

File No. 200735

Committee Item No. 2

Board Item No. 17

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: October 8, 2020

Board of Supervisors Meeting:

Date: October 20, 2020

Cmte Board

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance - VERSION 2 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest - VERSION 2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Public Correspondence |

OTHER

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Youth Commission Reso No. 1920-RBM-12 – July 20, 2020</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referrals – July 15, 2020</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Prepared by: John Carroll

Date: October 2, 2020

Prepared by: _____

Date: October 16, 2020

1 [Police Code - Discriminatory Reports to Law Enforcement]

2

3 **Ordinance amending the Police Code to make it unlawful to cause a peace officer to**
4 **contact a person with the specific intent to discriminate against the person on the**
5 **basis of the person’s race, color, ancestry, ethnicity, national origin, place of birth, sex,**
6 **age, religion~~us affiliation, creed, disability, gender, sexual orientation, or gender identity,~~**
7 **weight, or height; and creating a civil cause of action and providing for damages for**
8 **violating the prohibition.**

9

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

13

14 Be it ordained by the People of the City and County of San Francisco:

15

16 Section 1. Findings.

17

(a) There have been numerous incidents across the country involving individuals
18 contacting law enforcement to report innocuous behavior as suspicious, or to falsely report
19 alleged criminal behavior, for what appear to be solely discriminatory reasons. Discriminatory
20 law enforcement reports against people of color for racially motivated reasons are common
21 enough that many people of color have experienced one or more incident of being contacted
22 by law enforcement when engaging in normal day-to-day activities. These incidents cause
23 serious harm to the person falsely accused of a crime, cause anxiety and distrust among
24

24

25

1 people of color, and put an unnecessary strain on law enforcement officers responding to
2 frivolous and false calls.

3 (b) The misuse of law enforcement by members of the public to discriminate against
4 others should not be tolerated and the City should take action to stop such behavior in every
5 way possible. Creating a means for people who suffer this kind of discrimination to seek
6 redress from those who have targeted them through a civil cause of action for damages will
7 discourage this type of behavior and provide a tangible way for these victims to be
8 compensated for this wrong.

9 (c) This ordinance is not intended to discourage individuals from contacting law
10 enforcement when they are facing real danger or desire to report a crime. It will allow
11 individuals who have been reported to law enforcement for unfair and unnecessary reasons to
12 seek justice and restitution, and will motivate people who contact law enforcement to consider
13 the reasons they are making the report.

14
15 Section 2. The Police Code is hereby amended by adding Section 637, to read as
16 follows:

17 **SEC. 637. DISCRIMINATORY REPORTS TO LAW ENFORCEMENT.**

18 (a) This Section 637 shall be known as the Caution Against Racial and Exploitative
19 Non-Emergencies Act.

20 (ab) Discriminatory Reports to Law Enforcement Prohibited. It shall be unlawful to knowingly
21 cause a peace officer to arrive at a location to contact a person, with the specific intent to
22 discriminate against that person on the basis of the with the specific intent to do any of the
23 following on the basis of the person's actual or perceived race, color, ancestry, ethnicity, national
24 origin, place of birth, sex, age, religion, affiliation, creed, disability, gender, sexual orientation,
25 or gender identity, weight, or height:

1 (1) Infringe upon the person's rights under either the California Constitution or
2 the United States Constitution;

3 (2) Discriminate against the person;

4 (3) Cause the person to feel harassed, humiliated, or embarrassed;

5 (4) Cause the person to be expelled from a place in which the person is lawfully
6 located;

7 (5) Damage the person's reputation or standing within the community; or

8 (6) Damage the person's financial, economic, consumer, or business prospects
9 or interests.

10 (bc) Civil Cause of Action. Any aggrieved person may enforce the provisions of this Section
11 637 by means of a civil action.

12 (ed) A person found to have violated subsection (ab) in a cause of action under subsection (bc)
13 shall be liable to the aggrieved person for special and general damages, but in no case less than \$1,000
14 plus attorneys' fees and the costs of the action. In addition, punitive damages may be awarded in a
15 proper case.

16 (de) Nothing in this Section 637 shall preclude any person from seeking any other remedies,
17 penalties, or procedures provided by law.

18
19 Section 3. Undertaking for the General Welfare. In enacting and implementing this
20 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
21 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
22 is liable in money damages to any person who claims that such breach proximately caused
23 injury.

1 Section 4. No Conflict with Federal or State Law. Nothing in this ordinance shall be
2 interpreted or applied so as to create any requirement, power, or duty in conflict with any
3 federal or state law.

4 Section 5. Effective Date. This ordinance shall become effective 30 days after
5 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
6 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
7 of Supervisors overrides the Mayor's veto of the ordinance.

8
9 APPROVED AS TO FORM:
10 DENNIS J. HERRERA, City Attorney

11 By: /s/ Bradley A. Russi
12 BRADLEY A. RUSSI
13 Deputy City Attorney

14
15
16
17
18
19
20
21
22
23
24
25
n:\legana\as2020\2000593\01478038.docx

REVISED LEGISLATIVE DIGEST
(Amended in Committee – September 24, 2020)

[Police Code - Discriminatory Reports to Law Enforcement]

Ordinance amending the Police Code to make it unlawful to cause a peace officer to contact a person with the specific intent to discriminate against the person on the basis of the person’s race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight, or height; and creating a civil cause of action and providing for damages for violating the prohibition.

Existing Law

It is not currently unlawful under City law to cause a peace officer to contact a person with the intent to discriminate against that person on the basis of the person’s race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight, or height.

Amendments to Current Law

The proposed ordinance would make it unlawful to cause a peace officer to contact a person with the specific intent to discriminate against that person or otherwise infringe the person’s rights or cause the person specified harms on the basis of the person’s race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight, or height. The ordinance creates a civil cause of action for the victim of such discrimination against the person who caused such contact to occur, allowing a successful plaintiff to recover special and general damages of at least \$1,000 plus costs and attorney’s fees, and punitive damages in the proper case.

n:\legana\as2020\2000593\01481191.docx

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Kiely Hosmon, Director, Youth Commission

FROM: John Carroll, Assistant Clerk,
Public Safety and Neighborhood Services Committee

DATE: July 15, 2020

SUBJECT: LEGISLATIVE MATTER INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following ordinance, introduced by Supervisor Walton on July 7, 2020. This item is being referred for comment and recommendation.

File No. 200735

Ordinance amending the Police Code to make it unlawful to cause a peace officer to contact a person solely to discriminate against the person on the basis of the person's race, ethnicity, religious affiliation, gender, sexual orientation, or gender identity; creating a civil cause of action and providing for damages for violating the prohibition.

Please return this cover sheet with the Commission's response to John Carroll, Assistant Clerk, Public Safety and Neighborhood Services Committee.

RESPONSE FROM YOUTH COMMISSION Date: July 20, 2020

No Comment
 Recommendation Attached

Chairperson, Youth Commission

Youth Commission
City Hall ~ Room 345
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4532



(415) 554-6446
(415) 554-6140 FAX
www.sfgov.org/youth_commission

YOUTH COMMISSION MEMORANDUM

TO: John Carrol, Assistant Clerk, Public Safety and Neighborhood Services Committee
FROM: Youth Commission
DATE: Tuesday, July 21, 2020
RE: Referral response to BOS File No. 200735 [Police Code - Discriminatory Reports to Law Enforcement]

At our **Monday, July 20, 2020, meeting**, the Youth Commission unanimously voted to support the following motion:

BOS File No. 200735 [Police Code - Discriminatory Reports to Law Enforcement]

The Youth Commissioners also voted to include the following recommendations:

- we must all do our part regarding community outreach, so communities of color know and understand their legal options to defend themselves and to use this as a tool
- the sponsors office explores making it a local misdemeanor on basis of race, ethnicity, gender identity, sexual orientation,
- question-how does this build into housing instability as calls to police about “suspicious behavior” are also rooted in classism, as well as racism?
- that 911 dispatchers initially flag calls that could be possibly discriminatory/racially motivated

Youth Commissioners thank the Board of Supervisors for their attention to this issue. If you have any questions, please contact our office at (415) 554-6446, or your Youth Commissioner.

Handwritten signature of Josephine Cureton in cursive script.

Josephine Cureton, Chair
Adopted on July 20, 2020
2019-2020 San Francisco Youth Commission

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: William Scott, Police Chief
Paul Miyamoto, Sheriff
Chesa Boudin, District Attorney
Manohar Raju, Public Defender
Shakirah Simley, Director, Office of Racial Equity

FROM: John Carroll, Assistant Clerk,
Public Safety and Neighborhood Services Committee,
Board of Supervisors

DATE: July 15, 2020

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Walton on July 7, 2020:

File No. 200735

Ordinance amending the Police Code to make it unlawful to cause a peace officer to contact a person solely to discriminate against the person on the basis of the person's race, ethnicity, religious affiliation, gender, sexual orientation, or gender identity; creating a civil cause of action and providing for damages for violating the prohibition.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Rowena Carr, Police Department
Asja Steeves, Police Department
Johanna Saenz, Sheriff's Department
Katherine Johnson, Sheriff's Department
Nancy Crowley, Sheriff's Department
Christine Soto DeBerry, Office of the District Attorney
Tera Anderson, Office of the District Attorney

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Kiely Hosmon, Director, Youth Commission

FROM: John Carroll, Assistant Clerk,
Public Safety and Neighborhood Services Committee

DATE: July 15, 2020

SUBJECT: LEGISLATIVE MATTER INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following ordinance, introduced by Supervisor Walton on July 7, 2020. This item is being referred for comment and recommendation.

File No. 200735

Ordinance amending the Police Code to make it unlawful to cause a peace officer to contact a person solely to discriminate against the person on the basis of the person's race, ethnicity, religious affiliation, gender, sexual orientation, or gender identity; creating a civil cause of action and providing for damages for violating the prohibition.

Please return this cover sheet with the Commission's response to John Carroll, Assistant Clerk, Public Safety and Neighborhood Services Committee.

RESPONSE FROM YOUTH COMMISSION Date: _____

- _____ No Comment
- _____ Recommendation Attached

Chairperson, Youth Commission

San Francisco Interrupting Racial Profiling

San Francisco residents tackling racial profiling on social media & in public life in our city.

C.H.W.B: COMING HOME WHILE BLACK

WEDNESDAY, JANUARY 23, 2019

A person of color who was prosecuted after he was barred entry to his own apartment building by a

SFGATE LOCAL NEWS SPORTS REAL ESTATE BUSINESS A&E EAT + DRINK LIVING TRAVEL OBITS CARS

Black owner of SF lemonade stand has police called on him while trying to open his business

Drew Costley Updated 10:54 am PDT, Sunday, July 22, 2018

✉️ f 🐦 📌 📺 📺



Viral video: White couple confronts SF man for chalking 'Black Lives Matter' on his own property

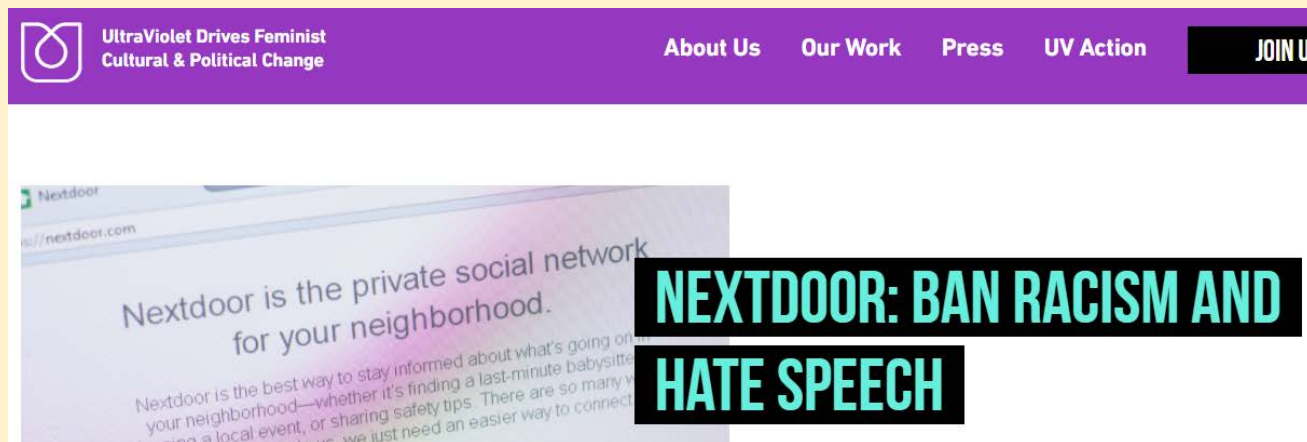
By Eric Ting, SFGATE Updated 4:23 pm PDT, Sunday, June 14, 2020

Racial Profiling Can Be Life Threatening



Photograph Danielle Lurie/The Guardian <https://www.theguardian.com/us-news/2016/mar/21/death-by-gentrification-the-killing-that-shamed-san-francisco>

Communities Organizing Nationwide



START ORGANIZING: ACTIONS PEOPLE SUPPORT

SF Interrupting Racial Profiling

Home About Work Events Resources Updates Get Involved

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

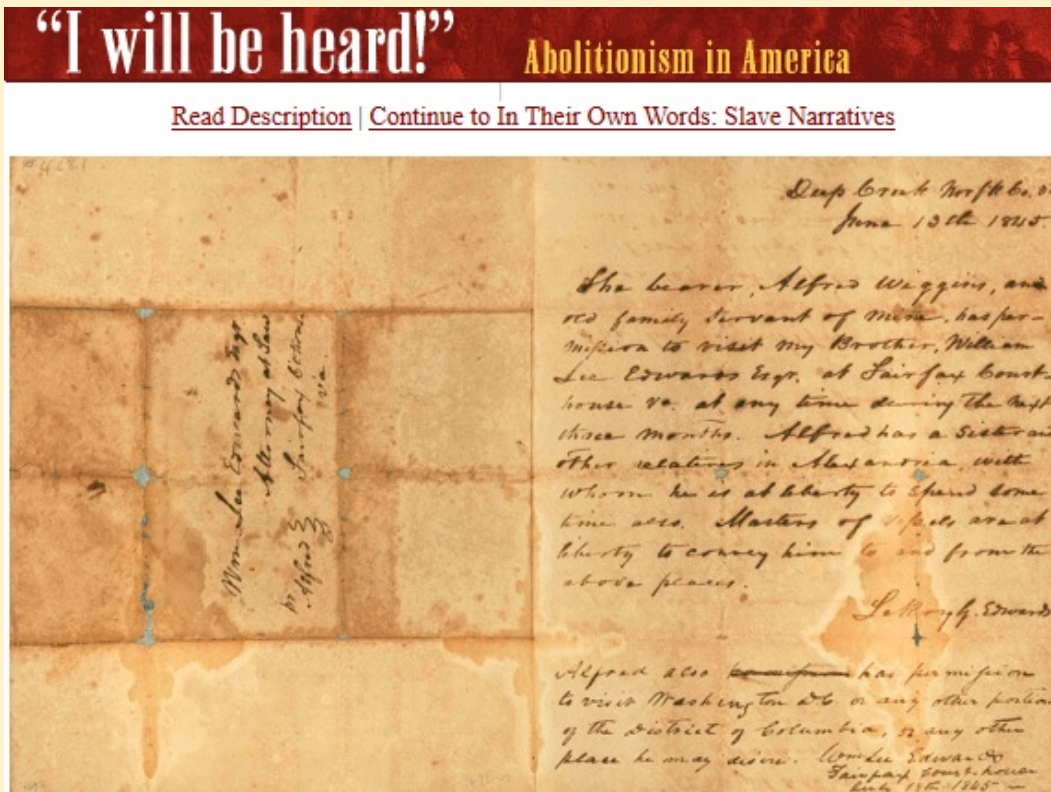
Require Implicit Bias & Anti-Racism Training for EVERY Nextdoor Lead

Antebellum and Jim Crow Tracking

The Enslaved Person's Travel Pass

New York City Lantern Law

- Mandated Blacks to carry an illuminating device at night to be seen
- Penalties applied to Blacks who did not comply with this law
- “Any white person was deputized to stop those who walked without the lit candle after dark.”



Source: Simone Browne

Suggestions

CAREN Act Implementation should include:

- **Targets of Racial Profiling Compensation Fund (TORP) with ADR, Mediation and Restorative Justice Options**
- **City Town Hall for High Profile Bias by Proxy Incidents**

Trayvon's Tracking Law

CA State Stalking Law Enhancement

WAYNE COUNTY

Detroit 'gardening while black' lawsuit settled

Orlandar Brand-Williams The Detroit News

Published 5:56 p.m. ET Apr. 29, 2019 | Updated 8:10 p.m. ET Apr. 29, 2019

[View Comments](#)



Judge Lynise Bryant's Comments
in ["Gardening While Black"](#)
911 Case:

- Trolled, Tracked & "Stalked" Blameless Black Man
- "Initiated All Contact"
- "Filed False Criminal Charges"

From: [Gabriella Ruiz](#)
To: [Carroll, John \(BOS\)](#)
Subject: [Police Code - Discriminatory Reports to Law Enforcement] - SUPPORT
Date: Thursday, September 24, 2020 10:14:37 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear clerk of the public safety and neighborhood services committee,

I am emailing you on behalf of Tenderloin Neighborhood Development Corporation, to **express our full support for Supervisor Walton's legislation** to make it unlawful to cause a peace officer to contact a person solely to discriminate against the person on the basis of the person's race, ethnicity, religious affiliation, gender, sexual orientation, or gender identity; creating a civil cause of action and providing for damages for violating the prohibition.

Best,

Gabriella Ruiz, Policy and Planning Manager
Tenderloin Neighborhood Development Corporation
210 Golden Gate Ave. San Francisco, CA 94102
o: 415.358.3955 | c: 415.912.0118
pronouns: she, her

My name is Marty Jaye and I am a member of San Francisco Interrupting Racial Profiling under the direction of Angela Jenkins. We wanted to bring everyone's attention also to another insidious aspect of citizen surveillance that leads to racially biased 911 calls. Since the onset of SF-IRP, we have focused on intervening in racial profiling on social media, particularly on the neighborhood platform Nextdoor. In its Crime & Safety section, in line with the popular police safety mantra, "If you see something, say something," people observing "suspicious" activity urge each other to contact SFPD with their descriptions of suspects. The problem here, as with other 911 calls, is that observations motivated by implicit or explicit racial bias can and do proliferate. A vague photo of a dark-skinned man suspected of mail theft elicits comments such as "That looks like the man I saw walking past my house" and "Yes, I saw that same man sitting on a bench at the end of my street eating an apple." Prompted by this one conversation, any Black man walking down the street or sitting on a bench in the neighborhood becomes a criminal suspect.

Recently SF-IRP and our sister group Oakland's Neighbors for Racial Justice have begun organizing with other grassroots groups alarmed at an uptick in racist postings on Nextdoor. Prior to the murder of Ahmaud Arbery earlier this year, numerous Nextdoor messages circulating photos and descriptions and calls to police had reported a Black man allegedly entering a home under construction. Subsequent investigation found that Arbery had stopped by the property while out running but had engaged in no illegal activity and had remained for only a brief period. Likewise, Floyd's killing by Minneapolis Police Officer followed a 911 call reporting a Black man using suspected counterfeit \$\$ at a nearby shop.

911 calls prompted by racist profiling on social media as well as the proliferation of anti-Black Lives Matter rants in these venues have sparked alarm across the country. Our goal is to join with others across the nation in holding social media platforms to account for continuing to permit racist injury to people of color.

The 14th Amendment to the US Constitution guarantees equal civil and legal rights to African Americans and states that "no state shall deprive any person of life or liberty...without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws." In civilian crime watch portals, Black people are impeded from moving in their community without surveillance and under their own recognizance, thus depriving them of the presumption of innocence and in violation of due process guarantees in the 5th and 14th amendments. Black people in our communities must be free from citizen surveillance based on racist bias.

From: [daniel.ip](#)
To: [Carroll, John \(BOS\)](#)
Subject: Fwd: Letter to SF Board of Supervisors, Public Safety and Neighborhood Services Committee
Date: Saturday, August 15, 2020 3:09:10 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Police Code - Discriminatory Reports to Law Enforcement
File No. 200735 (introduced on July 7)

Existing Law

It is not currently unlawful under City law to cause a peace officer to contact a person with the intent to discriminate against that person on the basis of the person's race, ethnicity, religious affiliation, gender, sexual orientation, or gender identity.

Amendments to Current Law

The proposed ordinance would make it unlawful to cause a peace officer to contact a person with the specific intent to discriminate against that person on the basis of race, ethnicity, religious affiliation, gender, sexual orientation, or gender identity. The ordinance creates a civil cause of action for the victim of such discrimination against the person who caused such contact to occur, allowing a successful plaintiff to recover special and general damages of at least \$1,000 plus costs and attorney's fees, and punitive damages in the proper case.

Dear Committee Members of the Board of Supervisors of the City of San Francisco:

I write to address the proposed CAREN Act and to have you consider a different acronym only. I have no issue with the proposed amendments to current law (*supra*) or its substantive aspects. The acronym for the CAREN Act has discriminatory implications for the following reasons stemming from the treatment of the name "Karen" in recent times:

History of the "Karen" Meme and Its Usage in the Media

The Karen meme has several suspected origins. (Greenspan, Rachel [May 27, 2020]. "How the name Karen became a stand-in for problematic white women and a hugely popular meme". Business Insider. Retrieved July 17, 2020.) It is most popularly associated with an anonymous Reddit user, who posted "Fuck_You_Karen" denigrating his ex-wife, Karen, whom he alleged had taken both his children and his house during divorce proceedings.

In modern times a Karen has been depicted as one who "demands the world exist according to her standards with little regard for others, and she is willing to risk or demean others to achieve her ends." (Tiffany, Kaitlyn [May 6, 2020]. "How 'Karen' Became a Coronavirus Villain". The Atlantic. Retrieved May 20, 2020.)

In recent memory, the most glaring example of a "Karen" is Amy Cooper who notoriously and falsely accused Christian Cooper, a black man, who asked her to put her dog on a leash in

Central Park, New York.

In San Francisco, Lisa Alexander who is most recognized as the “San Francisco Karen,” after a clip went viral this year, in which she demands to know if James Juanillo (a Filipino American) was defacing private property, when he in fact was stenciling “Black Lives Matter” in chalk on the front of his own home.

All the Karen memes/stories which have been publicized this year, feature white women behaving badly. The media has overlooked or ignored abysmal behavior of non-white women named "Karen" or otherwise. There could be a justifiable reason for that. At least in my personal view, 2020 has been a year of vindication for many. White women for some have been seen as a pinnacle of American society as the untouchable and the unassailable. A sort of individual, who at all times must be protected, can be incorrigible, and can command others, or the system, to abide by her wishes at the snap of her fingers. In its ugliest form, it is against minorities, as Amy Cooper and Lisa Alexander exemplify.

Discriminatory Intent and Disparate Impact

In *Washington v. Davis* (1976) 426 U.S. 229, 244 the Court held that that one claiming harm based on the disparate or disproportionate impact of a facially neutral law must prove intent or motive to discriminate. However, the Court noted that “an invidious discriminatory purpose may often be inferred from the totality of the relevant facts, including the fact, if it be true, that the law bears more heavily on one race than another. It is also not infrequently true that the discriminatory impact . . . may for all practical purposes demonstrate unconstitutionality because in various circumstances the discrimination is very difficult to explain on nonracial grounds.” (See also *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, (1977) 429 U.S. 252).

With the CAREN Act, the discriminatory purpose can be potentially discerned by the name of Act itself, due to the Act's promulgation within the context of the Karen memes discussed (*supra*). The two foregoing examples of Amy Cooper ("Central Park Karen") and Lisa Alexander ("San Francisco Karen") are prototypical "Karen" stories that may form the backdrop of the CAREN Act's title. This would evidence the purpose behind the Act, thus evidencing discriminatory intent.

More importantly disparate impact is a real consequence of the Act. The CAREN Act would allow "a successful plaintiff to recover special and general damages of at least \$1,000 plus costs and attorney's fees, and punitive damages in the proper case." It is hard to imagine, how a white woman as a plaintiff would leverage the Act in her favor in a judicial setting, as well as a non-white woman. As a civil litigator, with experience in with juries, I can say with complete confidence that a white woman plaintiff would face an uphill challenge in seeking the damages, costs, and punitive damages proposed by the Act among a diverse member of her juror peers.

Other examples of potential disparate impact are white women named Karen or Caren who in their daily interactions with people would face ostracism simply because of their skin color and their gender. Even worse of a situation would arise, if a white female job applicant experiences discrimination solely based on her gender and her name. Another hypothetical (but not unrealistic) example is an Asian woman named Karen or Caren who makes a complaint, and in doing so is ridiculed as a "Karen". Depending on the circumstances she

could have a colorable claim of gender discrimination.

From a personal and anecdotal perspective, a few months ago I made some joking remarks to my black male paralegal about the whole Karen phenomenon. Wondering why he was not laughing with me, he shared that his mother is named Karen. My take away from that, is that there are blacks who may have that name, or know people close to them with that name, that are not sharing the humor.

The foregoing examples are non-exhaustive. It is a given that the CAREN Act is to provide a legal recourse to persons, against others who use police powers for abuse. The only issue is how the Act will be perceived by the public, and how it will actually be enforced, and the disparate impacts that it creates. The name of the Act itself at the very least provides an environment for the media's retort on white women acting out of line, to breed and foster.

Dr. André Brock, associate professor of Black digital culture at Georgia Tech whose research is leading the conversation on the impact of Black Twitter, writes:

“Memes have power above and beyond just humor. We often use metaphor, which is often at the heart of memes, and emotion or affect to make shorthand of things which deeply affect us. A lot of times, it’s funny; a lot of times, it’s cathartic; and other times, it’s racist. I try to push back on the idea that memes are frivolous way of articulating a particular phenomenon because in many ways, it’s much more potent shorthand than me trying to explain to you exactly the way people are reacting to a certain situation...Social media is a platform for communicating feelings and the stronger the feeling, the more viral things go.”

(<https://time.com/5857023/karen-meme-history-meaning/>)

Dr. Brock, in my view, articulates the role of social media and memes quite effectively.

However, the role of memes and internet culture should not be the standard that a public entity adopts. The City of San Francisco, Public Safety and Neighborhood Services Committee, has a role and function that lies far above that of internet trolls, popular culture, or the despicable examples that is Amy Cooper or Lisa Alexander; women who happen to not be named Caren or Karen.

The stated purpose of the Committee on File No. 200735 is to redress a wrong caused by systemic racism. However, for maintaining a face of neutrality in its legislative function, the Committee must not be swayed by embracing the racially charged fulminations that have dominated this tumultuous year. The Committee must rise above that and create a facially neutral law, with equal treatment and application among all. Otherwise, the proposed legislation faces realistic Constitutional challenges ahead.

As this letter began, it is not its purpose to change the proposed Amendment to existing law in its substantive aspects. The ONLY aspect I wish the Committee to consider is changing the name of the Act. Even if this letter is mistaken in its analysis of racial or gender equality, the Committee must also consider the impact it has on innocent women's names that have nothing to do with the atrocious behavior of the women being mocked as the "Karens" of the world. We all go through life with our skin color and our name. The former less mutable than the latter. However, we can spend a lifetime building our name and reputation, which can be lost in a moment. The Committee should not participate in that effect.

As a public entity the Committee must hold itself to the highest standard of fairness and progressiveness and ensure that its actions create a safe haven for all who will abide and be

affected by its actions.

Respectfully submitted.

Daniel Ip, Esq.

--

Thank you
Daniel

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: The Definition of Institutional Racism
Date: Monday, August 3, 2020 1:15:35 PM

From: Marcus Sebal3 <marcussebal3@yahoo.com>
Sent: Friday, July 31, 2020 8:24 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: The Definition of Institutional Racism

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Would include passing a law .. CAREN Act .. with explicit reference to one particular race.

This is one liberal Democrat saddened that fellow Democrats are so blunted and blinded in their grievance that they wish to simply re-arrange the parameters of institutional racism rather than work to eliminate.

From: [Erik Triana](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: CAREN act
Date: Wednesday, July 8, 2020 2:23:14 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Thoroughly disgusted by the overtly racist act by shamann walton and the curiously racist naming of her proposed legislation. looking forward to the introduction of the Newly Integrated Grocery Generating Emergency Resources for the Supervisors consideration. State Providers of Infants Children & Kids, Freedom And Gyroscopes all good legislation as well. Racist pieces of shit. White Lives Matter too assholes.

From: [Karen Kesseru](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: CAREN act
Date: Wednesday, July 8, 2020 7:51:05 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear entire Board of Supervisors:

There is a stereotyping meme on social media that has created yet another name-calling pejorative towards a group of people, this time WOMEN and especially women - sisters, daughters, mothers, wives, friends - named Karen.

How clever of you to create a mnemonic and to change the spelling to name your new law outlawing racially motivated calls to 911, a mnemonic that promotes this hurtful stereotype. Surely you didn't mean to purposely move the city consciousness towards continued negativity, surely you just thought you were socially instep.

There are men included in this racist mindset. There are people named every other name. Yet you chose to disparage every woman named Karen, Karin, Carin, Caryn..... were you aware there is even an ethnolinguistic group named Karen located in Thailand and Myanmar?

The socially responsible action to take is to apologize and then make a name change to this law.

Thank You,
Karen Kesseru

From: [Krista Ranta](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: About the Sexist, Ageist Karen/Caren slur - I hoped the oppression would fade away. Please do not institutionalize it by naming an Act after it!
Date: Wednesday, July 8, 2020 8:10:34 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Shamman Walton,

Please reconsider the naming an important bill with a contempt-filled pop-reference to the slur "Karen or Caren". "Caren/"Karen" memes and references are an example of the ugliness of prejudices we want to leave behind us. It almost seems like someone is trying to sabotage the act by giving it a discriminatory name. Is the Council trying to get PR by bringing attention the a problem of creating new derogatory terms? If so, It seems like very bad timing since we are in the middle of several divisive crises.

Please take a moment to read this op-ed out of the Sydney Morning Herald that starts a dialogue about what is so incredibly wrong, cruel and narrow-minded use of the term "Karen" or "Caren". A "Caren act" is just another signal that we are a long way from ending institutionalized prejudices and discrimination. The term "Karen/Caren" is all about putting generations of women back in their place.

https://www.smh.com.au/national/thanks-for-noticing-us-gen-z-but-we-need-to-talk-about-karen-20200213-p540mv.html?utm_medium=Social&utm_source=Facebook&fbclid=IwAR1y8nk2yCd53y-nr6DVrBqpJXW8cLMDSU6HR8eQP06xgTmf4uGi3alAGfs#Echobox=1581724244

My Mother-In-Law is a lovely, gracious woman named Karen who never found her voice and people walk all over her. Her departed husband was a kind, generous man named Dick. Karen was lucky to find Dick. Would San Francisco propose a "Dick Act" too?

I worked as one of the first women that worked for a major municipality in trades that had a male monopoly. I was criticized for taking a job away from "a family". I had to put up with lots of hazing and dangerous set-ups as they tried to get me to quit. I had hopes that future women could hold jobs that paid enough so that they could take care of themselves and I wanted to prove that women were capable of the work. I was proud of our trailblazing. I am now so disheartened after hearing so many people trying to discount us and shut us down again.

Krista Ranta
360-943-1007

From: [Karen Shane](#)
To: [Waltonstaff \(BOS\)](#)
Cc: [Board of Supervisors. \(BOS\)](#); [Breed, Mayor London \(MYR\)](#)
Subject: Please Reconsider the name of the CAREN Ordinance
Date: Wednesday, July 8, 2020 8:53:32 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Honorable Supervisor Walton, all San Francisco Supervisors and Mayor Breed,

Please reconsider the naming of the Ordinance that was introduced at last night's Supervisor Meeting. Yes, I am named Karen, and I do speak up for injustices on a regular occasion. However, the 3 other Karen's I know and I are not like portrayed. I could go on how this is like any other profiling done to Race, Religion or you name it, but think that is understood.

I appreciate the use of the Capital C. However, it is still pronounced as a hard C and like our name. So could we attempt at coming up with some other acronym that doesn't vilify a whole group of people named Karen/Caryn/Caren.

I did consider adding KRON news as a cc to this request, but decided that would be a "Karen."

Thank you for your time,

Shane (my new name)

From: [Shannon Drake](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: CAREN Act is unenforceable & divisive.
Date: Wednesday, July 8, 2020 1:28:51 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

The proposed CAREN act is a bad idea, in most cases it is nearly impossible to prove beyond a reasonable doubt that a call is racially motivated, this creates incredibly dangerous grey area in our legal system that can easily be abused. It will also cause more division in our communities as people will undoubtedly read bias into the rulings.

This will drive a wedge between the racial groups of our city and create prejudice where none existed previously as groups start to blame each other for erroneous convictions. We are already dealing with this issue when it comes to police brutality, we don't need to add more fire to that pot.

It will also promote segregation between racial groups as the potential for negative interactions start to carry more dramatic consequences. It will become safer to just avoid other racial groups than it will be worth it to work together.

It will also create an incentive for criminals to target other races because they will be able to claim "racial discrimination" if a person calls the cops on them and the cops arrive before a crime was committed. The criminal can easily say "I wasn't trying to do XYZ, the caller is obviously racist!"

I urge the BOS to drop this bill, it is toxic to our city.

From: [Carynn Silva](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: CAREN ACT? Name hypocritical, you think?
Date: Wednesday, July 8, 2020 5:54:50 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I take the name of this Act introduced by Mr. Walton as highly insulting and ignorant. Someone decided to create this racist meaning to the name "KAREN" in which has come to symbolize a stereotype of whiteness and continue to use it and spread it around social media without the consideration that this name is of birth names people personally use.

This causes discrimination and is being used as a racist term against white women. This "CAREN Act" is "This bill could protect millions of Californians from becoming targets of hate and prevent the weaponization of our law enforcement against communities of color". However the use of this name "CAREN Act" is racist in itself for it's use. Be considerate to the fact that this name belongs to actual people that have to live, breathe, and survive in their society. White, Black, Brown, doesn't matter, people of authority need to stop dividing us.

Choose another name.

Thank you,
Carynn Silva (And I absolutely love my first name my Mother gave me when I was born).

From: [Vic Vicari](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Caren Act
Date: Wednesday, July 8, 2020 7:01:37 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To whom it may concern:

I do not have objection to this act; the issue it is trying to address is wrong.
I do strongly object to the the name. The insensitive choice of many people to use the name Karen as a general purpose term of disapproval for middle age white women needs to stop. It has a significant negative impact on too many good women with this name. The name you have chosen for this act perpetuates this problem and that is wrong.

Two wrongs do not make a right. Please rename your act.
Sincerely,
Vic Vicari.
Sent from my iPad

From: [Karen Simon](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Caren Act
Date: Thursday, July 9, 2020 7:27:49 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I heard on the news this morning that you are considering enacting a statute that you are naming the Caren Act. While I find the Karen memes funny, to stereotype and stigmatize any group of people, even a group identified solely by their name, is neither funny nor is it appropriate. It is, in fact, legalizing discrimination.

As a person who is a member of that group, I hope your Board will not take an action that is clearly harmful and belittling to anyone. Proof of my point is that expressing my opinion about this action will be mocked and dismissed due to the stereotype.

Karen Simon
704-517-8814

Sent from my iPhone

From: [Caren Batides](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Caren Act
Date: Thursday, July 9, 2020 10:58:00 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello

As a white woman named Caren, I am asking you to please consider changing the name of your new Act referenced below.

The "CAREN Act" (Caution Against Racially Exploitative Non-Emergencies) was introduced on Tuesday at a San Francisco Board of Supervisors meeting by Supervisor Shamann Walton.

The name of the act places a target on my name as a racist and I am not. By associating the name "Caren" or anyone else's name with such a law, really is offensive. It is at its face a form of bullying. I am sure that Shamann would not want to have their name made fun of and associated with demeaning behavior.

Thank you for your consideration
Caren Batides

From: [Krista Ranta](#)
To: [Jalipa, Brent \(BOS\)](#); [Lew, Lisa \(BOS\)](#); [Wong, Jocelyn \(BOS\)](#)
Subject: Proposed Anti-Discrimination Act named after ageist, racist, sexist slur - About Karen/Caren
Date: Wednesday, July 8, 2020 8:50:38 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Greetings,

Please reconsider naming an important bill with a contempt-filled pop-reference to the slur “Karen” or “Caren”. “Caren/”Karen” memes and references are an example of the ugliness of prejudices we want to leave behind us. It almost seems like someone is trying to sabotage the act or punk the public or the Council. Or, is the Council trying to punk everyone by bringing attention to a problem of creating new hate-filled derogatory terms? If so, It seems like very bad timing since we are in the middle of several divisive crises.

Please take a moment to read this op-ed out of the Sydney Morning Herald that starts a dialogue about what is so incredibly wrong, cruel and narrow-minded use of the term “Karen” or “Caren”. A “Caren act” is just another signal that we are a long way from ending institutionalized prejudices and discrimination. The term “Karen/Caren” is all about putting generations of women back in their place.

https://www.smh.com.au/national/thanks-for-noticing-us-gen-z-but-we-need-to-talk-about-karen-20200213-p540mv.html?utm_medium=Social&utm_source=Facebook&fbclid=IwAR1y8nk2yCd53y-nr6DVrBqpJXW8cLMDSU6HR8eQP06xgTmf4uGi3alAGfs#Echobox=1581724244

My Mother-In-Law is a lovely, gracious woman named Karen who never found her voice and people walk all over her. Her departed husband was a kind, generous man named Dick. Karen was lucky to find Dick. Would San Francisco propose a “Dick Act” too?

I was one of the very first women that worked for a municipality in trades that had a virtual male monopoly. My first job interview I was told that I was the

most qualified but they didn't want any women in their shop since it was like a club house and a nice escape from their wives. I got my foot in the door of my chosen career path by working in the lab. They didn't want to give me the job but I was the most the experienced through volunteer work and I was educated in the field. Lucky for me, they were in a pinch and I got hired. They told me that they relented because lab work was much like cooking. I was criticized for taking a job away from "a family". They were worried I would get married and pregnant and leave them in a lurch. The job got tougher as I gained more skills. I moved to work at a major Municipality. I had to put up with lots of hazing and dangerous set-ups as they tried to get me to quit. Those jobs had never been done before or since. They were THAT dangerous. Again, they didn't want to hire me and take a job from a family man, but by this time they knew that they couldn't turn me away based on my sex when I was far more qualified than nearly 300 other applicants. I was told Affirmative Action did "this" and there was resentment. I had hopes that future women could hold jobs that paid enough so that they could take care of themselves and I wanted to prove that women were capable of the work. I was proud of our trailblazing. I am now so disheartened after hearing so many people trying to discount us and shut us down again. I never did have children...

Please don't throw us and the "Karens" of the world under the bus by institutionalizing prejudices and slurs. We dedicated our lives to finding our voice and tearing down discriminatory walls that were created by such generalizations.

Sincerely,

Krista Ranta
360-943-1007

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Walton, Ronen, Stefani, Yee, Preston, Safai, Haney, Peskin, Fewer, Mar

Subject:

Police Code - Discriminatory Reports to Law Enforcement

The text is listed:

Ordinance amending the Police Code to make it unlawful to cause a peace officer to contact a person solely to discriminate against the person on the basis of the person's race, ethnicity, religious affiliation, gender, sexual orientation, or gender identity; creating a civil cause of action and providing for damages for violating the prohibition. This ordinance is also known as the Caution Against Racially and Exploitative Non-Emergencies, the CAREN Act.

Signature of Sponsoring Supervisor: /s/ Shamann Walton

For Clerk's Use Only