

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

WHEREAS, The SFPOA and the Police Commission still have disagreements about the Use of Force policy that we encourage them to work to resolve; and

WHEREAS, Shooting at moving vehicles is widely seen by experts, including the DOJ and President Obama’s Task Force on 21st Century Policing, as ineffective and dangerous for the shooter, the target, and for bystanders; now; therefore, be it

RESOLVED, That the San Francisco Board of Supervisors stands firmly in its support for the Use of Force policy unanimously agreed upon by the San Francisco Police Commission; and, be it

FURTHER RESOLVED, The San Francisco Board of Supervisors urges the San Francisco Police Officers Association to implement the Use of Force policy unanimously agreed upon by the San Francisco Police Commission

FURTHER RESOLVED, That the Board of Supervisors affirms its commitment to equal justice under the law and continues to work with the community and local and federal public safety departments to review local ordinances, officer training, and policies to address the use of excessive force and to ensure transparency and accountability within public safety departments.
Resolution affirming the San Francisco Board of Supervisors' support for the Use of Force policy unanimously agreed upon by the San Francisco Police Commission and urging the San Francisco Police Officers Association to implement the Use of Force policy unanimously agreed upon by the San Francisco Police Commission.

December 06, 2016 Board of Supervisors - ADOPTED
Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang and Yee

File No. 161315

I hereby certify that the foregoing Resolution was ADOPTED on 12/6/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board