

## I. Reporting Organization(s)



The Frisco 500 (Organization and movement that arose out of the Frisco 5 Hunger Strike in San Francisco to bring justice to police impunity).

## II. Issue Summaries

### A. Introduction

There is a consistent history of the San Francisco Police Department abusing and torturing civilians. Since 1939, there have been at least 178 reported civilian killings by the San Francisco Police Department.<sup>1</sup> There have been 24 civilian killings since 2010 and 12 since 2014.<sup>2</sup> Not one officer, in the history of San Francisco, has been charged or found guilty of murder. We will provide brief stories of five devastating killings to shed light on the impunity operating within San Francisco, and highlight police abuse towards protestors and the debilitating power of the San Francisco Police Officer Association (also known as the San Francisco Police Union). The actions of the San Francisco Police Department is no different than those found in Ferguson, Florida, New York City, Chicago, and all major cities where police brutality and police terror is commonplace.

### B. Police Brutality and Excessive Use of Force

#### 1. Murder of Alex Nieto

On Friday evening, March 21, 2014, Alejandro “Alex” Nieto, a 28 year old college student studying to be a parole officer, practicing buddhist, and individual who had no criminal record; was killed when he was shot at 59 times by four San Francisco Police Department officers, and 14 to 15 of bullets fired struck Alex.

“A misinformed passerby called 911, and reported a ‘Latino man in a red jacket, with a gun.’ Four police officers arrived and approached Nieto in tactical formation. Nieto purportedly drew a licensed Taser from his belt. Mistaking the Taser for a gun, the officers fired 59 bullets at Nieto, killing him.”<sup>3</sup> There are significant challenges to the story that Alex pulled out and pointed at

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<sup>1</sup><http://mpetrelis.blogspot.com/2016/06/complete-list-of-178-civilians-killed.html> ;  
<http://www.antievictionmappingproject.net/murdermap.html> (There are additional, unreported deaths by SFPD)

<sup>2</sup><http://mpetrelis.blogspot.com/2016/06/complete-list-of-178-civilians-killed.html> ;  
<http://www.antievictionmappingproject.net/murdermap.html> (There are additional, unreported deaths by SFPD)

<sup>3</sup> <http://www.vox.com/2016/4/27/11506420/police-deaths>

taser at the four officers. Independent witnesses reported his hands remained in his jacket pocket, where bone fragments shattered from bullet were found.<sup>45</sup>

“In the aftermath of the shooting, [then San Francisco Police Department] Chief Suhr presented a version of the story<sup>6</sup> that differed significantly from that told by witnesses. Despite an amalgam of troubling evidence in court (including the time stamp on a Taser<sup>7</sup> deploy being miraculously changed upon reexamination), all four officers were cleared<sup>8</sup> of charges [by the San Francisco District Attorney].”<sup>9</sup> Subsequently, in a civil lawsuit against the police officers involved, a jury (that did not have a single Latino or Black juror) predictably found the officers did not use excessive force.<sup>10</sup>

Police Chief Suhr publicly announced his support of the officers and their actions within hours of the killing, without a proper and independent investigation.

## 2. Murder of Amilcar Perez-Lopez

Amilcar Perez-Lopez was a 21-year-old Mayan immigrant from Guatemala.<sup>11</sup>

The autopsy report, released on April 24, 2015, reveals that Perez-Lopez was shot six times – 4 in the back, 1 in the arm and 1 in the head – after having dropped a knife and while attempting to run away from police, contradicting police statements that they were being attacked by Lopez and acted in self-defense.<sup>12</sup>

What San Francisco Police Department Officers say happened: On Thursday February 26, 2015 at 9:45pm, plainclothes officers killed Amilcar Perez-Lopez fifteen feet away from his home. SFPD told reporters that Amilcar had allegedly been trying to steal someone’s bike and then lunged – with a knife in his hand – at plainclothes officers causing officers to open fire.<sup>13</sup>

Since his death on February 26, the San Francisco District Attorney has yet to file charges against the officers involved. The community is awaiting the District Attorney’s decision.

Police Chief Suhr publicly announced his support of the officers and their actions within hours of the killing, without a proper and independent investigation.

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<sup>4</sup><http://sanfrancisco.cbslocal.com/2016/03/03/witness-alex-nietos-hands-in-pockets-when-fatally-shot-by-sfpd/>

<sup>5</sup><http://www.sfgate.com/bayarea/article/SF-attorneys-question-memory-of-witness-to-police-6871260.php>

<sup>6</sup><http://ww2.kqed.org/news/2014/03/30/130922/nieto-police-shooting-bernal-heights>

<sup>7</sup><http://www.sfgate.com/bayarea/article/Alex-Nieto-case-Taser-trigger-pulled-around-time-6875936.php>

<sup>8</sup><http://www.sfgate.com/bayarea/article/4-San-Francisco-cops-cleared-in-Alex-Nieto-killing-6079794.php>

<sup>9</sup> <http://www.vox.com/2016/4/27/11506420/police-deaths>

<sup>10</sup> <http://48hills.org/2016/03/11/the-tragedy-of-the-neito-verdict/>

<sup>11</sup> <https://justice4amilcar.org/amilcar-story/>

<sup>12</sup> <https://justice4amilcar.org/amilcar-story/>

<sup>13</sup> <https://justice4amilcar.org/amilcar-story/>

### 3. Murder of Mario Woods

On Dec. 2, 2015 the San Francisco Police Department shot and killed Mario Woods, a 26-year-old who police say had a knife in his hands when several officers opened fire, hitting him with as many as 15 rounds.<sup>14</sup>

Officers said they fired in self-defense, but video footage showed Woods was shot as he shuffled slowly along a wall, never threatening officers.<sup>15</sup>

The San Francisco District Attorney and San Francisco City Attorney found no wrongdoing by the officers involved and no charges have been brought against the officers involved.<sup>16</sup>

Police Chief Suhr publicly announced his support of the officers and their actions within hours of the killing, without a proper and independent investigation.

### 4. Murder of Luis Gangora Pat

Two SFPD officers killed homeless man, Jose Luis Gongora Pat on April 7th, 2016. Luis was the second Latino immigrant killed by SFPD in the last two years. While the SFPD claimed that he had been threatening them with a knife and did not properly respond to police orders, witnesses state that he had not threatened officers at all. Moreover, Luis did not speak English or Spanish.<sup>17</sup> Video footage shows Luis was shot and killed within 30 seconds of the officers arriving by patrol car - de-escalation, as seen in the video, was never contemplated by the officers.<sup>18</sup>

It's been nearly three months since Luis' death and still no charges have been filed by the San Francisco District Attorney's Office.<sup>19</sup>

Police Chief Suhr publicly announced his support of his officers and their actions, even before an investigation was complete.

### 5. Murder of Jessica Williams (Nelson)

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<sup>14</sup> <http://www.nydailynews.com/news/national/mario-woods-20-gunshot-wounds-police-article-1.2529009>

<sup>15</sup> <http://www.nydailynews.com/news/national/mario-woods-20-gunshot-wounds-police-article-1.2529009>

<sup>16</sup> <http://www.sfgate.com/bayarea/article/San-Francisco-city-attorney-Police-lawfully-6827312.php>

<sup>17</sup> <http://missionlocal.org/2016/04/lawful-and-awful-the-death-of-luis-gongora/>

<sup>18</sup> <http://sanfrancisco.cbslocal.com/2016/04/08/harrowing-surveillance-video-reveals-new-details-in-mission-officer-involved-shooting/>

<sup>19</sup> <https://justice4luis.org/2016/06/25/video-30-seconds-of-lawless-and-murderous-sfpd/>

On May 19, 2016, a sergeant of the SFPD shot and killed 26 year old Jessica Williams after she crashed her allegedly stolen car, making the car immobile. With one shot, Jessica, who was pregnant at the time, was killed while struggling to unbuckle her seatbelt.<sup>20</sup>

No investigations have been concluded with regards to Jessica Williams' case.

### C. The Undue Influence of The San Francisco Police Officer Association

The San Francisco Police Officer Association ("SFPOA"), the official negotiating body and union for the rank and file officers has proven to be toxic and detrimental to creating the change needed within SFPD. The SFPOA has done everything in their power to create a police culture that prevents whistleblowing,<sup>21</sup> and halts much-needed comprehensive police reform through intimidation and threatening tactics of both elected officials<sup>22</sup> and community members.<sup>23</sup>

The SFPOA has overtly exercised its political strength by manipulate itself into every police discussion regarding SFPD reform, even though under labor standard laws, unions are prohibited to have a say in policy issues. The SFPOA continues to impede all efforts at true reforms.

### D. San Francisco Police Department Impunity

In response to the high number of police killings, the people of San Francisco and the surrounding areas have organized to demonstrate distrust of a police department that has acted with impunity and lack of accountability.

In light of the police terror, the community has galvanized to articulate very clear demands. This organizing has taken the form of coalitions that represent each of the individuals killed and community activists escalating non-violent direct action protests.

One of the most recent direct actions that brought global attention to the police brutality issue of San Francisco was an 18-day hunger strike that took place in April of this year, with the single demand for San Francisco Police Department Chief Greg Suhr to resign or be fired for his complicit actions towards the civilian killings by police.<sup>24</sup> The hunger strike lasted 18 days, but the Mayor and the police chief were committed to keeping the status quo. It was not until Jessica Williams (Nelson) was killed that San Francisco Mayor, Ed Lee, ultimately asked for Greg Suhr's resignation.

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<sup>20</sup><http://www.sfgate.com/bayarea/article/Woman-killed-by-SF-police-sergeant-IDd-as-Jessica-7887427.php>

<sup>21</sup><http://sanfrancisco.cbslocal.com/2016/05/11/sf-cops-snitching-on-each-other-sends-poa-spokesman-into-facebook-tirade/>

<sup>22</sup><http://archives.sfexaminer.com/sanfrancisco/police-union-strong-arms-board-of-supervisors-over-controversial-resolution-on-police-brutality-protests/Content?oid=2920037>

<sup>23</sup> <http://www.sfchronicle.com/crime/article/Amid-push-for-S-F-police-reform-union-escalates-7004239.php>

<sup>24</sup><http://www.motherjones.com/politics/2016/04/hunger-strike-san-francisco-police-shootings> ;  
<http://www.vox.com/2016/4/27/11506420/police-deaths>

In addition to police violence, SFPD has been involved in racist text messaging,<sup>25</sup> hate-filled statements of killing black people,<sup>26</sup> disproportionately over criminalizing people of color.<sup>27</sup> SFPD was diagnosed by a non-partisan body, the District Attorney's Blue Ribbon Panel, as a police department that is "opaque in its discipline, arbitrary in its hiring and biased in its policing of communities of color."<sup>28</sup>

## E. Targeting and Intimidation of Peaceful Activists

The organizing and individuals involved in direct action have been threatened and intimidated by law enforcement agencies in San Francisco. Here are a few examples:

- a) While hosting protests at City Hall during regular business hours, the San Francisco Sheriff's department attacked a group of peaceful protesters, arresting 33 individuals, and even beating members of the press.<sup>29</sup>
- b) Law enforcement agencies have been collecting intelligence by reviewing social media posts of local activists. The San Francisco Police Officer Association also uses its newsletter and public voice as a medium to attack local activists.<sup>30</sup>
- c) The police presence at peaceful protests are met with a para-military<sup>31</sup> and aggressive police presence.<sup>32</sup>

## III. Recommended Questions

1. What steps has the United States taken or what steps does it plan to take, to ensure that "a prompt and impartial investigation" (Article 12) is made into the acts of torture committed by San Francisco Police Department, specifically related to the racist and corrupt culture in addition to the killing of the last five individuals?
2. What steps has the United States taken or what steps does it plan to take, to ensure that police officers committing homicides are criminally charged and prosecuted to make whole the victims and families of this torture?

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<sup>25</sup> <http://www.cnn.com/2016/04/26/us/racist-texts-san-francisco-police-officer/>

<sup>26</sup> [http://sfist.com/2016/05/10/sfpd\\_bayview\\_racist\\_watch.php](http://sfist.com/2016/05/10/sfpd_bayview_racist_watch.php)

<sup>27</sup> <http://ww2.kqed.org/news/2015/06/22/report-african-american-adults-seven-times-as-likely-as-whites-to-be-arrested-in-san-francisco>

<sup>28</sup> <http://www.sfoxaminer.com/preliminary-findings-police-bias-probe-find-sfpd-lacks-discipline-oversight/>

<sup>29</sup> <http://48hills.org/2016/05/07/33-arrested-police-violence-following-frisco-five-hundred-city-hall-shutdown/>

<sup>30</sup> <http://bit.ly/1UpCEwM>

<sup>31</sup> [http://www.sfgate.com/bayarea/article/Marches-in-S-F-and-Oakland-as-part-of-national-5955321.php?cmpi\\_d=email-desktop#photo-7268473](http://www.sfgate.com/bayarea/article/Marches-in-S-F-and-Oakland-as-part-of-national-5955321.php?cmpi_d=email-desktop#photo-7268473)

<sup>32</sup> <http://48hills.org/2016/01/31/scenes-bizarre-police-response-peaceful-protest/> ;

3. Why has the U.S. Department of Justice, Civil Rights Division failed to open investigations of the San Francisco Police Department and all officers involved in the killings of the five individuals highlighted above, for their complicity in allowing these patterns and practices of torture and abuse to continue?
4. What steps has the United States taken to ensure that law enforcement agencies limit their use of guns in encounters with civilians, requiring de-escalation and use of alternative methods of force?
5. What steps has the United States taken or what steps does it plan to take, to ensure that those engaged in civil disobedience not be targeted, harassed, or intimidated during peaceful protests?
6. What steps has the United States taken to stop the over criminalization of black and brown people, through prejudiced and racist laws, which inherently leads to the increased torture and abuse of people of color?
7. What steps has the United States taken to monitor, document and regulate the undue influence of police unions in the policy making of reforms needed to change the culture and behavior of police?

#### **IV. Conclusion**

The submitting organization and families urge the Committee to incorporate into its upcoming List of Issues the questions raised regarding police brutality, lack of accountability and consequence, over criminalization of people of color, and addressing the overbearing power of local police unions to prevent necessary reforms. The State party must be pushed to hold municipalities, cities, and counties accountable for the torture and oppression imposed on civilians.