



# JOURNAL

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## SAN FRANCISCO POLICE OFFICERS ASSOCIATION

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## Who's Minding the Store?

By Martin Halloran  
SFPOA President

There is an old expression used when a boss or manager appears to be absent and out of touch, or when an entity or organization falls short of its objectives: Who is minding the store?

As his tenure as San Francisco District Attorney creeps along with less than favorable results, this question is being asked by some in the political arena. But more importantly, this question is being amplified by the residents of this city who see George Gascón as nothing more than an empty suit. Their disappointment and frustration is echoed at all the community meetings that I have attended. Based on what we at the POA have witnessed, we must agree.

A District Attorney's primary responsibility is to prosecute those who have been arrested for committing crimes. These cases are brought forward by law enforcement agencies and they must be reviewed and scrutinized by the DA's office before they determine if the case rises to the level of a filing.

As an Officer, and later as an Inspector in the SFPD assigned to investigations for many years, I have dealt with many Assistant District Attorneys dating back to when Arlo Smith was the District Attorney. I must say that those ADA's I have worked with were dedicated, professional, and ethical attorneys. Each demonstrated passion and commitment to their job and to the community that they serve. Yet, many of the case dispositions are not decided by these local veteran experts. They are decided by the department head. These days, that would be former LA beat cop George Gascón, or occasionally handed off to his hand-picked Chief of Staff — former Los Angeles County Deputy Public Defender Cristine DeBerry.

Since George Gascón was appointed to DA in 2011 by then Mayor Gavin Newsom in a shady backroom, closed door political deal, Gascón's felony and misdemeanor filings have plummeted. For those who are familiar with Gascón this should not be surprising since he is a District Attorney that has never prosecuted a felony or misdemeanor criminal case. Gascón has never stepped foot into a courtroom as an attorney whether it be criminal or civil. That's right. A district attorney that has never made a motion or an objection in court, let alone trying a case on behalf of the people, but he is in charge of all prosecutions in San Francisco? This must be a first in the State of California.

Here are a few statistics from the District Attorney's Annual report, followed by a few statistics for the SFPD, per the Department of Justice.

### Total Cases Filed (felony & misdemeanor) by the DA's office

2012:	12,000
2013:	8,366
2014:	6,220

### Total Arrests (felony & misdemeanor) by SFPD

2012:	18,365
2013:	19,069
2014:	16,419

Simple arithmetic shows that the DA filed 65% of the cases in 2012, 43% of the cases in 2013, and 38% of the cases in 2014 while arrests by SFPD increased 3.7% from 2012 to 2013 but decreased 13.9% from 2013 to 2014. This has all occurred while the SFPD has been understaffed by approximately 300 officers, and while the DA's office has continued to replace seasoned veteran ADA's. Since Gascón took office 30% of the senior ADA's have left the DA's office due to disagreements in Gascón's policies, procedures, and practices. I'm sure Public Defender Jeff Adachi is very pleased.

The statistic that is most disturbing is the felony filings. These are largely aggravated assaults, domestic violence, and firearm violations. These filings have fallen from 6,054 in 2010, to 3,255 in 2015. You do the math. Any way you slice it, it's not good.

While the POA continues to applaud the Assistant District Attorneys that work tirelessly to pursue justice in the criminal courts, it has come to the attention of the POA that some cases are being "given away" by Mr. Gascón. Here are just a couple of examples. Draw your own conclusions.

On February 23, 2015, a duo of previous convicted criminals went on an armed robbery spree. Troy Barnes and Nathaniel Castro conspired to commit several armed robberies that day. The first was in the Noe Valley where Barnes jammed a gun in the back of the store clerk during the robbery while his ac-

complice Castro waited in the get-away vehicle. This was all captured on video.

Both Barnes and Castro were then captured on video purchasing latex gloves and surgical style masks at a Walgreens store on Divisadero and Castro Streets.

Barnes and Castro then proceed to the outer Richmond District where Barnes enters a store, sticks the gun in the back of the clerk and cocks it. During the robbery his accomplice Castro is again waiting in the get-away vehicle. This was also captured on video.

The gun totting partners in crime then made their way out to Ocean Avenue where they both entered another market wearing gloves and masks. Barnes points the gun directly in the face of the clerk and robs him. An off-duty SFPD officer who was outside the shop witnessed the incident, called it in, and provided a detail description of both suspects. Uniformed officers arrive on the scene and take Castro into custody. This was all captured on video. Barnes flees the scene but was taken into custody four days later.

Three independent witnesses, as well as the off-duty officer, identify the suspects. After waiving his Miranda rights, Castro admits to the three robberies with Barnes as his accomplice. The case is charged through the District Attorney's Office. The case proceeds through Superior Court. Now the time comes for either a plea agreement or to proceed to trial.

This is when the case lands on the desk of George Gascón. What was the disposition they reached with the Public Defender and the Court?

Castro: County Jail, 1 year suspended sentence, credit for time served, no jail, 3 years unsupervised probation. Out of custody.

Barnes: 6-months county jail, 193 days of credit, 3 years unsupervised probation, Out of custody.

And here are a couple of more career criminal who were arrested by SFPD for auto theft, auto burglary, firearm violations, and stolen property but were simply given a pass from Gascón. (And the public wonders why property crimes are dramatically on the rise?)

### Fasi Fotu

- Arrested February 16, 2013: stolen vehicle, ex-felon in possession of a firearm with obliterated serial number, resisting and delaying arrest.
- DA's Disposition: Dismissed-Interest of Justice. Out of custody



- Arrested May 7, 2015: stolen vehicle, possession of stolen property, possession of a prohibited firearm, possession of methamphetamine, resisting arrest.
- DA's Disposition: Dismissed-guilty plea to other charge (unknown what that charge is). Out of custody
- Arrested August 29, 2015: stolen vehicle, aggravated assault, armed robbery, reckless evading, possession of stolen property, resisting arrest.
- DA's Disposition: 40-days county jail credit for time served 3-years unsupervised probation. Now out of custody.
- Arrested December 2, 2015: carjacking, possession of stolen property, stolen vehicle, felon in possession of stun gun, driving on a suspended drivers license.
- DA's Disposition: Dismissed-proceed to motion to revoke probation (unknown if probation has been revoked)

### Sir Latour

- Arrested December 10, 2012, November 8, 2014, December 18, 2014, February 5, 2015, and April 17, 2015 for stolen vehicle, possession of stolen property, possession of an illegal firearm, and possession of narcotics.
- DA's Dispositions: Dismissed-lack of evidence or proceed with other charges (unknown at this time).

These miscarriages of justice are only the tip of the iceberg when it comes to cases not being filed by George Gascón.

Everyone accused of criminal conduct is entitled by law and due process for their day in court, up to and including a fair trial. However, criminals arrested in San Francisco need not worry about the consequences of victimizing innocent city residents and visitors.

But, if you happen to be a local store owner or run a small mom-and pop business in the neighborhood, beware: George Gascón is giving away your store.

*Slainte!*

### Attn: SF Police Administration and Commission

"We have allowed our police department to get fetal and it is having a direct consequence. They have pulled back from the ability to interdict ... they don't want to be a news story themselves, they don't want their career ended early, and it's having an impact." — Chicago Mayor Rahm Emanuel

READ MORE OF THE STORY ON PAGE 29

# Minutes of the March 3, 2016 Emergency General Membership Meeting

1. Sergeant at Arms (SA) Val Kirwan called the meeting to order at 1728 hours.
2. SA Kirwan led the membership in the Pledge of Allegiance. Following the pledge, he asked for a moment of silence in honor of police officers and military personnel killed in the line of duty.
3. Secretary Mike Nevin conducted roll call.
4. President Martin Halloran thanked the Irish Center for hosting the event. He also thanked POA Staff Cyndee Bates and Georgette Petropoulos for setting up the event.
5. President Halloran provided a historical account of the Department's new use of force draft proposals and the POA response. He reminded the membership to participate in the POA online survey. Halloran explained that the policies could not be adopted right away and the city has a "meet and confer" obligation.
6. Past President and current POA consultant Gary Delagnes addressed the membership.
7. The first raffle winners were Aislin Roche (Co E) and Ed Barrientos (Co C).
8. Vice President Tony Montoya discussed the POA Use of Force Committee and the efforts to address the policy proposals. POA Attorney Gregg Adam explained the process (and timeline) of "meet and confer" as it relates to these proposals.
9. There was a lengthy question/answer session related to the policy proposals.
10. The second raffle winners were Lauren Newhart (Co F) and Blake Cunningham (Co C).
11. Open Forum. President Halloran addressed rumblings regarding a vote of no confidence for the chief. Halloran explained that while the POA has had disagreements with the chief, he has been very good in other areas. The POA Executive Board would oppose such a vote.
12. General question and answer. President Halloran addressed the July 22 Mario Woods Day. The POA will be remembering fallen public safety police and firefighters on this day.
13. President Halloran warned members to use caution with social media. The 1st Amendment applies to free speech but does not apply to being employed as a police officer.
14. Senator Leno's proposed law (SB1286) to reverse the Copley decision was discussed.
15. The last raffle winner was Representative Rick Andreotti (Co C). He donated his prize to Cyndee Bates and Georgette Petropoulos.
16. The meeting was adjourned at 1949 hours.

Submitted by  
**Mike Nevin, Secretary**

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## San Francisco Police Officers Association Editorial Policy

The *POA Journal* and the POA web site ([www.sfpoa.org](http://www.sfpoa.org)) are the official publications of the San Francisco Police Officers Association and are published to express the policies, ideals, and accomplishments of the Association. The following provisions that are specific to the publication of the *POA Journal* shall also be applicable to publication of material on the POA web site to any extent that is practical. Publication of material in the *POA Journal* or on the POA web site does not necessarily include publication on or in both instruments of communication. Nor does the following editorial policy for the *POA Journal* preclude a different or contrary editorial policy for the POA web site.

### Member Opinions and Commentary: Unsolicited Written Material

A member or group of members may submit **unsolicited written material** to the *POA Journal* that expresses his/her/their opinion(s) and concerns within the following limitations and guidelines:

- Such material must be addressed as a letter or mail using common salutations such as "Dear POA," "Editor," "SFPOA" "Dear POA Members" etc.
- Such material must be authored and signed by the member(s) making the submission. Anonymous submissions will not be published.
- Such material must be factually correct and presented in a respectful and civil manner.
- Such material can not be slanderous, unnecessarily inflammatory, sexist, racist, or otherwise offensive, nor can it be disparaging of any member or bring upon them unwarranted accusation or rebuke, either express or implied.
- Such material can be forwarded to the editor by electronic mail, US Mail, inter-departmental mail or other written communication, or delivered in person to the editor or to any person in the POA office.
- Upon receipt of such material, the editor shall cause it to be published in the next regular printing of the *POA Journal*, or in a future issue designated by the submitting member provided that the content complies with all the provisions of this policy. Such material will not necessarily appear in more than one issue of the *POA Journal*.
- Such material will be published in a designated section that shall be clearly titled as "Letters to the Editor," "Letters to the Journal," "Mail" or other similar title indicating that the material included therein is the express opinion of the author(s) and not necessarily that of the SFPOA or any of its elected or appointed officers.
- Depending upon considerations of timeliness and space, the editor reserves the right to withhold publication of such material for as many as two issues. The editor also reserves the right to decline to publish material beyond a date wherein the context of the material is no longer timely.
- All such material is subject to editing for grammar and punctuation. Portions of a submission may be omitted for considerations of space so long as the general context of the material is not significantly diminished or altered.
- The editor may select portions of a submission to be highlighted in a common editorial manner such as pull quotes, sub-heads, or kickers.

### Other Submitted Material

All other written, photographic, or graphic material must be:

- Specifically solicited by the editor;
- Or be unsolicited material that may be published at the discretion of the editor, and in accordance with other applicable sections of this editorial policy and Article XI, Section 8(e) of the by-laws.

## General Membership Meeting Roll Call

Thursday, March 3, 2016

President	Martin Halloran	P
Vice President	Tony Montoya	P
Secretary	Michael Nevin	P
Treasurer	Joseph Valdez	P
Sergeant-At-Arms	Val Kirwan	P
Editor	Ray Shine	E
Co. A	Larry Chan	P
	John Van Koll	P
Co. B	Danny Miller	E
	Louis Wong	P
Co. C	Richard Andreotti	P
	Gerald Lyons	E
Co. D	Joseph Clark	P
	Scott Edwards	P
Co. E	Matt Lobre	P
	Jesus Peña	E
Co. F	Kenyon Bowers	E
	Paget Mitchell	E
Co. G	Clifford Cook	P
	Damon Keeve	E
Co. H	David Lee	P
	James Trail	P
Co. I	Michael Ferraresi	P
	Joseph Reyes	P
Co. J	Kevin Lyons	P
	Joe McCloskey	E
Co. K	Frank Pereira	P
Hdqtr.	John Evans	P
	Kevin Moylan	E
Tactical	Brent Bradford	P
	Mark Madsen	P
Invest.	Chris Canning	E
	Thomas Harvey	E
Airport	Reynaldo Serrano	P
	Mark Trierweiler	P
Retired	Ray Allen	E

## The San Francisco Police Officers Association

# POA JOURNAL

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- Letters must be accompanied by the writer's true name and address. The name, but not the street address, will be published with the letter.
- Unsigned letters and/or articles will not be used.
- Writers are assured freedom of expression within necessary limits of space and good taste.
- The editor reserves the right to add editor's notes to any article submitted, if necessary.
- Articles should be typed, double-spaced, or submitted via e-mail or on disk in Microsoft Word.

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# Minutes of the March 23, 2016 Board of Directors Meeting

1. President Martin Halloran called the meeting to order at 1202 hours.
2. President Halloran led the board in the Pledge of Allegiance. Following the pledge, he asked for a moment of silence in honor of police officers and military personnel killed in the line of duty.
3. Parliamentarian Mike Hebel swore in new representative from Traffic Division, Crispin Jones.
4. Secretary Mike Nevin conducted roll call.
5. Deputy Chief Lyn Tomioka (ret.) made a presentation on behalf of the Police Activities League (PAL). She volunteers as the PAL Director. The PAL golf tournament is June 2, 2016 at Sharp Park in Pacifica. PAL is seeking a donation equal to the POA's donation from last year: \$20,000.
6. Officer Steve Murphy, Hondas, made a presentation for the UCSF Family House Easter Party. Murphy was seeking a donation equal to the POA's donation from last year: \$2,500.
7. Representative Paget Mitchell (Co F) made a motion to approve the February 2016 Board of Directors Meeting Minutes. The motion received a second from Representative Damon Keeve (Co G). The motion passed unanimously by voice vote.
8. President's Message. President Halloran thanked the board and the membership for the impressive attendance at the emergency General Membership Meeting earlier this month at the United Irish Cultural Center on the draft use of force policies. He also pointed out that nearly 1,000 members participated in the online Use of Force survey conducted by the POA.
9. President Halloran, Secretary Mike Nevin, and POA Attorney Gregg Adam provided an update on the draft use of force policies being proposed by the Department. The final "stakeholders" meeting was held on March 18. The POA has created a link on the website (SFPOA.org) titled "Use of Force" to provide members with materials from a variety of sources. The Department sent the updated draft policies to the Department of Justice-COPS group. The Police Commission has offered an aggressive timeline for policy implementation, and the POA will be closely monitoring.
10. President Halloran stated the POA has formed 2 new committees to review new Department General Orders—Social Media and Crisis Intervention Team (C.I.T.). The POA will be involved in "meet and confer" for these policies in the coming weeks.
11. President Halloran addressed his cooperation with the "Blue Ribbon" panel. The POA remains skeptical the panel will be free from preconceived bias towards the SFPD.
12. President Halloran stated that it was brought to the attention of the POA regarding booking refusals at county jail. The Department is addressing this issue. The board was reminded to encourage their members to notify the chain of command of any problems in the form of a Memo.
13. President Halloran and Sergeant at Arms Val Kirwan thanked Co C for the \$1,080 raised for the USO shower program at SFO.
14. Vice President's Message. None. Vice President Tony Montoya was excused.
15. Treasurer's Report. Treasurer Valdez handed out the monthly expense report.
16. New Business. Representative Scott Edwards (Co D) believes that bilingual officers are being tasked to do more and there should be an increase of certified speakers. This would be a contract negotiation item.
17. Representative Jesus Peña (Co E) inquired about borrowing from deferred compensation account. The City is not yet allowing it but POA has been looking into the issue.
18. Old Business. Representative Rick Andreotti (Co C) brought up a recent officer safety issue related to an officer using the court parking lot shared by a defendant. Representative Chris Canning (Investigations) and Gregg Adam have been involved in meeting with the Department on the court lot issue.

19. Representative Crispin Jones (Traffic) inquired about the return to the 10-hour day for specialized units. President Halloran explained that he expects the chief to make a switch from 9-hour day to 10-hour day before the next signup.

20. Financial requests. Representative Damon Keeve made a motion to give \$20,000 to PAL for golf tournament. The motion received a second from Representative David Lee (Co H). It passed unanimously by voice vote.

21. Representative Mark Madsen (Tac) made a motion to give \$2,500 to UCSF Family House. The motion received a second from Representative Jesus Peña (Co E). It passed unanimously by voice vote.

The meeting was adjourned at 1311 hours.

Submitted by  
**Mike Nevin, Secretary**

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Submitted by

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## General Membership Meeting Roll Call

Wednesday, March 23, 2016

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	Paget Mitchell	P
Co. G	Clifford Cook	P
	Damon Keeve	P
Co. H	David Lee	P
	James Trail	P
Co. I	Michael Ferraresi	E
	Joseph Reyes	P
Co. J	Kevin Lyons	E
	Joe McCloskey	E
Co. K	Crispin Jones	P
	Frank Pereira	P
Hdqrtr.	John Evans	P
	Kevin Moylan	P
Tactical	Brent Bradford	P
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# Scapegoating the American Cop

By Gary Delagnes

Gun violence in America is epidemic. In 2015, there were more than 13,500 murders by gunfire. Mass prisoner releases due to "jail overcrowding" have set thousands of criminals loose onto our streets. The recent trend in penalty reductions for "quality of life" offenses (car burglaries, weapon possession, drug sales, etc.) has compounded the burden on law enforcement and shaken to the core the stability of urban life. More than 350,000 mentally ill people walk our streets with severe mental illness such as schizophrenia and bi-polar disease with no desire for treatment, and no where to go should they want medical help. And yet, despite these stats and the abundant showing of news reports that prove them true, some Americans have apparently concluded that the *real* problem in our country is not the criminals and mental health cases, but is actually our police officers!

While we witnessed 161 murders in the city of Chicago in the first 150 days of 2015—the vast majority of those black on black—we hear knee-jerk activists screaming for the heads of police officers who they feel have somehow caused the carnage. The reality is that police officers are now the scapegoat for every social ill in America.

Most of these "victims", pundits, and experts are concerned about one of three things; keeping their jobs, keeping their pensions or nanny-state entitlements, or continuing to receive federal and local funding for their non-profits (refer back to entitlement). It's as if many of

these people would much rather see a cop get killed than see a person of color or deranged suspect die at the hands of police. Cop funerals are easy. Everybody is very sorry. Dignitaries and politicians show up to convey their grief. Everybody keeps their job. Nobody has to deal with the inconvenience of a dead citizen killed in a confrontation with police.

When a citizen is killed by police, especially if they are a person of color, all hell breaks loose. Whether it was justified, righteous, or warranted is irrelevant. A cop has to hang! Round up the experts! Form a "Blue Ribbon Committee!" The facts mean very little, the circumstances "can be misleading", the perception is all that matters.

Law enforcement in urban America has come to expect this boot-licking from spineless mayors and politicians who routinely throw the local Chief of Police underneath the local political bandwagon. They just can't afford to jeopardize the support of a legion of campaign workers (refer again to non-profit entitlements).

Now, we have reached the bottom of a dark abyss. Our own leaders have turned on the rank-and-file by embracing PERF's so-called "30 Points of Light" or, as I call it, the "Hey-it-looks-really-bad-in-the-new-media-world-when-we-have-to-shoot-somebody-so-we-need-to-change-the-rules-of-engagement" paradigm.

## It's Complicated

What has brought on this huge need for change? Why do some now believe that the "Rules of Engagement" need an

overhaul. Why do activists across the country demand the repeal of Connor vs. Graham, the "objective reasonableness" standard that the United States Supreme Court adopted in 1989 when establishing the guidelines for "use of force" by a police officer?

Well, thanks to video cameras, cell phones, and social media, the real world is just now finding out what we could have told them for many years: things are complicated; life is complicated. There is no such thing as "ideal."

Sometimes police work gets messy. Sometimes people don't do what they are asked and have to be subdued. Sometimes people even get killed, and in a lot of those times, the victim happens to be a police officer. And yes, sometimes cops make mistakes and need to pay the price. Connor vs. Graham is not broken, but due to the overreaction of politicians and law enforcement academia across the country pandering to a small minority of table-pounders, we are expected now to change the way we do our job. We should no longer blame the suspects who carry the guns, refuse to drop the knives, or threaten our officers. Apparently, they are only misunderstood they bear no accountability for their actions (refer back to nanny-state and entitlements). We should now sell out the 850,000 police officers in this nation because the public sees the immediacy of police work and are repulsed by its harsh reality.

Idiotic phrases like "lawful but awful" are created making the cop feel like they did something wrong when in fact they simply followed procedure.

Chiefs of police, at the bequest of those who control their destiny, are now embracing these new techniques and policies not because their is anything



Gary Delagnes

wrong with the old ones, but because some people are now offended by the realities of police work.

Ferguson scared the hell out of every Mayor and Chief of Police in this country because they saw a cop do exactly what he was trained to do but political pressure became too much to bear. With these great new PERF policies US mayors have their necessary cover, Teflon chiefs have their touchy-feely new policies and the "phony blue suits" at PERF will continue to receive funding (yes, again refer back to entitlements). The Department of Justice "experts" will fly from city to city making policy recommendations that are more user friendly. It is becoming the biggest and most dangerous over-reaction in the history of law enforcement – and one of the most lucrative for experts and the non-profits.

The only ones that lose are the cops on the street. Some will now be disciplined for not strictly adhering to every facet of these new policies and, more tragically, more will die because of them.

## Filmmaker Examines 'Officer Involved' Shootings

On Mar 21, 2016

JACKSONVILLE, FL – Police shootings of suspects have become increasingly common and they always bring scrutiny. News4Jax spoke to a filmmaker who wanted to examine the toll these shootings can take on officers.

So far this year the Jacksonville Sheriff's Office have had four and last year, it had 10.

Filmmaker, Patrick Shaver spent the last two years traveling the country to talk with officers who have been involved in on-the-job shootings, to find out their struggles and how they cope.

Shaver showed his documentary to local officers at the Fraternal Order of Police—hoping the film will help the officers and their families.

New Orleans police officer Jonathan Hirdes was off-the-job and under investigation for five months in 2014, until he was cleared in the shooting death of 31-year-old Keith Atkinson.

He's just one of more than 90 officers interviewed for the documentary, titled "Officer Involved."

The film's creator, who has a law enforcement background, hopes to bring awareness to how officers are perceived after these shootings.

"It basically walks the viewer through what led you to what led you to this job

**"...filmmaker  
who wanted to  
examine the toll  
these shootings can  
take on officers."**

as a police officer... to what was it like in the aftermath of your shooting," said Shaver.

It's a topic that leaders at the FOP, and the JSO believe is important. They teamed up to bring a screening of the film to our area this weekend.

"We're showing it because we want to be able to show our officers, their families, their spouses, or significant

others what they can expect and what's out there for them. Whether it's help, or to understand what happened to them or one of their friends," said FOP President Steven Zona.

The screenings are open to officers in surrounding agencies as well as their families. One screening is happening Saturday morning and another happens Sunday afternoon.

If you're a member of law enforcement and you'd like to see the documentary, call Chelsea at 904-398-7010, extension 10.

Shaver said he has a road trip coming up this summer, on which he'll be screening the film at police departments nationwide. He also hopes the film will be considered for a film festival.

*From News4Jax.com*

*The post Filmmaker Examines 'Officer Involved' Shootings appeared first on Labor Relations Information System.*

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# Police Legal Defense Continues Unabated

By Paul Chignell  
Former President and  
Current Legal Defense Administrator

Despite the anti-police fervor from self selected and effete commentators, the structural due process protections and institutional organizations that affect police discipline in San Francisco continue.

## The Constant Critics

Those paragons of virtue in the fourth estate who pontificate about police practices and the relationship between San Francisco communities and the SFPD spew their opinions masquerading as news stories, but they have not and will not have any affect on the due process afforded our members.

Of course, the worst of the lot — the triumvirate of John Diaz, sleepy Bob Egelko and Vivian Ho of the morning Comical, will continue to write about which they know virtually nothing about. Par for the course.

The rest of the lot are the rabble rousers of extreme leftish shame and the pied piper himself, the fellow who tried to dismantle pensions for hard working city employees and was summarily defeated by the electorate resoundingly twice — the knight in shining armor — public defender Jeff Adachi.

Here is a clown who does not know his role. Indigent defendants absolutely deserve the best representation from the public. The criminal justice system depends on strong adversarial levers. But Adachi has claimed to be the moral high ground on all criminal justice matters, from the important to the sublime and off to the ridiculous. His penchant for news cameras rivals Al Sharpton. He is an embarrassment to his predecessors



Paul Chignell

who fought vigorously for the constitutional rights and justice for indigents.

Adachi should take a page from Public Defenders Jeff Brown, Kimiko Burton and Bob Nicco. But his arrogance and self aggrandizement won't allow it.

## Onward

Now that we have disposed of the false critics let us reflect on discipline and due process.

## The Rationale

There is a two pronged principle for police discipline.

One is the absolute need for due process from the courts and legislature as well as local administrative bodies.

The second is accountability for the public as well as the institution AND the ability to correct and change behavior that would affect the public we serve and our organization.

Police unions have been in the fore-

front of advocating and winning basic due process rights for police officers. There are many examples of that concept but chief amongst them are the Public Safety Officers' Procedural Rights Act, multiple amendments to that Act and scores of court decisions interpreting the Act. Supreme Court decisions on Pitchess, Brady, and the meet and confer provisions of state law are crucial. In addition, strong local contract provisions with arbitration finality, if necessary, are important to the process.

The need for accountability in discipline is paramount. As much as our union defends officers accused of misconduct in an aggressive manner, we also bear the responsibility to endeavor to work with management to ensure just punishment and to promulgate conditions that will correct behavior and salvage officers so that they can continue serving the public in a meaningful and professional way.

## Institutional Players

Police officers in San Francisco must face multi-faceted scrutiny in exercising our due process rights and facing accountability for our actions.

Chief amongst the investigative agencies are the Office of Citizen Complaints (OCC) and the Internal Affairs Division — criminal and administrative. Representation and other due process principles apply during the investigative stage. Always avail yourself of your rights and be cognizant of them. The POA regularly meets with and engages in constructive criticism of the OCC. We did not oppose the creation of this agency and certainly understand their important role in public oversight.

The office of the Chief of Police is a major component of in house discipline

of our members. We work with the hierarchy of the Department to facilitate hearings and to adjudicate discipline at that level.

The seven (7) member Police Commission is responsible for managing serious discipline cases. Within the rules of the Commission and our responsibilities as advocates for our members we then work closely with the Commission on a number of discipline cases annually. Despite certain labor management concerns the POA is appreciative of the commissioners' sense of fairness and professionalism in dealing with our members.

The Courts are a last resort for matters that fall within police discipline and constitutional rights of police officers. Time and time again through the years the POA has had to venture into Superior Court when there is an important principle that has been violated by the City. We have been successful on a number of occasions. Of note are the victories on residency rules under the State Constitution, emergency powers of the Mayor, statute of limitations matters in discipline, adherence to bargaining rights, interpretation of police personnel records and others.

## The Day-to-Day Work

The day to day work of our panel of attorneys, our defense representation team headed by John Van Koll as well as Kevin Lyons and which was created by former Executive Board members Kevin Martin and Steve Johnson, serve the membership well.

The zany critics of our union and our due process rights fail to understand the infrastructure of police discipline both in terms of fairness and accountability.

I doubt they ever will.

# Calendar of Events

## Specially Scheduled Events

### PENINSULA RETIRED OFFICERS LUNCHEON

**Where** Basque Cultural Center, 599 Railroad Ave., So SF  
**Date/Time** Wednesday, April 6, 2016 11:30 AM  
**Contact** SFPDRETPEN@gmail.com

### RETIREMENT CELEBRATION HONORING PAT BURLEY

**Where** Mariposa Yacht Club, 405 Terry Francois Blvd, SF  
**Date/Time** Friday, April 15, 2016 5:00 PM  
**Please Drop By**

### NORTH BAY RETIRED COP LUNCHEON

**Where** Sally Tomatoes, 1100 Valley House Dr., Rohnert Park, CA  
**Date/Time** Thursday, April 28, 2016 11:00 AM  
**Contact** Steve stevebosshard@aol.com or 707-480-9495

### CALIFORNIA PEACE OFFICERS' MEMORIAL

**Where** State Capitol Mall, Sacramento, CA  
**Date/Time** May 1 & 2, 2016 Various Times  
**Contact** see flyer back page

### "OLD NARC ROUND UP" DINNER

**Where** SF Italian Athletic Club, 1630 Stockton St., SF  
**Date/Time** Wednesday, May 4, 2016, 6:00 PM  
**Contact** On-Line www.oldnarcs.org

### FIRST RESPONDERS SOCIETY LUNCH

**Where** Italian-American Athletic Club  
**Date/Time** Thursday May 5, 2016  
**Contact** adrienroche@comcast.net

### IRONMAN/IRONWOMAN COMPETITION

**Where** Gym, 850 Bryant, SF and the Lake Merced Range  
**Date/Time** Wednesday May 11, 2016 0900  
**Contact** See flyer page 39

### MARINE CORPS LEAGUE GOLF TOURNEY

**Where** Oakmont Golf Course, Santa Rosa, CA  
**Date/Time** Sunday, May 29, 2016 7:30 AM  
**Contact** See flyer Page 40

Mark your calendars for the following meetings and events by the POA and its friends and supporters. All dates and times are subject to last minute changes, so always contact the event coordinator to confirm dates and times. If you have an event you would like posted on our calendar, contact the editor at [journal@sfpoa.org](mailto:journal@sfpoa.org).

## PAL GOLF TOURNEY

**Where** Sharp Park Golf Course, Pacifica, CA  
**Date/Time** Thursday June 2, 2016 Noon  
**Contact** See flyer page 41

## LAW ENFORCEMENT NIGHT GIANTS vs NATIONALS

**Where** AT&T Park  
**Date/Time** Thursday July 28, 7:15 PM  
**Contact** See flyer page 25

## Regularly Scheduled Meetings or Events

### VETERAN POLICE OFFICERS ASSOCIATION

**Where** Scottish Rite Masonic Center, 2850 19th Ave, SF  
**Date/Time** Second Tues. of Every Month, 11:00 am  
**Contact** Larry Barsetti 415-566-5985 [larry175@ix.netcom.com](mailto:larry175@ix.netcom.com)

### WIDOWS & ORPHANS AID ASSOCIATION

**Where** Hall of Justice, Room 150, (Traffic Co. Assembly Room)  
**Date/Time** Second Tues. of Every Month, 1:45 pm  
**Contact** Mark McDonough 415-681-3660, [woaasfpolice@gmail.com](mailto:woaasfpolice@gmail.com)

### AMERICAN LEGION SF POLICE-FIRE POST

**Where** Park Station Community Room, 1899 Waller St., SF  
**Date/Time** Second Tues. of Every Month, 4:00 pm  
**Contact** Greg Corrales 415-759-1076

### POA BOARD OF DIRECTORS MEETING

**Where** POA Building  
**Date/Time** Third Wed. of Every Month, Noon  
**Contact** POA Office 415-861-5060

### RETIRED EMPLOYEES OF CCSF

**Where** Irish Cultural Center  
**Date/Time** Second Wed. of Every Month, 11:00 am  
**Contact** Reyna Kuuk 415-681-5949

### RETIREE RANGE RE-QUALIFICATION

**Where** SFPD Pistol Range  
**Date/Time** Contact Lake Merced Range for Dates  
**Contact** Range Staff 415-587-2274



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February 29, 2016

President Suzy Loftus  
San Francisco Police Commission  
1245 3rd St. 6th floor  
San Francisco, CA 94158

**Dear President Loftus:**

**San Francisco Police Officers' Association  
Initial Response to the San Francisco Police Department's  
Proposed Revisions to Its Use of Force Policies**

This is the POA's response to the proposed changes to the SFPD Use of Force Policy. The POA has asked to meet and confer with the Department over these proposed changes.

The proposed revisions to the use of force policy represent a clear break in intent from the current Use of Force and Use of Firearms policy. As written, they appear to be at odds with federal and state law and longstanding precedents and best practices.

The Department *should* want to update DGO 5.01 (last revised 10/4/95); however, the proposed order upends the spirit and intent of the current order.

The current Department General Order specifies under section I. C:

*Officers are permitted to use whatever force is reasonable and necessary to protect others or themselves, but no more. The purpose of this policy is not to restrict officers from using sufficient force to protect themselves or others, but to provide general guidelines under which force may be used. If exceptional circumstances occur which are not contemplated by this order, officers should use any force reasonably necessary to protect themselves or others; however, they must be able to articulate the reasons for employing such force.*

The current Department General Order specifies under section I. E. 1:

*Officers must frequently employ the use of force to effect arrests and ensure the public safety. It is not intended that any suspect should ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation. Nothing in this order should be interpreted to mean that an officer is required to engage in prolonged hand-to-hand combat with all its risks before resorting to the use of force that will more quickly, humanely and safely bring arrestee under physical control.*

Deviating from the legal standard of "reasonableness" is dangerous. The Department is attempting to substitute in its place a smorgasbord of options limited to specified scenarios. The revisions appear to have been written in a bubble—they ignore that use of force incidents are dynamic, fast-paced, and constantly evolving. There is no acceptable reason for the Department to force officers to ignore and forgo their legal rights, protections, and obligations in the necessary performance of their duty.

**Draft Department General Order (DGO) Section 5.01**

1. The opening statement of this draft policy contains an excerpt from the Law Enforcement Code of Ethics; however, the code and its intent are misstated. First, the full excerpt from the line referenced should be: "With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities."

Furthermore, the Code of Ethics represents ideals to be strived towards, not inflexible requirements. Is it the Department's contention that an officer can be charged for Neglect of Duty for failing to follow the Code? If that is not the intent, why have language that the Code is "required"? We believe the word "practical" needs to be replaced with "feasible" and that "unnecessary" should be replaced with "unreasonable."

2. **Section I. A. [Sanctity of Human Life]** describes the laudable goal of being "committed to the sanctity and preservation of all human life, human rights, and human dignity." However, the revisions to the policy set up a conflict between this ideal and the realities of police work. For instance, if the Department intends officers to preserve "all human life," then how could it ever justify the use of deadly force within policy grounds? Exception to the laudable goal need to be created.

a. Is it now the Department's policy that officers treat all person's lives, rights, and dignity equally, without regard to the person's actions? Consider this scenario: a suspect is threatening an innocent bystander, and the officer's only recourse to end the threat is to seize the suspect (a permissible deprivation of the right of liberty) using force as reasonable (and necessarily endangering the suspect's life and livelihood), and restraining the suspect (thereby compromising that suspect's dignity). How should the officer value the life, rights, and dignity of the innocent bystander over that suspect and effect this arrest? Or is it the Department's contention that the officer should take no action, thus valuing the innocent bystander and the suspect equally?

b. It seems that this section and subsequent sections better fit a mission statement than a Use of Force policy authorizing and outline peace officer authority, responsibility, and duty to use reasonable force in accordance with the law.

c. The term "sanctity" has religious connotations and is murkier than "preservation." "Human rights" and "human dignity" mean different things to different people. According to many "human rights" groups, the use of liquid chemical agent and CEDs is an affront to "human rights" and "human dignity." Exposing officers to unnecessary censure by utilizing these terms in the Department's own policy creates additional concerns and increases

- the likelihood of liability for the Department.
3. **Section I. B. [Thoughtful Communication]** states that officers should attempt to "diffuse conflict and achieve voluntary compliance before resorting to force options." We presume that the Department intended that officers *defuse* conflict, not geographically spread it over a wider area or among a large group of people, as the term *diffuse* connotes.
- Does the Department believe that the ability to achieve "thoughtful communication" is entirely dependent on the officer's willingness and capability? If not, why are barriers to successful communication created by the suspect not being acknowledged in this section? For example, a suspect incapable of communicating because of a medical, mental or physical impairment, language barrier, drug interaction or emotional crisis.*
  - What is "proper voice intonation" and who determines this?*
  - Why has the Department stopped using the long-established and successful POST approved and taught concept of Tactical Communication? *Why substitute in its place the vague and untested concept of "Thoughtful Communication"?*
  - The term "non-compliance" is too vague; it has many meanings. Our officers are trained to distinguish between passive vs. active resistance. Courts also apply these terms.
4. **Section I. C. [De-escalation]** is first described in this section and repeated (with some differences) in all four of the proposed policies. De-escalation, as a policy, is only tangentially related to the use of force. Given the emphasis on de-escalation, it should be contained in its own order.
- De-escalation tactics are the opposite of use of force tactics ("officers should employ de-escalation techniques to decrease the likelihood of the need to use force during an incident and to increase the likelihood of voluntary compliance"). Yet the proposed CED policy describes "arcng" the CED (which, per that policy, is a reportable use of force) in order to achieve voluntary compliance without the use of force. This implies that a reportable use of force may be a valid de-escalation tactic. But it seems to conflict with the other language emphasizing de-escalation.
- Any reference to a suspect's "criminal intent" should be removed.
  - Does this policy only apply if the subject is "actively endangering the safety of the public or an officer, fleeing or destroying evidence [sic]" as is written? If a suspect is a passive resister, officers need not attempt to resolve the incident and obtain voluntary compliance through de-escalation?*
  - What does the Department mean by the phrase "actively endangering"? Is it less than actually assaulting an officer or another person? (This would presumably invoke self-defense/defense of another responsibilities.) If a suspect repeatedly endangers another person, stops endangering them, and then begins again in a repeating cycle, what are the implications vis-a-vis this policy?*
  - This policy indicates that officers shouldn't use force against a suspect meeting the criteria in this section and instead should attempt de-escalation. Does that mean officers cannot point their firearms at a suspect (a reportable use of force) who possess a deadly weapon but is not actively endangering another person? Can officers no longer point their firearms at suspects during high-risk felony stops unless those suspects are attempting to flee, destroy evidence or actively endanger another person?
  - Under the proposed Unit Order for CEDs, the tactic of "arcng" in order to obtain voluntary compliance is discussed and recommended; however, that would appear to be in conflict with the de-escalation policy for the scenarios discussed in that order.
  - In the short span of time it takes most incidents to resolve, how can the Department expect an officer to know and understand why a particular subject is non-compliant AND utilize that knowledge?*
  - The list of de-escalation tactics assumes that an officer has sufficient resources on-hand for "isolating and containing the subject" and protecting any bystanders wishing to record the encounter. It further implies a duty to retreat from a non-compliant individual ("Create time and distance from the subject by establishing a buffer zone") that is not consistent with California law nor case law. The language implies that officers are "aggressors" ("[create distance] to avoid creating an immediate threat that may require the use of force"), again in defiance (or ignorance) of legal precedent.
  - This policy would require officers to tactically re-position as often as necessary to maintain the reaction gap, protect the public and preserve officer safety, which would seem to mean that as often as the suspect moves the officers would be obligated to move as well. This is inherently dangerous. It compromises officers' ability to contain suspects. Constant repositioning by officers increases suspects' opportunities to escape, assault officers or attack civilians or take them hostage. This change sounds good on paper but on the streets it will unnecessarily expose all parties to increased danger.
  - Point 4 states that an officer on scene is to "designate an(ther) officer to engage in thoughtful communication with the subject without time constraint". Who makes this decision? What criteria are used to designate the officer? How will that information be effectively communicated? Under what circumstances and what authority could that initial decision be modified or countermanded? How is the designated officer supposed to 'thoughtfully communicate', with what tools and training, and under what constraints (other than time)?
5. **Section I. D. [Proportionality]** discusses the severity of the offense or threat to human life juxtaposed with the level of force used against the suspect.
- The first part of the first sentence: "It is important that an officer's level of force be proportional to the severity of the offense committed," is problematic. The initial offense committed is not necessarily a determining factor in the reasonableness of the force used, and therefore may not be "important." For example, a person who commits the crime of fare evasion (an infraction), who then flees detention may be lawfully pursued and force may be reasonably used in order to take this person into custody, despite the fact that the initial crime was "minor". And, in the opinion of the POA, an individual who initially flees from a fare evasion incident and then fires on pursuing officers should no longer be considered a "fare evader."
  - The second part of the first sentence of this policy is legally accurate, and it says no more than the standard concept of criminal law that deadly force may not be used to defend against non-deadly force. However, most of the examples that the Department provides in the next sentence, "an edged weapon, improvised weapon, baseball bat, brick, bottle or other object" are examples of armed suspect encounters where the use of deadly force by the threatened officer COULD be justified. If an officer faces a suspect armed with

<sup>1</sup> The initial POA response letter was dated February 22, 2016.

- a baseball bat or knife, this is a deadly force encounter and the officer would be inadequately defended with less-than-deadly force. This is EXACTLY the reason that, when deploying less-lethal tactics (ERIW, etc.), officers do not attempt deployment without having a cover officer properly armed with a deadly force option.
- c. What are the "principles of proportionality?" If it is the Department's intention that lower levels of force can be "proportionally" used to defend against lower level, but still potentially deadly threats, does the converse also apply? If a suspect has a mass casualty device, what would the officer's "proportional" response be?
- d. The last sentence implies that there is always one and only one correct option in the use of force ("Officers may only use the degree of force that is reasonable and necessary..."). This is an inaccurate implication; officers may use ANY degree of force so long as the force used is reasonable. There is no requirement that the force used be minimal or optimal for the given situation; in fact, the courts (9th Circuit) have repeatedly stated that the fact that another officer may have used a different force option, or that a different force option would have been more effective in any specific encounter is irrelevant so long as the option chosen was reasonable from the point of view of an officer with similar training and experience.
6. **Section II. A. 5 [Use of Force Must Be For A Lawful Purpose]** describes instances when an officer may use reasonable force including: "To prevent a person from injuring himself/herself, unless the person also poses an imminent danger of death or serious bodily injury to another life or officer."
- a. This is confusing: Can an officer use non-deadly force on a subject who is injuring themselves?
  - b. Careless use of terms. The Department uses "imminent" and "immediate" in different sections, without distinguishing their meaning. Officers have been trained and understand the difference. But the Department must be more careful in intermixing terminology with different legal definitions. [See section II. B. 1.] [Also see #1 in this letter.]
7. **Section II. B [Use of Force Must Be Reasonable]** states: "Under the Fourth Amendment of the United States Constitution and California Penal Code section 835(a), an officer's decision to use force, and to use a particular type and degree of force, must be objectively reasonable under the totality of the circumstances."
- a. Current DGO 5.01 cites the exact language of California Penal Code section 835a. This gives California peace officers the authority to use reasonable force. We encourage the draft DGO to include this important language as well: "Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, or to prevent escape, or to overcome resistance."
  - b. The proposed DGO omits the majority of 835a PC. Does the Department disagree with those parts? If not, why the omission in light of its applicability?
8. **Section II. E [Duty to Provide Medical Assessment]** states, "If the emergency medical response is excessively delayed under the circumstances, officers should contact a supervisor to coordinate and expedite the medical assessment or evaluation of the subject."
- a. What is an excessive delay? Who determines what is excessive? As written, the duty seems to fall on the officers to make this determination. What medical training will officers receive in order to judge the reasonableness of any delay? Under current police protocols, officers are not responsible for determining the code (i.e., 1-3) of a responding ambulance. If an officer makes a determination that there is an excessive delay, and the officer's determination violates medical response protocols, does the responding supervisor follow the existing protocol governing medical response or does the supervisor override DEM's determination based on the officer's judgment? Are DEM and SFFD aware of these proposed changes to existing protocols? Will a dispute between agencies expose the City or the Department to additional liability?
  - b. We need data. How can officers and supervisors be responsible for outside agency medical response to their requests? We are unfamiliar with any data suggesting that subjects are not getting prompt medical treatment. Can you provide data suggesting otherwise?
  - c. Unnecessary liability. We encourage the Department to work with outside agencies (S.F.F.D. and AMR) to develop response protocols to critical incidents involving injured parties. However, we have concerns that this language in the proposed DGO will expose our members to unnecessary liability.
9. **Section II. F. 2 [Supervisor's Responsibility]** states: "When officers are dispatched to or on-view a subject with a weapon, a supervisor shall immediately remind responding officers, while en route, to protect life, isolate and contain the subject, maintain distance, find cover, engage in thoughtful communication without time constraint, and call for appropriate resources."
- a. Does the Department expect supervisors to repeat this reminder every time officers "are dispatched to or on-view a subject with a weapon?" Will they carry the reminder (or admonition) in their pockets like a Miranda card to recite verbatim as the DGO suggests?
  - b. Has the Department considered the significant officer safety concerns when officers or dispatchers are trying to give critical information and supervisors are trampling on the radio to recite this reminder to responding units? Historically, when an officer calls "Code 33," it means the radio traffic is cleared for emergency communications only. Does this reminder serve as an emergency?
  - c. Is the Department changing the active shooter response methods by its personnel? Current training involves members "moving to contact" active shooter suspects without delay. It seems contrary to every recent study to have officers "finding cover" and "engaging in thoughtful communication" when, for instance, children are actively being slaughtered in a school.
  - d. Does the Department actually expect that a supervisor will respond to every call received and dispatched by DEM where the untested information given indicates that a suspect has a weapon? If so, will the Department be increasing supervisor staffing levels to account for the increased calls for service as well as the additional workload and supervisor documentation contemplated in this and the other proposed orders? Also since point 3 of this section requires that supervisors, "Upon arrival, assuming command" of the incident, regardless of what the actual incident is, does the Department intend that supervisors retain command formally (with a command post, etc.) or informally until the resolution of every call for service they respond to, regardless of merit?
10. **Section III [Force Options]** omits the use of a police dog as a reportable use of force.
11. **Section III. A. 1. [Force Options...Purpose]** The phrase "minimal use of force" is not required by the 9th Circuit. The test is reasonableness under the totality of circumstances.
12. **Section III. A. 3. [Prohibited Use Of Control Holds]** Officers are prohibited from using the following control holds: a. Carotid restraint; and b. Choke hold.
- a. Banning the carotid restraint makes no sense. There are approximately 35 carotid restraints per year by SFPD. It is a force option used with significantly greater frequency than deadly force. The POA knows of no instance where a suspect suffered serious injury as a result of carotid restraint. Not only were suspects not seriously injured, but others (officer, suspect, civilian) avoided serious injury BECAUSE the carotid restraint was used. The Department has access to these reports. Have they been reviewed, or considered, and will this data be shared?
  - b. The choke hold myth. The SFPD has never trained in "choke holds." Why is the Department banning something never taught to its officers? Can the Department provide any examples of this hold being used? What specific holds are meant in this prohibition against the "choke hold"?
  - c. Is it the Department's intention to leave smaller officers with no recourse when dealing with an assault from an unarmed but larger suspect than to use their firearm? The effectiveness of liquid chemical agents is compromised in close quarters (and may pose a threat to the officer or officers), and normal physical controls and baton strikes are frequently ineffective when encountering suspects with a sufficient size differential. How does the Department expect these officers to respond without this effective tool, short of headlong flight or the use of a firearm against an unarmed attacker?
  - d. The carotid restraint has proven to be very effective against suspects who are on stimulants and/or hallucinogens, where other levels of force historically fail or would be ineffective. Without this tool, officers encountering an unarmed suspect under the influence of a controlled substance who is a threat to the officers or the public may have no reasonable means to take the suspect into custody short of the use of lethal force. Is it the Department's intent to leave officers with no force option other than their firearms when dealing with such suspects?
  - e. The Police Executive Research Forum (PERF) reviewed the SFPD policies in 2008, issued a written report, and found the Carotid to be a reasonable force option. Has PERF's position since changed? SJPD recently retained its carotid restraint and was praised by its independent police auditor.
13. **Section III. C. 3. [Impact Weapons-Prohibited Uses]** "Officers shall not (B.) Strike a handcuffed prisoner with an impact weapon. (C.) Raise an impact weapon above the head to strike a subject."
- a. The Working Group must watch the scenario from the Department's Force Options training which involves a handcuffed (hands behind back) subject walking through a mall with a security guard. The suspect, who clearly has expert martial arts skills, jumps through the handcuffs, moving them from behind his body to the front, then proceeds to beat people to death using his handcuffs and feet. Officers are EXPECTED to immediately engage the suspect. Most use a baton to do so, and it is a reasonable response. (\*A member of the media who took this training could not stop shooting her firearm into the crowd of civilians to get the subject to stop.)
  - b. Current training teaches officers where to strike (or where not to strike) a suspect. Why does it matter if an officer raises his or her arms above his or her head to accomplish a lawful tactic? If a suspect was at some level above an officer and threatening the officer or another individual, the officer may have no recourse but to raise his or her baton above his or her head in order to strike the suspect. This prohibition seems arbitrary and should be fully explained.
14. **Section III. D. [Extended Range Impact Weapon (ERIW)]** states that "An ERIW is generally not considered to be a lethal weapon when used at range of 15 feet or more." This language is problematic; for instance, it implies that an ERIW is generally considered a lethal weapon when used at a range of less than 15 feet. This contradicts DB 15-234, which holds the optimal range to be between 15-60 feet. The language should be more consistent with the existing Department bulletin and relevant training. The E.R.I.W. has been the equivalent of a baton until now. This draft mandates that a suspect be armed with a weapon. Why would an E.R.I.W be limited in these instances if it might prevent the use of a firearm by an officer?
15. **The last two sentences of this DGO draft state the following:** "If exceptional circumstances occur, not contemplated by this order, an officer's use of force shall be reasonably necessary to protect others or himself or herself. The officer shall articulate the reasons for employing such use of force."
- a. We recommend giving this paragraph a heading and moving these sentences to the first page of this order—just like the current DGO 5.01. Exceptional circumstances happen and can never be fully anticipated by any order. Officers need to know that we expect them to survive under any circumstance they might face.
  - b. We understand that we are providing multiple examples of "exceptional" circumstances in this response. We do NOT believe you can ban or prohibit an action in one section of the order only to rely on this language when you find the officers' actions reasonable. We expect the City Attorney's Office should be able to weigh in on this argument, as it has in the past.
- Draft DGO 5.01.1 (Use of Force Reporting)**
16. **Section I.A. [Reportable Uses of Force]** "Officers shall report any use of force involving physical controls where the subject is injured or claims to be injured, personal body weapons, chemical agents, impact weapons, extended range impact weapons, vehicle interventions, conducted energy devices, and firearms. Additionally, officers shall report the intentional pointing of conducted energy devices and firearms at a subject."
- a. It is difficult to judge this new policy in part because it refers to a form that does not exist ("Supervisory Use of Force Evaluation form", which is apparently different from the Use of Force log, also listed).
  - b. Since the Department wants to expansively increase its use of force reporting requirements, has consideration been given to how it will explain the inevitable resulting increase in use of force to the public and Police Commissioners? While the POA appreciates and accepts most of these options listed above are in fact "uses of force," no court requires they all be "reportable" uses of force. In the specific instance of pointing a firearm, it remains the ONLY reportable use of force that CANNOT be the proximate cause of any injury or complain of pain by the subject. We expect that, if this is adopted, that both the Department and Police Commission educate themselves and the public as to why reportable force incidents are increasing.
  - c. Unlike current use of force reporting, there will be many cases where a subject is unaware reportable force was even used against him. That is because a person may submit to the arrest and not even see force options pointing in his direction.
  - d. The current use of force log is not an effective means of complying with use of force reporting requirements. It is unnecessarily redundant in many situations. It tracks force by each member and each subject separately. In a case where 4 armed robbery suspects are stopped on a high-risk felony traffic stop, there should be numerous police officers with firearms drawn. These reportable force incidents should be tracked by incident number. That will list all the involved parties and accomplish your goals.
17. Intentionally pointing a CED at a suspect is a reportable use of force. However, in the Bureau Order, it is suggested that when verbal warnings are ineffective, an officer may choose to display the electrical arc (provided that a cartridge has not been loaded into

## Initial Response to the San Francisco Police Department's Proposed Revisions to Its Use of Force Policies

CONTINUED FROM PREVIOUS PAGE

the devise), or the laser in a further attempt to gain compliance prior to the application of the CED. So, in order to display the arc or laser sighting, an officer has to reasonably point his or her CED at the suspect. An officer will get cited for a reportable use of force in a de-escalation strategy to avoid using force. Pointing a CED at a suspect to gain voluntary compliance should not be a reportable use of force.

18. **Section II. B. [Supervisor's Responsibility]** states that the responsibility for conducting a "supervisory evaluation" along with filling out the appropriate "Supervisory Use of Force Evaluation Form", making the Use of Force Log entry, and reviewing the report falls on the senior supervisor present regardless of district or assignment (or by implication, rank). *Is it the Department's intention that whoever is the highest ranking and senior-most supervisor on-scene shall handle the evaluation? Does that include scenes at which lieutenants, captains, ranking members of specialized units, SIT sergeants, etc., respond to? Is the responsible supervisor required to review the incident report prior to ending his or her shift, as implied in this order?*

### Draft DGO 5.02 (Use of Firearms)

Note that as much of the wording in the first few paragraphs of this order mirrors that of the proposed DGO 5.01, the same comments and questions apply.

19. **Section I. A. [General]** states, "It is the policy of this Department to discharge a firearm or use other lethal force only when other force options would be ineffective or inadequate to protect the safety of the public and the safety of police officers." This is an incomplete statement in general and is inconsistent with **Section I. D. 1. [Discharge of firearms or other use of lethal force]**. Officers may use lethal force under the current policy AND under this draft under the following circumstances:

- a. *In self-defense when the officer has reasonable cause to believe that he or she is in imminent danger of death or serious bodily injury; or*
- b. *In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury. However, an officer may not discharge a firearm at, or use lethal force against, a person who presents a danger only to him or herself, and there is no reasonable cause to believe that the person poses an imminent danger of death or serious bodily injury to the officer or any other person; or*
- c. *To apprehend a person when both of the following circumstances exist:*
  - i. *The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of lethal force; AND*
  - ii. *The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed; or*
  - iii. *To kill a dangerous animal. To kill an animal that is so badly injured that humanity requires its removal from further suffering where other alternatives are impractical and the owner, if present, gives permission; or*
  - iv. *To signal for help for an urgent purpose when no other reasonable means can be used.*

20. **Section I. B. 1. [De-escalation]** repeats much of the language from DGO 5.01, except that this section is even less appropriate in a Use of Firearms policy. Officers may use lethal force only if a fairly serious set of circumstances exist. *Does the Department believe that officers, when faced with the imminent threat of death or great bodily injury to themselves or an innocent member of the public, should attempt to initiate de-escalation tactics? If an officer, believing that an innocent bystander is about to be killed by an armed assailant, attempts a de-escalation tactic which then fails, resulting in the death of that innocent bystander, does the Department believe the officer has appropriately discharged their duty to safeguard the public?*

21. **Section I. B. 3. [Subjects Armed With Weapons Other Than Firearms]** states: "Except where circumstances make it reasonable for an officer to take action to protect human life or prevent serious bodily injury, immediately disarming the subject and taking the subject into custody is a lower priority than preserving the sanctity of human life. Officers who proceed accordingly and delay taking a subject into custody, while keeping the public and officers safe, will not be found to have neglected their duty. They will be found to have fulfilled it." This is the equivalent of stating that the determination of whether an officer acted properly or not is dependent upon the outcome, not on the circumstances and the reasonableness of the actions taken by the officers on scene. This is dangerous, and substitutes good luck for good tactics.

*Does the Department believe that only firearms are deadly weapons? If not, why create a two-tiered system of "firearms" and "weapons other than firearms"? Edged weapons, improvised weapons, baseball bats, bricks, bottles, and other objects are all examples of deadly weapons. Additionally, a suspect may be armed with an explosive or incendiary device, which, as contemplated by this order, would be classified as a "weapon other than a firearm" and theoretically pose a lesser threat than a firearm.*

22. **Section I. D. 5. [Moving Vehicles]** "An officer shall not discharge at the operator or occupant of a moving vehicle unless the operator or occupant poses an immediate threat of death or serious bodily injury to the public or an officer by means other than the vehicle. Officers shall not discharge a firearm from his or her moving vehicle." The current DGO 5.02 was last revised in 2011. This proposed new version erases a one-page worth of language about engaging threats in moving vehicles. Unfortunately, the language removed described exceptions to the current *restrictive* policy. This is clearly now a policy of *prohibition*. The exceptions in the current policy allowed for the use of a firearm for the following reasons:

- a. When the officer had no reasonable and apparent way to retreat or otherwise move to a place of safety. Now it would seem an officer must choose between her life or violating policy.
- b. In defense of another person when the officer has reasonable cause to believe that the [innocent] person is in imminent danger of death or serious bodily injury. If a person is armed with only a vehicle and actively plowing through a crowd of people during a parade the officer would, under this policy, only be able to stand and watch.
- c. To apprehend a person who has committed a violent felony involving lethal force AND a substantial risk exists that the person will cause death or serious bodily injury if apprehension is delayed. Unlike a suspect on foot who is a violent, fleeing felon—a suspect who enters a vehicle will now be free to leave. This proposal turns a vehicle into a safety zone for violent felons to escape.

### Notes regarding threats posed by vehicles in motion:

- The latest quarterly summary provided to the Police Commission of officer-involved shootings lists a brief synopsis of cases since 2000. This is a public document that we encourage you to review again.
- Since DGO 5.02 was adopted in March of 2011, there have been 11 cases involving a threat

in a moving vehicle. None of those cases would now be "In Policy" if the language in this draft is adopted. However, any reasonable person reviewing the facts of these cases would find it impossible to believe that the officers acted improperly.

- One may wish that threats caused by moving vehicles will cease. But in the real world, where police officers patrol, there will be cases involving violent suspects seeking to harm innocents by way of their vehicles. The only question remaining is if the Department and Police Commission will trust them to make reasonable choices in dangerous, rapidly-evolving situations. This proposed policy change precludes that.

### Draft Bureau Order for Conducted Energy Devices (CED)

23. The POA has authored a draft CED policy. It should be considered. Numerous concerns undermine this Department draft policy. *Why would the Department limit permissible use to only "armed" suspects? If an officer or citizen is being beaten to death by the hands or feet of a suspect, an officer could articulate a reasonable need to use a firearm. Why would an ECD be limited in these instances if it might prevent the use of a firearm by an officer?*
24. The language for what constitutes deployment and activation, for example, which are both defined in the Section II of the order, are used in different manners throughout the orders. For example, the CED policy states that both "deployment" and "activation" require a supervisor response and documentation and reference the Use of Force DGO (5.01), yet in DGO 5.01, there is no reference to deploying or activating a CED, and in DGO 5.01.01 only pointing CED is listed as a reportable use of force. Furthermore, there are several inconsistencies as to when and how the laser on the CED may be activated as well as follow-up procedures. This is true as well for arcing the CED.
25. The limited deployment of the CEDs to Specialists and the Tactical Unit makes it unlikely that a CED will be available in a timely manner. Furthermore, since CED use is prohibited following the use of liquid chemical agent (and indeed, the current Sabre Red OC specifically prohibits the use CEDs subsequent to the deployment of OC), even if specialists and or Tactical Unit members arrive on scene, it will be likely that OC will have been deployed precluding the use of CEDs.
26. Officers are only permitted to use a CED when encountering suspects armed with a weapon other than a firearm, such as an edged weapon, baseball bat, or brick, and the suspect poses an immediate threat to the safety of the public or the officer(s). An officer is not permitted to use a CED on a violent but unarmed suspect who is larger and stronger than the officer and who threatens the officer's safety. This is despite the fact that if the unarmed suspect begins to grapple with the officer, the officer will have to defend him or herself from a stronger opponent while practicing weapon retention techniques for two separate weapons (CED and firearm) located on opposite sides of the officer's body. This policy contemplates use of a CED only based on what the suspect is armed with, and not the individual circumstances of the encounter. This flies in the face of the current legal standard of "reasonable" force, and is not in line with the best practices of other agencies.
27. Under Section III. F. [Prohibited Use], the use of a CED to psychologically torment, punish, or inflict pain is listed. The use of a CED in these circumstances would undoubtedly result in criminal charges against the officers; administratively prohibiting criminal use seems unnecessary.
28. Likewise, under the same section, officers are effectively prohibited from using CED against a series of subjects. (The text prohibits CED use against these subjects when armed with a weapon other than a firearm; as the previous section prohibits the use of a CED against unarmed suspect, and CED use is only allowed when the suspect is armed with a weapon other than a firearm, use against these subjects is apparently prohibited in all circumstances). Among the categories of prohibited persons are:
  - A subject who is only a danger to him/herself, which requires an officer know the suspect's current and evolving state of mind—a knife to the neck can become a thrown and deadly missile.
  - Females who are obviously pregnant, which requires an officer to observe a woman's body and determine from visual inspection if a large midsection indicates pregnancy, obesity, a hidden object, or some combination of these.
  - The visibly frail, which has multiple definitions from "easily led into evil" to "weak and delicate". It is hard to think of a more ambiguous term that could have been used.
  - Children (who appear under 14 years of age), without reference to how that apparent age is to be determined and by whom. Furthermore, if an officer is faced with a 6', 200lbs 13 year old with a baseball bat, this order would prohibit the use of the CED to safely resolve the incident.
  - Other issues with the proposed language in this section abound.
29. *What purpose is served in prohibiting the use of a CED in drive stun mode?* Other agencies recognize the use of a CED in drive stun mode (and indeed, recognize it as a lesser use of force than to deploy it by firing the probes).
30. The prohibitions listed in this order should contain the caveat that exceptional circumstances not contemplated by this order may result in the appropriate use of a CED in otherwise prohibited circumstances. For example, an officer may appropriately deploy a CED in order to restrain a handcuffed individual who slips his handcuffs to the front and arms himself with a weapon; yet this is currently prohibited under this order.
31. Other concerns/questions involve the very limited authorized users, when it can (or cannot) be used, how it is reported and investigated. We believe it would be better served to start from scratch with regard to considering this Department draft.

Finally, there are several areas in all four of the proposed policies where the phrase is used, "officers shall, if practical..." This statement creates areas of confusion and therefore liability for the Department and our members. For example, in proposed **DGO 5.01 Section III. C. 2 [Impact Weapon – Warning]**, it states that, "When using an impact weapon, an officer shall, if practical: Announce a warning..." One way to interpret this would be, "officers are required to announce a warning if they think the warning will be effective in gaining voluntary compliance," meaning that officers don't have to announce a warning if they DON'T think a warning would be effective in gaining voluntary compliance, thus effectively negating the need for "shall." On the other hand, another interpretation would be, "officers are required to announce a warning if SOMEONE ELSE at a later date thinks a warning would have been effective in gaining voluntary compliance." This is of course, problematic. A simple solution would be to replace all instances of "shall, if practical" with "if feasible," as appropriate.

Sincerely,

Martin Halloran  
President

cc: Greg Suhr, Chief of Police, San Francisco Police Department  
Micki Callahan, Director of Human Resources,  
City and County of San Francisco



# Outbox

## Blue Ribbon Panel

To: All Members

The POA has been and continues to be highly skeptical of the Blue Ribbon Panel that was convened by District Attorney George Gascón. The POA has fully cooperated with the Panel by providing hundreds of documents to them and scheduling a number of interviews of POA members. I personally sat through a 90 minute interview with four attorneys from the Blue Ribbon Panel but neither I nor any other

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March 29, 2016  
VIA E-MAIL AND REGULAR MAIL

Anand Subramanian  
Executive Director  
Blue Ribbon Panel  
E-mail: anand@policylink.org

Re: Let Our Members Speak

Dear Anand:

I am requesting once again that you allow San Francisco Police Officers' Association (POA) members to testify before your Blue Ribbon Panel. We understand that Mr. Gascón has essentially tasked you and the Blue Ribbon Panel with finding that the San Francisco Police Department and its officers are racists. To that end, thus far, I believe that other than Chief Suhr himself, you have allowed a grand total of one police officer to testify: Sgt. Yulanda Williams, President of Officers for Justice, who harbors her own strong views that Mr. Gascón and you are exploiting. But how can you really hold your Panel out to be fair and impartial if you refuse to allow the testimony of Sgt. Tracy McCray, Inspector Clifford Cook, and Former Commander Leroy Lindo, three African American officers who dispute Sgt. Williams's skewed views about the Police Department.

Is it the case that you only allow witnesses who support Mr. Gascón's hypothesis? If not, why allow Sgt. Williams to speak openly and publicly at one of your hearings, but not allow the contrary view expressed by these other credible officers?

The same goes with the constant belittling of the POA by Mr. Gascón, you, and other persons speaking for the Panel. Let Martin Halloran, our President, offer testimony that disputes Williams's allegation that the POA itself is a racist organization. (Martin Halloran is available through the end of April, except for April 6, 11, 15, 20-22, and 27.) Let Lt. Jack Hart testify about search and seizure practices and his Blue Courage program. Let Sgt. Sean Perdomo speak to how Latino police officers feel about the Police Department. And let POA Vice President Tony Montoya speak to working in the department as an openly-gay officer.

Your panel gave Mr. Gascón full time to air his broad-brush condemnation of the Police Department - yet it will not allow past POA President Gary Delagnes, who was arguably as close to Mr. Gascón as anyone during his time as Chief, to provide contrary testimony. Mr. Delagnes has already submitted a summary of his proposed testimony under penalty of perjury that carries with it more credibility than Mr. Gascón's testimony, which, of course, was not under penalty of perjury.

Why are you refusing to let Mr. Delagnes testify? Is it because Mr. Gascón is afraid of hearing testimony that will contradict his broad-brush condemnation of the Department? Or is it because Mr. Gascón is afraid to let the panel hear a firsthand account of the dinner in Cambridge where Mr. Gascón used racially inflammatory language?

It is ironic that the Panel representatives accuse the POA of discouraging Police Department employees from speaking with the Panel. By my count, Chief Suhr is the only member of the Police Department who has volunteered to meet with Panel. In contrast, the POA has put forward at least eight witnesses and has offered multiple others that Panel representatives have not followed up on.

The POA asks that you let all of our witnesses testify.

Very truly yours,

MESSING ADAM & JASMINE LLP  
Gregg McLean Adam

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Former San Francisco Police Officer  
Former San Francisco Assistant District Attorney (1979-1997)

POA member that was interviewed have testified before the full Blue Ribbon panel.

The POA believes our testimony is important and we are asking to be heard. I have therefore directed our labor attorney to forward a letter (below, left) to the Panel. The POA also put out a Press Release (below) demanding the same. The Blue Ribbon Panel must be allowed to hear all sides of any issue if they intend to produce a fair and balanced report.

Martin Halloran  
SFPOA President

## SFPOA Demands That D.A. Gascón Allow Testimony By African-American Police Officers At Gascón's Blue Ribbon Panel

*Union Attorney Asks If Gascón Fears Contradiction Of His Broad-Brush Condemnation Of Police Officers Attorney Also Asks If Gascón Fears First-Hand Account Of Cambridge Dinner Where Gascón Disparaged African-Americans*

SAN FRANCISCO – Today, the San Francisco Police Officers' Association (SFPOA) released a letter from its attorneys that demands that African-American police officers be allowed to testify before District Attorney George Gascón's handpicked Blue Ribbon Panel.

In a letter to the panel, the union's attorney Gregg Adam notes that other than Chief Greg Suhr, Gascón's panel has only allowed one officer to testify: Sgt. Yulanda Williams, a vocal critic of the department. The letter criticizes the exclusion of other African-American officers who hold different views and asks: "how can you really hold your Panel out to be fair and impartial if you refuse to allow the testimony of Sgt. Tracy McCray, Inspector Clifford Cook, and Former Commander Leroy Lindo, three African-American officers who dispute Sgt. Williams's skewed views about the Police Department?"

The union also asks why Gascón's panel is barring Gary Delagnes, a former union president, from testifying: "Why are you refusing to let Mr. Delagnes testify? Is it because Mr. Gascón is afraid of hearing testimony that will contradict his broad-brush condemnation of the Department? Or is it because Mr. Gascón is afraid to let the panel hear a firsthand account of the dinner in Cambridge where Mr. Gascón used racially inflammatory language?"

On March 2, 2016, Delagnes submitted a sworn declaration that says Gascón made multiple statements disparaging African-Americans during an April 2010 dinner in Cambridge, Massachusetts. Delagnes' testimony was confirmed in sworn statements by two other witnesses: Martin Halloran, the union's current president, and Chris Breen, a retired San Francisco police officer.

Gascón has refused to comment in any detail on the Cambridge dinner. He initially issued through a spokesman what Mayor Willie L. Brown, Jr., described as a "non-denial denial." (San Francisco Chronicle, March 6, 2016.) After a week of silence, Gascón acknowledged attending the dinner, but issued a denial that lacked any detail.

Mayor Brown said that Gascón should have asked a prosecutor from another county convene the Blue Ribbon Panel. (San Francisco Chronicle, March 6, 2016.)

Superior Court Judge Quentin Kopp (ret.) demanded that Gascón recuse himself from his own panel. In a February 17, 2016 letter to Gascón, the judge accused Gascón of a conflict of interest. Kopp said that by handpicking the Blue Ribbon Panel, Gascón has created the "perception that you are investigating yourself" because Gascón was chief during some of the time period being scrutinized by the panel.

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## MEMORANDUM

DATE: February 29, 2016  
 TO: Marty Halloran, President-Executive Board  
 Michael Nevin, Secretary-Executive Board  
 FROM: Blake P. Loeks  
 RE: Review of proposed SFPD General Orders related to use of force and use of lethal force.

### 1. Introduction

I have been asked by the San Francisco Police Officers Association ("SFPOA") to provide an analysis, both from a legal and practical prospective, of the proposed revisions to San Francisco Police Department's ("SFPD") department general orders ("DGOs") 5.01, 5.01.1 and 5.02 (the "Proposed Orders"). Below are my initial impressions, understanding that many of these issues are complex and would benefit from further analysis and empirical evaluation.

### 2. My Background

I am partner at Meyers Nave and the head of the Police Defense practice group. Before joining Meyers Nave, I served for 22 years as a Deputy City Attorney for the City and County of San Francisco. For nine of those years, I was the Chief of Civil Rights Litigation, focusing primarily on supervising a 22-member trial team on civil rights litigation matters, and personally defending officers and the SFPD against claims of excessive force stemming from officer-involved-shootings. While at the City Attorney's Office, I also provided instruction at the SFPD police academy regarding officer involved shootings.

As a Deputy City Attorney, I served as first chair in over 25 civil jury trials. I have briefed and argued numerous appeals before the Ninth Circuit and the California Court of Appeal.<sup>1</sup> I have also assisted the SFPD, shaping policy on matters including use of force, officer-involved shootings, and vehicle pursuits.

### 3. Hastily Enacted, Substantial Modifications To Any DGOs Could Have Disastrous And Unintended Consequences.

The Proposed Orders reflect sweeping and novel changes to the guidelines concerning appropriate use of force. Changes of this magnitude need careful consideration of the legal and practical impact such changes may have. Ideally, a committee would be formed consisting of individuals with a variety of viewpoints to help advise on each policy change, just like the California Commission on Police Officer Standards and Training ("P.O.S.T.") does before changing its learning domains. The existing general orders in place regarding use of force have largely been in effect since 1995. There is no doubt that some of the language should be changed and updated. But, the scope of the changes contained in the Proposed Order is so broad that more deliberation and deeper evaluation is necessary to avoid creating unclear, inappropriate policy and unintended consequences.

Below, I have attempted, with the limited time afforded to me, to outline the primary areas of concern I have with the Proposed Orders that I hope will be given greater consideration and analysis before the Proposed Orders are enacted by the SFPD.

### 4. Specific Aspects Of The Proposed DGOs, Which Left Uncorrected, Could Have Disastrous And Unintended Consequences.

#### a. Requiring Force To Be "Proportional To The Severity Of The Offense Committed," Without Further Clarification Is Problematic.

The concept of "proportional force" is not entirely new. A few federal cases discuss "proportional force," and officers in Seattle are required to use "proportional" force. In each case that I have reviewed that discusses "proportional force," and with Seattle Police Department's General Orders, the requirement to use proportional force does not stand on its own. And, the concept is tied not just to the "severity of the offense," but also to the threat to the officer or the public. Furthermore, in every other instance in which I have seen that term used (with one exception), it is directly tied to the *Graham v. Connor*, 490 U.S. 386 (1989) framework for evaluating use of force.<sup>2</sup>

For example, Seattle defines "proportional" as follows: "The level of force applied must reflect the totality of circumstances surrounding the situation, including the presence of imminent danger to officers or others. Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be objectively reasonable and necessary to counter it." (Seattle PD General Orders 8.200.1.) Seattle's use of the term proportionality is consistent with the Supreme Court's seminal holding *Graham v. Connor*, 490 U.S. 386 (U.S. 1989) (Officers may use force that is objectively reasonable based on the totality of circumstances known to the officer at time, without the benefit of 20/20 hindsight).

The primary concern that I have with San Francisco's proposed use of the phrase "proportional force," is that it is unclear whether San Francisco intends that phrase to be consistent with *Graham* or a departure from that legal standard. Unfortunately, San Francisco's proposal does not define what is meant by "proportional force," which is deeply concerning. In fact, San Francisco's proposal could suggest that "proportional" means that the officers are required to match the degree of force being used by the suspect. In other words, if an officer is being threatened by a knife, the maximum force the officer can use in response is a knife - even though officers are not equipped with knives and are not trained on how to use them. Section III.A.1, seems to support this implication. Section III.A.1 states that Officers must consider the "relative size and physical capabilities of the subject compared to that of the officer." This could suggest that a big officer cannot engage a small suspect, and that two officers cannot engage one suspect. If that is what is intended by this language, all SFPD officers will need to be retrained, and SFPD could lose its P.O.S.T accreditation. (See the analysis of Don Cameron, renowned police procedures expert who literally helped write the book on use of force - the P.O.S.T. force Learning Domains.)

#### b. The Use Of Reasonable Force Section (11.B.), Which Purports To State The Law Under The Fourth Amendment And Penal Code Section 835(a), Misstates The Law.

Although Section II.B. purports to describe use of force law under the Fourth Amendment and Penal Code Section 835(a), it does so inaccurately. First, although it mentions that force must be objectively reasonable under the totality of circumstances,<sup>3</sup> it neglects to say that the use of force should not be judged based on 20/20 hindsight. This is an extremely important aspect of the Graham analysis, was part of the previous general orders, but is inexplicably absent from this Proposed Order. This aspect of Graham is part of P.O.S.T training and included in the Ninth Circuit Model Jury Instructions, which apply to all federal claims of excessive force in California.

The removal of the 20/20 hindsight qualifier suggests that it was *intentionally* omitted with the objective of making San Francisco the only city in the country where an officer's use of force can now be analyzed based on 20/20 hindsight. If the omission was unintentional, it should, obviously, be corrected. Removal of the 20/20 hindsight qualifier would effect a radical change to the established perspective for analyzing officer involved uses of force. This inconsistency could have undesirable implications for officer training and accreditation under P.O.S.T.

This portion of the Proposed Orders also misstates the factors under Graham and its progeny that make up the "totality of circumstances" that an officer may properly consider when making the decision to use force. Buried between these well-established factors is proposed "factor" No. 5, which provides that: "[a]ny force should be proportional to the severity of the offense committed for which the officer is taking action." There are three things wrong with listing this as a *Graham* factor. First, it is not a "factor" at all. Rather, it represents a standard that force should be proportional. Factors, on the other hand, are circumstances that the officer should consider, such as "the severity of the crime," or "whether the subject poses an immediate threat." If San Francisco intends to require "proportionality," whatever that ultimately is intended to mean, it is inappropriate to place it among the *Graham* factors as if it were a "factor" itself. Second, not only is this not a *Graham* factor or a factor under Penal Code Section 835(a), I have been unable to find it listed as a factor in any other reported decision. Third, as discussed above, "proportional," as used in this context, is impermissibly vague - "proportional" is not defined, and could be interpreted in a variety of ways, many of which would lead to absurd outcomes, such requiring an officer to defend himself with a broken bottle when he is attacked with a broken bottle.<sup>4</sup>

Furthermore, although Section II.B purports to state the law under Penal Code Section 835(a), it does not. In particular, Penal Code Section 835(a) states "[a] peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance." Inexplicably, although purporting to describe the legal requirements of Penal Code Section 835(a), a very short statute, this language is omitted.

Finally, if San Francisco implements entirely new force guidelines not found in P.O.S.T., or any reported decision, it will be very difficult for officers to know what conduct is allowed, and what conduct is prohibited. Their force training as cadets, field training, experience as officers, and their P.O.S.T. training will be inapplicable. And, neither they, nor the Academy instructors will have anywhere other than the Proposed Order to look to see what is prohibited and what is allowed because these guidelines are unprecedented. The obvious problem with relying on mere general orders to usher in an entirely novel approach to using force is that guidance in the general orders will be inconsistent with the classroom and real world training officers receive. (See Don Cameron's report.)

#### c. The Definition of "Thoughtful Communication" Is Unclear.

The phrase "thoughtful communication" is used throughout the proposed revisions. Section LB, which appears to be a definition of "thoughtful communications," states that "communication with non-compliant subjects is most effective when officers establish a rapport, use proper voice intonation, ask questions and provide advice to diffuse conflict and achieve voluntary compliance before resorting to force options." This policy will be confusing to officers, is problematic from a legal perspective and is contradicted by other portions of the Proposed Order. For example, if an officer sees an individual with a gun about to shoot a child, does this portion of the Proposed Order require the officer to "use proper voice intonation," and "ask questions and provide advice," or, can the officer aim his gun at the suspect as he or she yells "drop the gun!" At a minimum, this section of the Proposed Order should distinguish the circumstances when "thoughtful communication," as defined in the Proposed Order, is appropriate from those where more direct and commanding communication should be used.

#### d. The Proposed Use Of Force Guidelines For When A Person Is A Danger To Himself Or Others Make No Sense. (11.A.5)

Under section II.A.5, Officers are advised that they can use force to prevent a person from injuring themselves or others "unless the person also poses an imminent danger of death or serious bodily injury to another life or officer." Read literally, this order would prevent officers from using any force to stop someone who is not only trying to injure themselves, but others. This not only conflicts with common sense, but with revised DGO 5.02, which allows officers to use lethal force to stop someone from injuring themselves if they are also presenting an imminent threat of death or serious injury to others. This is probably just an oversight, but if left uncorrected it will create confusing and contradictory instructions.

#### e. The Proposed Supervisors' Responsibilities For When An Officer Responds To A Weapons Call Are Potentially Dangerous To Everyone While Both Unnecessary, And Accomplishing Little or Nothing.

Proposed Section II. F. 2, requires that when an officer is dispatched to confront or on-views a subject with a weapon, "a supervisor shall immediately remind responding officers, while en route, to protect life, isolate and contain the subject, maintain distance, find cover, engage in thoughtful communication without time constraint, and call for appropriate resources." In other words, if an officer says over the radio that he sees someone with a shotgun, running out of a bank with a bag of money and jumping into a car and correctly calls Code 33 - the supervisor is then required to go on the air (which blocks all other transmissions) and remind the officer "to protect life, isolate and contain the subject, maintain distance, find cover, engage in thoughtful communication without time constraint, and call for appropriate resources."

This is potentially dangerous to civilians and officers because in the 10-15 seconds in which the supervisor would clog the air waves with this generic announcement, the officer on the scene would have been prevented from conveying critical information such

as "shots fired," or "officer down" or calling out the direction the suspect has fled. This requirement may be unnecessary because it entails merely repeating general orders that the officer should already have in mind (assuming that this language is added elsewhere to the general orders). Although SFPD should conduct appropriate empirical analysis of the expected benefits of such a policy, it would seem that *requiring* a supervisor to reiterate general policies, it in the heat of action, accomplishes little or nothing. As a generic announcement heard dozens of times each day, officers in the field will likely begin to tune it out. Moreover, such an announcement runs contrary to the very purpose of Code 33—which is to clear the air of all unnecessary chatter so that the lead officer can send critical information regarding the emergency. It is notable that no other law enforcement department in the country, of which I am aware, has such a requirement.

In sum, without a very clear and compelling empirical basis for such a requirement, its speculative benefits would appear to be greatly outweighed by the potential for endangering the public and officers.

#### **f. Two Aspects Of The Proposals Prohibiting The Use of Impact Weapons Are Problematic.**

##### **i. The Prohibition On Striking A Handcuffed Prisoner With An Impact Weapon Does Not Make Sense.**

It is well documented that someone in handcuffs can still be dangerous—even lethal. To prevent officers from using an impact weapon against a dangerous individual, whether handcuffed or otherwise, only increases the risk of injury to the officer and the individual. Impact weapons are a non-lethal alternative use of force. The more non-lethal options that are removed from an officer's arsenal, the more likely the incident will escalate to the point where the officer's only option is lethal force. Proper use of force guidelines and corresponding disciplinary consequences are the appropriate means of addressing the risk that an officer will use an impact weapon on an individual who is not posing a threat. Therefore, there is no value in having a blanket prohibition against use of impact weapons on individuals who are handcuffed.

##### **ii. The Prohibition On Raising An Impact Weapon Above The Head To Strike Would Accomplish Nothing Except Increase Liability And Set Officers Up For Unfair Discipline.**

Policies that reduce inappropriate baton strikes are commendable, but a ban on over-head strikes does nothing to accomplish that goal. San Francisco policies, academy and P.O.S.T. training already focus on the appropriate areas of the body to strike an individual with impact weapons, not whether the blow is delivered with a forehand swing, a backhand or an overhand strike. Because it is the part of the individual being struck that matters (head versus thigh), a categorical restriction on how the strike is delivered is nonsensical. Specifically, an over-hand strike may not be any more likely to result in an inappropriate strike than a side-arm strike. Nor is an over-head strike likely to deliver more force than a side-arm strike. (See analysis of Don Cameron, who has trained over 45,000 police officers on the use of force.) In addition, what is or is not an over-head strike is not always clear. If the officer is bent over, is a strike over the officer's head an overhead strike? If the officer is on the ground, would any strike be prohibited as "over-head"? If the suspect is above the officer, is an officer prohibited from reaching up to strike the individual on the thigh? The likely unintended consequence of this categorical ban on overhead-strikes is that officers will be less likely to use this non-lethal option, even when appropriate. Such an outcome will not increase safety.

##### **g. The Prohibition On The Carotid Restraint Does Not Seem Warranted and Should Not Be Absolute.**

Section III.A.3. provides that officers are prohibited from using the carotid restraint. Based on my 22 years at the City Attorney's Office, I cannot recall a single case in which an individual claimed injury from the carotid restraint. And, I am informed by the SFPOA, that they have searched their files and cannot find one either. I am also informed by Don Cameron that the carotid restraint can be a very effective means to gain control over a suspect without causing injury. I have also been informed that when the CHP attempted to eliminate the carotid restraint, it risked losing P.O.S.T. accreditation. As with other non-lethal force options, the more options at an officer's disposal, the greater the chance the officer will not have to resort to lethal force. If it has not already been done, I would recommend that the SFPD conduct a study of the use of the carotid restraint to determine if its use has been problematic before banning the technique. Regardless, if the SFPD wants to ban this otherwise approved technique, it should not do so categorically. The SFPD should, at minimum, be allowed to use this technique in the same situations where using lethal force is justified. I cannot see any reason for why an officer could be in a situation in which he or she was justified in using lethal force, but should be prohibited from using this non-lethal technique.

## **The POA has established a Use of Force Committee**

### **To All Members:**

When the Department and the Police Commission introduced proposed revisions to the Use of Force and Firearm policies along with introducing a new Taser policy in February 2016, the POA was taken aback because we were never consulted about these revisions nor did the department comply with their meet and confer obligations. Once the POA reviewed these drafts, we found some of the language to be extremely restrictive, unpractical, and if adopted as is, it could lead to citizens being further endangered and officers exposed to additional harm.

The POA immediately established a Use of Force Committee. Vice President Tony Montoya volunteered to chair this committee with his co-chair Secretary Mike Nevin. I am serving on this committee along with Terence Saw, Joe Clark, Kevin Moylan, Rick Andreotti, Kevin Lyons, Chris Canning Scott Edwards, Jesus Pena, and Brent Bradford. The Use of Force Committee immediately went to work and since the POA was given an unreasonable time line to respond with objections, the Committee had to work nights and weekends to produce a position paper ([click here](#)) raising questions, concerns, and recommendations for the Department, the Police Commission, and the Department of Human Resources. I applaud the Committee for their tireless effort.

The POA also retained private counsel and noted Use of Force subject matter experts to review the proposed drafts and offer their opinions ([click here](#) and [here](#)). All of these documents and position papers have been forwarded to the Department, the Police Commission, and DHR. The POA is awaiting a response. The POA will then demand that the City adheres to its meet and confer obligations before these drafts are voted on and adopted.

Martin Halloran  
SFPOA President

##### **h. The Ban On Officers Shooting At The Operator Of A Vehicle Who Is Only Using The Vehicle As A Weapon Will Endanger The Public And Officers Or Require Officers To Choose Between Saving A Life Or Their Job.**

It is beyond dispute that individuals can and do use their vehicle as a lethal weapon. It is also beyond dispute that officers can and have successfully saved lives by shooting at the operator of the vehicle to prevent them from killing officers or others.

In the past, one of the concerns was that officers were unnecessarily shooting at drivers when the officer could have instead gotten out of the way. The previous general order, which was revised in 2011, directly addressed that concern, providing that officers could only shoot at the driver if there was an imminent threat of serious bodily injury or death and the officer had no reasonable or apparent means of retreat. The Proposed Order eliminates that language, and thus prevents an officer from shooting at the driver of a vehicle, even if there is no means of retreat, and where the officer or a bystander will likely be killed if the officer cannot shoot. In addition, this categorical ban prevents an officer from shooting at a driver of a vehicle to prevent their escape, even where there is a substantial risk that the driver will cause death or serious injury to others if allowed to escape.

Two examples illustrate these dangers: First, if an individual were driving around San Francisco in an SUV, and running over pedestrians for fun, the Proposed Order would prevent an officer from shooting the driver to prevent that driver from killing a family of four in a cross-walk, even if the officer had a clear shot and there was little risk of injury to anyone else. Under the proposed policy, the officer would be required to hold his or her fire and watch the driver run over the family. This is not an abstract hypothetical. (On August 30, 2006, Omeed Aziz Popal, struck 18 pedestrians, killing one in San Francisco with his Honda Pilot SUV).

Second, after a high-speed chase through San Francisco, an individual who had been firing at police during the chase comes to a stop. Just as he is pulling away at under 5 m.p.h., an officer has an opportunity to shoot the driver. Under the proposed policy, the officer would be prohibited from taking the shot. Instead, a high-speed chase would likely ensue, endangering far more civilians. This is not an abstract hypothetical either. (On May 5, 2004, an officer appropriately shot at Cameron Boyd to keep him from killing or injuring others.)

##### **i. The "Exceptional Circumstances, Not Contemplated By This Order," Language Of The Proposed General Order Is Too Vague To Be Any Guide To Officers.**

The last two sentences of the Proposed Order state that: "If exceptional circumstances occur, not contemplated by this order, an officer's use of force shall be reasonably necessary to protect others or himself or herself. The officer shall articulate the reasons for employing such use of force." The Proposed Order, however, does not provide any description of what constitutes "exceptional circumstances," or provide any examples, nor does it state what was or was not "contemplated by the order." Because this provision is vague, officers and civilians will be left to guess whether conduct is or is not permitted, which is contrary to the purpose of a general order. I recommend that the Proposed Order either define what is meant by "exceptional circumstances, not contemplated by this order," provide some examples, or consider dropping this language entirely.

#### **5. Conclusion**

This represents only a fraction of some of the issues that I believe will be created if these Proposed Orders go into effect as they are. One overall concern I have is that different terms are used interchangeably, and the standard for use of force is mentioned repeatedly, but using different language throughout the Proposed Orders. When it comes to general orders and litigation, words matter. Even one word used incorrectly, or unintentionally, can have disastrous results. I would hope that the SFPD can take the necessary time to consider the possible ramifications of these Proposed Orders, for the good of the community and the fine men and women who make up the SFPD.

Thank you for requesting my advice on these important issue. Please let me know if I can be of any further assistance. If there is an opportunity to work directly with the SFPD on revising the Proposed Orders, I would be honored to assist.

Blake Loeks

## **"The SFPD is dedicated to investigating crime and arresting those who have broken the law"**

### **To All Members:**

The POA is continuing our campaign to get our message out to the community that we serve. We are very concerned with the recent figures which show a rise in crime in San Francisco, therefore we have produced another paid Public Service Announcement.

Members of the SFPD are dedicated to investigating crime and arresting those who have broken the law. Unfortunately some career criminals are not being held accountable by the District Attorney's Office. The POA has offered some simple advise, in our current PSA, to help our residents stay safe.

Martin Halloran  
SFPOA President

### **Complete Text of the 60-second PSA Radio Message read by SFPOA President, Martin Halloran, on KCBS Radio Starting March 14, 2016:**

"As a veteran of the SFPD and a resident of this city I, like you, am concerned because crime is on the rise.

Career criminals have no fear of being punished.

Since George Gascón became District Attorney violent crime in the City has risen nearly 25%, prosecutions by Gascón have plummeted by 27%, and Gascón is refusing to take criminals to court.

Gascón, who is the co-author of the Prop 47 law, is passing out "get out of jail free" cards for drug offenses and for property crimes under \$950.

That's right: if you leave your purse in your car and it ends up in the hands of a criminal, under Gascón's law, it's only a slap on the wrist with a ticket issued.

Until we can find a way to fix Gascón's law, here's a tip from a seasoned cop: when you park your car on the streets of San Francisco, don't leave any valuables in plain view. None!

If your property gets stolen file a report but don't expect DA Gascón to prosecute. His Prop 47 protects criminals instead of law-abiding citizens."

Click on this QR Link to hear the 60-second message:

<http://www.sfpoa.org/audio/SFPOA60031116.mp3>





February 27, 2016

**TO:** Marty Halloran, President-Executive Board,  
San Francisco Police Officer's Association

Michael Nevin, Secretary-Executive Board,  
San Francisco Police Officers' Association

## Re: Review Suggested Changes to SFPD Use of Force General Orders

### I. BACKGROUND:

#### A. The Assignment:

You have asked me to give you my evaluation of proposed policy changes to SFPD's policies 5.01 - 5.02 and Special Operation Bureau Order 2/10/16 (CED).

#### B. My Qualifications:

I was a police officer with the Berkeley Police Department from 1966 through 1972 and the B.A.R.T. Police Department from 1972 through 1981 approximately 15 years of police experience as a patrol officer, a senior patrol officer, a Police Sergeant and a police trainer. I was one of the first trainers that was qualified by P.O.S.T. (California Commission on Peace Officers Training and Standards) to present P.O.S.T. courses in the 1960's. I was the only presenter of physical courses to be accepted by the Federal Mandated Consent Decree Committee for the San Francisco Police Department to present Physical Courses to SFPD in the 1980's.

For the last 48 years, I have been training Police Officers, Sheriffs, State Agents, Federal Agents and Correctional Officers and am still currently training officers at The Sacramento Public Safety Training Center where I teach Instructor courses in arrest and control, use of impact weapons and ground control techniques, The Napa Valley Police and Correctional Academy where I teach in the basic police academy, the correctional core academy the 832 course and the recertification course and the Contra Costa County Law Enforcement Training Center where I teach in the basic academy and in instructor level courses in arrest and control techniques and use of impact weapons. I also provide contractual physical and classroom training to various law enforcement agencies and sheriff departments throughout California and other States. I have trained and certified arrest and control instructors and impact weapon instructors in Hawaii and Nevada; firearms instructors in Georgia and Nevada; S.W.A.T. courses in Idaho, Hawaii and Nevada and citizen self defense courses in California and New York. During my 48 years of training officers I have trained approximately 45,000 law enforcement personnel

I have testified as an expert witness in use of force cases since 1978 and have testified in well over 600 cases regarding use of force, including use of deadly force, laws of arrest, search and seizure and general police practices. I have testified for both defense and plaintiffs in civil cases, prosecution and defense in criminal cases and both sides in arbitrations. I am certified as a F.B.I. firearms instructor, chemical agents instructor and S.W.A.T. instructor. I am a P.O.S.T. approved Arrest and Control Instructor Trainer, Impact Weapons Instructor Trainer, Firearms Instructor Trainer, Crowd Control Instructor Trainer and Ground Control Instructor Trainer. I have trained San Francisco Officers since 1978. I have trained instructors in arrest and control, impact weapons, firearms, ground control and plain clothes officers in the use of the yawara stick for San Francisco. I have given lectures on use of force, the ADA and use of force, Title II of the ADA, Title 15 of the California Code of Regulations on the use of force, for PORAC, PARMA, ABOTA, law firms, attorney groups and individual agencies.

#### C. My Experience with P.O.S.T.:

P.O.S.T. is the regulatory, certifying and overseer of all police training in the state of California, if an agency does not adhere to P.O.S.T. training standards their academy can be decertified by P.O.S.T. and their officers would not be peace officers recognized by the State of California. A P.O.S.T. Learning Domain is a functional area of law enforcement identified by P.O.S.T. as a requirement that a basic officer must be trained on and reviewed on in In-service courses and emphasized in instructor courses. There are 42 active Learning Domains. These Learning Domains are presented to basic officers over a 5 to 6 month period or a longer amount of time for eight hours a day and tested by paper and pencil or physical application. If an officer fails one test, he/she is remediated, and if they fail again they fail the academy and cannot be a peace officer. All active Learning Domains are reviewed and written by subject matter experts and then a team of attorneys designated by P.O.S.T. check on their accuracy according to current case law at the State and Federal level, in the 9th District, other Districts and the United States Supreme Court.

I am a P.O.S.T. subject matter expert, designated by P.O.S.T. to review, accept, correct or rewrite Learning Domains for the P.O.S.T. Basic Course. I have been one of the subject matter expert writer members of L.D. 20 (use of force) - L.D. 24 (handling disputes/crowd control) - L.D. 33 (arrest and control) - L.D. 35 (firearms) and L.D. 37 (people with disabilities) for over 34 years. In the past three years I have participated in rewriting L.D. 37 - L.D. 33 and L.D. 20.

### II. EVALUATION OF SFPD'S PROPOSED CHANGES TO USE OF FORCE GENERAL ORDERS:

#### A. OVERVIEW:

##### 1. Need For A More Careful Approach:

I applaud San Francisco's attempt to take swift action to correct what the SFPD apparently perceives as deficiencies in its current general orders regarding use of force. But, I must caution the SFPD that acting too quickly, without careful and thoughtful deliberation, can have disastrous, and unintended consequence. Clear and purposeful force guidelines are critically important to officers and the public. A revised policy should not be jumped into haphazardly, as a knee-jerk reaction to criticism from a relatively small, but vocal segment of the total population of San Francisco. There should be meetings with give and take feedback from that vocal group, members of the overall population, command staff, representatives from the POA, OCC staff, legal counsel, force experts and P.O.S.T. A thorough examination of P.O.S.T. standards, current case law from the 9th circuit, the other circuits, State and Federal standards and the United States Supreme Court should be given to each member or group attending any meetings. Every word within a policy is subject to scrutiny and can be used against the agency and the officers in civil litigation.

When P.O.S.T. considers changing its guidelines, it does so only after careful consideration, taking in a variety of viewpoints to make sure there are no unintended consequences through the words it uses. Any re-write or creation of a P.O.S.T. Learning Domain takes several months over numerous 3 and 4 day sessions to complete and sometimes 1 to 2 years to go into effect, after a review by legal, The P.O.S.T. Commission and a recheck of the domain, because the ramifications of getting it wrong are too high

risk for officer and public safety. I do not see any reason why San Francisco would not want to be just as careful.

The changes that San Francisco is proposing are massive and may have a profound effect if adopted. Some of those effects are probably unintended, as I will attempt to outline below. I have been informed that San Francisco is suggesting that these new general orders go into effect without first forming appropriate committees comprised of individuals with diverse backgrounds and experience to provide advice on the proposed changes. Regardless of what policy San Francisco decides to adopt, doing so hastily without taking the time to consider the possible effects of the changes could be disastrous. Force policies, and in particular, lethal force policies, are extremely important to civilians and officers. It would be unfortunate if San Francisco adopts these policies first and then only later takes the time to consider how they can be improved (or unintended consequences removed). Civilian and police lives could be lost by hastily enacting these policies. This policy advises that to avoid hasty decisions that are not based on the best information, officers should "engage in thoughtful communication...without time constraint." In my view, the SFPD should apply that same approach to this policy.

#### 2. General, Unintended Consequences Of Enacting This Proposed Policy As Written:

As written, this policy will drastically change an officer's approach to every potential encounter in which the use of force might be an option. While that might be what is intended, making changes this drastic through a General Order, will likely have several unintended consequences. First, these policies seem to change the basic ground rules for when officers may use force. For the last 30 years, since at least the Supreme Court's decision in *Graham v. Connor*, 490 U.S. 386 (U.S. 1989), officers have been trained through P.O.S.T. – and every police academy in California, that they may use force when it is objectively reasonable based on the totality of circumstances known to the officer at time – without the benefit of 20/20 hindsight. All use of force training, all force options classes, all P.O.S.T. training has that core principle in mind.

This policy seems to change that basic concept. Although the previous policy provided that 20/20 hindsight cannot be used to evaluate an officer's decision to use force, this policy has taken that language out. Furthermore, and perhaps more drastic, this policy seems to require that the use of force be "proportional to the severity of the offense." In my 48 years of providing training to peace officers on use of force, I have never been asked to train an officer to use force "proportional to the severity of the offense." In fact, I am not even sure what that means or how an officer is to make that determination. I attempted to look to case law for guidance, but I was unable to find any published cases that discuss this concept. Therefore, I consulted the dictionary. The dictionary defines proportionality as 1. having due proportion; corresponding. 2. being in or characterized by proportion. 3. of, relating to, or based on proportion; relative. Therefore, proportionality seems to indicate that officers should match force with force, fists to fists, intermediate weapons (knife, brick, bottle, etc.) to baton, helmet, shield. Presumably then, officers would have to be armed with bladed weapons, because they would no longer be allowed to use their firearm against someone threatening them or a civilian with a knife. This policy would also seem to indicate that only officers of the same size can physically engage a suspect. (See advisement that officers consider the size and physical skills of a suspect III.A.1). This also suggests that, essentially, it needs to be a "fair fight" -- that officer can no longer present a show of force sufficient for the suspect to know that resistance is pointless. For example, instead of multiple officers attempting to subdue a resistant individual, under this policy only an officer of similar size and physical skills can intervene.

Alternatively, it could be that the department is merely attempting to state the Graham factors in different terms. Under *Graham*, officers are supposed to use that force which is objectively reasonable, based on the totality of circumstances. In *Graham*, the United States Supreme Court held that some of the circumstances that an officer may consider include: (1) the severity of the crime at issue; (2) whether the suspect poses an immediate threat to the safety of the officers or others, and (3) whether he is actively resisting arrest or attempting to evade arrest by flight.

If by "proportionality to the severity of the offense," the new San Francisco general orders merely means that these Graham factors continue to apply, then there is no reason for the change, as it will only lead to confusion.

If, however, is what is intended, that is contrary to *Graham*, and contrary to how officers in California have been trained for at least the last 48 years. P.O.S.T. identifies force options for general contacts and situations in L.D. 20, Chapter 2, force options, page 2-6 and 2-7 which is far different than saying - "*It is critical officers apply the principles of proportionality when encountering a subject who is armed with a weapon other than a firearm, such as an edged weapon, improvised weapon, baseball bat, brick, bottle, or other object.*"

If San Francisco adopts this novel approach to defining the appropriate use of force – even assuming this is a better approach – I foresee numerous unintended consequences. First, none of the officers in San Francisco will be adequately trained in this new policy. Changing the basic concept of when force can be used, and why, cannot be accomplished by simply changing the general orders. Much of academy training is designed to help officers develop physical skills "muscle memory" (being able to carry out a physical technique without having to think through it). For this new policy to be effective, all Officers would have to be untrained in the things they learned in the academy and throughout their in-service training and re-trained to meet the requirements of the new policy. In a time for time scenario it would require the same amount of time to re-train skills as it did to initially train the skills or 6 to 8 months in an academy setting.

Another unintended consequence is that San Francisco would likely lose its P.O.S.T. accreditation. Although P.O.S.T. allows for departments to develop their own guidelines, this new proposal, which appears throughout the 20/20 hindsight prohibition, replaces "objectively reasonable", with just "reasonable," and adopt "proportionality" (whatever that means), would be so different from what is trained, that P.O.S.T. certification would no longer have any application for San Francisco officers. In fact, because P.O.S.T. would continue to teach concepts not just different, but contrary to the new, core San Francisco approaches to uses of force, it might even be counter-productive for San Francisco to require its officers to be P.O.S.T. certified.

A third unintended consequence is that because of this novel approach, (no case law, no other policies, previous training) officer, citizens and lawyers will all be guessing as to what it means. This, of course, is problematic for officers being able to figure out in the field what they can or cannot do, and it will be even more problematic when their actions are second guessed in disciplinary proceedings and civil lawsuits.

## B. QUESTIONABLE UNDEFINED TERMS THROUGHOUT THE PROPOSED GENERAL ORDERS:

### 1. Thoughtful Communication

There are several references in the new proposed orders to require "thoughtful communication." While that sounds good to say in theory, I am unsure what it means, or whether any officer in the field would know. For example, Is it thoughtful communication to say "drop the gun" or "you're under arrest put your hands up" or should the officer enter into a discussion as to why the individual needs to drop the gun or why they should put their hands up and would an officer be subject to disciplinary actions if his/her communication was not thoughtful? If officers should no longer say "drop the gun," or "You are under arrest, put your hand up," they will need significant new re-training, as discussed above.

### 2. Exceptional Circumstances Not Contemplated By This Order

In the last paragraph, on page 7 of the proposed general orders, there appears to be a catch-all, which allows for officers to use force in "exceptional circumstances" not contemplated by this order. Although I realize that was in San Francisco's previous general orders, it takes on new problems by being repeated here, because San Francisco appears to be changing so much of what has been previously trained. For example, years ago an individual was driving through San Francisco running over dozens of pedestrians as if he were a participant in a sick video game. This new policy would prevent an officer from shooting that individual to stop him from running down a family of four in a cross-walk, even if the officer had a clean shot, and there was little risk of anyone else being injured. Would that be an "exceptional circumstance", not contemplated by this order? It does seem exceptional, in that it does not happen often – but neither do officer involved shootings. But, how could it be said to have not been contemplated, when I am raising the issue now? And, how would anyone know what was contemplated and what was not? And, whose contemplation matters? It is difficult to know what concept is sought to be expressed with this provision, but with a careful and deliberate approach to changing these important orders, perhaps the intent of this language can be achieved, without the difficulties of the language that is currently being proposed, only some of which I have outlined above.

## C. USE OF FORCE, Proposed GO 5.01

### 1. Proposed policy:

"The San Francisco Police Department's highest priority is safeguarding the sanctity of all human life. Officers shall demonstrate this principle in their daily interactions with the community they are sworn to serve. The Department is committed to using thoughtful communication, and de-escalation principles before resorting to the use of force, whenever practical. The Law Enforcement Code of Ethics requires all sworn law enforcement officers to carry out their duties with courtesy, respect, professionalism, and to never employ unnecessary force. These are key factors in maintaining legitimacy with the community and safeguarding the public's trust."

### 2. Suggested Revision

I believe it would be more instructive and a better fit to move a portion of the last paragraph on page 7 to the end of this opening statement and take out the arbitrary and unclear language :

The opening statement would now read:

"The San Francisco Police Department's highest priority is safeguarding the sanctity of all human life. Officers shall demonstrate this principle in their daily interactions with the community they are sworn to serve. The Department is committed to using communication, and de-escalation principles before resorting to the use of force, whenever practical. The Law Enforcement Code of Ethics requires all sworn law enforcement officers to carry out their duties with courtesy, respect, professionalism, and to never employ unnecessary force. These are key factors in maintaining legitimacy with the community and safeguarding the public's trust."

The purpose of the policy is not to restrict officers from using sufficient force to protect themselves or others but to provide general guidelines that may assist the Department in achieving its highest priority."

## D. DE-ESCALATION.

### 1. Proposed Policy:

"In situations where a subject is not actively endangering the safety of the public or an officer, fleeing or destroying evidence, officers should employ de-escalation techniques to decrease the likelihood of the need to use force during an incident and to increase the likelihood of voluntary compliance."

Officers should consider the possible reasons why a subject may be noncompliant or resisting arrest. A subject may not be capable of understanding the situation because of a medical condition; mental, physical, or hearing impairment; language barrier; drug interaction; or emotional crisis, and have no criminal intent. These situations may not make the subject any less dangerous, but understanding a subject's situation may enable officers to use de-escalation techniques while maintaining public safety and officer safety."

### 2. Proposed Revision:

These potential ADA issues are covered in L.D. 37 [people with disabilities], but the caveat should be as it is in Learning Domain 37 Chapter 1 - Disability Laws, page 1-7 and Chapter 4 - Persons with mental illness, page 4-14). I suggest revising this language to add the P.O.S.T. language.

*"People with disabilities are capable of committing crimes. They are not relieved from their obligation to obey the law."*

*Officers should treat a person who has a disability with the same caution that they would use with any other suspect regarding judgments about enforcement of the law and personal safety. Although the individual may have a disability, that individual may still be capable of injuring the officer."*

*Once the scene is stabilized and there is no threat to life then the officer has a duty to reasonably accommodate the person's disability, but not before. (Hainze v Richards, No. 99- 50222, 207 F 3d 795 [5th Cir. 2000])*

*People affected by mental illness can be unpredictable and sometimes violent. Officers should never compromise or jeopardize their own safety or the safety of others when dealing with individuals who display symptoms of a mental illness.*

*Once the scene is stabilized and there is no threat to life then the officer has a duty to reasonably accommodate the person's disability, but not before."*

## E. ANALYSIS OF CONSIDERATIONS GOVERNING ALL USES OF FORCE (II A B.).

### 1. Conform To Penal Code Section 835(a) And Federal Law.

This portion of the policy appears to attempt to re-state federal and California law regarding the use of force. It is unclear if by this statement this policy intends for this to also be the policy in San Francisco or not. If it does, this is confusing because this statement of the law is inconsistent with the undefined idea of "proportional to

the severity of the offense committed," found nowhere, that I could tell, in federal or California law. And, as a restatement of the law – the purposes of which are unclear – it does not re-state the law accurately. For example, Penal Code Section 835(a) requires that "Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance."

That language is not found in this proposed order. Also, California and federal law require that use of force not be judge by 20/20 hindsight, and this section is missing that language as well. Also, the policy is inconsistent in its use of the phrase "objectively reasonable" (found at II.B.) or "reasonable and necessary" (found at I.D.). Inconsistent language describing the analysis of when force can be used can serve no useful purpose.

### E. DUTY TO RENDER FIRST AID.

Under the proposed general orders, Officers shall render first aid when a subject is injured or claims injury caused by an officer's use of force unless first aid is declined, the scene is unsafe, or emergency medical personnel are available to render first aid.

Under current case law, an officer has fulfilled his/her obligation to render first aid if they call for medical aid to respond to the scene (*Maddox v. City of Los Angeles*, 792 F. 2d 1408, 1415 (9th Cir. 1986); *Tatum v. City and County of San Francisco* 441 F. 3d 1090 (9th Cir. 2006)).

This proposed order appears to seek to change the requirement, forcing officers to provide first aid even where they lack sufficient medical training. For example, if after a use of force, the suspect claims he has a severe neck injury. Is the officer, who is not trained in how to provide medical care for a severe neck injury — and who has no tools at his disposal for doing so — now obligated to provide such aid, rather than to just secure the scene and call for emergency medical aid? If officers are not to assume this duty, the will significant additional medical training and medical resources at their disposal.

### F. SUPERVISOR'S RESPONSIBILITY WITH ARMED SUSPECTS:

#### 1. Proposed policy:

Under Section II. F. 2. [Supervisor's Responsibility] : "When officers are dispatched to an on- view a subject with a weapon, a supervisor shall immediately remind responding officers, while en route, to protect life, isolate and contain the subject, maintain distance, find cover, engage in thoughtful communication without time constraint, and call for appropriate resources."

#### 2. Concerns with this policy:

If an officer is responding to a suspect with a weapon, the last thing responding officers need to hear is a supervisor coming over the air with a length admonishment as to what officers need to do, tying up the air at a critical time could jeopardize officer and public safety. If this is just repeating a portion of the new general order, it is a waste of time because presumably the officer will already know the order. Also, as often as officers on-view or are responding to weapons calls, there is a high-likelihood that this type of admonition would just be tuned out, because, by design, it has not particular application to the nature of the particular call. And, the supervisor giving the admonition is not on the scene.

Therefore, this type of admonition would be dangerous, because it would take-up critical air-time and it would be useless because the officers should already know this policy and, reminding them of general orders in this manner will not serve to educate them further. I have advised 100's of different departments over my 48 years and have never heard of any department requiring anything remotely like this. If the department would simply apply this idea to a few real world scenarios, it would see how disastrous it could be. For example, in a case that was litigated a few years ago involving an active shooter driving through San Francisco, if this admonition were given it is very possible that lives would have been lost because during the time it would take to give this admonition – after the officer already called Code 33 – other officers would have missed critical information being relayed by the following officer. Code 33 exists for a reason – to clear the air and allow for critical transmissions. To allow this non-critical transition to plug up 30 seconds of life-or-death air time, will endanger officers and citizens for no useful purpose.

### G. Carotid Restraint / Choke Holds

#### 1. Proposed policy:

Section III. A. 3. [Prohibited Use Of Control Holds] Officers are prohibited from using the following control holds: a. Carotid restraint; and b. Choke hold

#### 2. Concerns regarding proposed policy

P.O.S.T. mandates that the carotid restraint control hold be taught in all P.O.S.T. basic academies under L.D. 33, testing and training specifications 33-9 E. An exercise test that requires the student to demonstrate competency in the carotid restraint control hold.

The student will demonstrate competency in the following performance dimensions:

1. Safety
2. Awareness
3. Balance
4. Control
5. Controlling Force
6. Proper Techniques
7. Verbal Commands/Instructions
8. First Aid Assessment

Presenters must use the POST-developed Arrest and Control Competency Exercise Test Form or a presenter-developed form approved by POST, which minimally includes the performance dimensions used for this exercise test.

The carotid restraint control hold should not be confused with the bar-arm choke hold or any other form of choke hold where pressure is applied to restrict the flow of air into the body by compression of the airway at the front of the throat.

Choke holds create the potential for a subject to panic and react with greater resistance when pressure is applied in this manner by a peace officer. Also, there is greater risk of serious injury to the subject.

The carotid restraint control hold has been challenged in the court system as a hold that is equal to deadly force, but that challenge has been overturned by the 9th Circuit.

(*Nava-Bennett v. California Highway Patrol*, No. C 93-01309 CW, U.S. Dist. Ct., N.D. Calif.,

## Review Suggested Changes to SFPD Use of Force General Orders

CONTINUED FROM PREVIOUS PAGE

December 21, 1994 - injunction placed on the CHP to only use the carotid restraint control hold in situations that threaten death or serious injury.

*Nava v. City of Dublin*, 121 F.3d 453 (9th Cir. 1997). Overturned the injunction against CHP from only using the carotid in situations that threaten death or serious injury.

The CHP thought that they did not have to teach the carotid restraint control hold based on this original injunction, but during a P.O.S.T. audit, when the auditor discovered that they were not teaching the carotid restraint control hold, the CPD had to arrange to teach all the officers that had previously not been trained on the hold or be de-certified.

### H. SECTION III. C. 3. [IMPACT WEAPONS-PROHIBITED USES].

#### 1. Proposed policy

"Officers shall not (B.) Strike a handcuffed prisoner with an impact weapon. (C.) Raise an impact weapon above the head to strike a subject."

#### 2. Concerns regarding proposed policy

A categorical restriction on striking a handcuffed individual with an impact weapon is a mistake. Handcuffed individual can pose a significant risk to the safety of officers and civilians.

There is no reason that I can imagine why the general force analysis would apply any less to a handcuffed individual. If they pose no threat, then use of force is inappropriate. If they pose a threat, then why take away one of the officer's tools for stopping that threat. To do so only makes the use of lethal force more likely. For example, if a handcuffed individual is attempting to grab an officer's gun, and the officer can stop the individual with his baton, wouldn't that be a preferable outcome to the officer using his firearm?

In addition, there is no reason that I can see to categorically prevent over-head strikes with a baton. The location of the strike is what matters, not the type of arm-movement that caused the strike.

I have trained the SFPD impact weapon instructors since 1978 to strike to zone 1 (waist to shoulders) and zone 2 (waist to feet). The angle of the strike, side to side, high to low or low to high has no bearing on the target. The zones are what the officers and instructors are taught.

Diagonal strikes are taught to strike to the hands or kicking feet, which may appear to an onlooker as an overhead strike.

### I. THE USE OF THE TERMS "IMMEDIATE" AND "IMMINENT" INTERCHANGEABLY IS A PROBLEM.

The teams immediate and imminent must be used in their proper contexts: As listed by Lexapol in their policies there is a difference.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

### J. PRIOR TO THE DISCHARGE OF FIREARM OR LETHAL FORCE.

#### 1. Proposed language

When safe and practical under the totality of circumstances, officers shall consider other force options before discharging a firearm or using other lethal force.

#### 2. Concerns regarding this language

By case law officers are not required to use lesser force options, only objectively reasonable force (*Forrester v. San Diego*, 25 F.3d 804 (9th Cir. 1994) whether less painful, less injurious, or more effect force is available is not an issue as long as the force used is objectively reasonable); *Scott v. Henrich* 39 F.3d 912 (9th Cir. 1994) Officers are not required to use the "least intrusive alternative" when confronted with a deadly force threat. Appropriate inquiry is whether officers "acted reasonably, not whether they had less intrusive alternatives available to them." so the section should read:

**When safe and practical under the totality of circumstances, officers shall consider, but are not required to use other force options before discharging a firearm or using other lethal force.**

### K. SHOOTING AT DRIVERS OF MOVING VEHICLES:

#### 1. Proposed policy

Section I. D. 5. [Moving Vehicles] "An officer shall not discharge at the operator or



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occupant of a moving vehicle unless the operator or occupant poses an immediate threat of death or serious bodily injury to the public or an officer by means other than the vehicle. Officers shall not discharge a firearm from his or her moving vehicle."

#### 2. Concerns I have with this policy

A motor vehicle generates approximately 750+ ft/lbs energy at 3 MPH - 2,000 + ft/lbs energy at 5 MPH - 4,200+ ft/lbs energy at 7 MPH and 8,50+ ft/lbs energy at 10 MPH. A 9 mm bullet generates between 280 and 400 ft/lbs energy. A motor vehicle driven at a person is equal to the use of deadly force. ("Selective Ammunition Tests") - Article "Selective Ammunition Tests" by Patrick N. Dowden in "The Tactical Edge" - Summer 1992

P.O.S.T. defines times when an officer may use deadly force in L.D. 20, Chapter 3, page 3-14 - Considerations before using deadly force. In some instances, peace officers may have time to evaluate and assess all aspects of a situation. In most situations, split-second decisions must be made. As part of the mental process for preparing to use deadly force, peace officers should consider several important factors before a situation requiring the use of deadly force arises. The following chart suggests, but is not limited to, a few of the circumstances that should be considered.

Circumstances:

Considerations:

Threat to life

Does the subject present a credible threat to the officer or others?

NOTE: Peace officers may use reasonable force to defend their lives or the lives of others. Imminent threat

Does the subject present an imminent threat to life?

Is the subject threatening the officer or others with a weapon? Subject's access to weapons or potential weapons

Proximity of subject to the officer

Type of crime/subjects

Is the nature of the crime violent or non-violent?

Is there a large number of subjects to be confronted?

Type of weapon

Can it cause serious bodily injury or death?

Subject's capabilities

Does the subject demonstrate superior physical skill over the officer?

\* *A motor vehicle is a weapon that can cause serious bodily injury or death.*

The Revised Policy defines lethal force as:

Lethal force is any use of force designed to and likely to cause death or serious physical injury, including but not limited to the discharge of a firearm, the use of impact weapons under some circumstances (see DGO 5.01, Use of Force), and certain interventions to stop a subject's vehicle (see DGO 5.05, Response and Pursuit Driving). *By this definition a motor vehicle driven at an officer or civilian is lethal and should be dealt with like any other lethal force threat.*

A better policy on shooting at a vehicle would be the Lexapol model:

### "SHOOTING AT OR FROM MOVING VEHICLES.

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. *An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle*, or if deadly force other than the vehicle is directed at the officer or others. Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

This phrase from the United States Supreme Court seems to have been left out of this reviewed policy: The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

### III. CONCLUSION

These are my recommendations for revisions to the revised SFPD Use of Force Policy based on my training and experience as stated in this correspondence.

I would be more than happy to answer any question regarding these recommendations or participant in any meetings or ongoing discussions.

Sincerely:

D.S. Cameron;

Cameron Consultants

### Statement from Martin Halloran, President of the San Francisco Police Officers' Association:

"To be a San Francisco Police Officer is a sacred trust granted to us by the people we serve. When an officer violates that trust he or she must be held accountable.

"The San Francisco Police Officers' Association condemns the appalling racist behavior committed by a handful of officers. They have disgraced the uniform and their profession. This conduct will not be tolerated in the SFPD nor in the POA. Chief Suhr has the full support of the POA to take appropriate disciplinary action that protects the due process rights of the officers.

"The reprehensible actions by a few officers do not reflect the overall commitment and dedication of the men and women of this department who serve and protect this city and its residents."



# Inbox

Dear Martin Halloran —

Thank you for your letter to the San Francisco Board of Supervisors regarding the "Day of Remembrance" for Mario Woods (February 2016, Volume 48, #2 POA Journal) and I want to tell you how disgusted I am with the Board's decision. I was born and raised in San Francisco and worked in the city all my working career and I feel the Board's decision is a slap in my face, my families face, all Law Enforcement Officers and every law abiding citizen all over the county. I know San Francisco is a "different" kind of city but this goes beyond any sense. While no one wants to see a mother lose her child, what is the Board telling the public all over the county, that Crime pays? On July 22, 2016, I know where I will be, boycotting San Francisco. As I've said before and I will say again, "San Francisco Board of Supervisors, you can kiss my ass!"

Thank You again,  
MaryAnn Poni

Retired Sergeant, San Francisco  
Sheriff Department  
Aunt of: San Francisco Police Officer  
Isaac Espinoza  
EOW: April 10, 2004

Dear Police Officers of  
San Francisco —

I heard today that the San Francisco Pride Parade Committee had decided to let Black Lives Matter be one of its Grand Marshals in this year's parade and I'm dismayed and appalled by this. The Gay community owes the police a debt of gratitude that it can never even begin to repay. Without the great policemen and policewomen of this country our communities would not be possible. Without you guys policing our communities and enforcing the laws the hate crimes would spiral out of control to the point where our communities would no longer be safe

or be able to function. You have saved countless lives in the gay community and our ability to walk out of our homes in the morning and walk down the streets safely and go to our jobs and be with our partners without fear is entirely because of the great police-men and women of San Francisco and all other cities. So, when I heard the confusing and upsetting news that a police hating organization had been chosen to be a representative in our parade that is supposed to be a cele-bration of gay rights and accomplish-ments I felt that we had been hijacked for political purposes other than our own community's and I wanted to reach out to the police of San Francisco and let you all know that this is not by our choice and it is not how we gays feel about the police. We honor and love you guys and all you do for us, don't forget that!

Thank you,  
Albert Goldenberg

Dear President Halloran —

I am writing on behalf of 788 members of Fraternal Order of Police, Riverside Lodge 8. We are appalled by the actions of the San Francisco Board of Supervisors. Their actions dishonor the brave men and women of law enforcement who are fighting every day to protect the citizens of San Francisco.

Mario Woods was a lifelong crimi-nal. Woods had no concern for or respect

of his fellow citizens as was demon-strated by his criminal conduct in stabbing unarmed Victims on the streets of San Francisco.

Further, as police officers, we find the actions of the Board of Supervisors extremely disrespectful and disingen-uous. The day of remembrance should be for the victims of the stabbing, not the suspect.

The citizens of San Francisco should

be ashamed their leadership is choos-ing to hold this man up as some kind of martyr. Promoting criminal recogni-tion will glorify and promote criminal behavior. It is an insult to law enforce-ment and to law abiding Citizens.

It seems that many leaders of this great country and cities have lost all perspective of right and wrong. Honoring Woods is an unjustified and inexcusable act of political correctness.

The members of Lodge 8 voted unanimously to condemn the Mario Woods Day of Rememberance and support our brothers and sisters in San Francisco.

Fraternally,  
Chuck Hall, President

Dear SFPOA,

I just read the response by Mark Farrell to Rich Cibotti. Farrell's state-ment, "the resolution was actually about sending condolences to the mother," is absolutely ludicrous. If you want to send condolences to the mother of a convicted felon, drug ad-dict, criminal who just stabbed some-one, SEND A CARD. Making a day in his honor is a disgrace and an insult to every police officer working, retired, injured or

killed in the line of duty. Where was the condolence day for Isaac Espinoza, a police officer brutally murdered in the line of duty protecting the Mario Woods of this world? Where was the condolence day for any of the officers killed in the line of duty? Where are the condolence days for their mothers, sisters, wives and children?

I was born and raised in San Fran-cisco. My children went to school in SF. My son is a retired SFPD captain and I spent 33 years as a civilian employee in the SFPD (PSA and Academy Training Coordinator), a city I was once proud of and loved. Not anymore. But, I will always be proud of the San Francisco

Police Department and all they do for the citizens of San Francisco to keep it safe from the Mario Woods of this world.

My sincere thanks to all who serve.

Pat Celaya  
Retired SFPD

Dear Captain Vaswani —

India Basin Neighborhood As-sociation (IBNA) is deeply affected by the recent tragic shooting episode in the Bayview resulting in the death of Mario Woods. IBNA would like to offer our support of the San Fran-cisco Police Department (SFPD), the Police Officers' Association (POA), and the San Francisco Police Commis-sion's unanimous efforts to explore and authorize the use of alternative, non-lethal methods in dealing with weapon-wielding individuals. Further, we support your efforts to expand the implementation of mental health crisis intervention and psychological train-ing for all patrol officers.

IBNA recognizes the incredible job the SFPD does in protecting our community on a daily basis. We are well aware of the ever-present need to balance community safety while maintaining safety of SFPD officers, and believe that expanding the "tool kit" to include use of shields, tazers, and other non-lethal techniques will help accomplish that balance. Helping SFPD officers to understand and more knowledgeably interact with mentally ill individuals is also a smart move, and likely to lead to fewer escalations of routine incidents.

We appreciate all you do in making our neighborhood safer. Thank you for your continued service to the City of San Francisco.

Sincerely,  
Sue Ellen Smith, Chair

## What Matters

By Brian Cahill  
Published in the *San Francisco Chronicle*  
March 3, 2016  
Forwarded to the *Journal*  
by Michael Nevin

I'm the father of a cop and I believe that the "Black Lives Matter" move-ment has raised the consciousness of most thoughtful citizens. The move-ment not only reminds us that the lives of young African American men are more at risk than any other segment of our population, but makes us realize that as a society we still have a long way to go to fulfill the Rev. Martin Luther King's dream.

I worked in a group home in the Western Addition in the 1960s and 1970s serving many African American youth and attempting to divert them from the California Youth Authority. In the 1990s when I was appointed director of the San Francisco Human Services Agency, African American children were 70% of the foster care caseload in a city where black children were only 10% of the total child popula-tion. I see the same disproportional-ity today at San Quentin State Prison

where I volunteer in prison ministry. I'm not suggesting that some of these men should not be there, but after going into San Quentin twice a week for the last 10 years, I know that some of them definitely do not belong there.

Many of the young advocates and protestors of the Black Lives Matter movement are forcing us to look at the reality of these issues. They have forced us to look at not only the deaths of young African Americans, but issues such as the failure of the Ferguson, Missouri police department to recruit a diverse, representative police force, the failure of the Chicago Police Department to release a video of what appears to be an unjustified shooting by an offi-cer, and at other controversial incidents have fanned the flames of controversy.

In the heat of this situation, I believe thoughtful citizens also have to under-stand that law enforcement—by its very nature, and increasingly in today's environment—is extremely stressful work. I've learned about cops' stress and how stress can lead to depression, and in some cases depression can lead to suicide. I've learned it because my son was a cop who took his life seven years ago.

I've learned that good cops are con-ditioned to bring control out of chaos, and are willing to risk everything

during a critical incident because they know the incident will come to closure. The very things that make them good on the job become lethal when they become depressed. They feel they are not functioning in any aspect of their life. They become extremely frustrated when they can't control the emotional pain. And they begin to despair when the pain in their life feels as if it will never end. That's what happened to my son. I'm not saying that stress in cops always leads to problems. But twenty-five percent of all U.S. cops struggle with post-traumatic stress disorder or serious depression from relationship losses and other problems.

I'm not ignoring officers who have been abusive. And I'm not suggesting that use of force policy and tactics can't be improved. But for almost five years, I've met weekly with veteran SF cops, telling them my son's story and about the hidden emotional risks in their work. I've talked with enough of these men and women to know that they are dedicated professionals doing an impossible job.

I don't expect all the Black Lives Matter protestors to agree with me, but I think most San Francisco residents would. Cops aren't perfect, but the great majority of them are out there every day protecting all members of our com-

munity. They deserve our respect, our support and our appreciation.

I mourn for all the lives lost on our streets. Regardless of where we all come down on the pros and cons of the Board of Supervisors vote on "Mario Woods Day," I mourn for the mother of Mario Woods. I can't know her experience, but I do know about the horror and trauma and never-ending pain that come with the loss of a child, and that matters.

And I mourn for all mothers in San Francisco who have lost a child to violence on the streets, and that matters.

I also mourn for the loved ones of homicide victims on our streets, and that matters.

I mourn for the loved ones of police officers who have died in the line of duty on our streets, and that matters.

I mourn for the loved ones of the six SFPD officers who have taken their life since 2010, and that matters.

And I mourn for my two grand-daughters who have to live their lives without their father, and that matters.

*Brian Cahill is the former executive di-rector of San Francisco Catholic Charities and a volunteer suicide prevention trainer for the San Francisco Police Department. He is completing a book about his son's suicide. He can be reached at bcahill3357@gmail.com*

## Is PERF Just Reinventing the Wheel?

# Are PERF's 30 Guiding Principles Anything New?

By Chris Canning,  
SFPOA Board of Representatives,  
Investigations

Scott Berkun had a front-row seat to one of the most innovative periods in America's technology business history: he worked at Microsoft for nearly a decade from 1994 – 2003. Microsoft's Internet Explorer, as you may recall, was one of the most widely used web browsers during the time Berkun worked at Microsoft.

In June 2010, *Bloomberg Businessweek* published an article Berkun wrote titled "Stop Trying to Reinvent the Wheel". While I'm hesitant to constantly refer to a previously published article, I can't help but notice the parallels to current issues we're facing in the law enforcement community. Unless otherwise noted, all quotes should be attributed to Mr. Berkun.

**"The key reason people look to reinvent things is that they don't know what's already been done. Ignorance, one way or another, is the leading cause of wasted effort everywhere. People who don't spend time studying the problems they're trying to solve are bound to reinvent something, and likely not nearly as well."**

It is no secret that law enforcement's uses of force have come under intense scrutiny nationwide. This scrutiny is likely to increase locally with the nearing implementation of the Body Worn Camera (BWC) program. My personal belief is that BWC footage will provide further evidence of the amazing work SFPD cops do every day. In my experience, our members show amazing restraint and are reticent to resort to using force. That being said, our members also recognize the need to be swift and

decisive when applying lawful uses of force to minimize harm to the public, the officer, and the subject.

Interestingly, there is a nationwide trend of numerous elected and appointed leaders calling for police use of force reform. In an effort to assume the self-appointed role as a subject matter expert, the Police Executive Research Forum (aka PERF, a non-profit organization that charges law enforcement executives membership fees) has recently produced a document of suggested use of force reform. Suggested reforms include new adjectives such as de-escalation, proportionality, and the critical decision making model. While the adjectives are new, the practical application of core law enforcement principles is the same. Unfortunately, some of the suggested new adjectives aren't supported by current statutory and case law.

It seems that PERF is tactically placing itself in a position to take advantage of politicians caving to public opinion and insisting on reform from law enforcement executives whom they appoint. Unfortunately, elected officials have created the demand that PERF is happily filling. I'm no politician, but I imagine it is easier to try to change the circumstances of a police encounter that looks "bad" instead of explaining the relevant sequence of events that led to the encounter. I'm more than certain that a vast majority of police uses of force are due to a subject's actions or non-compliance. Interestingly, PERF's suggestions of police reform are silent as to the responsibility of citizens to follow the lawful order of a law enforcement officer.

My fear is that elected and appointed officials, local and nationwide, are haphazardly creating a restrictive system intended to cause police officers

to hesitate by instituting verbose and confusing policies based on subjective principles. Policies exist to provide clear direction. Restrictive use of force policies don't change the origin of an officer's need to resort to force: actions or non-compliance of another person. Such policies only serve to restrict force options available to a police officer. Unfortunately, often ignored is the concept that the hesitation of a police officer can lead to deadly and disastrous results.

**"The second reason for reinvention pertains to ego and rewards...there is more prestige to be gained for making something new than for reusing work done elsewhere in the company or industry. (emphasis added) This is true when the newly made thing is much worse than what already existed...if a culture rewards unnecessary reinvention more than it honors wise reuse, the ambitious will follow suit."**

It is much too early to know the exact ambitions of those supporting an expedited change of policies guiding law enforcement's use of force. However, even a casual observer can easily detect the aggressive timeline of the implementation of new use of force policies. It will be interesting to follow all involved in the newfound urgent quest (both those insisting for police reform and those rushing to meet the call). It wouldn't be surprising to learn that politicians add use of force reform to their platform when seeking another elected position, find non-profit group leaders placing another line on their curricula vitae, or discover newly formed private consultancies ready to bill hefty sums for their services. Unfortunately, it will be the lone officer facing a dangerous suspect that is left with the consequences of hastily crafted policies.

**"Good leaders...recognize the rare skill of combining things together well...There's a time to reinvent and a time to reuse, and the best minds know that both approaches have their place".**

I'm not suggesting that there is no need for reform. Quite the contrary, I

believe there is a constant need for law enforcement to adapt and stay ahead of the curve. However, there's a difference between the means by which law enforcement obtains and develops effective relationships with community members, stakeholders, and interest groups and how policies are created, especially policies that direct officers how to carry out their lawful duties.

It is easy to see that there is a great amount of public interest in law enforcement's application of uses of force, and rightfully so. It is important for officers to understand that in most cases their uses of force are considered government intervention and seizure. However, it is equally important for the public to understand that there are mechanisms in place for officers that deviate from the legal standard, set by statutory law and US Supreme Court case law, when using force.

For those unfamiliar with the harsh realities of taking a non-compliant or actively resisting subject into custody, a front-row seat view of a judicious use of force can be shocking. As most cops realize (as well as the US Supreme Court), any use of force is a culmination of a sequence of events. The sequence of events, however, doesn't sell newspapers or gain media attention. I'm hopeful that with the increasing availability of BWC footage, the public will be exposed to the entire sequence of events that lead to particular uses of force. Such a context will likely produce a level of understanding as to why a police officer used a particular force option.

In the meantime, if policies governing the use of force are modified, it is essential for those drafting such policies to understand the importance of specific language, consistent with statutory law and case law. There is no sense in replacing existing policy with a hastily prepared, mediocre and confusing product, intended to either satisfy a vocal faction or to personally benefit those expediting change.



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# Chief's Corner

Last year, with regard to the events that took place in Ferguson, New York, and other cities, I spoke of beginning a difficult conversation by being honest enough to acknowledge that much of our (law enforcement's) history in this country has not been pretty. I quoted Director Steven Comey of the FBI who said, "We (cops) enforced a status quo that was often brutally unfair to disfavored groups. A status quo that was unfair to too many people." Those comments got everyone talking and more than a few people came up to me to express their position on my position. These were not easy conversations but they were good necessary conversations to have, if we were to get to a better place. And I think we were on our way to that better place.

Here we are, a year later and we are engaged in another difficult conversation about how we might best "re-engineer" the way we use force, when dealing with an unarmed subject of inordinate size/strength/skills or someone who possesses a weapon other than a firearm (knife, club, etc.). It seems folks are surprised by my position and feel that the new approach is reactive to a recent event(s) and will leave officers less safe. This is not the case, I would never ask or propose anything that I think would have any chance of leaving any officer less safe. In fact, I am always trying to think of ways to keep officers more safe.

My position now is the same as it was last year, when I wrote and released DB15-106. This bulletin from April of last year includes the following:

...We have policy (DB #13-120) that requires officers to create time, distance, and build a rapport with people in crisis that are only a danger to themselves. This does not mean that whenever an officer has time and/or can create time

enough to stop, think, and stabilize a situation prior to advancing — even where the suspect might also pose a danger to others (but is not actively harming anyone) — that they shouldn't create time and distance, **when it would be safe to do so**. In a perfect world, nobody — civilian, police officer, or suspect — gets hurt. Critics of the referenced "stabilize mindset" (generally other police officers) claim this higher goal is not only too lofty but it is too risky for officers. I couldn't disagree more. **I argue that taking a thoughtful perspective of risk (creating time and distance, when feasible) is not asking an officer to accept more risk. In fact, it is actually quite the opposite — I say if an officer is exposed to less risk, he/she will need less force to overcome the lower risk!... and in so doing be safer.** Again, the best case scenario is where nobody gets hurt — civilian, police officer, or suspect.

My suggestion that we can be better, when safe to do so, is also not new or reactionary. I've closed many columns over the years with "as good as we are, we can always be better". A survey of SFPD officer-involved-shootings, almost without exception, showed that most OISs occur inside of 5 minutes and within 25 feet. It is my sincere belief that if we can "re-engineer" our brains to do all we can, when safe to do so/as feasible, to create 5 minutes and/or maintain a "reaction gap" we are comfortable with (25 feet as a reference point), we can/will be able to avoid the need to use lethal force in most instances. That would be a very good situation to find ourselves in.

This is usually the month I talk about the Annual Chamber of Commerce City Beat Poll results. After posting 4 straight years of a number north of 70 as the percentage of San Franciscans that see the SFPD favorably — despite all the negative press and acrimony surrounding law enforcement these days — the men and women of this Department still posted a number in the mid-60s (64%) as the percentage of people in San Francisco that saw the SFPD favorably in 2015. The "lion's share" of San Franciscans still, despite being concerned with homelessness, rising property crime, traffic congestion, and the worsening street behavior, know what they have in its police officers and appreciate your efforts...as does your Chief!

cans still, despite being concerned with homelessness, rising property crime, traffic congestion, and the worsening street behavior, know what they have in its police officers and appreciate your efforts...as does your Chief!

As well as we are received by most San Franciscans, we can still be so much better. We can get back into the 70%+ favorable range where we belong; but it will take renewed commitment to patience, restraint, engagement, and resolve to get it done. The trust we worked so hard to build and maintain so we can do our job best, has been shaken in some communities in San Francisco. Some of those communities are the very communities that need us most and want more of us. That said, we have a history (mentioned earlier in this column) and recent events/video here and around the country has folks questioning if we had to do what we did when we did it. In some cases, officers have been found to have betrayed us all and have made the job just that much harder, for the honorable men and women of law enforcement to do our jobs.

With that in mind, as we rebuild the trust that has been shaken, the new policies addresses thoughts and concerns from everyone in those communities (that need us most). Most especially, the young people who have been working with us to build trust in underserved communities. They want to see that the Sanctity of Life is our top priority — everyone's life. They want to know that we are going to try everything we can ("de-escalate"/slow it down/be cool and calm in the moment) or as I have often quoted, "keep our heads while all those about us are losing theirs", to avoid having to use our firearms to resolve a situation, if at all possible. They want to understand what we do when we do it and when they see it, they want it to make sense. Of significant importance to the public, is that our response was proportionate to what and who we were facing at the time. Finally, they want to



know that we understand that there are folks out there that are "troubled". Individuals with such diminished capacity that they have to be handled differently than we have been trained to handle them in the past. That we will do all we can, when safe to do so, to handle people in crisis and/or get folks there that are best trained/experienced to resolve the situation and get the care the person so desperately needs.

A very senior old cop once told me that there are two things a cop can't abide: "Change" and "Things that stay the same". I know that change is hard. But I also know that we can do this. We can "re-engineer" the way we use force, when safe to do so, with an unarmed subject of inordinate size/strength/skills or someone who possesses a weapon other than a firearm (knife, club, etc.) so that we can all go home at the end of the watch — civilian(s), police officer(s), and suspect(s). Everyone...again that would be a very good thing!

Take care and be safe out there!

**Greg Suhr**

*Chief of Police*

*San Francisco Police Department*

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SINCE 1953



By Scott Buhrmaster  
Vice President of Operations  
Force Science Institute  
Forwarded to the *Journal*  
by Michael Nevin

*Editor's note: This edition of the Force Science News is re-printed just as published by the author. While the author refers to "the police department in a major US city" in Segment One, it is painfully obvious that the reference is to the SFPD, the SFPOA, and the SF Police Commission. — Ed.*

In this issue:

- I. Proposed UOF policies: Will this be the "new normal" for policing?
- II. A trooper, a letter, a legacy...a touching tribute to a fallen officer.

I. Proposed UOF policies: Will this be the "new normal" for policing?

In a possible preview of coming attractions for other agencies, the police department in a major US city is proposing radical changes to its use-of-force policies that have torched a firestorm of protest from the rank-and-file.

In tone and detail, many of the intended changes mirror the recommendations for overhauling American policing put forth earlier this year by the Police Executive Research Forum (PERF), which we've covered in several recent issues of Force Science News.

The intent, say the city's police chief and the president of its Police Commission, is to "fundamentally re-engineer the way police officers use force" and thereby save lives.

But a former deputy city attorney for that municipality, who in the past has defended the agency and its personnel against excessive force claims arising from officer-involved shootings, asserts that some aspects of the "hastily enacted" proposals could have "disastrous and unintended consequences" if left uncorrected.

And the president of the Police Officers Assn., representing the department's patrol and investigative forces, charges that some of the would-be changes "appear to be at odds with federal and state law and longstanding precedents and best practices." Adopted as is, he says, they "could lead to citizens being further endangered and officers exposed to additional harm."

He adds, "The POA was taken aback [that] we were never consulted" in the discussion and drafting of the intended revisions. Creators of the proposals promise that input from "interested stakeholders," including "front-line officers," "civil libertarians," the general public, and the federal DOJ will be solicited before the alterations are finalized.

CHANGES "GOOD FOR EVERYONE"? According to the PD's chief and the city's Police Commission president, the proposals grew from a collaboration of law enforcement officials and black activists after the controversial fatal shooting last December of a 26-year-old man who had randomly stabbed a stranger on a city street.

Hopped up on meth and other drugs, the knife-wielding suspect refused repeated commands to drop his weapon when surrounded by responding officers. Taunting an officer to use his "motherfucking" gun, the subject doggedly resisted pepper spray and beanbag rounds before multiple officers fired on him with their sidearms, inflicting some 20 wounds.

The current city attorney ruled the

shooting justified, but the suspect's family filed a federal civil rights suit. The PD quickly initiated some "immediate" changes in officer training and dug into crafting a "new vision for the department," anchored to major alterations of its General Orders regarding use of force, particularly deadly force.

In a joint announcement of the resulting proposals, the chief and the commission president claimed last month that by getting officers to emphasize "time and distance," de-escalation, "sanctity of life," "thoughtful communication," and a "proportional" use of force, the department "can fundamentally re-engineer policing" and reduce officer-involved shootings by "up to 80 per cent." This will save lives and be "good for everyone," they insisted.

The POA president fired back with a 20-page critique of the proposed revisions, characterizing them as having been "written in a bubble," shielded from the "dynamic, fast-paced, and constantly evolving" realities of force incidents. He included results of an online membership poll showing that over 97% of respondents are "not satisfied" with the proposed UOF revisions and their "unreasonable and flawed language."

Also included were detailed, critical analyses of the proposals from two use-of-force experts: A police defense lawyer, who served 22 years as a deputy city attorney for the municipality, including nine years as chief of the civil rights litigation team, and a police trainer for nearly five decades, who has trained some 45,000 LEOs, has testified as an expert witness (both for and against officers) in over 600 cases, and has played a major role in shaping the state's POST instructional materials on firearms, arrest-and-control tactics, and use of force.

Here are a few of the key elements addressed which reflect the flavor of what one critic terms a "novel approach" to UOF policy:

"PROPORTIONAL" FORCE. A major concern of the position papers challenging the changes centers on one of the factors that the proposed General Orders list in describing what constitutes a "reasonable" use of force. To be considered reasonable, the draft Order states without further definition:

"Any force should be proportional to the severity of the offense committed for which the officer is taking action.... It is critical officers apply the principles of proportionality when encountering a subject who is armed with a weapon other than a firearm, such as an edged weapon, improvised weapon, baseball bat, brick, bottle, or other object."

"I'm not even sure what that means or how an officer is to make that determination," the long-time trainer writes. He says the language suggests that a force encounter "needs to be a 'fair fight'--that [an] officer can no longer present a show of force sufficient for the suspect to know that resistance is pointless."

"For example, instead of multiple officers attempting to subdue a resistant individual, under this policy only an officer of similar size and physical skills can intervene."

The police attorney calls the lack of definition "deeply concerning," and adds that the "proposal could suggest that 'proportional' means that officers are required to match the degree of force being used by the suspect. In other words, if an officer is being threatened by a knife, the maximum force the officer can use in response is a knife--even though officers

are not equipped with knives and are not trained on how to use them."

VITAL OMISSION. The critics are also disturbed by another "extremely important" omission. The current department policy specifically underscores the critical Graham qualifier that the reasonableness of an officer's use of force "should not be judged based on 20/20 hindsight." Crafters of the new policy have "inexplicably" taken that language out.

To the police attorney, the removal "suggests that it was intentionally omitted with the objective of making [this] the only city in the country where an officer's use of force can now be analyzed based on 20/20 hindsight"--"a radical change [that] could have undesirable implications for officer training and accreditation under POST."

DE-ESCALATION. In stressing a dominating commitment to de-escalation, the proposed policies state that when a non-compliant subject is "not actively endangering safety, fleeing, or destroying evidence, officers should employ techniques to decrease the likelihood" of having to use force. These would include building rapport via "thoughtful communication" with "the proper voice intonation" and tactfully repositioning "as often as necessary" to maintain a protective "reaction gap" between officers and suspect.

"This sounds good on paper but on the streets it will unnecessarily expose all parties to increased danger," the POA president argues. The obligation to constantly reposition to accommodate the suspect's movements "implies a duty to retreat that is not consistent with [state] law nor case law. It is inherently dangerous, it compromises officers' ability to contain suspects, and it increases suspects' opportunities to escape, assault officers, or attack civilians or take them hostage."

SUPERVISORY RESPONSE. The proposed policies require that when officers view or are dispatched to "a subject with a weapon, a supervisor shall immediately...remind responding officers, while en route, to protect life, isolate and contain the subject, maintain distance, find cover, engage in thoughtful communication without time constraint, and call for appropriate resources."

"This is potentially dangerous to civilians and officers because in the 10-15 seconds in which the supervisor would clog the airwaves with this generic announcement, the officer on the scene would have been prevented from conveying critical information, such as 'shots fired' or 'officer down' or calling out the direction the suspect has fled," the police attorney states. "Requiring a supervisor to reiterate general policies in the heat of action accomplishes little or nothing."

"If the department would simply apply this idea to a few real-world scenarios, it would see how disastrous it could be," the veteran trainer notes.

The POA president points out that some of the content of the message is questionable. For instance, "current training involves [officers] 'moving to contact' active-shooter suspects without delay. It seems contrary to every recent study to have officers 'finding cover' and 'engaging in thoughtful communication' when...children are actively being slaughtered in a school."

VEHICULAR SHOOTING. In the union president's words, the new regulations intend to establish "clearly a policy of prohibition" so far as shooting at a suspect in a moving vehicle is concerned. The only exception in the proposed changes would be if an occupant "poses an immediate threat" of death or serious injury "by means other than the vehicle" itself.

This "categorical ban," writes the police attorney, "prevents an officer from shooting at the driver...even if there is no means of retreat [and] the officer or a bystanders will likely be killed if the officer cannot shoot, [and] where there is substantial risk that the driver will cause death or serious injury to others if allowed to escape."

For example, he states, "if an individual were driving around [the city] in an SUV, running over pedestrians for fun,...under the proposed policy [an] officer would be required to hold his or her fire...." The proposed policy, POA president charges, "turns a vehicle into a safety zone for violent felons...."

In the trainer's expert view, "a motor vehicle driven at an officer or civilian is lethal and should be dealt with like any other lethal force threat."

CEW RESTRICTIONS. Among many restraints on the use of controlled energy weapons listed in the proposed changes, there are two that the union president takes particular exception to: A prohibition on using a CEW on an unarmed subject, and on using the device in drive-stun mode.

Why? he asks. "If an officer or a citizen is being beaten to death by the hands or feet of a suspect, an officer could articulate a reasonable need to use a firearm." Why would a CEW be banned "in these instances if it might prevent the use of a firearm?"

And why would an officer not be permitted to use a CEW "on a violent but unarmed suspect who is larger and stronger than the officer and who threatens the officer's safety? [I]f the unarmed suspect begins to grapple with the officer, the officer will have to defend him or herself from a stronger opponent while practicing weapon retention techniques for two separate weapons (CEW and firearm) located on opposite sides of the officer's body.... [This] is not in line with the best practices of other agencies."

As for prohibiting drive stuns, "What purpose is served?" he asks. "Other agencies recognize [that] use...and indeed recognize it as a lesser use of force than...firing the probes."

MORE BANNED PRACTICES. Also forbidden under the proposed regulations are striking a handcuffed prisoner with an impact weapon, raising an impact weapon above the head to strike, and applying a carotid restraint to control a combative suspect.

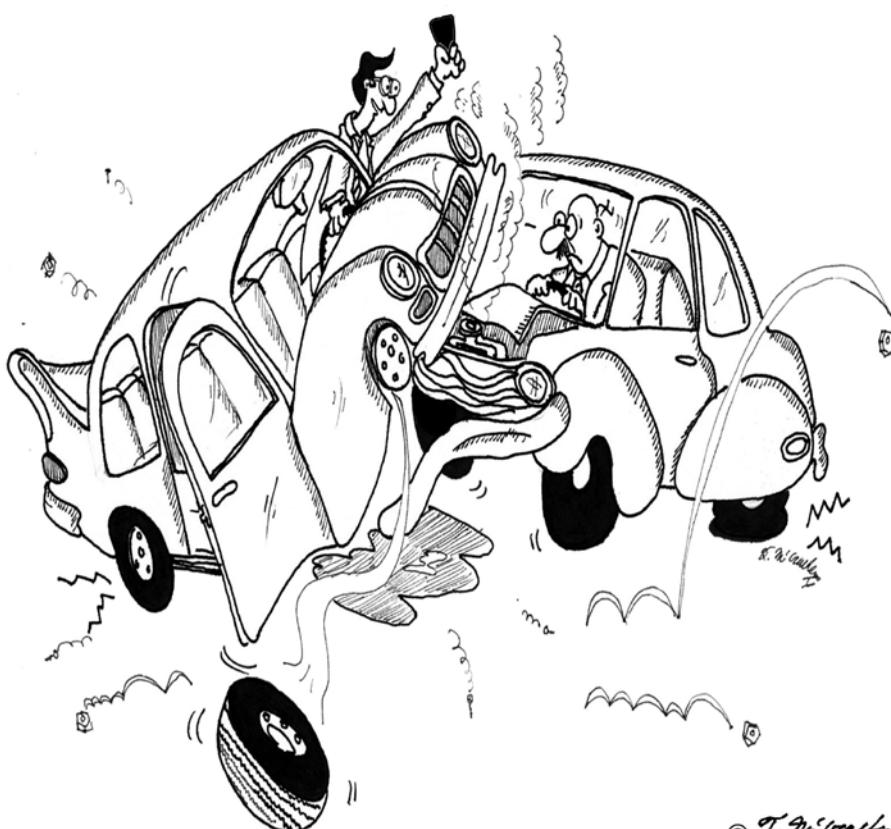
A "blanket prohibition" against certain baton strikes is "nonsensical," the police attorney argues. "It is well documented that someone in handcuffs can still be dangerous--even lethal. To prevent officers from using an impact weapon against a dangerous individual, whether handcuffed or otherwise, only increases the risk of injury to the officer and the individual."

"The more non-lethal options that are removed from an officer's arsenal, the more likely the incident will escalate to the point where the officer's only option is lethal force."

The trainer agrees and disputes the categorical ban on over-head strikes as well. "The location of the strike is what matters," he writes, "not the type of arm movement that caused the strike." And the POA president points out:

"Normal physical controls and baton strikes are frequently ineffective when encountering suspects with a sufficient size differential. Is it the Department's intention to leave smaller officers with no recourse when dealing with an assault from an unarmed but larger suspect than to use their firearm?"

As to the carotid restraint ban, the police attorney writes, "Based on my



"OH, GREAT, MY INSURANCE AGENT.  
I WAS JUST TEXTING YOU."

## Force Science Institute

CONTINUED FROM PREVIOUS PAGE

22 years at the City Attorney's Office, I cannot recall a single case in which an individual claimed injury" from that technique (which, of course, is vastly different from a bar-arm choke hold or other application that compresses the airway at the front of the throat).

The trainer notes that the state's POST "mandates that the carotid restraint control hold be taught in all POST basic academies." In the union president's experience, it "has proven to be very effective against suspects who are on stimulants and/or hallucinogens, where other levels of force historically fail or would be ineffective." Again, without it officers "may have no reasonable means" for controlling some combative subjects "short of the use of lethal force."

**"UNINTENDED CONSEQUENCES."** The "novel" policy changes discussed here and others proposed are "massive" and, in effect, "will drastically change an officer's approach to every potential encounter in which the use of force might be an option," the trainer declares. "I foresee numerous unintended consequences," because changing the rules of force "cannot be accomplished by simply changing the General Orders."

Among his predictions:

- "None of the officers in [the agency] will be adequately trained" in the new policies. For the revisions to be effective, "all officers would have to be untrained in the things they learned in the academy and throughout their in-service training and re-trained to meet the [new] requirement[s]. In a time-for-time scenario, it would require the same amount of time to re-train skills as it did to initially train [them], or 6 to 8 months in an academy setting."

- The department "would likely lose its POST accreditation. In fact, because POST would continue to teach concepts not just different but contrary to the [the agency's] new, core approaches to

uses of force, it might even be counterproductive for [the PD] to require its officers to be POST certified."

- Confusion will reign. "Officers, citizens, and lawyers will all be guessing" as to what certain proposals, such as "proportional force," actually mean. "This, of course, is problematic for officers being able to figure out in the field what they can or cannot do, and it will be even more problematic when their actions are second-guessed in disciplinary proceedings and civil lawsuits."

Revising policies, the trainer cautions, "should not be jumped into haphazardly, as a knee-jerk reaction to criticism from a relatively small but vocal segment of the total population.... Every word within a policy" should be "subject to scrutiny" because the language "can be used against the agency and the officers in civil litigation."

The "disastrous" consequences of adopting these proposals "too quickly... without careful and thoughtful deliberation," he warns, could well include the loss of civilian and police lives.

It would be unfortunate, he says, if the PD "adopts these policies first and then only later takes the time to consider how they can be improved or unintended consequences removed."

Thoughts or comments to share? Email us at: [editor@forcescience.org](mailto:editor@forcescience.org)

II. A trooper, a letter, a legacy....a touching tribute to a fallen officer.

Earlier this month, California Highway Patrol Officer Nathan Taylor was killed while working an accident scene outside his patrol car. During the recent International Law Enforcement Educators & Trainers Association conference in Chicago, Capt. Charles "Chip" Huth shared a touching tribute letter that was sent to Officer Taylor's agency shortly after his death.

It's something all should read.

For a copy: [www.forcescience.org/taylortribute.pdf](http://www.forcescience.org/taylortribute.pdf)

## USO Shower Donations

By Sean O'Brien  
Airport

For those who don't know, the owner of the Airport Travel Agency, Mr. Linard Davis, allows us to purchase shower vouchers that normally cost \$15, for \$5. The vouchers include a 30-minute shower, soap, shampoo, a towel, and shower shoes.

I am asking all military veterans and POA representatives to collect funds at their units for this very worth cause. If every member donated just \$5 we could provide the USO shower vouchers for the entire year. You can forward me any



### BAY AREA

donations to the SFPD AFOB or email me at the below listed email address if you would like me to pick them up. Anyone wishing to donate by check, please email me and I will get back to you as soon as possible with instructions. Thank you!

[119sean@gmail.com](mailto:119sean@gmail.com)

### Co. C sets new high mark @ \$1080

## Bayview Station Sets Donation Bar Even Higher for USO

By Val Kirwan  
Sgt. at Arms

The SFPOA sponsors a hot shower program at SFO for members of the military who are in transit and use the USO facilities. USO SFO is open 24 hours a day, 365 days a year. The USO also provides many other amenities including a nursery, snack and beverage station, Internet café, Xbox gaming station, Wi-Fi throughout the center, free phone calls, TV lounge with leather recliners, fax, luggage storage for in-center visitors and information for local attractions. The SFPOA also purchases snacks and beverages for the facility.

To ensure that we have a constant flow of money each month to purchase the showers, snacks and beverages, each Station/Bureau will be designated a specific month in which the POA representative will make a collection. The money will be sent to Sgt. Sean O'Brien Airport Bureau, the coordinator of the program. The amount collected each month will be posted in the POA Journal.

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May	Northern	
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Retires feel free to make a collection or donation at any time.

Dear San Francisco Airport police officers and POA –

Not only am I thankful for you all keeping us safe at home, but thankful for you keeping us clean! I really enjoyed being able to shower during my long stay at the USO. For that, I'm truly grateful!

You guys and gals rock!  
STG Justin Merrill, USN  
CSCS Det. Pearl Harbor



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# Scholarship Announcements

## Bay Area Law Enforcement Assistance Fund Memorial Scholarship Program

The Bay Area Law Enforcement Assistance Fund (BALEAF), established in 1999, provides support for law enforcement families who have had members killed in the line of duty, seriously injured, or experienced a catastrophic event/illness or loss of life.

The BALEAF Memorial Scholarship Program provides Financial Assistance to Law Enforcement Families who wish to pursue a course of study beyond high school.

Each year, the BALEAF Memorial Scholarship Program will remember our fallen heroes. For 2016, we will be honoring three Police Officers who have died in the Line of Duty from the San Francisco Bay Area.

**Officer Barry Rosekind of the San Francisco Police Department**, who died in the line of duty in 1957. He is survived by his wife "Marilyn Rosekind", who is one of the Founding Members of BALEAF and a past President of the Board of Directors and his son "Mark" Rosekind".

The "Barry Rosekind" Memorial Scholarship will award Five Scholarships for \$1,000 each, open to all eligible applicants.

In partnership with the San Francisco Police Credit Union, the BALEAF Scholarship Program will remember and honor two additional Police Officers who have recently died in the line of duty in the San Francisco Bay Area.

**Officer "Scott Lunger" of the Hayward Police Department**, who died in the line of duty in 2015. The Scott Lunger Memorial Scholarship will award one scholarship in the amount of \$1,500 for Hayward PD applicants only.

**Officer Michael Johnson of the San Jose Police Department**, who died in the line of duty in 2015. The Michael Johnson Memorial Scholarship will award one scholarship in the amount of \$1,500 for San Jose PD Applicants only.

### Eligibility

Scholarship applicants must be an eligible dependent of a sworn or non-sworn employee (active, retired or deceased) of a Law Enforcement Agency within the nine Bay Area Counties (San Francisco, San Mateo, Marin, Santa Clara, Alameda, Napa, Solano, Sonoma, Contra Costa).

Eligible dependents include spouses, children, adopted children and stepchildren

### General Information

Scholarship Awards maybe used for

Accredited Business/Trade School

Accredited Two (2) year college

Accredited Four (4) year college/University

Scholarship recipients will be determined based on the information provided in the required essay and may be, if necessary, awarded based on a "Lottery" Selection. Scholarships are awarded on an annual basis and will not be based upon sex,

## San Francisco Police Officers' Association Announces Annual Jeff Barker Scholarship Awards Program

The SFPOA is about to embark on its annual scholarship awards for your college bound dependents by offering a series of scholarships to dependents of SFPOA members, both active, retired and deceased who have held continuous SFPOA membership for more than one year prior to dependent's application.

Qualified applicants will be limited to 2016 High School graduates with a "C" average or better. This presents a perfect opportunity for those creative students who may not have the opportunity to apply for other scholarships to do so now. Successful candidates will be judged on their scholastic records, extracurricular activities and local community involvement.

The scholarship finalists will be selected by the SFPOA Scholarship Committee. Awards will be presented by August 2016.

Take advantage of this opportunity to compete for the Scholarship Assistance Awards for the 2016 fall college semester.

Applications are available at the SFPOA office located at 800 Bryant St. 2nd Floor, San Francisco, CA 94103 (415)861-5060.

Pick up your application or mail the attached request for an application to the SFPOA.

*Completed Applications must be returned to the SFPOA no later than May 13, 2016.*

### Request For Barker Scholarship Application

Scholarship Applications must be returned to the SFPOA no later than May 13, 2016. Applications received after that date will be returned.

Applicant's Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Telephone: \_\_\_\_\_ Cell No. \_\_\_\_\_

Name and Rank of SFPOA member who qualified you as a scholarship applicant:

ASSIGNMENT: \_\_\_\_\_ EXT. #: \_\_\_\_\_

Active: \_\_\_\_\_ Retired \_\_\_\_\_ Deceased \_\_\_\_\_

Your relationship to the SFPOA member who qualifies you as a scholarship applicant \_\_\_\_\_

*NOTE: This is not a scholarship application. It is a request form only.*

*Applications must be obtained from the  
SFPOA at 800 Bryant St. 2nd Fl, San Francisco, CA 94103*

## San Francisco Police Officers' Association

## Announces Annual

## Mayor/Police Chief Frank Jordan &

## Wendy Paskin-Jordan Scholarship Fund

The SFPOA is about to embark on its annual scholarship awards for college bound dependents and enrolled college students by offering a scholarship to dependents of noncommissioned officers of the SFPD both active, retired and deceased who have held continuous SFPOA membership for more than one year prior to dependent's application.

Qualified applicants will be limited to 2016 High School graduates and actively enrolled college students with a "C" average or better. This presents a perfect opportunity for those creative students who may not have the opportunity to apply for other scholarships to do so now. Successful candidates will be judged on their scholastic records, extracurricular activities and local community involvement.

The scholarship finalists will be selected by the SFPOA Scholarship Committee. Awards will be presented by August 2016.

Take advantage of this opportunity to compete for the Scholarship Assistance Awards for the 2016 fall college semester.

Applications are available at the SFPOA office located at 800 Bryant St. 2nd Floor, San Francisco, CA 94103 (415)861-5060.

Pick up your application or mail the attached request for an application to the SFPOA.

*Completed Applications must be returned to the SFPOA no later than May 13, 2016.*

### Request For Jordan Scholarship Application

Scholarship Applications must be returned to the SFPOA no later than May 13, 2016. Applications received after that date will be returned.

Applicant's Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Telephone: \_\_\_\_\_ Cell No. \_\_\_\_\_

Name and Rank of SFPOA member who qualified you as a scholarship applicant:

ASSIGNMENT: \_\_\_\_\_ EXT. #: \_\_\_\_\_

Active: \_\_\_\_\_ Retired \_\_\_\_\_ Deceased \_\_\_\_\_

Your relationship to the SFPOA member who qualifies you as a scholarship applicant \_\_\_\_\_

*NOTE: This is not a scholarship application. It is a request form only.*

*Applications must be obtained from the  
SFPOA at 800 Bryant St. 2nd Fl, San Francisco, CA 94103*

# A Sampling of the Members' Use of Force Survey Responses

*"This policy is an insult to SFPD officers and the taxpayers. I am both."*

*"This use of force policy appears to be written by someone with no law enforcement background. This policy will get one of our officers seriously injured or murdered."*

*"It sounds like the suspect's safety is of the upmost concern. The officers and public are secondary."*

*"The only winners of this proposed order appears to be 1) criminals not adhering to lawful commands and 2) their lawyers."*

*So, if a 6' 5" 270 pound, highly trained killer is kicking my ass (preparing to take my gun and kill me and others) I cannot use the Taser because he is unarmed?! Again, refer to the ignoramuses who are writing these orders.*

*"The proportionality section is setup to put all liability on officers and away from department."*

*"The command staff needs to remember where they came from and stop being puppets."*

*De-escalation sounds nice but does not seem practical when most high risk situations move fast and require an equally fast response to protect the public and officers.*

*"It seems now that I have to wait till I get punched before I can use one of my options."*

*"It is ridiculous, juvenile, and unnecessary that a supervisor would have to remind me of the sanctity of life ... I take offense to that and well know the sanctity of life. That is why I took this job, to preserve and protect life!"*

*"Why would anyone want to give an officer fewer options prior to discharging their firearm?"*

*"A complete joke. Please let me know when the adults are ready to talk."*

*I'm sorry, but if a person comes at me with a knife, I will shoot that person until they stop. I have a family with young children to come home to."*

*"It was haphazardly put together in a few days due to bad politics."*

*"A properly applied carotid restraint will have far fewer lasting effects than an impact or personal body weapon."*

*"The disconnect between command and street officers is offensive."*

*"Writing this stuff tells the general public that we as the SFPD have been doing things wrong this whole time, which we have not."*

*"There is too much emphasis on de-escalation. Situations are dynamic and change rapidly."*

*"Pointing a firearm at a suspect SHOULD NOT be considered a use of force since no force was used."*

*"The Chief should be ashamed of himself for trying to pass this policy."*

*"There is no ethical, practical, tactical, or legal reason to enact more restrictive policies than those approved by SCOTUS."*

*... it means that we have a duty to die."*

*"You want me to be a monitor."*

*"It will get us hurt, killed and sued."*

*"It implies that we have had a problem with our use of force. Why not look at actual statistics and draw conclusions instead of protest and chanting. Saying it loudly over and over does not make it a fact."*

*"Every good cop knows that when you take someone on for jay-walking and they violently resist, it's probably not because they don't want a jaywalking ticket."*

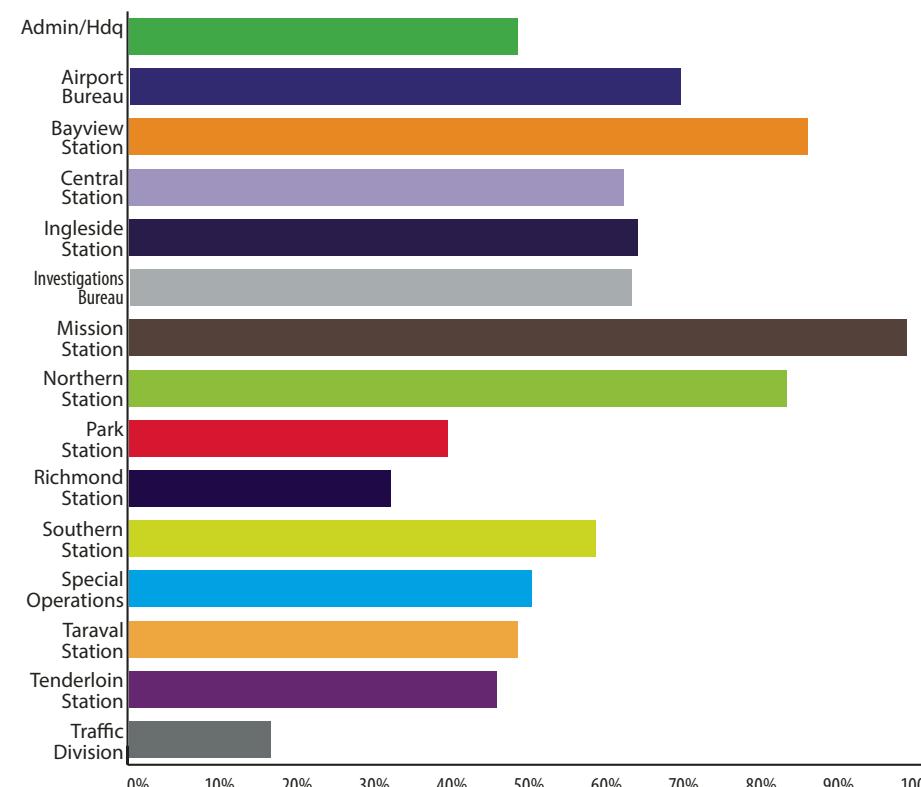
*"It seems an attempt to 'fix' what is a non-problem born by a false narrative."*

*"It seems ridiculous to have to tell someone a firearm was pointed at them if they never knew that was the case."*

*"Please turn the lights off on the way out."*

**Q1 What is your current assignment?**

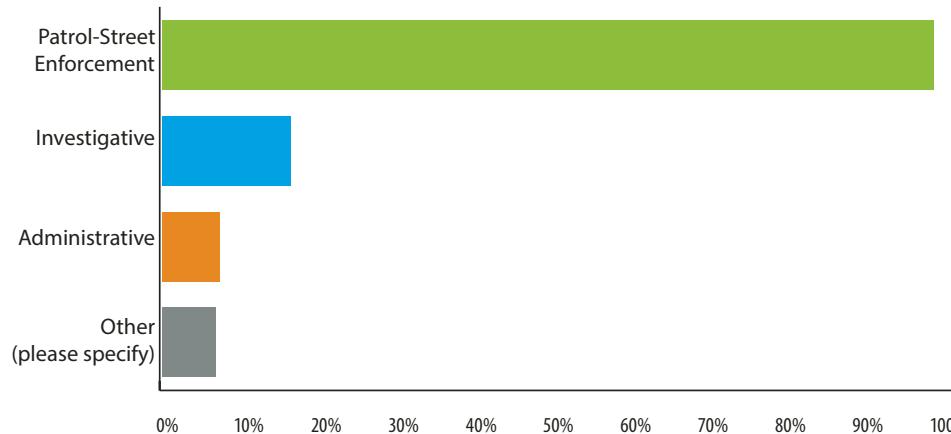
Answered: 977 Skipped: 3



Answer Choices	Responses	Answer Choices	Responses		
Admin / Headquarters	5.63%	55	Park Station	4.61%	45
Airport Bureau	7.98%	78	Richmond Station	3.79%	37
Bayview Station	9.83%	96	Southern Station	6.76%	66
Central Station	7.16%	70	Special Operations Group	5.83%	57
Ingleside Station	7.37%	72	Taraval Station	5.63%	55
Investigations Bureau	7.27%	71	Tenderloin Station	5.32%	52
Mission Station	11.26%	110	Traffic Division	2.05%	20
Northern Station	9.52%	93	<b>Total</b>	<b>977</b>	

**Q2 What is your primary job duty?**

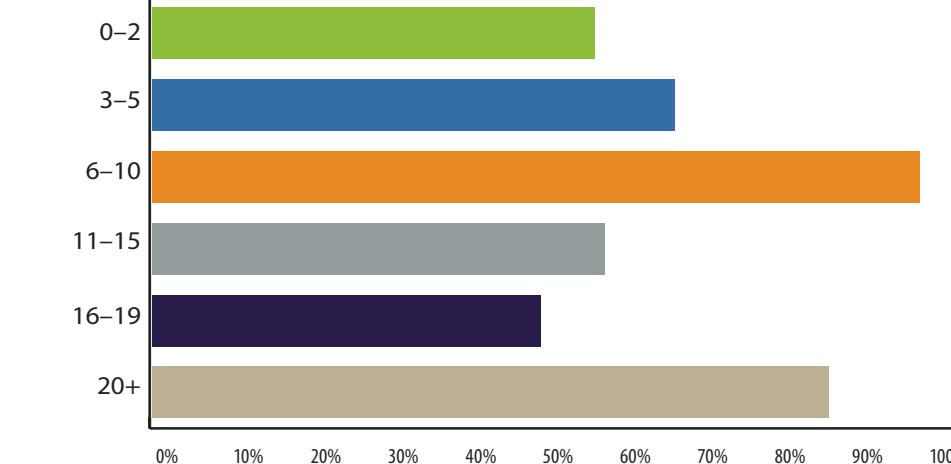
Answered: 978 Skipped: 2



Answer Choices	Responses	Answer Choices	Responses		
Patrol-Street Enforcement	76.28%	746	Administrative	5.73%	56
Investigative	12.68%	124	Other (please specify)	5.32%	52
<b>Total</b>	<b>978</b>				

**Q3 How many years have you been with the SFPD?**

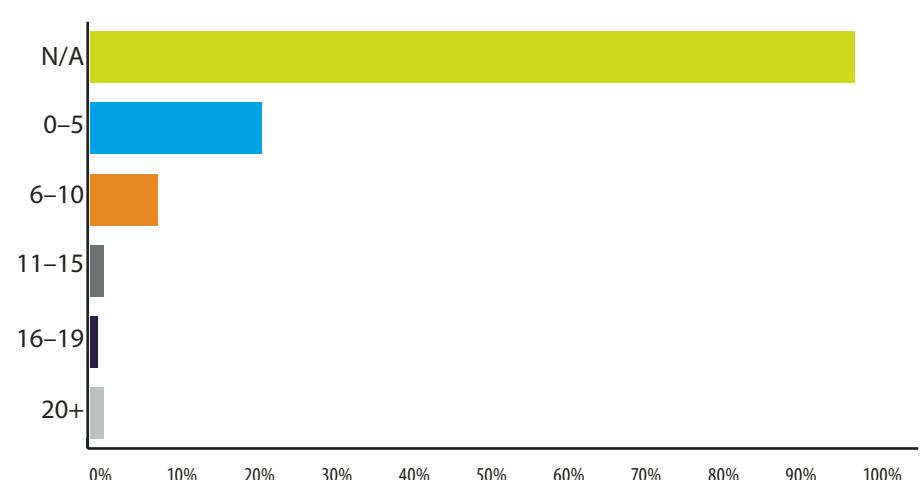
Answered: 970 Skipped: 10



Answer Choices	Responses	Answer Choices	Responses		
0-2	13.61%	132	11-15	13.92%	135
3-5	16.08%	156	16-19	11.96%	116
6-10	23.61%	229	20+	20.82%	202
<b>Total</b>	<b>970</b>				

**Survey Results – Proposed Department Use of Force Policies****Q4 How many years were you in law enforcement at another agency?**

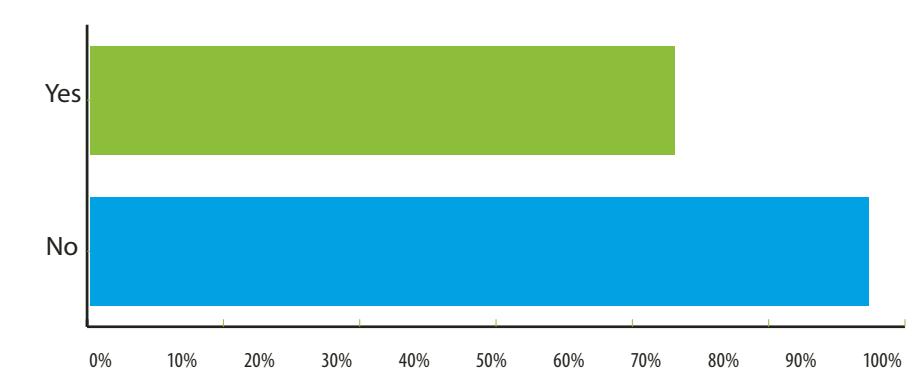
Answered: 971 Skipped: 9



Answer Choices	Responses	Answer Choices	Responses		
N/A	73.64%	715	16-19	0.72%	7
0-5	16.48%	160	20+	1.34%	13
6-10	6.49%	63	<b>Total</b>	<b>971</b>	
11-15	1.34%	13			

**Q5 Have you received Crisis Intervention Training from SFPD or other law enforcement agency?**

Answered: 968 Skipped: 12

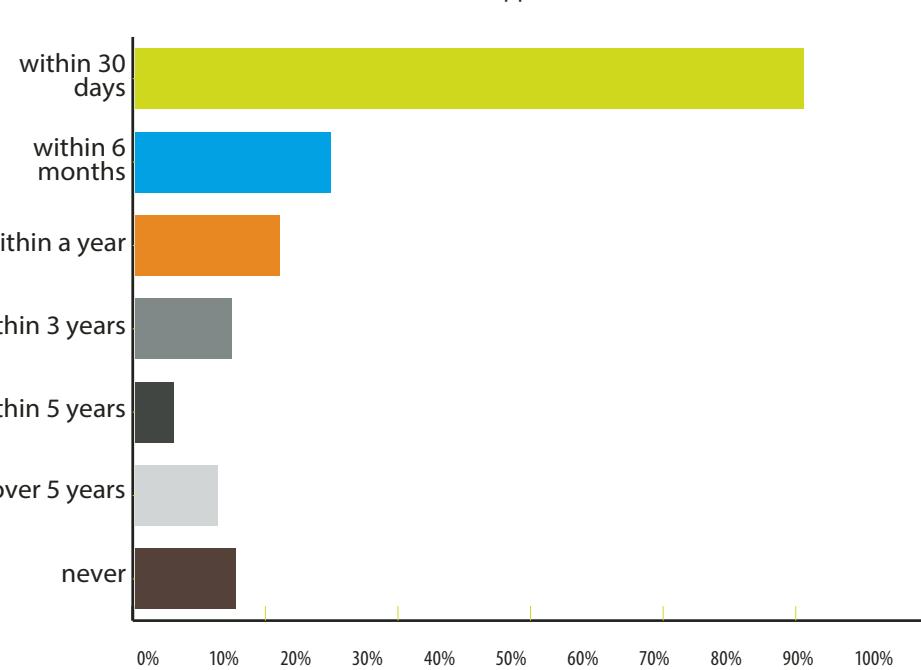


Answer Choices	Responses	Answer Choices	Responses		
Yes	42.87%	415	No	57.13%	553
<b>Total</b>	<b>968</b>				

**Q6 In your duties when did you last engage in successful de-escalation techniques?**

(Choose one)

Answered: 964 Skipped: 16

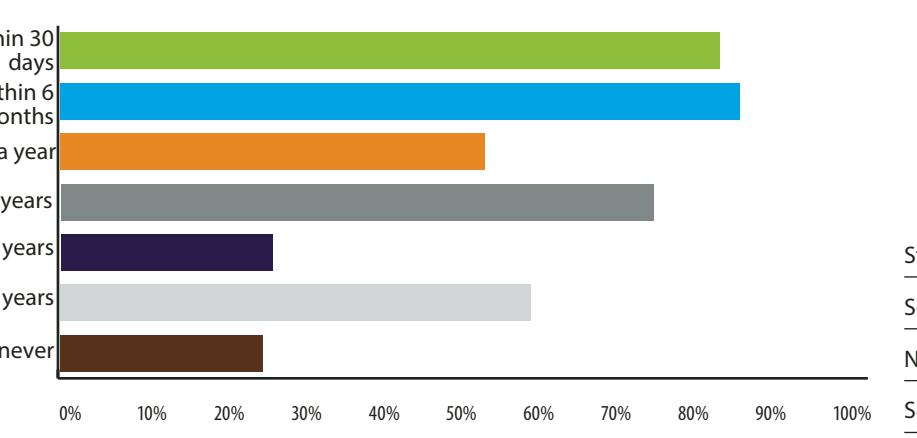


Answer Choices	Responses	Answer Choices	Responses		
within 30 days	50.41%	486	within 5 years	2.90%	28
within 6 months	14.73%	142	over 5 years	6.22%	60
within year	10.89%	105	never	7.57%	73
<b>Total</b>	<b>964</b>				

**Q7 In your duties when did you last have a reportable use of force incident?**

(Choose one)

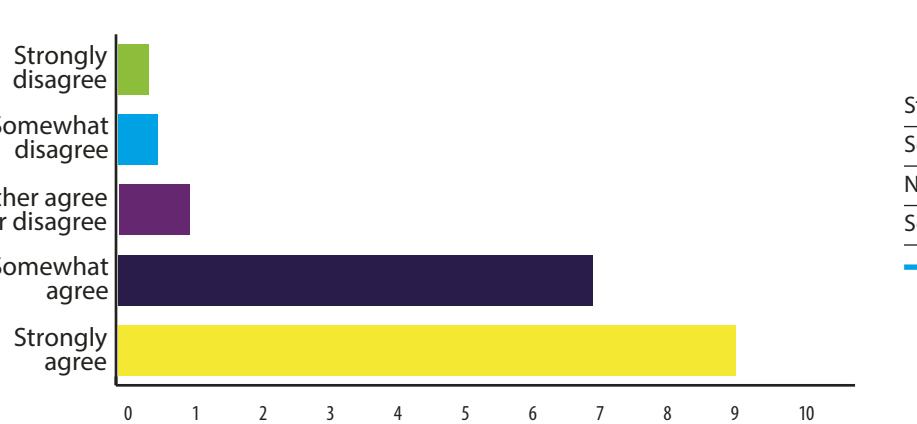
Answered: 978 Skipped: 2



Answer Choices	Responses	Answer Choices	Responses		
within 30 days	20.35%	199	within 5 years	6.54%	64
within 6 months	20.96%	205	over 5 years	14.52%	142
within year	13.09%	128	never	6.24%	61
<b>Total</b>	<b>978</b>				

**Q8 Overall, I am very satisfied with current General Order 5.01 (use of force).**

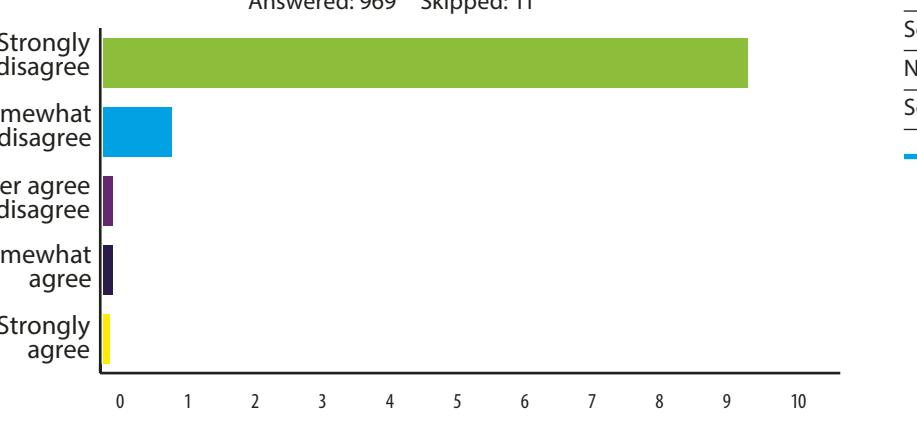
Answered: 976 Skipped: 4



Response	Responses	Response	Responses		
Strongly disagree	2.46%	24	Strongly Agree	50.10%	489
Somewhat disagree	3.18%	31	Total		976
Neither agree nor disagree	5.74%	56	Somewhat Agree	38.52%	376
<b>Weighted Average</b>	<b>4.31</b>				

**Q9 Overall, I am very satisfied with proposed General Order 5.01 (use of force).**

Answered: 969 Skipped: 11



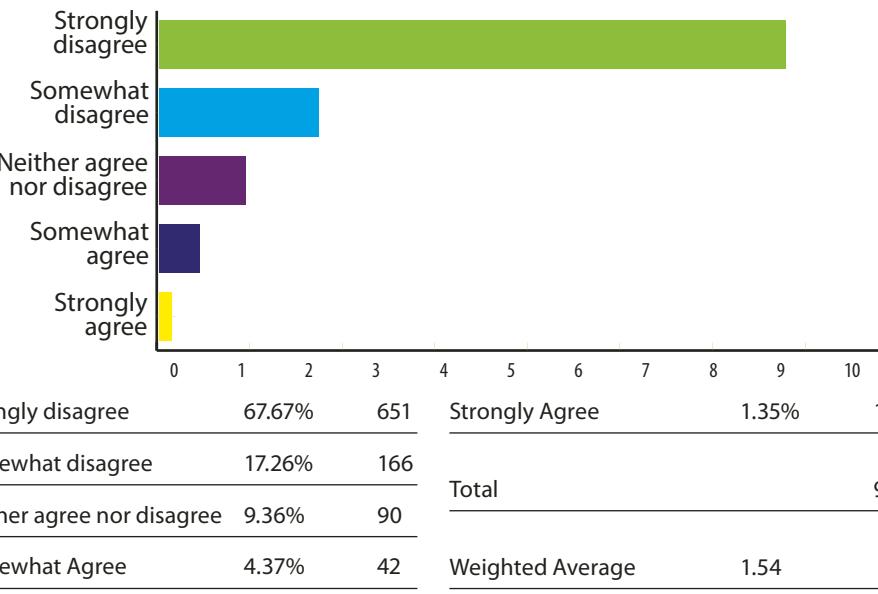
Response	Responses	Response	Responses		
Strongly disagree	9.29%	90	Strongly Agree	.93%	9
Somewhat disagree	1.34%	13	Total		969
Neither agree nor disagree	1.34%	13	Somewhat Agree	1.34%	13
<b>Weighted Average</b>	<b>1.20</b>				

Visit the SFPOA website link to Use of Force. You will find current SFPD policies, draft SFPD policies, POA response to policy proposals, expert consultant letters, and national law enforcement responses to the Police Executive Research Forum's (PERF) "30 Guiding Principals" to use of force.

<http://sfpoa.org/documents/useofforce>

**Q10 Overall, I am very satisfied with proposed General Order 5.01.1 (use of force reporting).**

Answered: 962 Skipped: 18



# Mark your Calendars and Get Ready for the Giants' 2016 Law Enforcement Appreciation Night

## 2015 Was a Huge Success. Get Ready for 2016!

By Sgt. Bob Guinan (retired)

The 2015 Giants Baseball Season ended and we were left with the many great memories and excitement of the past season ... No Hitters, One Run Games and a roster full of new and promising players (Matt Duffy, Joe Panik, Kelby Tomsellson, Chris Heston, George Kontos, Mark Williamson, Jarrett Parker & Marlon Byrd). This year's team roster looks to be exciting and full of great expectations.

In 2015, the San Francisco Giants Organization continued their sponsorship/hosting of the **Annual Law Enforcement Appreciation Night at AT&T Park** honoring

**23 Fallen Northern California Police Officers – Never To Be Forgotten.** A Pre-Game Home Plate Memorial Ceremony was held which included over a hosted Tailgate Party, 150 Police Motorcycles from all over Northern California in the Outfield, a Police Helicopter Flyover, a Police Color Guard, the singing of the National Anthem by Sgt. Jerry D'Arcy (SFPD), a moment of silence for our Fallen Heroes and a showing of support for their families.

This event was a sellout with 3,750 tickets sold, raising over \$25,000 for the Bay Area Law Enforcement Assistance Fund (BALEAF) and the California Peace Officers Memorial Foundation.

That night, July 28th, the Giants played the Milwaukee Brewers and it was not just about Giants Baseball, but was an overwhelming showing of community appreciation for the dedication and commitment of Law Enforcement.

It takes a "village" to make Law Enforcement Appreciation Night successful and is not limited to the performance of the SF Giants on the field, but starts with the support and participation of a large group of sponsors, organizers, supporters and volunteers without who's help the night at AT&T Park would not been considered a "perfect game".

Just as the Giants pitching staff acknowledges the defensive support of their teammates, we would like to acknowledge our community supporters, organizers, friends, families, attendees,

volunteers and the multitude of Law Enforcement Agencies from all over Northern California who participated in and supported the 2015 Law Enforcement Appreciation Night.

We would like to acknowledge Police Chief Greg Suhr, the SF Police Officers Association, the SF Police Credit Union, Del Monte Meats and the San Francisco Giants, all of whom have been the cornerstones of this event and have been instrumental in rallying community support and sponsorship.

A special note of acknowledgement goes out to Marty Schwartz, manager of Del Monte Meats who is retiring this year and relocating to the Los Angeles Area (Dodger County). Marty is one of the original supporters/organizers of our Law Enforcement Appreciation Night and has continued to supports us without reservation over the past 13 years. Marty has been instrumental in making Law Enforcement Appreciation Night a major success. While Marty has been a strong supporter, he has also become a good friend and will be sorely missed. As we plan for next year, Marty has already arranged for Del Monte Meats to continue its support and sponsorship of Law Enforcement Appreciation Night. *Thanks Marty for all your hardwork, support and memories.*

And finally we would like to acknowledge the efforts of what I refer to as the unsung – behind the scene volunteers, participants and sponsors.

Thank you does adequately express our appreciation and gratitude for your support and participation. Your support of Law Enforcement Appreciation Night makes a difference in the lives of police officers and their families and is a reflection of the "heart and soul" of law enforcement and our community. THANK YOU Again and we hope to see to you this summer for the 14th Anniversary of the Giant's Law Enforcement Appreciation Night, *July 28, 2016.*

### Sponsors

San Francisco Giants  
San Francisco Police Officers Association

AAA of Northern California, Nevada & Utah

Del Monte Meats

Schwartz Sausage

Silva Sausage

Evergood Sausage

Miller Sausage

New York Style Sausage

San Francisco Police Credit Union

Laquintas Brewing Company

Golden Gate Meats

Lazzari Fuel

San Francisco ICE Company

Mariposa Yacht Club

Academy of Arts University

PepsiCo

Townsend Management Inc

Bauer's Transportation

Recology

Matagrano Inc

United Site Services.

San Francisco Police Department

SFPD Traffic Company

### Volunteers

Jordan Hom

Debra Neil

Paul Schlotfeldt

Floyd Berry

Larry Cerukeira

Angie Calderon-Morales

Angel Rodriguez

Leroy Lindo

Mike Lewis

Val Kirwin

Sugi Chiu

Chris Shegoleff

Ann Domer

Ralph Domer

Mariannne Strange

Jim Strange

Monika Dorough

Harry Soulette

Don Lawson

Sandy Hawthaway

Kevin Martin

Ray Padmore

Cyndee Bates

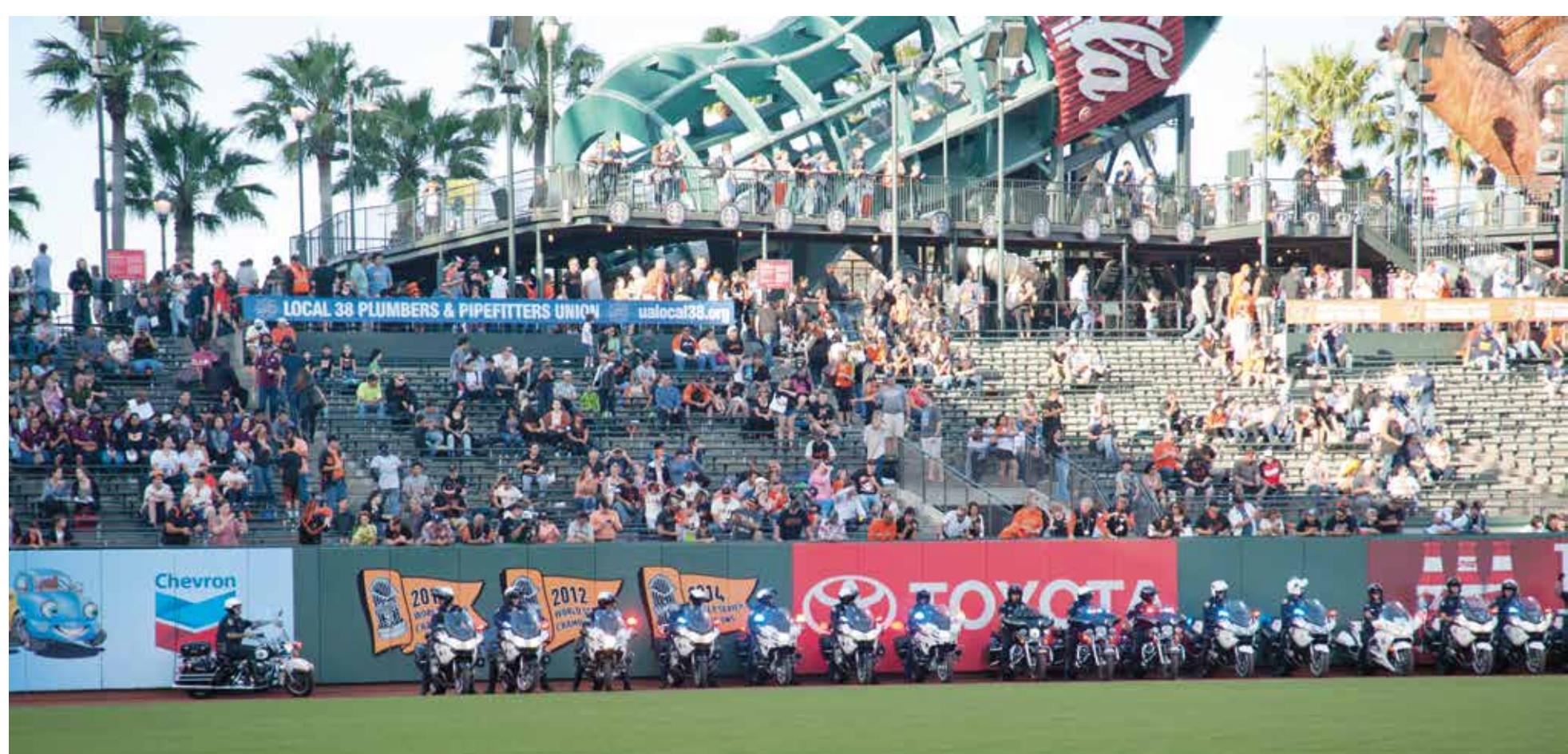
Sue Delanges

Georgette Petropoulos

SFPD PAL Cadets

### Our Fallen Heroes – Never to be Forgotten

- Officer Thomas Adams – California Highway Patrol
- Sergeant Lorian "Butch" Baker - Santa Cruz PD
- Detective Elizabeth Butler - Santa Cruz PD
- Deputy Michael Davis, Jr. – Placer County Sheriff
- Deputy Michael Davis, Sr. – Riverside County Sheriff
- Deputy Ricky Del Fioentino - Mendocino County Sheriff
- Sgt Mark Dunakin - Oakland PD
- Officer Juan Gonzalez - California Highway Patrol
- Officer John Hege - Oakland PD
- Officer Scott Hewell - Stockton PD
- Officer Michael Johnson – San Jose PD
- Officer Charles King – San Francisco PD
- Officer Brian Law - California Highway Patrol
- Sgt. Scott Lunger – Hayward PD
- Officer Steve May – Modesto PD
- Officer Bradley Moody – Richmond PD
- Deputy Danny Oliver – Sacramento Sheriff
- Deputy Robert Paris - Stanislaus Sheriff
- Sergeant Ervin Romains - Oakland PD
- Sergeant Daniel Sakai - Oakland PD
- Sergeant Tom Smith Jr - Bart PD
- Officer Kevin Tonn – Galt PD
- Officer Kenyon Youngstrom - California Highway Patrol





**Mark Your Calendars!  
and join us and the  
World Champion San Francisco Giants**

**On Thursday Night, July 28, 2016**



**for our Annual LAW ENFORCEMENT APPRECIATION NIGHT  
@ AT&T PARK**



## **Giants vs. the Washington Nationals**

There will be a Pre-game Home Plate Memorial Tribute to Northern California Police Officers who have died in the line of duty with a flyover by Law Enforcement Air Units.

**TICKETS prices range from \$30 to \$40 and can be purchased directly  
from the San Francisco Police Officers Association Office  
located at 800 Bryant St. SF tel. # 415.861.5060**



Seats are located on the view level starting behind home plate and include a Giants Law Enforcement Belt Buckle giveaway & a hosted Tailgate Party at the Mariposa Yacht Club @ 3 pm  
For additional information contact Bob Guinan at [bguinan@SFPOA.org](mailto:bguinan@SFPOA.org).

**Proceeds from the ticket sales benefit the California Peace Officers Memorial and the Bay Area Law Enforcement Assistance Fund**



**Purchase tickets early for the best seat location !**



# POA Mail

**Subject: Bailey case**

All —

On October 4, 2009, Michael Bailey was brutally murdered after he and a cousin were robbed in the Double Rock housing projects. Michael was a 25-year old father of 3 young boys and set to graduate from Southern University in Baton Rouge, La. when he was killed. In June of 2014, Michael's killers, William Jones and Lance Molina were found guilty of this senseless murder and numerous other charges. Yesterday in Superior Court Department 25 before the Honorable Kay Tsenin, William Jones (shooter) was sentenced to 57 years to life and Lance Molina was sentenced to 44 years to life.

Michael's father, Mr. Edward Bailey, a 24-year army veteran and current government contractor working in Afghanistan, flew in to give an impact statement prior to sentencing. Mr. Bailey was also present during the month long trial in 2014. I, along with my partners in this case, Lt. Joe Engler and Inspectors Gavin McEachern and Gianrico Pierucci formed a bond with Mr. Bailey over the years. He is truly an incredibly compassionate and gracious human being and we all feel very fortunate to know him. As I dropped him off late yesterday for his flight back to Afghanistan, he wanted me to make sure (almost an order!) that I reached out to everyone who helped in this case. There are so many who helped in one way or another with the outcome in this case. To those of you from Co. C, Co. H, Co. B, CSI, Tac, Specs, Homicide Detail, GTF, DAI and anyone else that I may have missed who helped out, a big Thank You from Mr. Bailey and of course from the investigators who handled the case.

Be safe,  
Larry Mack

**Dear POA —**

Words don't do justice in expressing the gratitude the Pisciotto family has for the outpouring of support we have received from the POA and its members upon learning that our little Mayah has leukemia. You not only made a generous donation as an organization but so many individual members have also done so, making it possible for Mayah's mom to be by her side over the next two years of treatment.

There is no organization in the world that is more supportive to their members and their members' extended families than the San Francisco Police Officers Association. I am truly proud to be a 46-year member of the POA!

God Bless,  
Gary Pisciotto  
SFPD (retired)

**Dear SFPOA —**

Thank you for your participation and support for the Cayuga Disaster Preparedness Project. Without the SFPOA grant and your support, this would not be possible.

We had our first lecture last night by Tara Connor from the SF Dept. of Public Health at Balboa HS. It was a small crowd, but an interested and engaged one! We managed to have fun while learning about surviving a disaster—that's saying something!

Many thanks,  
Patti Spaniak

Community Living Campaign  
Cayuga Community Connectors

**Dear Captain Lazar —**

My name is Ian MacKay and I currently work at Aquilo Partners, which has offices in One Maritime Plaza. As you may be aware, last Sunday evening Officer Reyes and other members of your undercover operations unit were able to apprehend an individual that stole my bike.

When I arrived to my car after working the entire day, I was utterly dismayed that someone had cut my lock and stole my bicycle. While it is not the most expensive bicycle on the market, I could not afford to replace it with a similar quality bike. After examining the frayed wire that was cut, I noticed that there was a note on my front windshield. Officer Reyes left a handwritten note on my car alerting me to the fact that the Central Police Station reacquired my bike and was holding it. I was utterly dumbfounded!! It amazed me that your undercover unit could work so efficiently and skillfully to track down a suspect in a matter of minutes!! I am so grateful to all of the officers in the Central Station that worked to recover my bike.

Please pass along my utmost gratitude to everyone that was involved. I am so fortunate to live in a city where we are protected by outstanding police officers that work tirelessly day and night to keep San Francisco safe. Once again, thank you so much for leading such an outstanding station with courageous men and women!

A grateful and thankful citizen,  
Ian MacKay

**Captain Lazar —**

Just wanted to drop you a quick note of thanks for the opportunity to do a ride along out of Central Station last night.

I was partnered with Officer Mike Norris. I gotta tell you, I was so impressed with his professionalism and approach to his work. He treated all we encountered from victims, alleged

perpetrators and citizens with courtesy and respect regardless of their position in society. I watched him and the rest of your officers skillfully defuse tense situations in a highly professional manner in spite of the sometimes hostile and verbal abuses hurled their way.

I'm sure you have hundreds of officers like Mike but I was very impressed with his attitude and approach to his work. He is an asset to the City and County.

I've always had a deep respect for law enforcement but my ride along experience took it to a new level.

Thanks again,  
Bill Feyling  
Northern California Carpenters

**Dear Captains Lazar and Perea —**

I am writing to express my deepest gratitude for the recent ride-along experience with Officers Jim Andrews and Justin Rice at Mission Station on Saturday 3/5 swing shift. Despite being born and raised in the City and serving since 2012 on Community Police Advisory Boards at Ingleside, then Southern Stations, I learned more about the realities and challenges of policing in San Francisco during this one shift than I have to date! I am grateful for this eye-opening experience and commend you for the difficult and important work that you and your officers do on a daily basis.

Officers Andrews and Rice are smart and compassionate professionals; they are a credit to the police force. They and you have my highest respect. Captain Perea, I'd appreciate if you could pass along my gratitude to Justin and Jim.

Many thanks,  
Nicole J. Agbayani  
Leadership San Francisco,  
Class of 2016

**Dear Police Officers of San Francisco ,**

I heard today that the San Francisco Pride Parade Committee had decided to let Black Lives Matter be one of its Grand Marshals in this year's parade and I'm dismayed and appalled by this. The Gay community owes the police a debt of gratitude that it can never even begin to repay. Without the great policemen and policewomen of this country our communities would not be possible. Without you guys policing our communities and enforcing the laws the hate crimes would spiral out of control to the point where our communities would no longer be safe or be able to function. You have saved countless lives in the gay community and our ability to walk out of our homes in the morning and walk down the streets safely and go to our jobs and be with our partners without fear is entirely because of the great policemen and women of San Francisco and all other cities. So, when I heard the confusing and upsetting news that a police hating organization had been chosen to be a representative in our parade that is supposed to be a celebration of gay rights and accomplishments I felt that we had been hijacked for political purposes other than our own community's and I wanted to

reach out to the police of San Francisco and let you all know that this is not by our choice and it is not how we gays feel about the police. We honor and love you guys and all you do for us, don't forget that!

Thank you,  
Albert Goldenberg

**Dear SFPOA —**

On behalf of everyone living with MS, thank you for your generous donation in support of my Walk MS fundraising.

Thank you for donating to this wonderful cause once again! I really appreciate it and it means A LOT to me and for those living with MS. It's not just about fundraising to me, it's personal because I've been living with MS going on 19 years this year and I'm always searching, looking, and hoping for a cure one day.

Kristine L. Demafeliz

**Dear SFPOA —**

On behalf of the Nevada County Law Enforcement/Fire Protection Council, I would like to thank you again for your generous contribution to our organization. Your generosity greatly assists us in helping finance the purchase of materials for our law enforcement and fire protection agencies.

We had an incredible SELL OUT crowd this year at our Fund Raising Red Light Ball. Our Council was well received and truly supported by a wide variety of community members. Our small community of Fire and Law Enforcement truly needs this support to continue to operate in a professional manner of high excellence.

Again, we are so grateful and we cannot thank you enough for your support.

Frank A. Machi  
Board Member

Nevada County Law Enforcement/  
Fire Protection Council  
Retired Co. A.  
Former S.F.P.O.A. Board Member (12  
years)

**Dear SFPOA —**

Thank you for the donation to support our San Francisco Polar Plunge, benefiting Special Olympics Northern California.

Through donations like yours, Special Olympics Northern California is changing the way the world looks at children and adults with intellectual disabilities. Our organization has proven that through sports competition, Special Olympics athletes are given the chance to strengthen their character, develop their physical skills, and fulfill their human potential.

On behalf of our Special Olympics athletes and our Law Enforcement Torch Run officers, we appreciate your support. You are helping us change lives!

Sincerely,  
Donna Romero,  
Vice President Donor Web  
Mgmt. & Family Services  
Special Olympics  
Northern California

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Italian Athletic Club  
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San Francisco  
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**Wednesday  
May 4, 2016**

No Host Bar opens at 6:00 pm  
Dinner at 7:00 pm

One Bottle of Red/White Wine w/Dinner

Salad and Pasta

New York Strip

Grilled Salmon

Roasted 1/2 Chicken

Spumoni Ice Cream



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**\$65**

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with credit card or PayPal (no checks)  
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Questions? Ron Brooks (415) 748 - 0835  
[rbrooks@brooksbawden.com](mailto:rbrooks@brooksbawden.com)

*Former Members of the San Francisco Police Department*  
**North Bay Retired Cop Luncheon**  
**Bi-Annual Luncheon (April/October)**

**Sally Tomatoes**  
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[www.facebook.com/sallytomatoesrp](http://www.facebook.com/sallytomatoesrp)

**Thursday April 28th, 2016**  
Doors/Bar open 11:00 am • Lunch 12:15 pm

Choice of Roasted NY Steak, Chicken Picatta or Ravioli with Meat Sauce,

all served with fresh vegetables and scalloped potatoes  
Salad, Coffee, Tea

(Tax and Tip) **\$20.00** (payable at door)  
Raffle, Door Prize & short speech(s)

Further Info.... Randy Kocher [doodahland@live.com](mailto:doodahland@live.com)  
Steve Bosshard [stevebosshard@aol.com](mailto:stevebosshard@aol.com)

We need an accurate count for the Staff of Sally Tomatoes so please let us know if you will attend and your choice of meal at least 3 days in advance via email or phone to:  
Steve Bosshard [stevebosshard@aol.com](mailto:stevebosshard@aol.com) or 707 480-9495

Please Do Not RSVP  
to Mickey or Randy or Rene or Larry or Maggie  
but Steve!!!

## First Responders Society Lunch — May 5, 2016

By Adriene Roche

The Riordan Alumni Association is proud to announce that it has formed a "First Responders Society" to honor all graduates who have served as fire, law enforcement and emergency medical personnel.

The inaugural event is being co-sponsored by retired judge and federal prosecutor, Hon. Kevin Ryan and retired SFPD sergeant Steve Roche '76 and will be held on May 5, 2016 at the Italian Athletic Club in North Beach.

The Speakers will be former DEA agents Javier Peña and Steve Murphy, whose work in capturing Pablo Escobar inspired the Netflix hit *Narcos*.

Contact Adriene Roche [adrieneroche@comcast.net](mailto:adrieneroche@comcast.net) for reservations as seating is limited.

All proceeds will benefit the Vincent Perez '81 Memorial Scholarship



## PAT BURLEY IS RETIRING

AFTER DECADES OF HELPING US  
IT'S OUR TURN TO HELP CELEBRATE  
HER



**FRIDAY, APRIL 15, 2016**

**5:00PM - 10:00PM**

**MARIPOSA YACHT CLUB**

405 TERRY A FRANCOS BLVD.  
SAN FRANCISCO, CA 94158

NO RSVP NECESSARY  
BUFFET DINNER & DESSERT BAR COMPLIMENTS OF PAT'S GIRLS

## Peninsula Retired SFPD Luncheon

It's that time again for the Peninsula Retired San Francisco Police Officers' lunch which will be held on

**Wednesday, April 6, 2016 (11:30 AM)**

at the Basque Cultural Center located at  
599 Railroad Avenue, South San Francisco.

Please join us for a lunch of Salmon with Champagne Sauce with rice, Veal Roast au jus with potatoes, or Vegetarian Pasta. All entrees served with vegetables, house salad, bread/butter, and a dessert of ice cream or sorbet.

The cost per person will be \$25, which includes tax and tip, collected at the door.  
There will also be a non-hosted bar available for beverages.

**Please RSVP by March 28, 2016**  
with your entrée choice to John Tursi at (415) 850-6862 or  
John Bisordi at (415) 699-4445 or by email at [SFPDRETPEN@gmail.com](mailto:SFPDRETPEN@gmail.com).



## National Association of Police Organizations

# Police Executives Propose Dangerous New Use of Force Rules for Line Officers

## A Reply from the Rank and File Perspective

Forwarded to the *Journal*  
by Michael Nevin

*Boy, is this one right on the money. Almost verbatim what we have all been saying. PERF is a federally funded joke run by Obama buddy Chuck Ramsey, Phony Chuck Wexler, Landsdowne, and until his current assignment the likes of Gascón. "Suits" who looked for ways to avoid the streets for years while studying their way to the top so they can pass judgement on those that do the work they never had the guts to do.*

— Gary Delagnes, February 13, 2016

This past Friday, the Police Executive Research Forum (PERF), a management think-tank located in Washington D.C., issued a paper entitled “Use of Force: Taking Policing to a Higher Standard. 30 Guiding Principles.” While the paper pays lip service to improving officer safety, the actual recommendations are more likely to result in increased officer injuries and death. Not surprisingly, PERF, which receives substantial funding each year from the federal Department of Justice, toes the company line in urging local departments across the United States to become more like what the Obama administration would like them to be. This includes changes in training, equipment, reporting, assignment of personnel, even officers’ thought processes. Significantly, there does not appear to be any policy language at all directed to changing criminal behavior, for PERF and groups like them, it seems like it’s always the rank and file officer who must change.

Here are some of the more egregious examples of fuzzy thinking about the realities of law enforcement from PERF: (All language quoted is from the actual paper.)

“Departments should adopt policies that hold themselves to a higher standard than the legal requirements of *Graham v. Connor*. Agency use-of-force policies should go beyond the legal standard of “objective reasonableness” outlined in the 1989 U.S. Supreme Court decision *Graham v. Connor*. This landmark decision should be seen as “necessary but not sufficient,” because it does not provide police with sufficient guidance on use of force. As a result, prosecutors and grand juries often find that a fatal shooting by an officer is not a crime, even though they may not consider the use of force proportional or necessary. Agencies should adopt policies and training to hold themselves to a higher standard, based on sound tactics, consideration of whether the use of force was proportional to the threat, and the sanctity of human life.”

Let’s try to unpack that paragraph which is just crammed full of half-truth, flawed assumptions, and dangerous suggestions. First, the *Graham v. Connor* decision is not merely an optional “legal standard;” it’s the Supreme Court’s explanation of what the Constitution requires. Far from failing to “provide police with sufficient guidance” the case, if you bother to read it, instructs courts how to analyze the actions of law enforcement officers after the fact. And these cases are usually civil, not criminal in nature. Also, it’s extremely misleading

to lament that “prosecutors and grand juries often find that a fatal shooting by an officer is not a crime, even though they may not consider the use of force proportional or necessary.” Well, thank goodness. That’s actually what the Constitution requires. As the Supreme Court points out again and again, it doesn’t matter what the prosecutor or grand juror feels, it’s what the officer who was actually in the situation believed. And the officer didn’t even have to be 100% right, only reasonable given what he or she perceived to be the threat.

That’s the law of the land, period. If PERF wants to change the Constitution, go right ahead, but don’t mislead readers into thinking that Constitutional law has suddenly become optional for police chiefs, prosecutors and jurors.

And what about this suggestion that agencies should “go beyond” the Constitution? Really? Where would that road take American policing? Should we disregard Fourth Amendment law on warrants? Throw out First Amendment law on protests? Decide that if PERF disagreed with other Supreme Court decisions like, say, *Miranda v. Arizona* or *Brown v. Board of Education*, then we should just issue our own suggested policies instead? “But wait,” PERF would say. “We’re only arguing that the *Graham* case is a minimum, and that agencies should adopt an even broader, more protective set of policies to safeguard the constitutional rights that *Graham* seeks to protect.” No, that’s not what PERF is doing. What PERF is doing is imposing a political viewpoint in the guise of legal need. Can you imagine the same, generally politically liberal, PERF managers recommending that local police departments “go beyond the legal standard” of the Second Amendment, and dispense with any requirement for firearms background checks, permits, or possession limits? Of course not, it would never happen. But the reason why it would never happen is a political one, not a legal one. The PERF chiefs and managers either tend to be liberal themselves, or of necessity have to follow the whims of the big city mayors who employ them, or dance to the tune of the Department of Justice. Legally, there is no distinction.

“Police use of force must meet the test of proportionality. In assessing whether a response is proportional, officers must ask themselves, ‘How would the general public view the action we took? Would they think it was appropriate to the entire situation and to the severity of the threat posed to me or to the public?’

Well, no. Police use of force must meet the test of Constitutionality, not proportionality. Sometimes proportionality, or more accurately, disproportionality, is a factor in finding excessive force liability, but the test always remains what the Constitution requires. And how about this gem: “Officers must ask themselves, ‘How would the general public view the action we took?’” Really? Remember that this whole set of recommendations is focused largely on use of deadly force, and that such incidents are typically over in seconds, from first perception of threat to end of use of force. Read that sentence out loud. By the time an officer even formulated that thought, the situation is likely over. And if the officer was paralyzed from acting due to being trained to think in a certain way, while

the criminal is not, you’ve likely just added one more name to the Memorial in Washington. Criminals, by definition, will not think and act the way society expects them to.

And who is the “general public” whose views should control what the officer does? Chances are, PERF doesn’t want to come right out and say so, but the “public” they have in mind are the riotous, destructive mobs marching under Black Lives Matter flags and egged on by Quentin Tarantino. In reality, the far more common (that is, far more “general”) public view is that the killer/rapist/kidnapper/armed robber is getting what he should have expected (and probably deserved) in attacking a police officer.

The Critical Decision-Making Model provides a new way to approach critical incidents. Policy on use of force should be based on the concept of officers using a decision-making framework during critical incidents and other tactical situations. Departments should consider adopting the Critical Decision-Making Model (CDM), which PERF has adapted from the United Kingdom’s National Decision Model. The CDM provides officers with a logical, easy-to-use thought process for quickly analyzing and responding appropriately to a range of incidents. The CDM guides officers through a process of:

- Collecting information,
- Assessing the situation, threats, and risks,
- Considering police powers and agency policy,
- Identifying options and determining the best course of action, and
- Acting, reviewing, and re-assessing the situation.

The CDM is a constructive process that provides a framework for going beyond the minimum legal standard of objective reasonableness.”

Here’s a beauty. In this one, PERF combines the imposition of another time-consuming, unrealistic and paralyzing thought process for officers under threat, with another plea to disregard the Constitutional legal standard, and tops it off with “that’s how they do it in Europe” as an attempt at justification.

“Shooting at vehicles must be strictly prohibited. Agencies should adopt a strict prohibition against shooting at or from a moving vehicle unless someone in the vehicle is using or threatening deadly force by means other than the vehicle itself.”

This proposal is one of the most likely to get officers injured or killed if it is adopted. The National Law Enforcement Officers Memorial in Washington, D.C. contains the names carved in stone of American officers who were killed in the line of duty by no “means other than the vehicle itself.” Police officers are deliberately run down in this country, and that’s a fact. The recent example of a deranged woman mowing down pedestrians on the crowded sidewalks of the Las Vegas Strip is only one of the more noted cases. Vehicular homicide statutes are on the books for a reason. What of cases where an officer or Trooper is being dragged by a vehicle? Or situations where a narrow alley or highway ramp precludes any escape route from an oncoming vehicle? Or a terrorist scenario. The officer can’t shoot at the driver of the gas tanker or dump truck that is headed towards the

orphanage or military recruiting center because the only threat is the “vehicle itself.” How about the Boston Marathon bombers? Should officers have stopped shooting at the killers in their stolen SUV once the bombers stopped throwing bombs? Is that really what the “general public” wants and expects?

“De-escalation starts with effective communications. To effectively carry out the agency’s de-escalation strategies, all officers should receive rigorous and ongoing training on communications skills. Officers should be trained to effectively communicate in a range of situations, including everyday interactions while on duty, public speaking and meeting facilitation, interacting with victims and witnesses, handling critical incidents, and dealing with people with mental health and/or substance abuse problems. All officers should also receive training on basic negotiations techniques.”

I guess if you come from a world, like PERF’s members, where public speaking and meeting facilitation is part of your job description, then it’s understandable that you’d want line officers to have to know how to act like that, too. After all, PERF tends to study law enforcement officers as objects and interchangeable parts, not individual men and women doing a job that most PERF members either have never done, or have not done in years. But while many offenders and despairing persons can certainly be helped with effective communications and negotiation techniques, it is equally certain that many offenders and desperate persons cannot. Policies need to recognize that. An unrealistic policy is worse than no policy at all. When there is no policy at all, human beings can at least be expected to fall back on common sense. When there is a foolish policy that requires obedience to it, not only common sense but safety and officers’ lives will go out the window.

“Provide a prompt supervisory response to critical incidents to reduce the likelihood of unnecessary force. Supervisors should immediately respond to any scene:

- Where a weapon (including firearm, edged weapon, rocks, or other improvised weapon) is reported,
- Where persons with mental health problems are reported, or
- Where a dispatcher or other member of the department believes there is potential for use of force.

Once on the scene and if circumstances permit, supervisors should attempt to “huddle” with officers before responding to develop a plan of action that focuses on de-escalation where possible. In the case of persons with mental health problems, supervisors who are not specially trained should consult and coordinate with officers on the scene who are specially trained.”

This is another example of how out of touch with the real world the authors of these policy recommendations are. Do they really expect Officer Doe to radio “Dispatch, I need a Lieutenant at the scene ASAP, I’ve got a guy with a stick.” Or how about requiring a supervisor any time “a dispatcher or other member of the department believes there is a potential for use of force.” Is there any situation in police work that doesn’t

## Retirements

takes with them decades of experience and job knowledge. The most recently retired SFPD members are:

- Officer Patricia Burley #1122 from Behavioral Science Unit
- Officer Phillip Busalacchi #495 from Medical Liaison
- Officer Michael Lynch #4058 from Airport Administration

*All of the above listed on SFPD Personnel Order #6 (March 9, 2016), and #7 (March 23, 2016).*

## Nevada Declares Critical Shortage Of Rural Prison Guards

March 9, 2016 — State officials declared a critical labor shortage Tuesday for rural Nevada prison guards, a job that's low-paying compared with other law enforcement careers, can involve harassment from inmates and means living in far-flung communities short on affordable housing.

The Nevada Board of Examiners voted Tuesday to approve the designation, which allows the state to hire back retirees without adversely affecting their public employee pensions. Officials with

Scott Sisco of the Nevada Department of Corrections told the board higher salaries would "absolutely" help attract people to the jobs. Many are located in areas flush with higher-paying mining jobs, and an annual starting salary of about \$39,000 for guards-in-training hasn't proved attractive enough.

Board members said they've also noticed labor shortages in other agencies, including the Nevada Highway Patrol, where salaries start at about \$48,000 a year. Gov. Brian Sandoval said troopers

**"Secretary of State Barbara Cegavske said she thinks people are encouraging their family members to stay out of the law enforcement profession and are helping drive down interest in policing."**

the Nevada Department of Corrections say there are a handful of retirees who expressed a willingness to work in the prisons again.

Labor shortages are chronic in Nevada's most remote prisons in spite of efforts to advertise the jobs online and through social media. More than 100 of the state's 522 rural corrections officer positions were vacant at the end of January, and the Ely State Prison has never had all positions filled at one time in the past five years, officials said.

The solution so far has been to schedule officers for overtime, but the practice can lead to burnout and aggravate turnover.

have been migrating toward agencies including the Las Vegas Metropolitan Police Department, which is expanding after the "More Cops" sales tax increase kicked in and allowed more hires.

Secretary of State Barbara Cegavske said she thinks people are encouraging their family members to stay out of the law enforcement profession and are helping drive down interest in policing.

*From The Associated Press via The Albany Times-Union  
The post Nevada Declares Critical Shortage Of Rural Prison Guards appeared first on Labor Relations Information System.*

## New Use of Force Rules for Line Officers

CONTINUED FROM PREVIOUS PAGE

carry with it the potential for the use of force? If this recommendation is to be taken seriously, you'd have a supervisor wanting to call a "huddle" not only on every crime in progress call, but every traffic stop, every service of a restraining order, and every guy who's upset his car got towed.

The other "guiding principles" aren't much better. A link to the full paper is appended below.

Given the level of funding and political buy-in from officials who don't particularly care for police that will be thrown behind these recommendations, it is important for the actual rank and file officer to know what is being proposed.

The men and women who actually do this difficult and often dangerous job deserve to have their own lives, and the ability to protect themselves, defended. Associations and chiefs and sheriffs with common sense must stand up and be heard. Fortunately, despite what groups like PERF want to believe, or are paid to promote, the actual "general public" out there still overwhelmingly supports law enforcement both as the fundamental safeguard of civilized society, and as personified in the individual man or woman who, while imperfect, still usually gets it right.

The full PERF paper can be found here: <http://www.policeforum.org/assets>

## Convention Goers Heartily Endorse SFMTA Plan to Run Meters At Night



© T. McElrath  
www.mchumor.com

A CONVENTION OF COIN COLLECTORS.

## Low Chicago Police Morale!

### No kidding?

"This week, Mayor Rahm Emanuel — shrugging off recommendations made by the city's police board — selected Eddie Johnson, the department's chief of patrol, as the new interim police superintendent. Johnson, a Chicago native who has been on the force for more than a quarter of a century, takes over the nation's second-biggest local law enforcement agency as it faces a dip in officer morale and a surge in violence that the department called "unacceptably high" in a statement Friday."

Quoted from the Washington Post story titled *Chicago's Staggering Rise in Gun Violence and Killings*, by Mark Berman, April 2, 2016. Read the entire story at this link: <http://tinyurl.com/zxke8wy> or, scan this QR Code with your cell phone:

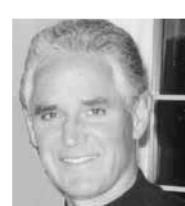


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# Widows' and Orphans' Aid Association

PO Box 880034, San Francisco, CA 94188-0034 ◆ Established 1878 ◆ Telephone 415.681.3660

**March 8, 2016**

**Roll Call:** President Sally Foster, Vice President John Centurioni, Secretary Mark McDonough, Treasurer Dean Taylor, Trustees Leroy Lindo, Ray Kane, Jim O'Meara, Al Luenow, and John Keane were all present. WOAA book keeper Julie Centurioni was also present at the meeting.

**Approval of the Minutes:** Trustee Al Luenow made a motion to accept our minutes from last month's meeting in February 2016. Trustee John Keane seconded the motion which passed without objection.

**Receiving Applications for New Members; Suspensions and Reinstatements:** Trustee Ray Kane and I responded to the Police Academy and presented our membership to the 248th and 250thL (lateral transfers) classes. With considerable assistance from Academy Staffer Edie Lewis, we were able to sign up 36 of 41 248th class members who were eligible. We also signed up 8 of 11 eligible members from the 250th Lateral Class. Mary Espinoza who was suspended in January and will be sent a formal letter this month. There were no reinstatements.

**Communications and Bills:** Death Benefits were paid to the listed beneficiary(s) of fallen members Matt Genna, John McKenna, Gordon Clark and Joseph Cotla.

Julie Centurioni presented a verbal report on our 2016 billing. Julie stated that she is currently identifying all membership address conflicts. The WOAA is actively requesting all members to update their addresses, contact numbers, and beneficiary forms. Retired members should make an effort to update their information if it were to change. Old outdated addresses cause delays in our billing efforts and creates numerous phone calls as to why a member did not receive a bill. Please assist us in our effort to be more efficient by providing us with correct contact information.

**Billing Retired Members:** If you are a retired member and read this column, please inform other retired members that we must wait to late January to receive our list of members who are on Automatic Payment from the Credit Union or other Banks. We then subtract the names of those who paid their dues, and bill the remaining retired members who pay by personal check each year.

The increase in automatic payment members has been significant. The bills in years past would be sent out in early January. This new process delays our billing to early February each year. Please do not react to NOT receiving a bill in January. Trustee Ray Kane made a motion to pay the regular monthly bills. Trustee Leroy Lindo seconded the motion which passed without objection.

**Report of Visiting Committee:** Trustee John Keane attended the funeral service for Lieutenant Greg Dare. John and Greg were classmates in the 169th Recruit Class. John said the Funeral was well attended and that Greg was spoken highly by his friends and Co-workers. Command Staff members attended the service.

**Report of Trustees:** The WOAA received the sad news of the passing of our following members: **Greg Dare, age 49:** Gregory R. Dare was born on October 15, 1966. Greg tragically passed away while working as an active Lieutenant of Police in the S.F.P.D. on February 23, 2016. Greg entered the San Francisco Police Department on June 24, 1991. Greg entered the academy as a member of the 169th Recruit Class and would wear star # 897. Greg left the Police Academy on December 6, 1991 and was assigned to Ingleside Police Station's FTO program. Greg worked the following units as an active police officer in the S.F.P.D: Ingleside Police Station (December 6, 1991), Tenderloin Task Force (February 29, 1992), Potrero Police Station (January 16, 1993), Tenderloin Task Force (February 12, 1994), Ingleside Police Station (August 26, 1995), Central Police Station (June 7, 2003), Promoted to Sergeant on August 30, 2003 and assigned to Ingleside Police Station. Greg was promoted to the rank of Lieutenant on September 12, 2015 and was then assigned to the Police Academy.

Greg was the beloved husband of Vivian Dare, the adored father of his son Christopher, the loving son of his father Richard and late mother Flora Dare, cherished brother of Kenneth Dare (Annie), David Dare, and Laura (Tom Feng) Dare, and uncle to numerous nieces and nephews. A native to San Francisco, Greg graduated from Lowell High School and San Francisco State University with a Bachelor's Degree in Criminology. Greg enjoyed spending his time with Vivian and Christopher and traveled many times to Maui and

Disneyland. Greg traveled to many different stadiums throughout the United States to watch the San Francisco Giants play baseball. Greg traveled with his son whom he shared a special bond for the love of baseball. Greg enjoyed watching Christopher play baseball.

**Roy Giorgi, age 88:** Roy was born on Christmas Eve in 1927 in San Francisco (December 24, 1927). Roy was a 'Route Salesman' prior to entering the San Francisco Police Department. Roy entered the S.F.P.D. on September 1, 1956. Roy wore star #1849 and left the Police Academy on November 27, 1956 and worked the following units as a San Francisco Police Officer: Central Police Station (November 27, 1956), Potrero Police Station (September 9, 1957), Richmond Police Station (September 17, 1958), Central Police Station (May 25, 1959), Support Services Bureau I.D. Section (August 15, 1977). Roy retired on a disability pension on January 10, 1978. Roy was awarded a Bronze Medal of Valor for services rendered on April 1, 1974 when he, and partners Thomas Stack and William Wasley, apprehended a mentally deranged suspect who had fired several rounds from a .38 revolver inside his residence and was using four small children to shield himself when officers arrived. The Officers were able to convince the suspect to surrender after several threats to fire his gun. Roy was awarded a Police Commission Commendation for services rendered on April 21, 1971 with partners Thomas Stack and William Wasley. Roy, Stack, and Wasley conducted an outstanding investigation that led to the arrest of a suspect who had committed five robberies. Roy is survived by his loving wife of 34 years, Shirley, and his daughters Terry (Barry), Lori (Bill), Step Son Steven Thoma (retired SFPD (Jackie)), and nine grandchildren. His family meant the world to him.

Roy was born and raised in the Mission District of San Francisco, attended Mission High School where he played football, soccer, and basketball. Roy was an exceptional athlete on the football field and frequently made the sports pages of the Chronicle and the Examiner with headlines such as "Gorgeous Giorgi does it again". After graduation Roy served his country in the U.S. Navy where Roy played on the Navy Football team and in the Rice Bowl, while stationed in Japan. Roy was honorably discharged in 1947 and returned home to San Francisco.

Roy was named All City Football Player and received a full scholarship to USF to play football. Roy was a member of the USF Dons legendary football team of 1950-1951. Roy was later inducted into the USF Hall of Fame. Following college, Roy joined the S.F.P.D.

**Unfinished Business:** With our actuarial study completed and our announcement of our Dues Increase, we will resume our project of rewriting our Constitution and By-Laws. President Sally Foster provided copies of our rewrite proposal to all board members present and requested that we review it prior to our next meeting. Trustee Jim O'Meara has recommended attorney Ed Willig to review our recommendations per our Non-Profit Status.

**New Business:** No report this month.

**Good of the Association:** No report this month.

**Adjournment:** President Sally Foster led our meeting and members present with a 'moment of silence' for all our passed members. President Foster set our next meeting for Tuesday April 12, 2016. The meeting will be held at 850 Bryant Street, room #150 at 1:45pm. President Foster adjourned the meeting.

**To All Members:** Please visit our website at 'sfwidowsandorphans.org' to effect changes to your beneficiary(s) and your address and contact numbers. Please click on the 'resources' box which is located on the upper right side of the tool bar. Print out the beneficiary form, complete it, and mail it to P.O. Box 880034, San Francisco, Ca 94188. Change of Beneficiary requires a signature of a Board Member or Notary. I can be contacted at 415 681-3660. The WOAA continues to bestow our gratitude to the following: **Paul Chignell of the POA** who supports our efforts to locate lost members who have not updated their contact information, **Captain Nick Rainsford** and **David Ng** of Personnel who support us with employment history for our obituaries, and **Sgt. R. Kilshaw and Risa Tom** of the Police Commission Office who support us with Member Award information for our obituary section. We thank Ray Shine of the SFPOA Journal for all his patience and support, and the Traffic Bureau of 850 Bryant Street for their hospitality and support.

Submitted by  
Mark J. McDonough  
WOAA Secretary

## New York Police Have Low Morale, Say City Less Safe: Poll

Reuters  
By Joseph Ax

NEW YORK (Reuters) — A majority of New York City police officers believe the city has become a more dangerous

place and feel less satisfied in their jobs, according to a survey released on Monday by the city's largest police union.

More than 6,000 of the city's 24,000 patrol officers responded to the online survey, which was conducted by public

opinion firm McLaughlin & Associates on behalf of the Patrolmen's Benevolent Association.

Nearly 90 percent of the respondents said the city had become "less safe" in the last few years since Mayor Bill de Blasio and Police Commissioner William Bratton began their tenure. Ninety-six percent said the relationship between the public and the department had worsened.

"The results of this survey prove what we've been hearing time and time again from members over the past two years — the job is more difficult than ever, the dangers are greater, and morale is extremely low," said Patrolmen's Benevolent Association President Patrick Lynch.

"The understaffing, inadequate training, low pay and lack of support has had a chilling effect on police officers across the city."

Monica Klein, a spokeswoman for de

Blasio, called the survey's results "highly suspect."

"We are experiencing historic lows in criminal activity," she said. "Murders and shootings are at their lowest in modern history. NYPD is the most effective police force in the country thanks to our officers' dedication and commitment to their job."

De Blasio's relationship with the New York City Police Department has been marked by occasional tensions since he took office in 2014.

An NYPD spokesman said the department had not yet received the survey but would review it once it was delivered.

The McLaughlin firm noted that the survey was open to all officers and did not use sampling, making it impossible to report an accurate margin of error. Approximately half of the union's officers received emailed invitations to participate.



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## Deaths

The *POA Journal* was notified\* of the recent deaths of the following SFPD members, non-sworn employees (n/s), or affiliated persons:

### KURT W. LOWE

79, Retired SFPD  
Died: February 27, 2016  
Notified by: Janet Lowe

### DANIEL MORIARTY

85, Retired SFPD  
Died: March 27, 2016  
Notified by: R. LaPrevotte

### MARITA SPES

Retired Non-Sworn SFPD  
Died: March 9, 2016  
Notified by: R. LaPrevotte

\*Notifications are made by a POA member, family member, or other reliable source. The *POA Journal* believes the information to be true and correct, however the staff or employees of the SFPOA make no official confirmation.

### Submitting Obituaries and Memorial Tributes

Any member may submit a separate memorial tribute to a deceased member. Any such piece will not appear in the matrix, but will be placed in the Mail section, or, with prior approval of the editor, as a sidebar piece. The *Journal* will also accept and publish in the Mail section short letters about a deceased member written by a person in the immediate family. However, the *Journal* will not reprint obituaries or photos that were published in any other print media, web site, or Internet blog.

## Condolences for CHP Officer Nathan Taylor

By Martin Halloran, President

I speak for all members of the San Francisco Police Officers Association in offering sympathy and condolences to the family and co-workers of California Highway Patrol Officer Nathan Taylor.

Officer Taylor was fatally struck by an out of control automobile in a heavy Sierra snowstorm while investigating a traffic collision near Donner Summit. The accident happened on March 12, 2016. He was just 35.

A memorial fund has been established to assist Officer Taylor's widow and three young children. Donations can be made to:

Nathan Taylor Memorial Fund  
CAHP Credit Union, PO box 27650, Sacramento, CA 95826

## In Memoriam...

The following San Francisco Police Officers were killed or died in the line of duty in the month of April of ...

- 2004 Officer Isaac A. Espinoza, killed by gunfire while approaching a suspect.
- 1990 Commander Isiah Nelson III, killed in Solo motorcycle collision.
- 1969 Officer Rene G. Lacau, killed by heart attack while struggling with violent resister.
- 1930 Officer John Malcolm, shot by armed gunman during payroll robbery.\*
- 1926 Officer Benjamin G. Root, killed in motorcycle crash pursuing a speeding auto.
- 1925 Officer George Campbell, shot during bank robbery in progress.\*\*
- 1915 Officer Edward Maloney, shot by an armed robbery suspect.
- 1906 Officer Max Fenner, crushed by crumbling brick wall during 1906 earthquake.
- 1877 Officer Charles J. Coots, shot by brawler. (*Off. Coots was the first SF officer ever to be killed in the line of duty.*)



\*Officer Malcolm's killer was captured, convicted, and executed by hanging at Folsom Prison in 1933.

\*\*Officer Campbell's killer was caught, convicted, and executed by hanging at Folsom Prison in 1926.

Learn more about San Francisco's Finest who died in the line of duty:

Visit the *Officer Down Memorial Page* at  
[www.odmp.org/agency/3445-san-francisco-police-department-california](http://www.odmp.org/agency/3445-san-francisco-police-department-california)

Read *Men of Courage*, by Captain Thomas G. Dempsey (retired)

# Police-Fire Post 456 News



By Greg Corrales

Once again, it is time to select young men to attend the American Legion's California Boys' State. The young men that will attend the 79th session of Boys' State (18 June-26 June 2016) will be housed on the campus of California State University, Sacramento, with plenty of dorms, showers, athletic facilities, adequate classrooms, and plenty of good food. It is really a college atmosphere.

### Objectives of Boys' State:

- To educate our youth in the duties, rights and responsibilities of American citizenship.
- To encourage and develop a deeper interest in, and study of these problems of government beyond what the young men get in high school today, the BOYS' STATE was founded, and is today an established part of the Americanism Program of the American Legion.
- The strength of a nation lies not alone in the size of its armed forces, but also in the character, loyalty and intelligence of its citizens. Citizenship confers many privileges, but it also imposes duties and obligations. If these duties and obligations are not understood and not fulfilled, the privileges may be lost. That person is a good citizen who understands his government, who recognizes his duties and obligations to it, and who fully and intelligently participates in its problems and shares its burdens. In order to prepare the youth of today to become good citizens tomorrow – and to qualify as intelligent citizens, voters and office-holders, they today must be trained to understand the structure and the workings of their government.

In Boys' State each young man, as he registers, is assigned to a city, and thereafter is a resident of his assigned city. His bed is in the city area. From 35 to 50 young men are assigned to each city. A group made up of several cities constitutes one county, and, together, all constitute the State. The young men are divided, according to the order in which they register, into political parties, not Democrats and Republican, but Federalist and Whig — just so that they can see how political parties, as such, function under our form of government. The young men develop their own party platforms and make their own controversial issues. All their government activities, whether city, county, or state, are carried according to existing laws of California, as far as practical, applicable to government affairs.

Although there is ample time for recreation, Boys' State is NOT a picnic, NOT an outing, NOT a recreational camp. However, recreation is not forgotten. Athletic activities are scheduled each day from 4:15 to p.m. to 6:00 p.m.

San Francisco Police-Fire Post sponsors two young men every year to Boys' State. If you know of a "squared-away" young man, who is currently a junior in High School, who would be interested

in being sponsored to Boys' State by Police-Fire Post 456, let me know as soon as possible. You can contact me at (415) 759-1076 or at [gc1207@comcast.net](mailto:gc1207@comcast.net). My son attended Boys' State so I welcome any and all questions.

The United States Marine Corps is actively seeking individuals who lived or worked at Camp Lejeune in or before 1987. I spent thirteen months drinking Camp Lejeune's poison water. Anyone else who partook in the water should register (I have) with the Camp Lejeune Historic Drinking Water Notification Database. Questions should be directed to the website at [www.marines.mil/clwater](http://www.marines.mil/clwater) or call toll free at 877-261-9782. The call center is open Monday-Friday from 8:30 a.m. – 5:00 p.m. Eastern Time.

The Week magazine reported that Justine Anderson lost a leg to combat injuries sustained in the Iraq War and is recovering from a recent battle with brain cancer, but nothing will stop him plowing snow for his neighbors in Bellevue, Neb. The motorcycle mechanic last year attached a snowblade to the front of his off-road wheelchair, which has tank-like treads. Now after every snowfall, the Army veteran drives out in his winterized wheelchair and helps clear his neighborhood's streets and sidewalks. "The community has supported me immensely with my struggles," he said. "This is my way of giving back."

It has also been reported that an American World War II veteran has been reunited with his wartime sweetheart 72 years after they last said goodbye. Norwood Thomas was a 21-year-old paratrooper when he fell in love with Joyce Morris, then 17, in London in 1944. They spent a few precious days together, but lost contact after Norwood was sent to join the allied invasion of Normandy and later returned to the U.S. The pair recently reconnected over the internet, and online donors paid for Thomas, now 93, to fly to southern Australia, where Morris, 88 lives. "This is about the most wonderful thing that could have happened to me," Thomas said as he hugged his former best girl.

It is my sad duty to report that Post 456 members Arvo Kannisto and Roy Giorgi have transferred to Post Everlasting. Comrade Kannisto was a 70-year member of the American Legion.

The San Francisco Police-Fire Post meets on the second Tuesday of every month. Our next meeting will be on April 12, 2016. We meet at the Park Station community room. Meetings start at 1600 hours. All veterans with a law enforcement or firefighter background are welcome. Questions should be directed to Post Adjutant Greg Corrales at (415) 759-1076 or at [gc1207@comcast.net](mailto:gc1207@comcast.net). God Bless America!

*Through no fault of the author, Police-Fire Post 456 News was inadvertently omitted from the March issue of the POA Journal. My apologies to Mr. Corrales and to the many readers of his informative monthly column. – Ed.*

## Bridget Lyons

By Robin Matthews  
Member, BALEAF Board

Greetings! This is the twelfth article that I've done for you over the past year to introduce you to the BALEAF Board of Directors so that you can learn a little bit more about us. The Bay Area Law Enforcement Assistance Fund (BALEAF) is a non-profit organization that was formed in 1999, and provides support to law enforcement officers and their families, as well as to law enforcement civilians, throughout the Bay Area, who have either been killed in the line of duty, have suffered a serious injury, or who have suffered a catastrophic event.

This month's Member Highlight is on our newest Board member, Bridget Lyons. Bridget is a survivor, a San Francisco Police Officer wife, and a product of numerous law enforcement generations. Specifically, she is the only daughter of Officer James Francis Dougherty, SFPD, EOW 1/10/00, is the wife of Officer Charlie Lyons, who retired after 31 years of service with the SFPD, is the niece of the late Sergeant Roger Liljedahl, and is the cousin of retired Lieutenant Lynette Hogue!

Bridget grew up in Pacifica until the middle school years; then moved to Rohnert Park. In her senior year of high school, she became an emancipated minor and moved to Iowa, where she graduated from the same high school as her father did in Missouri Valley, Iowa. She attended Junior College in Santa



Rosa and Rohnert Park, receiving her Early Childhood Development teaching degree for teaching preschool, as well as completed the Chamberlin Real Estate School. After nine years in the mortgage business, Bridget came into her own in 2004, when she became a real estate agent at Westgate Real Estate in Petaluma, specializing in Residential, County Properties, Land, Commercial Sales and Lease properties. She practices her motto of putting clients first, she keeps herself accessible, is a good listener, a good communicator, and responds quickly to her client's needs.

Over the past 16 years, Bridget has represented her family on the field for Law Enforcement Appreciation Night at the San Francisco Giants game, participated in Law Enforcement Nights for the Golden State Warriors, and the dedication to the new memorial wall at Southern Station. She says, "I appreciated the communication and support over the years, from letters and phone calls and being asked my opinions regarding the design for the new memorial wall." One thing has always remained consistent - she saw people taking care of every detail and reminded her that her family, her Dad, and all the officers, had not been forgotten.

"I will never forget how I felt when I attended my first funeral 16 years ago, for my Dad. The "solos" came to my house, in the pouring rain, and made sure my family arrived to all the places without any delays...somehow the Solo's managed to understand me, comfort my

daughters, and make them feel safe in the spot light." She recalls how "Geary Boulevard became a parking lot...how the year from 2000-2001 was full of memorial events and how my girls were given teddy bears for comfort."

When asked why she wanted to become a part of the BALEAF Board, she said that she will bring her family values, previous experience, and ability to relate well with others to enhance the experiences with law enforcement personnel, their families and/or those who assist them. She wants to support and empathize with other law enforcement families who have had an experience in their lives, and need the support of BALEAF. She added, "I enjoy working behind the scenes and making a difference, volunteering with my time and energy is what I have been doing for years; now I'm ready to help BALEAF."

Bridget has enthusiastically jumped in with both feet on the BALEAF Board, immediately volunteering to take over the role of Secretary when the position opened up in February! When she's not working in real estate or doing things with BALEAF, Bridget enjoys taking walks and hikes. It is her weekly goal to "pick a park" when she gets together with a client or friend and will walk/hike various County, State, Federal, or City parks. With living in Petaluma since 1994, she loves how many options of natural beauty she has to choose from within an hour of where she lives.

In addition, Bridget is an active member of the Chapter of Realtors, and her commitments to community has also been reflected in other leadership roles, including being a Girl Scout troop leader,

President of Casa Grande High School's Project Graduation, Petaluma Youth Lacrosse, plus being an active Lifetime Member of Casa Grande's Boosters Club. Helping as an active volunteer with the Sacramento State Parents and Families Council, has allowed her to help parents and students transition in their relationships and experience for over 4 years, she has been the Carousel Fund Events Coordinator to support families and children of terminal illness for 2 years, and has been the Facilitator for the Trevor Smith Memorial Foundation - Grass Root Funding for 2 years.

Bridget and Charlie have two daughters, both graduates of Casa Grande High School in Petaluma, who have continued with their higher education. Jessica graduated with a Bachelor of Science Business Administration degree from California State University, Sacramento, and a Master of Business Administration degree from Sonoma State University. She works as an Executive Team Leader - Human Resources at Target. Their younger daughter, Jamie, is studying at California State University, Sacramento and is on track to graduate in December 2016 with a Bachelor Degree in Criminal Justice. It sounds like their family ties in criminal justice may be continuing on!

*For more information about BALEAF, please check out our website at [www.baleaf.org](http://www.baleaf.org). We can also be reached by mail at P.O. Box 31764, San Francisco, CA 94131, by email at [baleaf1025@gmail.com](mailto:baleaf1025@gmail.com), or on Facebook. We hope that you never need us, but we're here if you ever do.*

## FBI Statistics Show "The Experiment" Has Failed

By ALADS Board of Directors  
Forwarded to the Journal  
by Martin Halloran

When Realignment was introduced, it was described as one of the "great experiments in American incarceration policy." Unfortunately, the guinea pigs in this experiment were not the inmates released from the state prisons, but the residents of California who lives and property were purposely put at risk. That change was followed in short order by Proposition 47, which not only led to the release of prison inmates but reduced former felony drug and theft crimes to misdemeanors. While law enforcement warned crime rates would increase if Proposition 47 passed, voters fell for an initiative duplicitously labeled "The Safe Neighborhood and Schools Act."

After the passage of Proposition 47, our deputies and law enforcement across the state saw an increase in crime. Law enforcement leaders who attempted to inform the public of increase in crime due to Proposition 47 were shouted down. For example, when Sheriff Jim McDonnell was interviewed by the LA Times in a series of videos entitled "Thanks to Prop. 47, Californians are less safe than they were a year ago," some people claimed the Sheriff was "spreading disinformation" and such claims were "rhetoric" that was not supported by "data."

Well, now we have the "data" the some claimed was missing-and it proves the point Sheriff McDonnell had been making. As detailed in a release from

**"While law enforcement warned crime rates would increase if Proposition 47 passed, voters fell for an initiative duplicitously labeled "The Safe Neighborhood and Schools Act."**

the Public Policy Institute of California (PPIC), a nonprofit, nonpartisan think tank, FBI statistics released last month documenting nationwide reported crime rates for cities with populations over 100,000 for January-June, 2015 showed California suffered a drastic increase in crime rates in both the violent and property categories.

In the violent crime category, California had 3 cities in the top 5, and 5 of the top 10, for increases in violent crime rates. The grim news didn't stop with the "top 10." 49 of 66 California cities in the report had increases in violent crime rates; 34 of those cities saw the violent crime rate increase by double digits.

It was even worse in the property

crime category. California took the first 3 spots for increases in property crime rates, and 5 of the first 10. 48 of the 66 California cities saw an increase in their property crime rates, with 24 seeing the rate rise by double digits. In a blog by the Public Policy Institute of California, the authors noted the property crime rate increase was "widespread and not trivial in magnitude." Of particular note, wrote the PPIC, was that that large cities in the next four largest states (Florida, Texas, New York and Illinois) saw decreases in property crime.

Another misleading claim about Proposition 47 and Realignment was that there would be a cost savings as a result of those laws. In truth, the cost of crime was merely shifted from the state to crime victims and local jurisdictions. Thus, while a report proudly touted a savings to the State of California of \$128 million, it did not set a dollar amount due to this burden shifting-which is enormous. For example, in Los Angeles County, (we examined cities in LA County that were in the FBI report) and calculated the "cost of crime" using widely accepted Rand Corporation cost method first introduced by New York City Police Commissioner and former LAPD Chief William Bratton. The result- a cost of crime of over \$249 million for just six months of 2015 (and only including cities with a population in excess of 100,000.)

The sobering numbers above vividly prove that we cannot afford, both in the fiscal and public safety sense, yet an-

other "experiment" with public safety. We will continue to educate the public on the true cost of the crime experiments now underway, as an educated public is the surest way to defeat new proposals that would cut the amount of time felons serve in prison.

**Another misleading claim about Proposition 47 and Realignment was that there would be a cost savings as a result of those laws. In truth, the cost of crime was merely shifted from the state to crime victims and local jurisdictions.**

*The Association for Los Angeles Deputy Sheriffs (ALADS) is the collective bargaining agent and represents more than 8,200 deputy sheriffs and district attorney investigators working in Los Angeles County.*

# Facts and Focus Don't Point to Profiling

Tracey G. Gove | Commentary

The Hartford Courant

Forwarded to the Journal by Jock Rogers,  
Retired SFPD

## Subject: I Was Racially Profiled in My Own Driveway — *The Atlantic*

*First of all, I am a huge fan of Doug Glanville — who's known primarily for having been a great baseball player. I admire even more his skills as a writer and enjoy his Op Ed work in the New York Times as well as his feature articles. I'm similarly impressed by his backstory—the child of Trinidadian immigrants who raised him well. He went on to the University of Pennsylvania to become an engineer before becoming a major leaguer.*

*I think this article — and the response by the West Hartford, Ct Police Chief are truly worth looking at. (The Chief's article is linked within this article and is a must read. Click on the link when you're finished with Doug's article.)*

*Doug's piece in the Atlantic was well written and I believe even-handed. I think you will be moved by his description of the incident. What knocked me out, was the response of the Police Chief. This incident—and the responses of two good men, should be required reading for people who care about race and who care about "truth." There's always more than what we seem to see. And it all matters. —JR*

A recent essay on the Atlantic website characterized the West Hartford Police Department as biased and unprofessional because the author, Doug Glanville, an African American, said one of the town's officers profiled him.

After nearly two decades with this agency, I know that nothing could be

further from the truth. It made me think, however, about bias and the danger of assumptions.

The police department responded to more than 60,000 calls last year. Every call was important to the person who made it and equally important to us. You call. We come. No matter what. That's our commitment.

Recently, we received a 911 call at 10:06 p.m. from a resident who said a male was banging on the front door, demanding that she let him in. The resident had previously hired this man, via a door-to-door solicitation, to clear her driveway of snow. She was unsatisfied because, although paid, he never finished the job. The resident was scared. Officers couldn't find the man, but told neighbors to call if he returned.

A week later, at 2:56 p.m., the man returned and a neighbor called the police. An officer obtained a description of the man — an African American, in his 40s, wearing a brown jacket and carrying a snow shovel. A few blocks away, he found Doug Glanville, who closely matched that description and was shoveling a driveway. The officer asked Mr. Glanville whether he was shoveling driveways for money. Mr. Glanville said he was shoveling his own driveway. The officer moved on.

Police found the man they were seeking in the neighborhood. He is a convicted felon with a lengthy criminal history and on probation for a larceny in West Hartford.

Our officer took the call seriously. He responded appropriately. When he found someone matching the description, he followed up with a question. He was right to ask the question and

was right to move on when he got his answer. What he didn't do was take the time to explain why he was asking. And that's what brings me to the subject of assumptions.

In the past few days, I've heard a lot of people make a lot of assumptions. People make assumptions about West Hartford. They make assumptions about minority groups. They make assumptions about police. Some are pretty outrageous. Others have come from people I know and respect. Those sting the most because we like to think that the people who know us understand us.

I have dedicated a good part of my career to understanding the intersection of good policing and civil rights. I'm not going to pretend that there's no reason for African Americans to make assumptions about the motives of police in this country, but, in this case, my officer had a good reason to speak to Mr. Glanville. Mr. Glanville clearly took offense and complained to town officials.

We do not profile people. That's not who we are as a department or as a town. To the officer, the race of the person he was talking to was nothing more than one part of an overall description of a particular individual, along with the general description of his clothes and the fact that he had a snow shovel. To Mr. Glanville, his race was the only reason for the inquiry. Plainly, we have a lot of work left to overcome such assumptions.

I'm proud to be the chief of the West Hartford Police Department. I know every member of this department feels proud of their work. The careful recruiting and thoughtful training of our officers make this one of the best, most modern and progressive police depart-

ments anywhere.

Despite the popular misconception that West Hartford is a uniformly affluent, white suburb, everyone in this department understands that it is a racially, ethnically and culturally diverse community where more than 70 languages are spoken. We work hard to respect every individual because we understand that respect should never be a byproduct of race or religion, age or orientation. We understand that our homeowners don't all look the same. For that matter, we also understand that a man offering to shovel driveways for a few bucks — even one with a criminal record — may simply be struggling to earn an honorable living and deserves respect.

We understand that because we've had all the same life experiences you've had. We're black, white and Hispanic too. We're men and women. We come from families that have struggled. We have hobbies and lives outside work. But some people see only the uniform. Some people assume we're the same cops they dealt with in another place 30 years ago, before many of our officers were born. They assume that we don't have good reasons for our actions. Although they know the world has changed, some assume that the police haven't.

No matter who they're about, making assumptions about people hurts us all in the end.

*Tracey G. Gove is West Hartford's police chief and a member of the state Commissions on Racial and Ethnic Disparity in the Criminal Justice System and the state Commission on Human Rights and Opportunities.*

# San Jose Leaders Declare Unprecedented Crisis In Police Staffing

March 11, 2016 — SAN JOSE, CA — Police and city leaders Thursday announced mandatory overtime and the possible cancellation of an academy for new officers in a department where they say recruitment and retention is still reeling from city efforts to reduce costly pensions.

The announcement came a day after a taxpayer group launched a legal effort to maintain Measure B pension reforms voters approved in 2012 that union leaders blame for shrinking the department to the breaking point.

"If Measure B is not invalidated and this pattern continues, we'll have no choice than to use overtime further to ensure that when someone calls 911 their call is answered," said police Chief Eddie Garcia during a news conference.

Garcia and police union officials were joined by Mayor Sam Liccardo, City Manager Norberto Dueñas and other city leaders in a rare showing of unity to fend off the legal challenge by former Councilman Pete Constant, billionaire local Republican leader Charles Munger Jr. and the Silicon Valley Taxpayers Association to a proposal to replace Measure B with a more generous pension settlement negotiated with city unions.

The group filed legal papers Wednesday to block the city's push to nullify Measure B. The city is asking a judge to overturn the measure based on a "procedural error"—city leaders didn't fully bargain with unions before putting the measure on the ballot. This move allows city leaders to replace Measure B with the negotiated settlement reached with unions last year.

Constant says his intervention isn't to challenge the merits of the settlement,

which offers a more generous pension to new hires but locks in some savings from Measure B such as eliminating retiree bonus checks. He said he's disputing the city's process: Since voters overwhelmingly approved Measure B in 2012, Constant says, any changes must be approved by them.

"This is about respecting the law and respecting the will of the voters," Constant said.

But the long and painful fight over pensions in San Jose took its toll on the Police Department, Garcia argues, and now all officers will be forced to work overtime as the agency continues a struggle with meeting minimum patrol levels.

After parsing out trainees, injuries and other staff on leave, the Police Department is fielding 839 street-ready officers and is stuck filling 252 10-hour shifts each week with overtime, Garcia said Thursday.

Until Thursday, overtime had become compulsory in spurts, with some investigative units and other divisions being partly spared. That apparently ends in the coming weeks.

Additionally, the department announced that it is considering whether to hold another police academy after the current crop yielded just seven recruits, a far cry from the usual 60 per class.

Police leaders thought the dark days were behind them when they struck a settlement on Measure B last summer with City Hall. Now, they say the legal challenge threatens to derail that progress.

"We do not need outside influences impacting this process and, by extension, the safety of our police officers,"

Garcia said.

Constant, who retired from the San Jose Police Department in 2000 but now lives in Roseville, took offense to being called an "outsider."

"I find it preposterous that the mayor and police chief referred to me as an outsider when I spent 29 years serving the residents of San Jose directly," Constant said after the news conference. "If I'm an outsider, who's an insider? For God's sake, I helped author this ballot measure."

And while city and union officials are drafting a November ballot measure to require voter approval for future pension increases and other safeguards, voters won't be asked to approve the settlement framework. Constant says that entire accord — not just bits and pieces — must legally go back to voters.

Although Liccardo said during his recent State of the City speech that voters will be asked "to approve a ballot measure to secure" pension savings, Constant says that's inaccurate. Voters will only be asked to approve prohibiting retroactive pension increases, requiring voter approval for benefit increases and requiring actuarial soundness in the pension plan.

Liccardo, who expressed disappointment in Constant's move, said his job is to ensure the Police Department is rebuilt quickly.

"People elected me to fix problems, people elected me to confront crises," Liccardo said during the news conference. "And we have a crisis today with our police staff."

City Attorney Rick Doyle said the group's push to be an opposing party in the city's case to invalidate Measure

B is "out of the ordinary" but merely a delay and not a serious legal challenge.

"I see it as a nuisance, and we should be pretty successful in getting it thrown out," Doyle said. "This is trying to create five more years of litigation and uncertainty. Let's come to an agreement, get the courts to sign off on it, be done with the lawyering and get on with the business of running the city."

## Measure B Timeline

June 2012: More than 69 percent of San Jose voters approve Measure B, which calls for eliminating a costly extra perk for retirees, making current employees pay more for their pensions and putting new hires on a less generous plan.

December 2013: A Santa Clara County Superior Court judge upholds Measure B cuts to retiree bonus checks and new hires but blocks provisions affecting current employees' pensions. Unions and city leaders vow to continue legal fight.

December 2015: City leaders reach agreement with most city unions to settle Measure B litigation with a plan they say will maintain most savings the measure had achieved but with more generous pensions for new hires than Measure B allowed and maintaining current workers' pensions.

March 2016: Taxpayer group announces it will challenge city effort to invalidate Measure B in court in order to replace it with negotiated settlement.

*From The San Jose Mercury News  
The post San Jose Leaders Declare Unprecedented Crisis In Police Staffing appeared first on Labor Relations Information System.*

# Brothers Accused In Recording Attack That Left Officer Dead

Associated Press  
By JESSICA GRESKO

CHEVERLY, Md. (AP) — An undercover narcotics officer was mortally wounded by one of his colleagues as he responded to an attack on his police station by a gunman with a death wish, their police chief angrily explained on Monday.

And while Officer Jacai Colson lay dying, the gunman's two brothers coldly recorded Sunday's firefight on their cellphones, Prince George's County Police Chief Hank Stawinski said, tapping a podium and trying to contain his emotions.

The gunman, Michael Ford, dictated a "last will and testament" just minutes before his two brothers drove him to the station, where he began spraying bullets at passing cars and even an ambulance to draw officers outside, police said.

Colson arrived at the station after the firing began. He was wearing civilian clothes without body armor and leaping out of an unmarked car.

"Police officers run to disorder. They run to the sound of shots," the chief said. "It's my sad duty to have to share with you that, circumstantially, we believe the fired round that led to Detective Colson's death was fired by one of his



fellow Prince George's County officers reacting to this."

In the confusion, despite their restraint, one of the other officers' bullets hit Colson, the chief said. Four other officers fired their weapons, and it is not yet known who fired the fatal bullet, said the chief, who praised their restraint as well as the "extreme heroism" of Colson, who "drew fire to himself and in doing so was mortally wounded."

Colson was declared dead later in a hospital. Michael Ford, 22, was expected to survive, along with his brothers Malik, 21, and Elijah, 18. All three were arrested and will face dozens of charges between them, the chief said.

Stawinski said federal agents have determined that there was no larger plot behind the ambush.

"This appears to be the act of the Ford brothers, for their own motives. We have

reason to suspect that the Ford brothers did not expect (Michael Ford) to survive his encounter with police," the chief said.

The police union leader, John Teletchea, was livid that the suspects would coldly watch and record what he said their own cellphone evidence shows was an unprovoked and premeditated attack.

Colson, he said, "reacted to protect his fellow police officers and his community. And while doing so we had individuals videotaping, as if it's a game, as if it's something we're going to put on YouTube and glorify."

The chief said there were no outstanding warrants against the gunman, but that information conflicts with a sheriff's report from Greenville, South Carolina, which said Michael Ford was being sought for allegedly assaulting his wife there the day before.

The attack at 4:30 p.m. Sunday disrupted a quiet, rainy afternoon in Landover, a suburb northeast of downtown Washington, D.C.

Prince George's County State's Attorney Angela Alsobrooks called it "cowardice" and a "horrific act of evil," promising an aggressive investigation and prosecution. The FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives also are aiding police, spokesmen for the two federal agencies said.

Colson, who would have turned 29 this week, was a four-year department veteran who worked as an undercover narcotics officer. His football coach at Randolph-Macon College, where Colson played for one year, said he was "a great young man who was well liked and well respected."

"He was just a great human being," coach Pedro Arruza said. "He was a very positive, positive person and an upbeat guy, a good person to be around. He had a lot of friends on campus, everybody liked him. He was just a really high-character guy."

Sheriff's Deputy Dominick Chambers, a friend from the police academy, said they celebrated their four-year anniversary as officers on March 12, the day before Colson was killed.

"He always wanted to be a police officer," Chambers said. "Everyone is taking it real bad, real bad. I'm talking to my classmates, checking in on them. We're not doing well."

*Associated Press Writers Juliet Linderman in Baltimore, Ben Nuckols in Washington and Jeffrey S. Collins in Columbia, South Carolina, contributed to this story.*

## Cops Should Help Define the Use of Force Standards

By Sean Van Leeuwen,  
ALADS Vice President  
Forwarded to the Journal  
by Michael Nevin

All of us on the ALADS Board agree with a recent *Los Angeles Times* editorial headline: Police officers should help write, not shun, new use-of-force standards. The disturbing fact is that the body of the editorial praised the Police Executive Research Forum (PERF) is evidence that cops, and not newspaper editorial boards, should be defining use of force standards. PERF recently announced its standards on the use of force as a "serious" attempt to elevate the discussion of the use of force and has been engaged in a serious public relations campaign to push their agenda to police executives, civic leaders and the media.

PERF would have us believe their "principles" are based on sound reasoning and constitute good public policy. Experts in the genre of tactics, force and the law have loudly disagreed. Missy O'Linn, a former police officer and respected attorney specializing in police use of force cases formulated a response to PERF's "30 Guiding Principles." O'Linn critiqued PERF's May 2015 conference entitled; "Re-engineering Police Use of Force" which was based on the premise; "American policing is bad: bad

cops; bad tactics; and bad training."

O'Linn, wrote a letter to PERF'S Executive Director Chuck Wexler after the conference raising questions and requesting dialogue about the dubious logic and conclusions stated at PERF's conference. Wexler did not bother to respond to her letter to defend his organization's views. The Fraternal Order of Police (FOP), which represents hundreds of thousands of rank-and-file law enforcement, and the International Association of Chiefs of Police (IACP) which represents hundreds of police department heads, have also issued statements opposing PERF's proposals.

One PERF standard, is the "proportionality" test which calls for officers to ask themselves; "How would the general public view the action we took? Would they think it was appropriate to the entire situation and the severity of the threat posed to me or the public?" This statement is stunning in its lack of insight and practicality. First of all, using force against another human being never looks "good" from the viewpoint of the average person. It is a necessity of the kind of work we in law enforcement are called upon to do so the general public doesn't have to!

Second, uses of force don't occur in a vacuum. They are usually fluid, rapidly evolving situations which require split-second decisions based on an individual

officer's training, experience and assessment of the situation unfolding in front of them. Under such circumstances it would be dangerous and possibly irresponsible to risk one's life and the lives of others worrying about how something might look, given the benefit of 20/20 hindsight.

Another standard calls for "de-escalation" to be the preferred approach to critical incidents. Apparently PERF went to Scotland and became infatuated by seeing what they described as Scottish police backing away from suspects with their hands up when in a confrontation (I received an angry denial of this assertion from a frequent visitor to Scotland following an earlier blog on this topic).

Essentially, PERF proposes a set of standards whereby cops retreat, hide, and consider how any use of force might look to the general public.

The LA Times, claims the Graham v. Connor standard of "reasonable force" is misunderstood and profers the opinion that, "Few officers in 1989, the year of the Graham decision, would have seen it as a normal part of police duties to de-escalate tense encounters with suspects." Many of you out there who were cops in 1989 would loudly disagree with this clear example of the Times' anti-police bias. Such an assertion is patently false, unsupported by any facts and is a disservice to the reputations of thousands of American law enforcement officers who have been using "de-escalation" since before there was a term for it!

Graham v. Connor was decided on Fourth Amendment principles. In 2007, the US Supreme Court stated in Virginia

v. Moore that the Fourth Amendment should reflect "administrable bright-line rules" that cannot be altered by any state law or local rule, as allowing such alteration would "produce a constitutional regime" which would be "vague and unpredictable."

What the Supreme Court was saying is that a reasonable use of force in California should be evaluated by the same standards as a reasonable use of force in any other state. Some departments may choose to adopt more restrictive rules regarding the use of force by their employees, however, this does nothing to diminish the reasonableness standard as set forth in Graham v. Connor and it doesn't make sense.

Since PERF and its standards are the topics on the table, we offer this invitation to PERF and Executive Director Chuck Wexler - to participate in a conference which we will host in Los Angeles within the next 90 days. Should Mr. Wexler choose to accept our invitation, the subject of the conference will be PERF's recommended "standards."

We at ALADS hope PERF has enough confidence in its proposed standards to welcome the opportunity to discuss and debate them with our members and invited guests. How about it, Mr. Wexler?

*Sean Van Leeuwen is Vice President of the Association for Los Angeles Deputy Sheriffs. ALADS is the collective bargaining agent and represents more than 8,200 deputy sheriffs and district attorney investigators working in Los Angeles County*

*Sean can be reached at Svanleeuwen@alads.org.*



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# Police Union Calls For NOPD Official's Resignation Over Shooting Comments

March 10, 2016 — The Fraternal Order of Police has called on the head of the New Orleans Police Department's Public Integrity Bureau to resign over comments she made Tuesday about a controversial shooting involving Jefferson Parish Sheriff's Office deputies.

NOPD Deputy Chief Arlinda Westbrook told family members of Eric Harris, the 22-year-old man shot to death by Jefferson deputies in Central City after a car chase on Feb. 8, that if New Orleans police officers had shot him, they would have been arrested "on the spot."

NOPD policy bans officers from shooting at moving vehicles unless suspects are employing another form of deadly force, such as a gun.

"If that was our police officer, because it's so contrary to our policy, they would have been arrested on the spot," Westbrook was quoted by nola.com as saying. "We would not have been authorized in New Orleans to take any of those actions."

The NOPD is investigating the shooting because it occurred inside city limits. Westbrook's statement was made off-the-cuff to Harris' family members at a community forum focused on his death.

The police union reacted angrily. "These statements are ludicrous, reckless and unnecessarily inflammatory," Fraternal Order of Police spokesman Donovan Livaccari said in a statement on behalf of the group's executive board. "Westbrook has proven that she is not fit to be a member of the New Orleans Police Department."

Jefferson Parish Sheriff Newell Normand has said Harris was shot after backing up his car toward deputies who had pursued him after a confrontation at the Oakwood Mall in Gretna. The Sheriff's Office said Harris had a gun in his vehicle but did not point or shoot it at the deputies.

JPSO policy allows deputies to shoot at moving vehicles if they feel their life is in danger, even in the absence of a second form of deadly force.

As the police union noted in its statement, the decision on whether to criminally charge officers is distinct from whether they violate department policies.

Livaccari said he had received a statement from the NOPD suggesting that Westbrook was simply trying to explain to Harris' family the differences in the two agencies' policies on use of deadly force.

Livaccari said he believed Westbrook's comments were "intended to placate the grieving family." But he said they seemed to show a misunderstanding of the probable cause necessary for a criminal arrest, raising questions about any investigation handled by her office.

"Perhaps Ms. Westbrook got caught up in the moment and misspoke," Livaccari said. "However, the damage has been done."

Westbrook, a civilian who previously served as a deputy city attorney, has been in charge of the Public Integrity Bureau since 2010. As a deputy superin-

tendent, she has a large say in whether to discipline or criminally charge officers accused of misconduct, which means she is often at odds with police unions.

"It was a mistake," Harrison said of Westbrook's comment. "She acknowledges the mistake of the thing she said."

"We have never arrested any officer on the spot who in the performance of their duty was acting under color of law. Never," Harrison said. "FOP came out rather strong, asking for her to step down and resign. That's an overreach and an overreaction."

Harrison said he also had reached out to local sheriffs, including Normand, to assure them that their deputies should not fear pursuing suspects into Orleans Parish.

"They have committed to me that they would pass that message on to their department," Harrison said. "I'm now asking you (departmental commanders) to pass that message on to the men and women who work for you."

*From The New Orleans Advocate  
The post Police Union Calls For NOPD  
Official's Resignation Over Shooting  
Comments appeared first on Labor  
Relations Information System.*

## LAPD Reform: The Beginning of the End

### The call last Friday by two Los Angeles Police Commissioners to significantly change LAPD use of force policy is both dangerous and not the first time law...

By Major Travis Yates, Tulsa, OK, PD  
Editor-in-Chief of Law Officer  
Forwarded to the Journal  
by Michael Nevin

The call last Friday by two Los Angeles Police Commissioners to significantly change LAPD use of force policy is both dangerous and not the first time law enforcement will hear these demands. Whether agencies and leaders cave in to these short sighted and dangerous demands will determine if law enforcement will be capable of protecting themselves and the public for years to come.

The recommendation for LAPD to specifically evaluate whether officers could have done more to defuse tense encounters and to seek ways to avoid using significant force whenever possible sounds great on paper but is a dangerous and deadly road to disaster for law enforcement that follows it.

LAPD and others want additional requirements to be evaluated when officers use deadly force including if the officer used "de-escalation" strategies and whether officers could have tried to avoid using deadly force.

While it sounds and feels good, those requirements are not part of the signature Supreme Court Case that governs every use of force encounter in American Law Enforcement, *Graham v. Connor* (1989) and there are real reasons the court didn't address it. Those demands place additional disadvantages on the police officer having to make a "split second" decision for their life.

#### What Is This About

The talk of changing the rules without the courts didn't just now happen in Los Angeles. It was prompted and grown out of the lie that was Ferguson. The Department of Justice ran to Ferguson, Missouri and all but promised the protesters that they would prosecute the officer involved but there turned out to be a small problem. The law of the land (*Graham v. Connor*) clearly stated that Officer Darren Wilson did nothing wrong. The "Hands up...Don't shoot" mantra was a lie and when the investigation was completed by that same Justice Department, they found that Darren acted within his

legal scope as a police officer.

How could this be? Why couldn't this prosecution occur and in other shootings, the same thing happened. Officers would use deadly force to protect their life and the protesters would scream for prosecution and when the investigation was complete, an indictment was impossible.

"Every police officer in America should be thankful that grandjuries have to follow the law and not what politicians think."

In fact, the Los Angeles Times pointed out that in six counties, over 2000 suspects had been shot by law enforcement since 2004 but only one officer was prosecuted. Apparently, this is unacceptable and something must be done!

#### Why Is This Dangerous?

This is what is being done. Despite the United States Supreme Court, there is a large attempt to change the rules. It started with Ferguson and PERP quickly picked up the mantle. The Michael Brown incident should have never occurred PERP surmised. Yes, Brown was walking in the middle of the street after committing a violent robbery and yes Officer Darren Wilson drove up to him (not knowing the robbery occurred) and asked him to get out of the roadway which caused Brown to attack Wilson and the ensuing altercation would end in the use of deadly force.

The question was recently asked at a PERP Meeting on how Officer Wilson should have handled this violent felon.

"It's simple they stated. Wilson should have never approached him walking down the middle of the street. It was that initial encounter that ultimately caused the use of deadly force."

Yes, soak that in for a minute. This is the ideology that follows what those in LAPD, PERP and others want our policy to reflect. It sounds innocent but it is dangerous and it is the only way "they" get what they want. More cop indictments!

#### How Will This be Accomplished

Some are reading this and you think, this will never happen in my agency. I will warn you about that thinking. The playbook is already there and the players

are lining up. The White House, PERP, DOJ and some major city chiefs are on the team now and they are recruiting and once they grab CALEA or IACP, common sense will be lost. How will they do this?

#### It's About the Money

They have done it before and they will do it again. Several years ago the government gave a mandate to law enforcement. They had to wear ANSI Level II Vests when conducting traffic management on federally funded highways. It was an unfunded mandate and when agencies protested that they might not be able to afford the change the government simply said that they would restrict highway money from their communities...millions of it. A few years ago, the government made it mandatory for law enforcement to wear ballistic vests. If you did not comply, any grant funds you used to purchase those vests would be gone

"Those mandates make law enforcement safer. Changing use of force standards make it more dangerous."

There will be significant pressure on agencies and leaders to modify use of force policy despite the courts not supporting that change. The general budgets in most agencies almost all go towards personnel costs. There is a huge reliance on those agencies to use government grants to pay for needed equipment and resources. The Edward Byrne Justice Assistance Grant is just one funding mechanism and it awards close to 300 million dollars a year to law enforcement agencies. I know agencies that wouldn't have basic equipment if it wasn't for this grant. Imagine if you were a chief and all you have to do to continue to receiving this grant is to change a couple of sentences in your use of force policy? What if CALEA threatens to not certify your agency if your policy does not reflect these changes? For even those that agree with not changing the rules, the decision is not as easy as it may seem.

**It Takes Real Leadership**

The next decade in law enforcement will be the most important we have ever seen. The time is over for weak, spineless leaders in the profession. Today law enforcement is the most trained, professional and educated the country has ever known. Our leadership needs to understand that, maintain that and rise up to the challenges that are already here.

*Major Travis Yates is a Commander with the Tulsa (OK) Police Department and the Editor In Chief for Law Officer. His Seminars in Risk Management & Officer Safety have been taught across the United States & Canada. Major Yates has a Master of Science Degree in Criminal Justice and is a graduate of the FBI National Academy. He is the Director of Training for SAFETAC Training.*

## Long-Term Investing

# Hitting the Employment Speed Bump at 55: Not Ready to Retire, But Not Finding Work

By Edwin K. Stephens,  
The Stephens Group

*God brings men into deep waters, not to drown them, but to cleanse them.*

— Aughey

*Constant success shows us but one side of the world; adversity brings out the reverse of the picture.* — Colton

Will middle-aged Americans be able to regain their economic footing in the new slow growing economy?

**Answer: Yes. However, opportunities will be hard won and the most successful people will be both the most resilient and determined.**

### Older Workers Return to the Labor Force

On 3/05/16, Rep. Dan Coats (R-Ind.), chairman of the Joint Economic Committee, said that although the economy is adding jobs, the latest jobs report "seems far better than it actually is." Congressman Coats noted that "Workers in their older years are returning to the workforce in greater numbers than prime-age workers, as the largest employment increase occurred among those 55 and older." He further added that the amount of long-term unemployed, defined as those looking for work for 27 weeks or longer, increased as a percentage of the unemployed in February, 2016.

The Bureau of Labor Statistics February, 2016 unemployment report stated 34,186,000 people, age 55 and older, were employed 4.27 percent (or 1.4 million) more than 32,786,000 that were employed in February 2015. Among people in their prime working years (ages 24-54), 97,736,000 were employed in February, 2016, 1.2 percent (or 1.16 million) more than the 96,572,000 employed in February 2015.

The number of long-term unemployed, those people who have been out of work for 27 weeks or longer, was 2,165,000 in February, the fourth consecutive monthly increase. In March, these individuals accounted for 27.7 percent of the unemployed.

### Employment Speed Bump at age 55

A 2012 Government Accounting Office report said unemployed workers 55 and older were the least likely to find another job. Employment counselor Sara Rix says surveys show that up to 80 percent of people think they will work in retirement. According to AARP the actual figure is 19 percent. Ms. Rix says, "What happens is people say they will keep working, but for various reasons,



including health, they don't keep working."

Those still able to work can face tremendous difficulties finding a new job. The elephant in the room is age discrimination. Senior Attorney Daniel Kohrman with AARP Foundation Litigation says, "We are struck by the data that show it takes an awful long time for older workers to find new employment after losing a job, over 40 weeks." Mr. Kohrman added, "part of the challenge is that there are a lot of stereotypes out there about older workers." One big reason people plan to work later in life, including in retirement, is that they have not saved enough for retirement.

Fifty-seven percent of retirees reported having less than \$25,000 in savings and investments, not counting their homes or traditional pensions. Twenty-eight percent said they have less than \$1,000. And because they are so unprepared financially, many forced into an early retirement are taking Social Security earlier than planned. That can cost them thousands of dollars over a lifetime. If you apply for benefits at 62, your benefit will be 25 percent less than had you waited until full retirement age.

Ms. Sara Rix the Employment consultant says, "If you are planning on working in retirement, having something lined up before you submit your papers to your employer is a good idea." Ms. Rix added, "Not only is it easier to keep a job than to find a job, it's easier to find a job if you have a job." It is very clear that the American economy has changed. And, for people over 55, there has been a seismic change in the employment landscape. But, if a person can retool their skills, there are always opportunities for the most resilient and determined.

*For more investment advice visit Edwin Stephens' web site at [www.policeone.com/columnists/Edwin-Stephens/](http://www.policeone.com/columnists/Edwin-Stephens/). Securities transactions through McClurg Capital Corporation. Member FINRA and SIPC.*

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## News from the Credit Union

By Al Casciato  
SFPD Retired

**Q:** I was recently informed that my SFPCU debit card would be reissued due to a data breach, and that I could use my existing PIN with my new card. However, I wasn't able to activate the new card with my existing PIN — can you explain? And why did my card need to be reissued?

**A:** Debit card fraud continues to escalate — in the past several months alone, we've received notifications from our debit card processor of at least four confirmed data breaches at major retailers, including one at Safeway stores in December 2015. We are informed if any of our members used their debit cards at the affected retailer, and we carefully monitor activity on these cards. Unlike a credit card where a fraudster makes unauthorized charges to the card, when a debit card is compromised, the result can be that a member's checking account is emptied in a very short time. This can present major problems for the member while the situation is sorted out (filing of loss affidavits, etc.), and creates secondary problems (such as bounced checks) as well. For this reason, we are highly sensitive regarding potential fraud on debit cards, and have taken a more proactive stance in terms of reissuing debit cards used at the hacked retailer than we do with credit cards. Because there was confirmed fraud identified on a number of cards used at Safeway, we made the decision to reissue all those cards.

Unfortunately, a file data encoding error affected members who had customized their PINs at a branch. We were alerted quickly to this problem, identified the cause, and contacted those members, letting them know that corrected PINs were being mailed to them. We deeply regret any inconvenience this caused to members.

Since then, we've tested and confirmed that our process for file data encoding is correct, which will prevent this issue from occurring again. For a longer term solution that will enhance member convenience, we'll use a new platform that will allow members to activate and customize their PINs by phone or at an ATM. While the date for having this in place isn't final, we anticipate launching it this summer. As a reminder, we will be reissuing all debit cards with EMV chip technology around the same time, which should significantly reduce the number of debit cards that can be compromised in future data breaches.

### Current Promotions:

**Special Visa Offer:** Starting April 1st, get 0% APR\* on purchases on a new SFPCU Platinum Visa for six months, plus balance transfers at 0% APR\*\* for six months. Members with existing SFPCU Platinum Visa credit cards will receive 0% APR for six months on balance transfers from April 1st through May 31st, 2016.\*\*

\*APR = Annual Percentage Rate. Promotional offer is valid on new cards opened after 3/31/16. Purchases and balance transfers must be made within 60 days of account opening to qualify for the promotional rate. After the introductory periods, the promotional rates will

return to standard purchase/balance transfer rate (Rate based upon Prime Rate + a Margin of 6-12%). All new applications are subject to terms, conditions and credit approval. Rates, fees and terms are subject to change at any time. \*\* Offer is only valid for balance transfers from existing credit card balances at other financial institutions. A Balance Transfer fee of 1% of the balance transferred (or \$5, whichever is greater) will be charged on balance transfers made during the promotional period.

### Upcoming Events:

**Shred Days are Coming!** SFPCU will be hosting our popular Shred Days this month at the following locations: Also, at the same time you can drop off clothing, shoes, socks, fabric accessories (such as hats, belts and backpacks) and linens (bedding, blankets, towels and drapes) into the bins of USAgain. USAgain collects unwanted clothing and textiles and distributes to places where there is a great need for these items, effectively diverting millions of pounds of waste from U.S. landfills.

- San Mateo branch: Friday, April 29, from Noon–3 pm
- Irving branch: Saturday, April 30, 9 a.m.–1 p.m.

### New Realtor Referral Program Available to SFPCU Members

The Credit Union is pleased to announce our new Realtor Referral Affinity Program in partnership with Century 21 Realty. When you purchase or sell a home with a participating Century 21 realtor, you'll receive 20% of the commission credited back to you at close of escrow—and active First Responders receive an additional 5% commission credit! For more information, go to [www.sfpcu.org/realtorreferral](http://www.sfpcu.org/realtorreferral).

### Give Us Your Feedback:

If you have feedback about any matter at the Credit Union, please send a note by going to [www.sfpcu.org/contact-form](http://www.sfpcu.org/contact-form). If you have a specific concern, the credit union encourages you to work with branch or call center staff who can answer questions and promptly resolve issues or escalate an issue to the appropriate department or individual for assistance. You can also post a message on SFPCU's Facebook page at <https://www.facebook.com/SFPoliceCreditUnion/>. Have something you'd like to see in this column? You can contact me at [alcasciato@stisia.com](mailto:alcasciato@stisia.com).

**Membership:** Credit Union membership is open to most first responders, selected support personnel, and their family members in the nine Bay Area counties. To see a full list of eligible membership criteria, visit [www.sfpcu.org](http://www.sfpcu.org). Growing the membership helps the CU provide the very best products and services.

*Al Casciato is a retired SFPD Captain, past POA President and Retirement Board President who was elected to the Credit Union Board of Directors in February of 2014. He currently serves as The Board Vice-Chairman and can be contacted at [alcasciato@stisia.com](mailto:alcasciato@stisia.com). Suggestion: Cut this Column out and tape inside the pantry door as reference for the entire household.*

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## Gala 21st Year Celebration

# Star Performers Investment Club Celebrates Its \$1,585,000 Portfolio

By Mike Hebel, Club Member

On March 3, 2016 the Star Performers Investment Club members met, with their spouses/partners, in the bakery museum room of the Boudin Bistro, located in San Francisco's Fisherman's Wharf historic district, to commemorate and applaud again achieving another milestone. Its portfolio has climbed to \$1,585,022 in value and the club, formed on August 29, 1995, is celebrating its 21<sup>th</sup> anniversary. It was a joyous prosperity dinner. The Boudin Bistro was a splendid location for this celebration with its million dollar views of the Wharf and Golden Gate Bridge.

The partners had celebrated their \$1,000,000 milestone in October 2013 at the Carmel Valley Ranch and their \$1,250,000 in April 2014 at the Water Bar restaurant near the foot of the Bay Bridge. Their \$1,500,000 was celebrated & toasted at the Boudin Bistro in March 2015. The partners looked forward to even greater advances with their president Mike Hebel, who had previously (April 2014) accurately forecast \$1.5 million by mid-2015, now sticking his neck out with a forecast of \$1,850,000 by December 2017 and \$2.0 million by December 31, 2019.

The 29 partners, mostly active and retired SFPD members, toasted each other for having the patience and endurance to remain together since August 1995. It was formed with the three "E's" as its foundation – education, entertainment, and enrichment – and over the years, this is exactly what the Club has done. It has diligently studied stocks and mutual funds, invested wisely – stayed the course – and celebrated, initially, each \$100,000 advance but now does so at each \$250,000 milestone.

### The Road to Success

Getting there was quite a trip. Like most clubs and individual investors, Star Performers saw its portfolio erode during the dot com crash of 2000–2002. Its portfolio reached an all time high (\$539,000) in August 2000; thereafter, it



painfully declined to \$309,000 by September of 2002. Then it began a steady climb to \$795,836 (October 2007) only again to retrace and retreat in the global financial crisis of 2008. By February 2009 the "great recession" of 2008 reduced the portfolio to \$384,330. But with patience and faith in the American economic system, the portfolio sprung back and registered \$800,639 in 2010. And thereafter rapidly hit \$1.0 million, \$1.25 million and \$1.5 million.

Star Performers meets the first Thursday of each month, 1pm, at Northern Station's community room. At its typical monthly meeting, the Club will review its equity portfolio, its partners' capital accounts, any significant events affecting its holdings, and the current condition of the US and global economies. Partners review and present reports on individual stocks and mutual funds — both those presently owned and those under consideration. Buy and sell decisions are then made.

The partners are already making plans for their \$2,000,000 celebration. A

very special gala (trip to the Hawaiian Islands, cruise to Alaska, or visits to either New York, London, or New Orleans) for its first \$2.0 million portfolio is under active consideration. The partners are committed to remain with the Club for the long term.

### Top Ten Holdings

Starbucks.....	9.8%
Home Depot .....	4.9 %
Visa .....	4.8%
Berkshire Hathaway .....	4.4 %
Biogen Idec.....	3.9%
Johnson & Johnson .....	3.8 %
Vanguard Health Care Fund ....	3.7 %
TJX .....	3.4 %
Facebook.....	3.1%
T. Rowe Price .....	2.9%
Essex Property Trust .....	2.7%

### Investment Process

The Star Performers Investment Club is affiliated with the Better Investing/National Association of Investors Corp. (NAIC) — a national educational organization of over 7,000 US investment clubs. The Club invests monthly (\$5,400/average), reinvests all dividends (now over \$28,000 annually), looks primarily for growth companies that are "best of the breed" while also paying dividends, and seeks a broad diversification of industries and company sizes. It has one mutual fund: Vanguard's specialized portfolio — health care (a health care sector fund).

The Club relies on Value Line, Standard and Poor's, TD Ameritrade (its discount broker) and Morning Star for its research. Also, members subscribe to *The Wall Street Journal*, *Barron's*, *Money Magazine*, *Kiplinger's Personal Finance Magazine*,

*Forbes*, *Fortune*, and the NAIC monthly publication *Better Investing*. Some are committed listeners to Ric Edelman & Greg O'Donnell (KSFO on Saturdays), Bob Brinker (Starship Money Talk, KSFO on Sundays) and viewers of Jim Cramer's "Mad Money" (daily on CNBC).

The Club is looking for companies with strong and growing revenues, earnings, cash flow and growing dividends. It is also concerned about price. At its investment best, Star Performers buys good to great companies at fair to good prices and holds them for long periods. It looks for companies with great management, demonstrable competitive advantage, and with favorable balance sheet characteristics (cash generation, return on shareholder equity).

The Club remains optimistic that the Dow Jones Industrial Average (DJI) will hit new continuing highs in 2016 and may very well again cross the 19,000 boundary by the 1st quarter of 2017; its all-time high of 18,312 was achieved in early-2015. It believes that the S&P 500 and NASDAQ will make strong and impressive mid-single digit gains in both 2016 and 2017 — with continuing record highs.

### Star Performers Investment Club's Officers

Mike Hebel, president  
Farrell Suslow, vice-president  
Dennis Meixner, treasurer  
Ray Shine, secretary

The club's partnership agreement allows for up to 30 members. Its 30th member will be inducted in April 2016. A waiting list is kept. If interested, please contact Mike Hebel ([mike@sfpoa.org](mailto:mike@sfpoa.org)) for more details.

## North Carolina Sheriff's Deputies Disciplined Over Trump Rally

March 18, 2016 — Five North Carolina Sheriff's deputies have been disciplined over their behavior at a rally for Republican U.S. presidential candidate Donald Trump where a white supporter sucker punched a black protester, officials said on Wednesday.

The Cumberland County Sheriff's Office said three deputies were demoted and suspended for five days each without pay for their unsatisfactory performance at last week's rally while the two others were suspended for three days.

"The actions of the deputies and their failures to act in situations such as that which occurred during the Trump rally at the Crown Coliseum have never been and will not ever be tolerated under the policies of this office," Sheriff Earl "Moose" Butler said.

Following the rally in Fayetteville, John McGraw, a 78-year-old white Trump supporter, was arrested on a misdemeanor assault charge after he was seen on video punching a 26-year-old black protester in the face.

Video of the incident recorded by

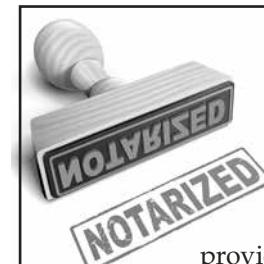
bystanders showed deputies pinning the assaulted protester to the ground, prompting social media criticism on why swift action was taken against him instead of his assailant.

All five of the deputies were admonished for their behavior and have been placed on probationary status for the next 12 months, the Sheriff's Office statement said.

Sheriff's officials on Monday decided against criminally charging Trump or his campaign with "inciting a riot" at the rally.

Trump has rejected suggestions that his language was to blame for recent clashes at his rallies. The 69-year-old New Yorker leads a field of three Republican candidates vying for the party's presidential nomination.

*From Reuters via The Huffington Post  
The post North Carolina Sheriff's Deputies Disciplined Over Trump Rally appeared first on Labor Relations Information System.*



### New SFPoa Member Benefit (Retired and Active)

By Martin Halloran, President

The San Francisco Police Officers Association now provides Free Notary Public Service to all members, active and retired.

This service is available Monday through Friday during normal business hours at 800 Bryant Street, 2nd Floor.

Just call Office Manager Cyndee Bates at 415-861-5060, or email her at [Cyndee@sfpoa.org](mailto:Cyndee@sfpoa.org) to schedule a Notary appointment.

# Book Reviews

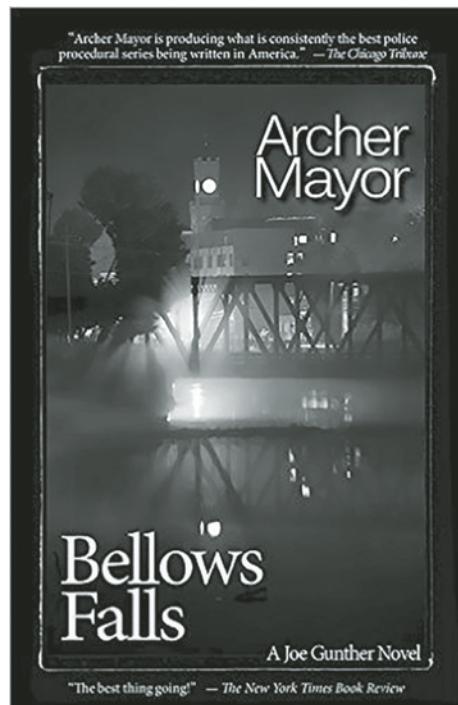
## Bellows Falls: A Joe Gunther Novel

By Archer Mayor  
Reviewed by Dennis Bianchi

Archer Mayor is the *New York Times* bestselling author of the 26-book police procedural series featuring detective Joe Gunther. He is a graduate of Yale University. In addition to his writing, Mayor is a death investigator for Vermont's Office of the Chief Medical Examiner, and a long-time detective for the Windham County Sheriff's Office. He is a past winner of the New England Independent Booksellers Association Award for Best Fiction, the first time a writer of crime literature has been so honored. He was cited for Excellence in the Arts by the State of Vermont.

Not since the police procedural novels of Ed McBain and his stories of the 87th Precinct have I read such realistic descriptions of how complex an investigation can become, and how good investigations rely upon not just one detective with a superlative instinct, but upon the teamwork many professionals bring to the different phases of police work. Mr. McBain's series ran to over 50 books, but Mr. Mayor is still writing and has thus far published 26 Joe Gunther novels. If you like this book, *Bellows Falls*, there are many more to choose from.

Lieutenant Joe Gunther works for the Battleboro Police Department in Vermont. Many of the stories in past books have taken place there, but the small town of Bellows Falls, an adjacent small community, calls for assistance in conducting an Internal Affairs investiga-

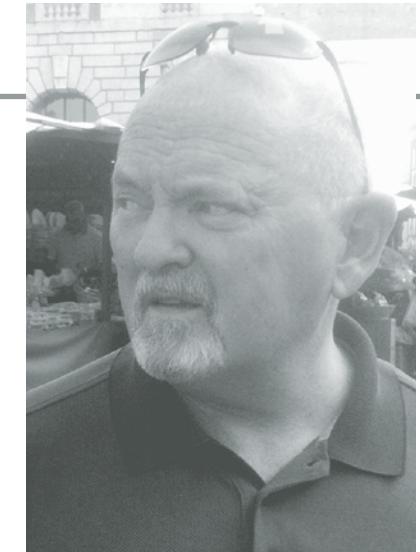


tion. The Chief of Bellows Falls, nearing the end of his career and not in a hurry to have anything spoil his fading years, asks Lt. Gunther to look into a sexual harassment complaint against one of his officers, an officer the chief is quite fond of. The case seems like it should be simple enough until Lt. Gunther meets the complainant, Jan Bouch, and her ex-convict husband, Norm. What starts out so simple quickly becomes complex and much more sinister than a mere harassment complaint: interstate transportation and sale of illegal drugs, child abuse, police corruption, problems with confidential informants

and murder. What separates Mr. Mayor's books from those crime novels centered in a large city such as Los Angeles, New York or San Francisco is the several small departments need to rely upon one another and the State of Vermont's State Police. The challenge of interagency cooperation and communication is always present, and not always smooth. Imagine the reluctance of an officer who works drugs in a neighboring city to give up the identity of a street source, especially a confidential informant (CI), to an Internal Affairs (IA) investigator from another agency, let alone introduce that CI into the IA's activity. The author's years of experience as a death investigator for Vermont's Medical Examiner's Office and as a working detective for a Vermont county serves him well when it comes to giving the reader a sense of being in the middle of this, but his ability to write some beautiful descriptions of Vermont sets him apart:

*"A trip from Bellows Falls to Burlington takes about two hours by Interstate. It also involves a sweeping natural tour of the state, from the low, rolling piedmont of eastern Vermont, across the dramatic, forested, fortress-like Green Mountains that form the spine of the state and give it its primary identity, to the glacier-carved Champlain Lowlands, from which Lake Champlain stretches, cold and turbulent, to the Adirondacks beyond."*

*Burlington is the state's sole metropolis, its largest conglomeration of arts, Medicine, education, and commerce, and in the previous century a major Freshwater port for*



*materials being shipped to and from nearby Canada...It has been accurately described as a junior Boston — erudite, stimulating, culturally rich and with Montreal a short drive away, truly cosmopolitan...It has an Old World feel to it...dominating it all, since the city tilts toward it, is the lake (Champlain) — mysterious, deep, and at its best of times, fairly ominous."*

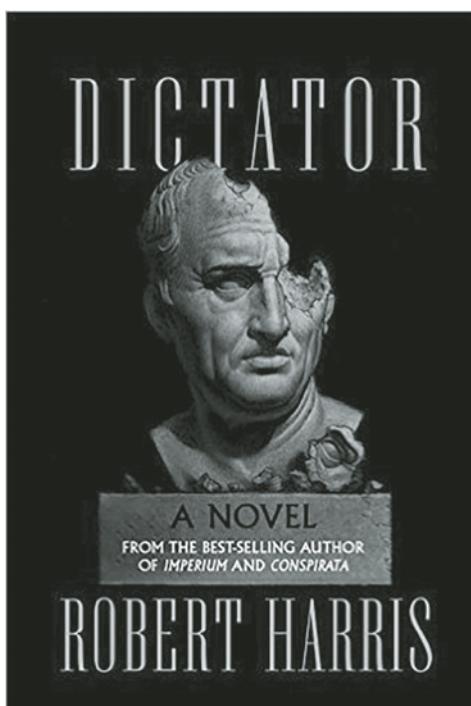
Clearly, the State of Vermont and its many small towns plays a huge part in this and other novels by Mr. Mayor. What must also be taken into account is the decaying of those towns as what sustained them for years is quickly disappearing, leaving enterprises like illegal drug sales as an attractive source of income to youth. The plot is properly executed, with surprises appearing that eventually make sense. What appears at first glance to be simple is only a hint of what is really happening. Mr. Mayor is not only a master of descriptive writing but he has created a clever mystery and a wonderful set of characters. I'm looking forward to another "Joe Gunther Novel" and I believe you will share my enthusiasm.

## Dictator

By Robert Harris  
Reviewed by Dennis Bianchi

Robert Dennis Harris is a successful English novelist who was born in Nottingham, England. He attended Selwyn College, Cambridge, where he was editor of the student newspaper. Before becoming a fiction author, Mr. Harris was a journalist and BBC television reporter. Among his many best-selling fiction books are: *Fatherland* (1992), *Enigma* (1995), *Pompeii* (2003), the book that began Mr. Harris's focus on ancient Rome, of which the book being reviewed here, *Dictator* (2015), is his most recent and the conclusion of Mr. Harris's trilogy of the Roman orator Cicero (the other two titles are *Imperium*, (2006) and *Conspirata* (2011). His novels have sold more than 10 million copies and translated into 30 languages.

I often read more than one book at a time. I don't have a defense or excuse. I simply like doing it and the list of whys most of you would find boring. In this case, however, I would like to mention one of the other books that I am reading as I read *Dictator*. The British historian, Mary Beard, has done something rare: written a history book that has made its way to the *New York Times* best-seller list. Titled *SPQR*, (*Senatus Populusque Romanus*, or, The Senate and People of Rome) it is a longish, yet concise history of Ancient Rome. The time span of Ms. Beard's book is from its mythologized beginnings in the middle of the 700s BCE until 212 CE, approximately 1,000 years. *Dictator* covers a span of approximately 63 BCE to 43 BCE, the years that Cicero's life was most tumultuous and has left its mark on not just his era but ours as well. What I found entertaining



and gratifying was to follow along with the novelist's fictionalized portrayal of the historian's carefully researched and documentation of the same sets of people, situations and facts. Rather than review Beard's huge, somewhat daunting tome, I thought the readers of The Journal would find reading about a small slice of that history, a time span that Mr. Harris has made come to life.

Although *Dictator* is the last of a trilogy it can be read as a stand-alone book with no problems. The protagonist may be Cicero, but two other men are of equal focus: Julius Caesar, for whom the book is titled, and Cicero's real-life secretary, Tiro. Tiro was not a fiction of Mr. Harris, but a slave of Cicero and many documents exist indicating that he was freed by Cicero and lived to an old age. He created a system of note taking

that allowed him to record a speech in the Roman Senate verbatim and some of his notations are in use today, such as the symbol "&," the abbreviations etc., NB, i.e., e.g. are still in use to this day. He left a multi volume life of Cicero but we know of its existence only in the writings of others who referred to it, as it disappeared along with the collapse of the Roman Empire. The novel uses, however, many original sources such as letters, descriptions of events and speeches. An example of such is Tiro quoting Cicero:

*"What is the soul? He asks in his Consolation. It is not moist or airy or fiery or compounded of the earth. There is nothing in these elements that accounts for the power of memory, mind or thought, that recalls the past, foresees the future or comprehends the present. Rather the soul must be counted as a fifth element — divine and therefore eternal."*

The novel begins in 58 BCE, five years after Cicero's masterful, but eventually damning, trial of the Roman Senator Cataline, who had attempted to overthrow the Roman Republic. Although Cicero was successful in stopping the coup, and had five conspirators condemned to death, with Cataline fleeing for his life, the incident provoked Julius Caesar, who argued that the five were put to death without a trial. Cicero had won a battle but was henceforth engaged in losing his war to keep Rome a Republic. What takes place over the next twenty years is what takes place in *Dictator*. The reader unfamiliar with the Roman history of that era might be surprised to learn of the bloody violence that occupied politics during that era. Bloodletting was often the answer to solving problems within the walls of Rome and certainly outside as generals

such as Julius Caesar, Mark Antony and Magnus Pompey extended the power of Rome to a fearsome extent. This novel handles the movement of Julius Caesar's crossing of The Rubicon as it must have seemed at the time: not at first earth-shattering but ultimately the act that propelled Caesar into the role of Dictator, or Emperor. It was but five years after that act, however, when Romans, fed up with his dictatorial manner, stabbed him to death. Approximately two years later, Cicero met his death. The political machinations, the power trips that took place that led to the murders of those two very famous and powerful Romans are the main themes of Harris's book. Cicero saw it all beforehand as to how and why it would happen:

*"Just as the purpose of a pilot is to ensure a smooth passage for his ship, and of a doctor to make his patient healthy, so the statesman's objective must be the happiness of his country. Not once has either Caesar or Pompey conceived of their role in that way. For them it is all a matter of their personal glory. And so it is with Cato. I tell you, the man is actually quite content simply to have been right, even though this is where his principles have led us — to this fragile vessel drifting alone in the moonlight along a foreign shore."*

By the way, the letters SPQR can be seen all over the city of Rome today. Many Romans, in good humor, have taken to giving it new meaning: *Sono Pazzi Questi Romani* (These Romans are crazy). But they're not as violent as those you will read about in *Dictator*, a fine conclusion to Mr. Harris's trilogy and an entertaining way to learn about Roman history and the people who made the Republic of Rome become The Roman Empire.

# 2016 Ironman/Ironwoman Competition

**Wednesday, May 11, 2016—850 Bryant (HOJ), Gym 5th Floor. 0900HRS**

Contact: Sgt. M. Anderson @Ingleside (415) 404-4041

Competition to be completed at the San Francisco police pistol range located at Lake Merced and Skyline Blvd. Awards luncheon to follow the competition.

**CLASSES OF COMPETITION:** A person may compete in several categories, Note: There may not be persons participating in each category and categories may be eliminated if no entrants.

**TEAM OPEN** (5 persons, either sex , from the same unit) **TEAM SENIOR** (5 persons, either sex, 40 and over, from the same unit)

1. **MIXED DOUBLES**  
(male/female, split the events. One does 2, partner does remaining 3)
2. **IRONMAN OPEN** (any age. All five events)
3. **IRONMAN SENIOR** (40 and over)
4. **IRONMAN MASTERS** (50 and over)
5. **IRONWOMAN OPEN** (any age. All five events)
6. **IRONWOMAN SENIOR** (40 and over)
7. **IRONMAN 200 LB. AND OVER OPEN** (Clydesdale) (any age, all five events)
8. **IRONMAN TWO MAN TEAM**. One does 2, partner does remaining 3)

**1st EVENT: BENCH PRESS 1000+ POINTS**

10 points per repetition to 100. The bar must touch the chest and be raised to full arm extension. The weight lifted will be 100 pounds for men and 60 pounds for women. Three, five second pauses in the lockout position will be permitted; or

Ironman competitor may choose to lift 225 pounds, 40 points per repetition.

Max points=25 reps x 40 points=1000 points. The bar must touch the chest and be raised to full arm extension

**2nd EVENT: PULL-UPS 1000+ POINTS** (WOMEN HAVE THE OPTION OF DOING THE BAR HANG OR PULL-UPS – 1000+POINTS). 20 pts. per pull-up to 49. A pull-up consists of a participant gripping the bar with the hands facing outward at shoulder width; feet shall be together; arms extended fully; the body will rise until the chin is touching the bar; the body will then descend and the arms will lock out, feet shall not touch the floor. (Kipping is allowed) Women: hang from the bar, with hands facing outward; 3 points per second. Last year several women did pull-ups, max reps 40 reps for 1000 points, 25 points per rep (TENTATIVE SCORING).

**3rd EVENT: SIT-UPS 1000+ POINTS**

5 points per sit-up in a 3 minute period. A sit-up consists of lying supine, legs bent, hands touching behind the head. Raise body and touch both elbows to both knees then lower body until back touches the mat.

**4TH EVENT: PISTOL SHOOT 1000 POINTS**

From the 50 yard line; 20 shots (10 right handed and 10 left-handed). The participant may use the barricade for support. Department issued handguns only (.40 cal Sig Sauer). 10 minute time limit for all 20 rounds.

**5th EVENT: 4.7 MILE LAKE MERCED RACE 1000+POINTS**

Start/Finish at the Lake Merced Range parking lot. 27 minutes- 1 000 points. Subtract 1 point for each second over 27 minutes for men and 30 minutes for women.

## 2016 Ironman/Ironwoman Entry Form

Name: \_\_\_\_\_ Unit/Agency: \_\_\_\_\_

Class(es) Competing in: \_\_\_\_\_

Team Name, if applicable: \_\_\_\_\_

Team Members \_\_\_\_\_ Event \_\_\_\_\_ T-Shirt Size \_\_\_\_\_

1. \_\_\_\_\_ 2. \_\_\_\_\_

3. \_\_\_\_\_ 4. \_\_\_\_\_

5. \_\_\_\_\_

Entry fees: \$20.00 per participant regardless of number of categories. (This includes your 2016 ironman t-shirt, catered lunch, and awards.)

Make checks payable to Ingleside Floral Fund.

Please complete the above information and send it to Sgt. Malcolm Anderson at Ingleside station. For additional information, contact Sgt. Anderson wk (415) 404-4041.

## Word Search

Created by Officer Michelangelo Apodaca,  
Airport Bureau

Enjoy this relaxing and fun-to-solve puzzle! If you've never solved a puzzle like these before, it's a good idea to read this before you begin.

Each puzzle has a grid of letters that conceals words reading in different directions — forward, backward, up, down, or diagonally — but always in a straight line. The words, abbreviations, or phrases one must find and circle are listed below the grid in capital letters. That's all you need to know before you sharpen your pencil and begin your search!

Find various words for the month of April.

APRIL	FLOWERS	RAIN
ARBOR	PLANTING	ROBIN
BASEBALL	SPRING	SEASON
BIRDS	BREEZE	SPROUT
BLOOM	GROW	TULIP
DAISY	LIFE	WEATHER
DIAMOND	NEST	



We're sorry, but we ran out of space! No Classified Ads in this issue.

# PAL Corner

Captain Raymond White  
PAL Scholarship

In 1959, Ray White suggested to the police officers' association that they start a Police Athletic League like the one in New York, they promptly told him, "Okay, you're the chairman," and so it began.

He died December 20, 2015, and a celebration of his life was held on January 16, 2016, he left behind the legacy of the San Francisco Police Activities League. To honor captain White, we have named the newly established Police Activities League scholarship after him, and we will continue his legacy.

Captain Ray White served the citizens of San Francisco for 33 years and retired in 1980.

Ray's goal was to create a bond between the city's youth and the police, the very basic philosophy of community policing that continues to make a difference today.

In Ray's obituary, the generous White family asked that donations be made to the Police Activities League in honor of their father. The White family continues to show the generosity that their father is remembered for and showed to the youth and citizens of San Francisco.

The Police Activities League has initiated and would like to offer the annual 'Captain Raymond White PAL Scholarship' to a PAL cadet in good standing that is a senior in high school, and going on to college. Each applying cadet will be asked to write an essay



up to five hundred words on a given topic, and a review team made up of board members will be asked to rate the essays and determine the winner of a \$1,000 scholarship each year. The PAL supervising officer will redact the essays to make sure that no cadet identifying information is included, and forward them to the evaluating board members.

The PAL board members will decide on the annual essay topic, this first year's essay will be titled "What Difference has One Person Made in Your Life as a PAL Cadet?"

In other PAL news, cadets are gearing up for their annual Ocean Beach cleanup, which is scheduled for April 23 at 10 am. Feel free to stop by and lend a hand. We'll be meeting at Stairway 17, Great Highway and Fulton Streets.

In association with San Francisco Recreation & Parks, SFPAL is sponsoring "The Kids' Games" track and field event for kids aged 8-13 on Sunday, May 22 at Kezar Stadium. For registration information visit [sfreconline.org](http://sfreconline.org).

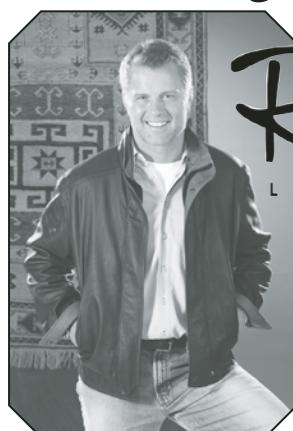
Preparations for SFPAL's annual golf tournament are well underway for the June 2 event at Sharp Park Golf Course in Pacifica. For information on how to register call 1-415-401-4666 or visit the SFPAL office, 350 Amber Drive, Room 203.

## Support the SF PAL

Visit this informative web site:

[www.sfpal.org](http://www.sfpal.org)

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Dear Golfer,

Detachment #686 invites you to attend the Annual Marine Corps League Golf Tournament hosted at the Oakmont West Golf Course in Santa Rosa on Sunday, 29 May 2016. This popular Ted Robinson designed 6,300 yard, 18-hole, par 72 course is one of the most enjoyable courses in all of Sonoma County.

Your local Marine Corps League needs your help in order to raise funds for its charitable efforts. Each year the local detachment fulfills its mission of "Marines Helping Other Marines" by providing academic college scholarships and lap top computers for our former Marine and FMF Corpsmen who wish to further their education and employment opportunities. We also support the "Bergin University for Canine Studies" of Rohnert Park, CA, which provides highly valued and specially trained comfort dogs which assist our Marine warriors suffering from the effects of traumatic brain injuries or PTSD. In addition, the detachment provides much needed aid relief for Marine families suffering temporary financial setbacks.

Sincerely, James Jones Charity Golf Tournament Committee  
Tournament & Event Chairman Vern Harmier, Marketing Coordinator  
Daniel Mercado, Registration Coordinator; Cindy Love, Event Coordinator;  
Ted Draper, Volunteer Coordinator; Joan Acquistapace, Luncheon Coordinator



## Marine Corps League Detachment #686, Santa Rosa, California Annual Charity Golf Tournament Memorial Day Weekend Sunday, May 29, 2016 Oakmont West GC - Santa Rosa

**\$100.00 Per Player**

Entry Fee Includes: Green Fees, 1/2 Cart, Souvenir, Lunch and

Prizes for Multi-Flight Low Nets (Individual Stroke Play),

Prizes for Additional Charitable Contributions Include:

Closest to the Pin Contest, Hole-In-One Contest

Longest Drive Contest (Men and Women),

Charity Activities Include: Silent Auctions, Raffles,

Sponsorships & Donations

Mission: Marines Supporting Marines

Contact: James Jones, phone: (707) 539-2027 - email: [j\\_rjones@att.net](mailto:j_rjones@att.net)

### Marine Corps League, Detachment #686

#### May 29, 2016 Golf Tournament Entry Form

Oakmont West Golf Course, 7025 Oakmont Drive, Santa Rosa

6:45 am to 7:30 am — Check-In, Driving Range and Putting Warm-up

7:30 am to 7:45 am — Tournament Announcements

7:45 am to 8:00 am — Travel to Starting Hole Assignment

8:00 am — Shotgun Start

1:00 pm to 3:00 pm — Lunch & Awards Ceremony (Follows Golf)

**ENTRY DEADLINE: SUNDAY, MAY 22, 2016 COST PER PLAYER: \$100.00**

#### Entry Information:

Mr. [ ] Ms. [ ] \_\_\_\_\_ (First Name) (MI) (Last Name)

(Street Address) (City) (State) (Zip Code)

(Home Phone Number) (Cell Phone Number)

(Email Address)

(Verifiable GHIN Number) NCGA [ ] , PGA [ ] or Other [ ] (Please Specify)

#### Special Handling:

[ ] I Wish to participate in the Marine Corps League #686 2016 Golf Tournament with the following players

Note the Following:

(1) Each player must fill out a Tournament Entry Form;

(2) All Team Entry Forms & Total Team Payments must be submitted together & mailed in the same envelope. Please submit with sufficient postage.

(Team Member #1 Full Name, Applicant Above) (Team Member #1 GHIN No.)

(Team Member #2 Full Name) (Team Member #2 GHIN No.)

(Team Member #3 Full Name) (Team Member #3 GHIN No.)

(Team Member #4 - Full Name) (Team Member #4 GHIN No.)

#### Payment and Mailing Information:

Please Make Checks Payable to: MARINE CORPS LEAGUE #686 GOLF

Please Mail This Form and Check to: Daniel Mercado

4169 Lakeside Road, Glen Ellen, CA 95442, (707)-536-7860

Please Note: Payment by CHECK ONLY. CASH or CREDIT CARD PAYMENT WILL NOT BE ACCEPTED.

Cancellations 30 days prior to Tournament will receive full refund (minus \$10.00 processing fee).

Cancellations 15 days prior to Tournament will receive 50% refund (minus \$10.00 processing fee).

Cancellations less than 15 days prior to Tournament will not receive a refund.

# Sports

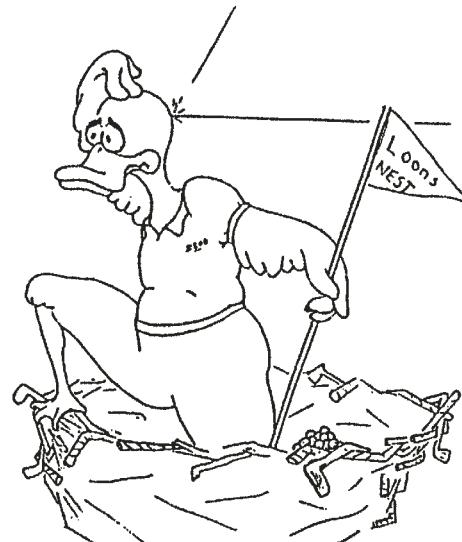


## The Loons Nest Report

By Ed Garcia, SFPD Retired

### Hawes & Huegle Victorious in Season Opener

Peacock Gap Golf Club in San Rafael played host to the Loons Nest season opener on February 18th. Twenty-seven, two-man teams teed off under sunny skies, heading out onto a damp course that had been hit with heavy rains in the previous night. A shotgun start at 0900 hrs was followed by the first rain shower of the day at 0905 hrs.



Through the course of the day the Loons played through periods of sun, drizzle, showers, thunder and strong winds barreling through Peacock Gap. The course was in improved shape from our last visit in summer of 2015 and the greens were much improved.

Play on the opening nine holes saw the team of Ray Jeung and William Wong leading the pack with a two-man net score of 29. Jeung's natural birdie on the third hole was a big factor. Four teams followed a stroke behind the leaders with a net score of 30 on the side. Those teams were Mike Flynn & Jim O'Shea, Dan Faulkner & Doug Finigan, Mike Siebert & Dean Taylor, and Armando Chang & Ken Lum.

Hovering close to the leaders in third place with a score of 31 were the teams of Warren Hawes & Bob Huegle and the team of John Torrise and Eric Valentini. Sitting in fourth place at 32 strokes were Ed Anzore & Rob Vernengo, Jim Drago & Gary Delagnes, as well as Bill Coggan and John Flanery.

The Hawes & Huegle team caught fire on the back nine holes, as Warren Hawes posted natural birdies on the 12th & 18th holes for net eagles!!! The Hawes & Huegle team posted a net team score of 28 strokes on the back nine holes. They finished with a total net score of 59, the only team to break 60.

The team of Ed Garcia & Tom Hanacek made a strong run on the back nine with a score of 30, but it was too little too late. The teams of Flynn & O'Shea, Jeung & Wong, and Coggan & Flanery all posted scores of 32 on the back nine.

As the dust settled, the team of Hawes & Huegle had first place by two strokes over Jeung & Wong. Third place went to Flynn & O'Shea with a score of 62. Chang & Lum took fourth place with a score of 63. The teams of Coggan & Flanery and Siebert & Taylor tied for fifth place at 64 strokes.

The Long Drive winner was Rob Vernengo with a drive of 267 yards. Rob has won three of the last six long

### Loons Nest Scoreboard Two Man, Best Ball Net Scores

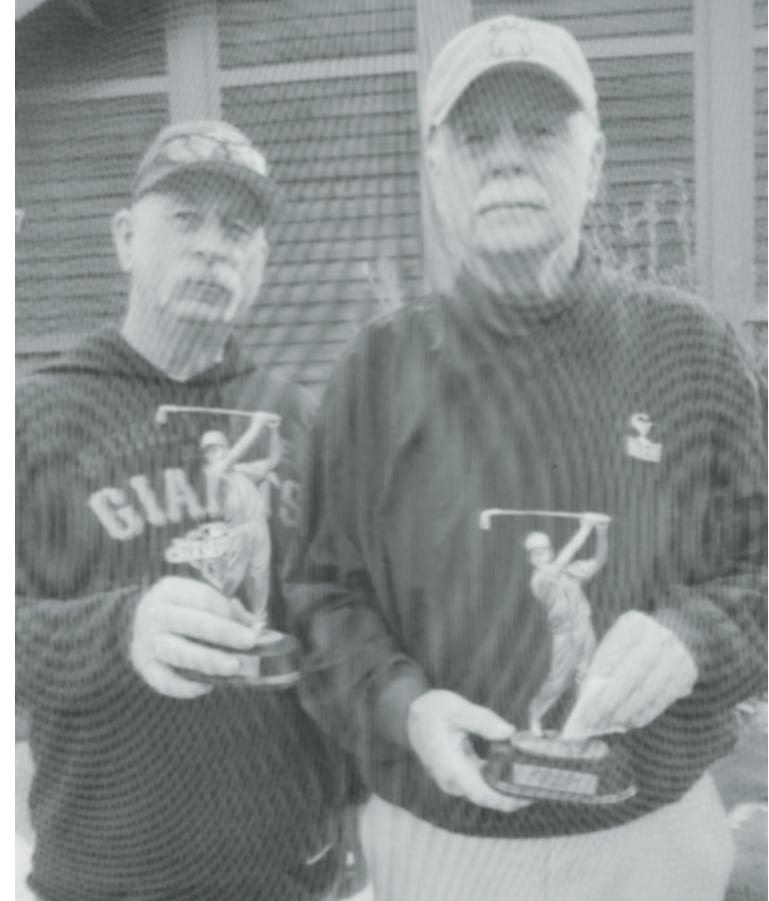
Hawes-Huegle	59
Jeung-Wong, W.	61
Flynn-O'Shea	62
Chang-Lum	63
Coggan-Flanery	64
Siebert-Taylor, D.	64
Anzore-Vernengo	65
Brophy-Morimoto	66
Garcia-Hanacek	66
Crenshaw-McCann	66
Sheehan-Porto	66
Boyett-Porto	66
Ahern-Byrne	67
Faulkner-Finigan, D.	67
Drago-Delagnes	67
Andrews-Sharron	68
Torrise-Valentini	68
Dito-Sorgie	69
Wismer-Williams	69
Lee-Wong, J.	69
Landi-Wyman	69
Balestreri-Finigan, J.	71
Kilgariff-Roche	73
Panina-Tapang	73

### Long Drive Winner Rob Vernengo 271 yards

### Close to Hole Winners

Hole #3		
1st	Kilgariff	6 inches
2nd	Faulkner	11'9"
Hole #6		
1st	Hawes	3'11"
2nd	Porto	7'10"
Hole #10		
1st	Byrne	3'4"
2nd	Sharron	6'5"
Hole #16		
1st	Finigan, J.	3'11"
2nd	Anzore	10'3"

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Hawes and Heugle, Team Champions

drive contests as the Mission Station powerhouse continues his awesome display of explosive power and accuracy.

Close to the Hole action saw many excellent shots in the course of the day, but Marty Kilgariff gave everyone a thrill on the 3rd hole. Marty's shot stopped 6 inches from the hole on a 155 yard long tough par three. Bob Byrne put one within 3' 4" on the 10th hole. Warren Hawes stopped one 3' 11" on the 6th hole and Joe Finigan matched that with a

shot of 3' 11" on the 16th hole.

The Loons all managed to stay relatively dry on the day, but the blustering winds and continually changing conditions made for a long day on the course. Our next event will be the Spring Championship at Monterey on April 13th & 14th. We will make our first visit to Nicklaus Club (formerly Pasadera Country Club) and the recently renovated Quail Lodge in Carmel Valley. Hope to see as many Loons as possible in Monterey.

2016

**SFPAL ANNUAL GOLF TOURNAMENT JUNE 2, NOON 1-415-401-4666**

**SHARP PARK GOLF COURSE**





# Sports



By Nick Shihadeh,  
Journal Sports Editor

## Bocce Ball North Beach Style

**CHECK IT OUT:** On Sunday February 28th, the first annual North Beach Bocce Tournament took place at Joe DiMaggio Playground to raise money for the SFPD Seals Softball Team that represents the department well when they go to tournaments in Northern California and Nevada throughout the year. It was put on by **Kevin Worrell** of Central Station and it was a great success.

Eight teams of 4 or 5 members each participated, and those teams included: the H-Hammers run by **Rick Schiff Jr.**, the Seven-Four Crew run by **Zack McAuliff**, Team Shihadeh/Malliaras run by **Bobby "Hammerhead" Malliaras**, the A42s run by Worrell, the Stu-Nads run by **Dominic Busalacchi**, W's Balls run by **Brandon Williams**, Docs High Rollers run by **Dennis "Doc" O'Connor**, and Team Café Trieste run by owner **Faddy Zoubi**. It was a double elimination tournament that took pretty much the whole day to complete. The winners would end up being the Hammers with Schiff and his crew of **Carson McKenzie, Cullen Roche, Tim Brophy, and Doug Finnigan** taking all the glory and the bragging rights.

Thanks goes to Café Trieste on Columbus Street (**Faddy and Ida**) who provided coffee and pastries in the morning, Piccolo Forno on Columbus St as well for providing lunch, to Larocca's Corner on Columbus Street (**Mike Roddy**) for being open on a Sunday, and to Gino and Carlo on Green St for providing dinner. The SF Rec and Park were gracious toward the cause as well, and of course Worrell should be thanked for running a successful event in the middle

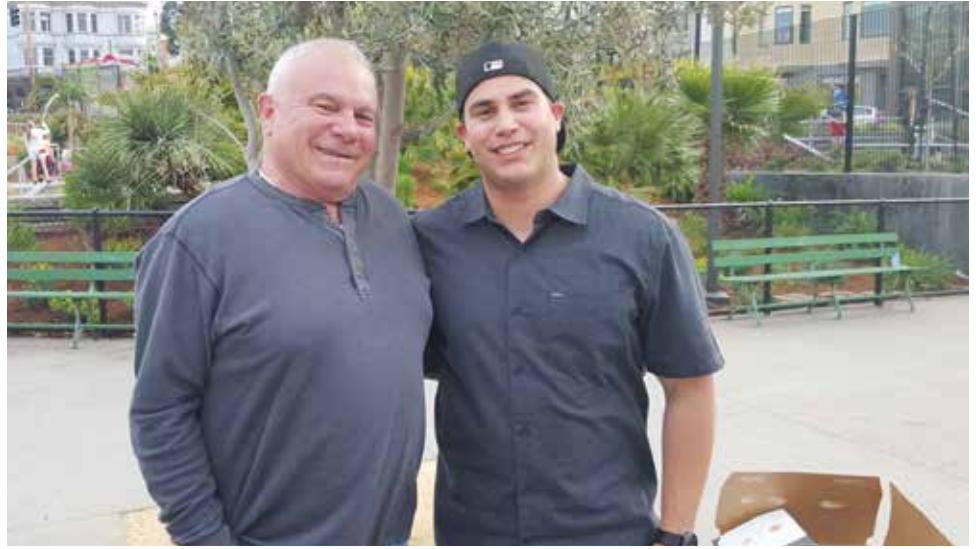


of beautiful North Beach on a great day in The City.

That's all for now....stay well and safe and So See Ya next month...



The view from Joe DiMaggio Playground



Mike "Pooch" Pucinelli (retired Commander) with his son James



Team Shihadeh/Malliaras (L to R Sue, Nick, Karen and Bobby)



How many cops does it take to measure the distance from a bocce ball?



Pete Busalacchi (retired 4B) with his son Dom



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# Mission Diablos Win It All!

By Steve Coleman

On March 3rd, the Mission Diablos beat the Central Diners 46-43 to win their first SFPOA basketball championship in years. The Diablos finished the season with a perfect record of 11-0, becoming only the third team in the past sixteen years to finish with an undefeated record. For the Diners, they lost in the championship game for the second year in-a-row.

The Mission Diablos high octane offense averaged over seventy points a game this season, scoring a league high 104 points in week seven; thus, they entered the championship game as heavy favorites. With that, there was heavy pressure to win their first basketball championship in ages. It's not easy making it to a championship game, and it's important to capitalize on your opportunities because no one knows when the next opportunity will come.

Central jumped out to a quick start, taking an early 9-2 lead. The Diners played a tight «man-to-man» defense, and the Diablos barely had room to breathe. The tight defense affected Mission's offensive rhythm, and the frustration was apparent on their faces. Central veterans Mikey Costello, Ryan Jones, Quoc Do, Kevin Murray, and Derek Christianson led the early charge along with rookie Pierre Battle. The noisy crowd, along with the rare opportunity to win a championship, added to the intensity and electricity that was flowing through the gym.

Battle and fellow rookie sensation Ronnie Freeman from the Diablos engaged in a heated individual matchup. The two chased each other all over the gym, tried to get defensive stops, and took pride trying to push their teams over the top. The matchup between Battle and Freeman entertained the crowd. Battle led Central to a 24-19 half-time lead, as Mission looked confused on offense. Mission would start the second half strong though, with guards Pat Cummins and Freeman taking charge. The pair hit three pointers and drove to

the basket, putting pressure on Central. Brett Sullivan and Danny Burns gobbled up rebound after rebound.

With seven minutes remaining in the game and Central up six points, former league MVP Mikey Costello left the game with a serious leg injury. This is the second straight year a player from Central suffered an injury in the championship game. For the most part, players in the league stay healthy during the season but this was a big set back for the Diners. It was hard for the Diners to have Costello leave the game as he epitomizes and embodies what our league is all about. Mikey loves being out there on the court with his teammates, loves to compete, and makes true friendships with opponents/co-workers. Mikey stays humble and is a great person to be around—he stayed with his team on the sideline until the end rooting them on and even standing in the team picture despite having trouble even doing that!

The Diablos slowly and methodically took the game over, breaking the Diners down. Freeman and the Diablos took control of the game, and held a three point advantage 46-43 with ten seconds remaining. Central forced a turnover, and would have a final chance to tie the game with only .9 seconds on the clock. The entire crowd which consisted of friends, family, co-workers, Park & Rec employees, and on-lookers rose to their feet to watch the final second of the game. I-phones were raised by people ready to record this play, as the ball was to be inbounded on the right side of the court, between the half court line and top of the key. After Referee Racer handed Kevin Murray the ball, Battle, Christenson, and Jones ran in his direction towards the ball. Murray gave a ball fake towards those three, while Do drifted away and to the other side of the court. Mission's defense bit on the Diners in bound strategy, and the defenders ran towards the ball fake. Seeing this, Murray quickly lofted a pass across the entire court to longtime teammate Quoc Do. The ball barely made it over the



The Champs — McKenzie, Roche, Brophy, Finigan and Schiff

outstretched arms of Pat Cummins by inches and landed in Do's hands. Quoc launched a desperation three point shot to tie the game with Cummins closing in quick, and the shot barely rimmed out.

The Diablos celebrated their first basketball championship in years. Mission coach Craig Tiffe was very proud of his team. Tiffe has run the Mission basketball team for years and has been dedicated to his team and the league. Craig is another guy who embodies what our league is all about, and I was happy to see him win his first championship. Craig told me, "It was an unbelievable season with a terrific group of guys! Not only is it so much fun to play with these guys, but fun to watch too." Congratulations to the Mission Diablo players: Brett Sullivan, Danny Burns, Justin Rice, Ronnie Freeman, Pat Cummins, Anthony Sharon, Dennis "Doc" O'Connor, Almer Manrique, and Coach Craig Tiffe.

The basketball banquet is usually held the night of the championship game, but it was postponed so we could attend the emergency POA meeting at the Irish Cultural Center. The banquet is being held the second week of April, when the winners of the MVP, Rookie of the Year, the Longevity, and First Team All SFPD Awards will be honored. This season has been a special one. It was great to see so many new faces of course along with the old ones. I know people are already starting to talk



Champions Mission Diablos



Runner Up Central Diners



# Close Encounters

There is no question that both residents of The City as well as our much-valued visitors are suffering greatly from the outrageous increase in auto burglaries. So when **Officer Jose Mora** and **Officer Ruben Augirre** of Taraval Station attended their midnight line-up they paid particular attention to the auto and suspects detailed in a Crime Bulletin as possibly being responsible for a great number of these offenses in the Sunset District. It was only 4 hours later when the officers located and stopped this particular vehicle with 2 on board. Even though they did not have enough justification to make the arrest at this time, they did uncover invaluable information that other investigators needed to prepare an arrest warrant. Now it's only a matter of time...

It's early afternoon when a person is accosted and stabbed numerous times by an assailant on the 400 block of Powell. The victim barely survives the ride to the hospital. There was sufficient video and eyewitness reports to make at least a partial identification of the suspect responsible. 5 hours later, **Lieutenant Sam Christ** and **Sergeant Patrick Zapponi**, Central Station, managed to track the wanted suspect down with their many years of experience and took him into custody. The arrestee still had the weapon with him and was subsequently booked for attempted murder.

Also in the Central District a valet employee was robbed of his cell phone by a woman armed with a stabbing instrument. He tried to recover his property but thought better of it when the suspect came after him. A few minutes later the victim flagged down **Officer Randy Tiffany** and **Officer Taylor Sherman** and gave them a description of the armed robbery suspect. It didn't take long before Randy and Taylor located the individual responsible, standing in the middle of the street waving the weapon in the air warding off invisible demons. The officers were able to take this individual, who was already on felony probation for other thefts, into custody and recovered the victim's phone as well.

The officers were responding to a call of a person armed with a gun when they saw an individual on the 2500 block of San Bruno Avenue who matched the

description. He disappeared temporarily into a residential unit so **Officer Eric Eastlund**, **Officer Christopher Leong**, **Officer Patrick Faye**, **Officer Paul Wilgus**, and **Officer Louis Hargreaves** had a little more investigating to do until they located the suspect's exact location. Turned out the individual involved was a known gang affiliate who had a search condition as a result of his probation. The officers contacted the suspect and subsequently located a **40 caliber semi-automatic weapon which he was not supposed to have in his possession due to a prior conviction of assault with a deadly weapon...**

The woman who admitted she was violently assaulted by her children's father was still openly terrified of the suspect when she approached **Officer Michael Beaird** and **Officer Curran Gong** and told them what had happened. Upon further investigation, the officers identified the suspect as being one of the top "firearm offenders" in the Bayview District. He also had a prior felony conviction for aggravated assault with a gun. The officers, along with **Sergeant Eric Lau**, **Sergeant Kevin Murray**, **Officer Kyle Thomas** and **Officer Colin Patino**, then responded to the suspect's residence and located him outside. A further investigation was conducted including the obtaining of a search warrant for the suspect's home. Inside the officers found evidence of a burglary that had recently occurred in the Taraval District for which the suspect was charged along with a number of felony domestic violence offenses.

**Officer Jonathon Lucchetti**, **Officer Michael Gerchow**, **Officer Leo Bernstein**, and **Officer Rufino Velasquez** were conducting a Muni fare inspection patrol on the 3rd Street line and encountered 2 individuals who needed to be cited for failing to pay their fare. The one individual cooperated fully but the other tried to take off in a sprint from the Muni platform where he was detained. The officers managed to wrestle this subject to the ground and take him into custody. They later found out that he was wanted on a felony warrant out of Eureka, California with bail set in the 6 figure amount for possession of explosives and shooting up a house.

Next time he'll pay the fare...

## Tim Jones Go Fund Me

To: All Members

Active POA member Derek Brown has close connections with members of the Park Forest Police Department. This is a small agency in the suburbs of Chicago. On March 19, 2016 PFPD Officer Tim Jones was tragically shot multiple times in an incident and he is now in the hospital fighting for his life. The Park Forest Police Department has established a GoFundMe account <https://www.gofundme.com/timstrong> for Officer Jones and his family. Please click on the link to read the full story and consider making a donation, of any amount, to Officer Jones.

On behalf of the Park Forest Police Department and the family of Officer Tim Jones, the POA offers its sincere thanks for your generosity.

Martin Halloran, SFPOA President



It's late afternoon and SFPD Dispatch receives a call from an individual on the unit block of Turk Street who said he just stabbed himself and did not want to live. The Dispatcher relayed this information to **Officer Michael Ross** and **Officer Carlos Castro** working the Tenderloin Task Force. When the officers got to the caller's apartment the suicidal subject was standing naked in the doorway completely covered in his own blood. He had self-inflicted wounds to his jugular vein, trachea, and numerous stab wounds to his chest. Officers Ross and Castro managed to have the subject lay down so they could start first aid, applying pressure to as many of the open cuts as possible when he suddenly became combative. Now the officers were forced to wrestle with the man they were trying to save all within a narrow hallway that was covered in blood. Officer Ross eventually had to relinquish control of the bleeding from the trachea and jugular so that paramedics on the scene could replace the pressure he was maintaining with larger dressings at which time a separate stream of blood shot out from both points of the incisions made. The injured man was rushed to SFGH where the treating physicians said that he had sliced 86% of his trachea and had to have a massive blood transfusion in the operating room to save his life.

**All of the doctors involved in his emergency treatment stated that the only reason the patient was still alive was because of the life-saving measures Officer Ross and Officer Castro had taken.**

The 2 individuals setting off fireworks on a late night at Broadway and Columbus were also drinking from open alcoholic containers. **Officer Nathalie Peraza** and **Officer Justin Leach** decided to end the unauthorized celebration. The officers approached the pair and while one of the subjects stood his ground, the other ran away. The officers gave chase to the individual who obviously didn't want to be part of any police contact. He was subsequently detained and it was soon apparent why he decided to try and leave. He was armed with a fully-loaded

9mm Glock semi-automatic weapon with access to an extended clip with 30 more rounds all hidden under the loose sweatshirt he was wearing.

**The actions Officer Nathalie Peraza and Officer Justin Leach took while making this arrest placed them in harm's way more than they knew. They had no idea at the time that the person they were dealing with was a felon convicted of serious crimes against others in both San Francisco and Sacramento. And they had no clue that he was carrying a loaded, 9mm Glock semi-automatic weapon with an extended magazine carrying 30 rounds at his disposal! But, unfortunately, that's the nature of this job. Every turn around a corner can be a whole new adventure, sometimes rewarding and sometimes not.**

In 1991, this exact same scenario cost Los Angeles Police Officer Tina Kerbrat her life. Officer Kerbrat was only 4 months out of the police academy when she and her partner stopped to cite 2 individuals with open alcoholic containers. Officer Kerbrat was shot and killed the minute she stepped out of her police vehicle. She had absolutely no chance to defend herself. The suspect was shot by her partner and died. Officer Kerbrat's husband was a Los Angeles Firefighter and they had 2 children at the time. A 3-year old daughter and a 6-year old son. Over 4,000 public safety officers attended her memorial. Archbishop Roger Mahony, who presided over the Requiem Mass for Officer Kerbrat, stated that, "We as a community have not done what is necessary to make our streets, our neighborhoods, our homes and our children safe. And until we do this for you," he said to the officers present, "we must bow our heads in shame and ask for your forgiveness."

Rest in peace Officer Kerbrat — The San Francisco Police Officers' Association was honored to make this your **Time of Remembrance**.

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SAN JOSE POLICE DEPARTMENT - EOW: MARCH 24, 2015

**OFFICER DAVID J. NELSON**  
BAKERSFIELD POLICE DEPARTMENT - EOW: JUNE 26, 2015

**SERGEANT SCOTT P. LUNGER**  
HAYWARD POLICE DEPARTMENT - EOW: JULY 22, 2015

**OFFICER BRYCE E. HANES**  
SAN BERNARDINO POLICE DEPARTMENT - EOW: NOVEMBER 5, 2015

**Enrolled From Prior Years**

**OFFICER WILLIAM H. WAGGONER**  
LONG BEACH POLICE DEPARTMENT - EOW: DECEMBER 18, 1954

PLEASE JOIN US AS WE HONOR THE FALLEN

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Enrollment Ceremony - Monday, May 2, 2016 at 10:30am

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