

September 17, 2018

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San Francisco Police Commission,

On 9/12/2018 I found offensive the manner in which City Attorney staff interacted with Commissioner DeJesus during Chief Scott's report. City Attorney staff was resolute in the assertion that Commissioner DeJesus was engaging in an unauthorized discussion. Commissioner DeJesus disputed this and inquired as to the standard City Attorney staff was applying such to conclude the interaction was an unauthorized discussion. City Attorney staff noted comments are allowed, but discussions are not. City Attorney staff was unable to explain the standard in a manner which did not appear self-contradictory. She did note that a 30 minute discussion on any non-agendized matter violates the notice rule. Words spoken by City Attorney staff appears in italic font, and include timestamp corresponding to published online video.

31:25 "Just to remind the commission, we're only allowed to talk about items that have been on the agenda that give sufficient notice to the public that this item will be discussed in depth."

Please explain what it means to "talk about items". Is it possible for a commissioner to comment orally on a topic without talking about it? If so, can you provide an example of such? Has City Attorney staff ever had a comment published for a law review journal? If so, how extensive were these comments?

32:30 "Even that level of discussion should have been placed properly on the agenda as well."

This statement confuses me. City Attorney staff has already established that discussion must be agendized, but comments need not be. Is it the case that un-agendized discussions are allowed, just not at this level? If a discussion did reach this verboten level, does the City Attorney, or any person/body, have some duty to document or notify or take any action regarding the violation? If so, was this action undertaken as required?

33:00 "This conversation has gone to a discussion."

Please define discussion. What are the relevant facts and circumstances? It appears to me the standard for a discussion should involve both degree of interaction and the extent of oral communication. Does the Commission or City Attorney feel similarly? It may be helpful to Commissioners to have a more detailed understanding of the standard.

It is clear to me the City Attorney staff admonished Commissioner DeJesus in an unprofessional fashion. I would encourage the office of the City Attorney to tighten up their language when describing such standards and be responsive to commissioners' inquiry.

In addition, the office of the City Attorney and Commissioners alike may wish to consider if any element of bias exists. Note that during the 9/5/2018 Commission meeting as Commissioner Elias interacted with Officer Crudo, he appeared to become dismissive, then flustered, and finally defensive as a result of her direct questioning. From my perspective, in each instance this behavior was absent or considerably diminished while responding to questions from male commissioners.

I do not suggest malice on the part of Officer Crudo nor City Attorney staff, but rather this to me indicates a lack of training. In further defense, note City Attorney staff appears to take cues from Vice President Mazzucco. I understand how commission leadership may desire aggressive City Attorney staff be forceful parliamentarians. VP Mazzucco's genteel demeanor need not be tarnished by engaging in such enforcement personally. I support him in leveraging his likability to further the people's business. Nonetheless we ought not allow an ill-defined standard and relevant contra-indicating situational details to be glossed over by bullying. This is true for both the velvet hammer, and the sledge variety.

In my view, all who serve on the commission owe a debt to Commissioner DeJesus for forging a path of unapologetically standing up to power as a woman of color. One need not harbor a facsimile of her views to see this.

I am hopeful any bias may be self correcting. I would note the Commission has a new colleague who is a former AUSA and is an African American woman. I am eager to witness commission meeting dynamics once she is sworn in. An additional concern is that a similar interaction with a zealous parliamentarian could bring this to a head in a fashion which may be a distraction. I suggest nipping it in the bud.

The commissioners and City Attorney staff have to work together to be successful, meanwhile any one commissioner can cause severe disruption in a fashion completely defensible to their constituency.¹ For this reason, such cannot be addressed with bullying or brute force, unless you desire a suspension-of-the-rules approach. It appears to me there is subtext or other variables at play, which may be personal in nature, and are not known to the public. Regardless, I implore you to be mindful of this phenomenon and to address it.

¹ In this respect the Police Commission finds itself in a classic prisoner's dilemma. I am certain the irony is not lost on the commission.

With gold in peace and iron in war,

B. Edwards
San Francisco