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to them without halting replication. Neutralizing antibodies are key protectors against infection but they emerge after infection or vaccination.

Antibodies Do Not Ensure Immunity

A recent study from Shanghai showed that among 175 patients who recovered from COVID undetectable neutralizing antibody levels. Similarly, researchers at Rockefeller University for convalescent patients, 33% had no detectable neutralizing antibodies while 46% had low levels. Recovered, presumably the cellular component of the immune system fought off the virus. It could also fail to generate protective antibodies in a sizeable sub-population.

Even if neutralizing antibodies do develop, it's not yet known how long they last or the amount of CoV-2. Some viral infections like the common cold – often caused by different coronavirus – have transient antibody levels that do not bestow lasting immunity. As for the antibodies to the MERS and SARS, they declined after several months. Likewise for antibodies arising after infection. In the case of AIDS, there's an abundance of antibodies to HIV but they are non-neutralizing and we still have no vaccine against AIDS or any coronavirus.

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Contra these gloomy laboratory studies, clinical findings from South Korea show the specter of re-infection. Among 263 patients who fully recovered from COVID-19, 10% tested positive for SARS-CoV-2 weeks later, none harbored viable virus and were no longer infectious."

Another reason why viral infections evade the immune system is that viruses mutate so that they are more difficult to detect. Preliminary data from China indicates that SARS-CoV-2 mutates frequently and some strains are more virulent than others. The deadlier mutations recovered from Chinese patients were also noted in patients in New York State. The milder strains resembled those in Washington State. Thus, mutations may explain the variable mortality rates seen in different regions. A non-peer reviewed article by Korber et al. describes a SARS-CoV-2 mutation dubbed "D614G" that is replacing the original Wuhan virus across the country in New York. Though challenged by other scientists, such mutations, like those of the flu virus, may make it difficult to develop an effective vaccine or to prevent re-infection.

Antibodies, whether acquired by natural infection or vaccination, may not be protective. In fact, the World Health Organization rejected antibody tests to grant "immunity passports" – certificates that would allow people to circulate freely without fear of re-infection. WHO declared; *"There is currently no evidence that people who have recovered from COVID-19 and have antibodies are protected from a second infection"*. Also, many anti-vaccine Scientists warn that segregating society on the basis of dubious biologic data can threaten public health.

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SARS-CoV-2 binds to ACE-2 receptors that are found throughout the body, notably the airway lining of blood vessels, the heart and kidneys. This explains the widespread organ involvement. Some patients succumb to an unruly inflammatory cascade called a "cytokine storm" where immune cells attack organs infected by the virus. A related immune over-reaction called "multi-systemic inflammatory disease" has affected some children weeks after being exposed to SARS-CoV-2.

Conversely, SARS-CoV-2 weakens the immune system by binding to CD-147 receptors on immune cells. Thus, anti-viral immune cells get infected by the virus they are supposed to destroy. Some patients show markedly depressed lymphocyte counts, but those who are severely ill show functional lymphocytes. So SARS-CoV-2 acts like HIV by neutralizing a key component of the immune system. Montagnier, winner of the 2008 Nobel Prize in Medicine for discovering the Human Immunodeficiency Virus (HIV), asserted that SARS-CoV-2 is a lab-created virus containing HIV genetic sequences. He was part of the Wuhan Institute of Virology after modifying a coronavirus to develop an AIDS vaccine.

When normal cells are infected, they change in ways that are recognized by the body's immune system. SARS-CoV-2 camouflages the cells it infects, resulting in "immune evasion". By hiding its tracks, it avoids recognition and elimination of virus-infected cells. This mechanism could allow SARS-CoV-2 to cause a chronic infection like Hepatitis-C or AIDS and may explain why some patients experience prolonged shedding.

Contra these gloomy laboratory studies, clinical findings from South Korea bring optimism. Among 263 patients who fully recovered from COVID-19, then tested positive for SARS-CoV-2, none had viable viruses. They were no longer infectious. The diagnostic test merely detected RNA fragments that can take several months to clear from convalescent patients. Unlike HIV, SARS-CoV-2 did not damage immune cells, making it doubtful to result in chronic infection or recurrence. Although antibodies are protective, solid evidence of immunity from re-infection is lacking, coming from non-peer reviewed studies on monkeys. Given COVID-19's uncertainties, safety means avoiding exposure and supporting adequate exercise, rest, nutrition plus vitamins D and C.

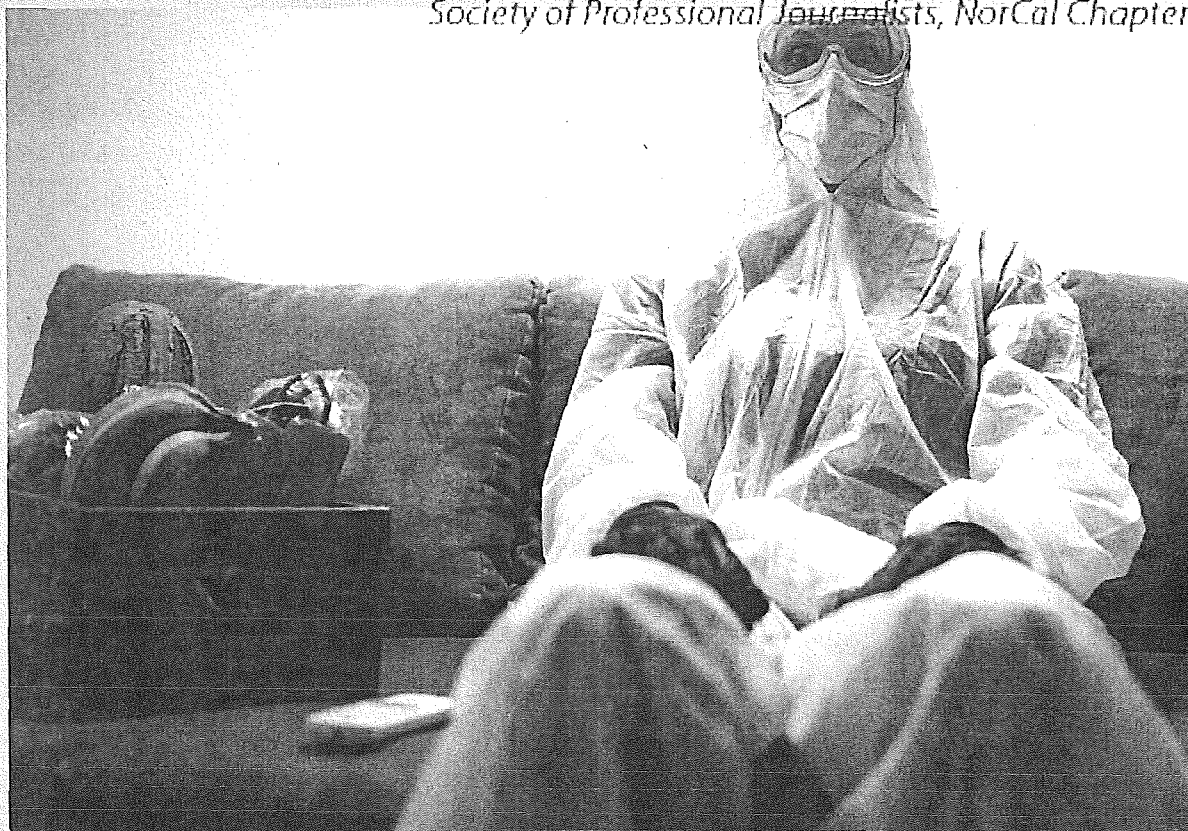
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June 2020

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Mystique of COVID-19 Transmission

by Dr. Derek Kerr



To date, we have been told that SARS-CoV-2 (severe acute respiratory coronavirus 2), the new coronavirus that causes the disease called COVID-19, is spread by infected persons cough or sneeze. These virus-laden droplets can be inhaled or land on the mouth. Droplets also land on nearby surfaces. If we touch contaminated surfaces and then touch our noses, eyes and perhaps genitals, the virus can invade our bodies. That's because the virus binds to receptors on mucosal cells but cannot penetrate intact skin. Accordingly, keeping 6 feet away from others, washing hands frequently, and avoiding touching our face

are recommended. Upon recognizing that infected people were transmitting the virus without or before feeling symptoms,

A survey of 3,000 people in Italy found that; "the great majority of people infected with COVID-19 were asymptomatic but represented a formidable source of contagion". By definition, asymptomatic people are not sneezing so they probably spread the virus by other means.

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airborne transmission of COVID-19 is likely, particularly in crowded

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members contracted COVID-19 after a 3-hour practice and why prisons, nursing homes, and incubators.

Features of Aerosols

There is data indicating that the virus can spread by aerosol – not just droplets. In general, while aerosols consist of micro-droplets measuring less than 5 microns. The SF fog is one is the invisible mist we produce with every breath. It becomes visible by exhaling against a vapor condenses into water. Unlike larger droplets that quickly fall to the ground, aerosols hours – like clouds. Several studies show that aerosols, and some droplets, can travel well

Micro-droplets in aerosols also pose a danger because their small size allows them to reach droplets deposit in the upper airway where they are typically trapped by mucus that is pushed hair-like structures called cilia. Aerosols are largely blocked by face masks, especially N95 particles above 0.3 microns.

Aerosols Carry Viral Particles

Aerodynamic research on air samples in COVID-19 hospitals in Wuhan, China found viral RNA in toilets where flushing urine and feces can aerosolize the virus. Indeed, other researchers re feces of most COVID-19 patients. Viral RNA was also found where workers removed their scattering viral particles into the air. However, well-ventilated patient care areas and open of aerosolized viruses. Once contaminated areas were sanitized, the air within became viral at the University of Nebraska Medical Center found viral RNA in air samples from rooms of et al detected viral RNA in the air exhaust fan of Singapore hospital rooms, indicating airborne

Since these studies only isolated viral RNA, they did not prove that the air contained viable SARS-CoV-2 has a RNA core and a spiked protein coat). Further, viral concentrations in the know how many viruses are needed to cause infection. However, because SARS-CoV-2 is because aerosols have spread tuberculosis, influenza, measles and the 2003 SARS corona COVID-19 is likely, particularly in crowded, enclosed spaces with poor ventilation or re-cycling transmission is rare. Out of 1,245 COVID-19 cases documented in China, only 2 were contracted circulates freely.

Aerosols Transmit Infection

A study by Van Doremalen et al showed that when SARS-CoV-2 was introduced into aerosols capable of infecting cells - for at least 3 hours. A non-peer reviewed report by Sears et al for

SARS-CoV-2 persisted in experimental aerosols for 16 hours

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Better yet, wipe down contaminated surfaces daily – especially in bathrooms, with a disinfectant solution. Chin et al used micro-droplets of virus solutions to test viral viability against various surfaces. Most household disinfectants neutralized SARS-CoV-19 – but acids like vinegar did not. So, dryers set at high, about 130 degrees F, would eliminate SARS-CoV-2 from clothing.

Alarming, they found that the virus remained viable for 14 days at 39 degrees F, so refrigerators should be sanitized. Reassuringly, the virus lasted less than 3 hours on printing or tissue paper at room temperature. Contaminated banknotes harbored viable virus for 2 days and cleared on day 4. Cloth and paper cleared within 4 days while glass surfaces cleared within 4 days. Plastic and stainless steel held viable virus for 7 days. Hence, the need to wash hands often; at least 10 times daily has proven ideal.

The likelihood of airborne infection depends on the dose of virus transmitted and the duration of exposure. Unmasked face-to-face chat could pass the virus. Accordingly, if unmasked, avoid crowded places. As for conversations, keep them short, masked and distanced.

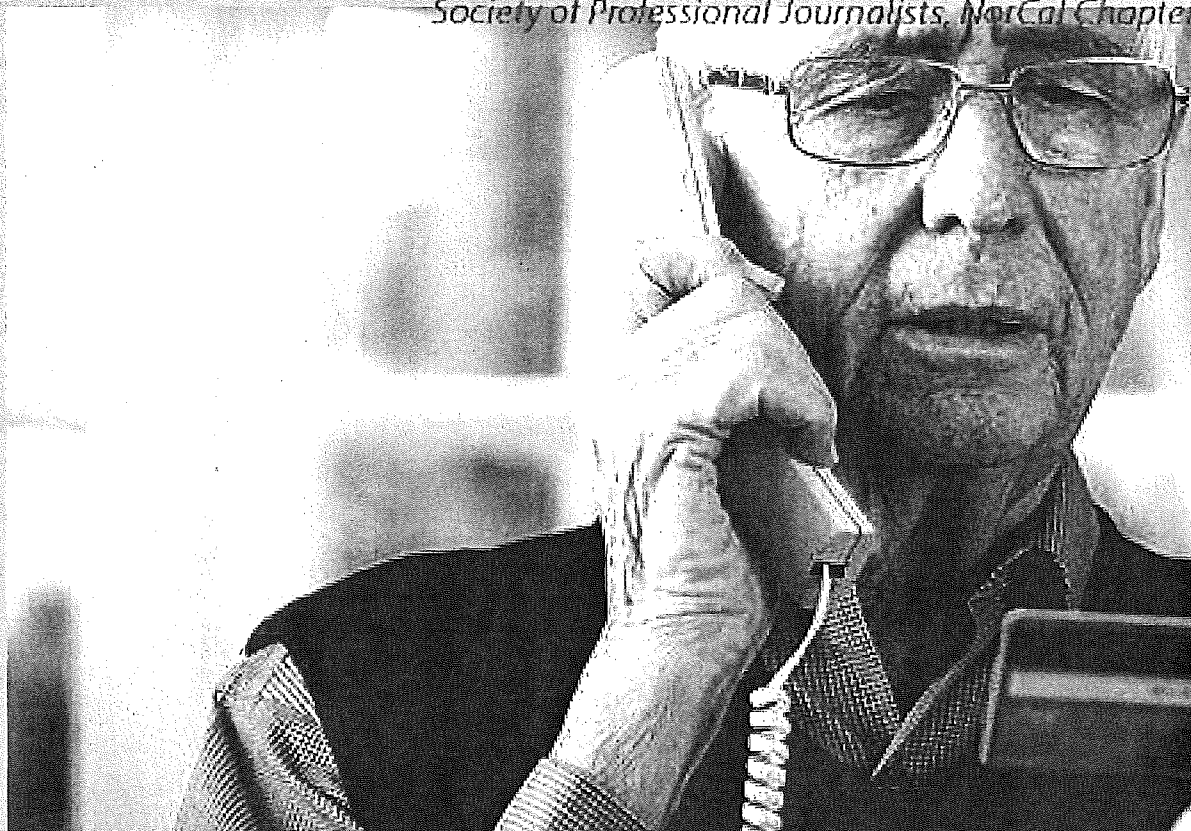
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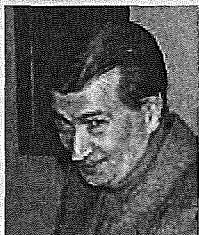
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Door-to-Door Imposters, Robocalls: Beware of Co



Times of crisis bring out the best in us – and the sleaze in scam. March newsletter alerted the public to a creepy COVID-19 scare. The Department of Public Health (DPH) or Centers for Disease Control (CDC) is going door-to-door, asking to enter homes to conduct inspections. The CDC sends personnel door-to-door to inspect private residences.

Health Inspectors Although City Disaster Services workers do patrol in various neighborhoods, they do not ask to enter homes or establishments. DPH Environmental Health checks sanitation in SRO hotels, but they notify building managers in advance and present specific food safety inspections in restaurants and related facilities. Again, they show DPH

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The IRS reports a wave of calls and emails from fraudsters seeking fees to speed up delivery of the \$1,200 “Stimulus Check.”

The SFPD advises that if canvassers claiming to represent the DPH or CDC call at your home

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The FTC advises to hang up on robocalls. Do not press any numbers or answer any questions to avoid more robocalls. Whether commercial solicitations come by phone, email or text message, wire money. Beware also of fake COVID-19 charitable solicitations. Check to see if the charity calls for donations. Report solicitation scams to the FTC at 1-877-382-4357.

Snake Oil The World Health Organization (WHO) has alerted the global community at that claim to prevent, detect, treat or cure COVID-19." Notably, deceptive websites generally landline phone number. Consumers are advised to seek guidance from a medical professional. Scammers are flooding the US market with fake or untested sanitizers and disinfectants, claiming to cure coronavirus. The Environmental Protection Agency (EPA) lists approved sanitizers and thru retailers who sell unregistered COVID-19 related products.

Social Security Scams The Social Security Administration (SSA) is warning the threatening suspension of Social Security benefits due to COVID-19 –related office closure recipients to call a number operated by scammers. They demand personal information or wire transfer to preserve your benefits during the COVID-19 shut-down. The SSA emphasizes Security payments or benefits during the pandemic - or demand fees. Report these crooks

The IRS reports a wave of calls and emails from fraudsters seeking personal information on the \$1,200 "Stimulus Check." The official term is "Economic Impact Payment" and the IRS your bank account. The IRS does not call or email taxpayers to verify personal or banking information. Identity theft cons. Do not open "IRS Emails" or click on any links or attachments within the involves sending taxpayers a bogus IRS check with directions to call a number to verify the it. Report such scams at; <https://www.irs.gov/privacy-disclosure/report-phishing>.

Information and caution are protective against cheats. Get definitive guidance and subscribe for Disease Control and Prevention at <https://www.cdc.gov/coronavirus/2019-ncov/whats> Public Health provides information and updates on COVID-19 at; <https://www.sfdph.org/d> City's overall responses can be tracked at; <https://sf.gov/topics/coronavirus-covid-19>.

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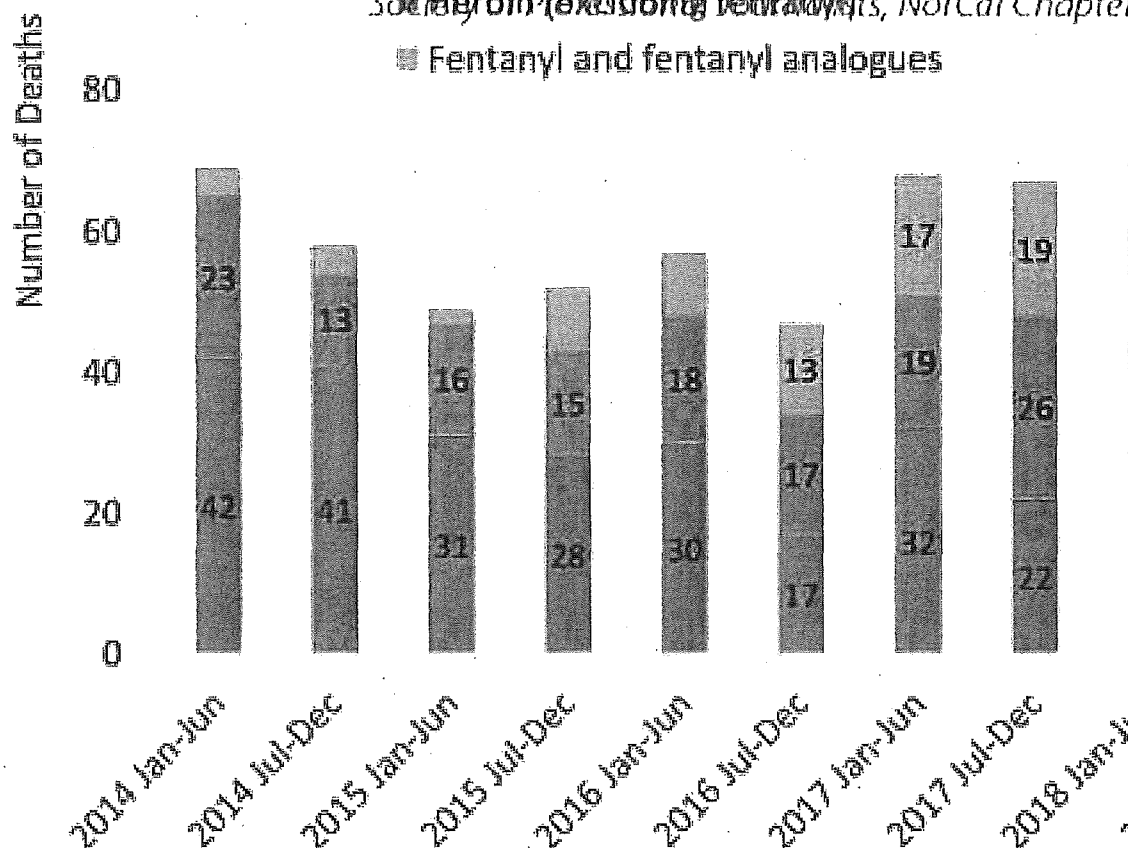


Fentanyl & Meth Push Overdose Deaths to

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by Dr. Derek Kerr

There's another deadly epidemic in the City. Until now, San Francisco's robust reduction programs had forestalled the opioid overdose epidemic sweeping the Bay Area. [Press Release](#) and [Health Commission presentation](#) detailed how fatal drug overdoses are now primarily driven by fentanyl. Most casualties are men, 40 to 59, and disproportionately African-American.

Fentanyl

A potent and fast-acting opioid, fentanyl is about 100 times more potent than morphine or heroin. Formulated in 1959 to control pain from cancer or surgery, fentanyl was later abused because it's cheaper to produce and easier to smuggle than heroin. As detailed in [journalism](#), Fentanyl, Inc., it mostly comes from China where chemical companies synthesize recreational drugs. These labs produce fentanyl variants or precursors that haven't yet been detected by the DEA. Ironically, criminalizing heroin has spawned a new epidemic.

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additive mixed into various street drugs to give them more "kick". Despite its potential for abuse, it's the street opioid of choice because it's cheaper and delivers a better rush, per Dr. Phillip Smith, Director of Substance Use Research. Because the purity of street fentanyl varies, users don't know how much they're taking, leading to overdoses. Data Dr. Coffin shared with the *Westside Observer* shows that fentanyl-related deaths have increased annually since 2015, reaching 162 in 2019. But that's a partial count due to the 6-month lag in death and toxicology results. DPH projections for 2019 foresee around 200 fentanyl-linked overdoses, far exceeding heroin plus prescription opioid deaths.

To counter the overdose epidemic, the DPH employs a Harm-Reduction model. This includes needle exchanges and clinics, freely distributing naloxone (Narcan) a drug that reverses opioid overdoses, providing clean strips so users can check their stash, and planning drug sobering centers. Needle exchanges encourage users to smoke rather than inject fentanyl and offer aluminum foil to facilitate this safer option. Single-room occupancy hotels where 30% of overdose deaths occur, advising drug users to stay in one room. Treatment strategies include easing access to methadone and buprenorphine (Suboxone). Once implemented, Mental Health SF will expand these services.

Methamphetamine

Methamphetamine is largely produced by Mexican cartels that import the chemical precursors for cocaine, it's a stimulant but longer-lasting and cheaper. Meth-related overdose deaths have increased over the decade. However, the numbers exploded in 2019. As the Medical Examiner told the *WSO*, there were 126 meth deaths as of March, with a projected total of 252. That's double the 126 meth deaths from 2017-18. Overdoses, the DPH found that 47% of Psychiatric Emergency visits in 2017-18 were for methamphetamine.

Although no medications can reverse methamphetamine overdoses or block cravings, there are interventions like Contingency Management, whereby users receive cash rewards for staying clean. Senator Scott Wiener, would provide Medi-Cal coverage for this intervention. Based on Force recommendations, a 12-bed Meth Sobering Center with access to counseling and medical services is planned for Tenderloin this year.

Overdose Deaths and Prevention

Overdose deaths refer solely to acute drug poisonings. They exclude drug-related deaths from chronic conditions, injuries, and infections. Also excluded are alcohol related deaths that are categorized as accidents. Since most overdoses involve multiple drugs, it's difficult to determine which one was lethal. For example, with methamphetamine overdoses involve other drugs - mostly fentanyl. So fentanyl contributes significantly to the deaths attributed to meth, cocaine and heroin. When one death is caused by 2 drugs, it generates two reports. That's why the sum of individual drug-related fatalities exceeds the number of

Overall, opioids, meth and cocaine have already claimed 330 lives but are projected to claim more this year.

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2006 to 2016, injection drug users increased from fewer than 10,000 to almost 25,000. stayed flat. And it isn't due to the national prescription opioid epidemic. Local prescript steadily dropped since their peak 2010. The breakdown in the City's containment effort availability and desire for fentanyl - and meth.

To curb the availability of dangerous drugs, the US Attorney for San Francisco launched dealers and suppliers last August. This "Federal Initiative for the Tenderloin" started by drug traffickers who commuted from the East Bay. This intervention gave residents a w intimidating open-air drug market. Yet, prior drug raids by the SFPD faced criticism for t needed, such enforcement measures bring transitory relief.

Our overdose epidemic gives reason to establish Supervised or Safe Injection Sites like As reported in the September 2017 WSO, Safe Injection Sites (SIS) can prevent overdos facilitate addiction treatment, but may relieve a fraction of the problem without improvi drug users is low due to registration requirements and the stronger allure of the street s that more City users wanted "food and showers" than drug treatment from an SIS. Injec traumas and despair that drive addiction.

San Francisco's 3-year quest for SISs has been thwarted by federal prohibitions and op enforcement groups. Hopes that the State would protect SIS operators were dashed w Assembly Bill-186 in 2018. Brown called the bill "all carrot and no stick" for "enabling ill without requiring treatment for addiction. With Governor Newsom in office, an identical Senator Scott Wiener and re-branded as an "Overdose Prevention Program" was introdu This February, Supervisor Matt Haney called on the Governor to issue an Executive Ord Site" in San Francisco.

Hopes soared this February when Philadelphia got Federal Court approval for an SIS by decrease rather than enable drug use, thereby not violating federal law. However, a pub the local US Attorney torpedoed the plan. Although Mayor London Breed introduced leg SIS, US Attorney David Anderson who orchestrated the Tenderloin drug raids vows to st impact of the COVID-19 pandemic on efforts to contain the opioid epidemic.

All told, the DPH funds 65 programs to provide drug and alcohol treatment services - a mental health budget. Contractors served 5,975 substance abuse clients last year. Yet show the Health Commission that its many - and costly - interventions are still effective deaths, drug-related Emergency Room visits and hospitalizations indicate that City pro officials and non-profit contractors call for more services. There's a "carrot" versus "stick" approach and Federal interventions. More integration would be better than more of each

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Some sewer claims were fraudulent but routinely approved by the Claims bureau, at tax as detailed in the Westside Observer in September and November 2014, and February 2015. Hoeper's probing threatened managers close to Herrera, her investigation was shut down, and her position in July 2012. She was transferred to the DA's Office and later terminated. The "Sewergate." In 2018, the NorCal Society of Professional Journalists recognized Hoeper's Information Award in the Whistleblower category.

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Taxpayer costs will exceed \$5 million since the City has been paying the Nest law firm \$850/hour to defend Herrera. Keker & Van Nest already billed \$2,267,75, back in September 2016, records show."

The Court of Appeals sustained Hoeper's awards of \$1,338,578 for lost wages, \$1,291,000 for attorney's fees. The City argued that these awards were unwarranted and characterized the City's appeals as "without merit". Taxpayer costs will exceed \$5 million paying the Keker & Van Nest law firm \$850/hour to defend Herrera. Keker & Van Nest already billed back in September 2016, records show. Karl Olson, one of Hoeper's attorneys, told the California Supreme Court to review the case, but only 5% of such Petitions for Review are granted.

Op-Ed — A special to the *Westside Observer*)

February 2020

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Auto Burglars Assail Westside, Eastside Migrate to LA

by Dr. Derek Kerr

Although citywide auto burglaries seemingly dropped 2% in 2019, they soared by 24% on the Westside. The table below is derived from the Taraval Police Station's excellent website. Note the surge in auto burglaries since August.

As explained in the July 2018 Westside Observer, these numbers are static. They are not updated to include late crime reports. Such updates are logged into SFPD's separate CompStat database. Therefore, the crime figures reported on Taraval Station's website are lower than those shown on

CompStat for the Taraval Police District. For example, CompStat's updates boosted Taraval's auto burglaries in 2019.

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CompStat shows that in 2019, home and shop burglaries numbered 334 versus 507 reported in 2018. That may reassure Sunset residents. As the July 2019 WSO reported, home invasions are on the rise in that predominantly Asian neighborhood.

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
2019	157	123	112	91	107	101	131	167	189	
2018	134	100	122	100	121	104	128	135	95	
2017	121	140	157	154	176	149	148	106	115	

According to citywide CompStat figures, there were 25,677 car break-ins in 2019 versus 28,000 in 2018. The 2019 figure is dubious. By the time all the delayed reports for 2019 are tabulated, the updated total will show a significant reduction. On top of this, published numbers are understatements. Folks without compstat don't bother to report break-ins when arrest rates linger around 2%. However, compared to the numbers for vehicles in 2017, the crime wave has subsided.

The stabilization in citywide car break-ins masks a shift in crime targets. Auto-boosters are moving from commercial to residential areas – like the Westside, and even Safeway parking lots per the 1/31/20 report. To monitor tourist sites, criminals seek opportunities for easier pickings elsewhere.

San Francisco isn't suffering alone with this epidemic. East Bay auto break-ins soared in 2019. There were increases of 25% in Oakland, 32% in Berkeley and 48% in San Leandro. As the San Francisco Chronicle reports, East Bay police agencies have formed a "roving task force" to crack down on the crime. It gets worse.

This January, the Los Angeles Times described a new crime trend plaguing LA since 2017. Criminal members have been traveling to LA in rental cars to steal belongings from autos parked in parking lots. Criminal tourists now prey upon regular tourists. After scouring parking lots for out-of-state cars, they brazenly break windows in broad daylight - even in view of surveillance cameras.

Because Bay Area smash-and-grab crews are known to local cops, they hit the road to get away with anonymity. So, LA detectives are sharing data with their Bay Area counterparts to track the crime. The data includes social media where thugs like to brag about their exploits. Last April, an Oakland report of 10 auto burglaries in Hollywood, using electric scooters to hustle the goods away. The store owner was arrested, and 5 people were arrested.

What's happening closer to home? The WSO asked Taraval Station's Captain Nicholas F. ... about Westside car break-ins. He indicated that he was reviewing the crime data with his staff. ... comment.

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Cannabis in San Francisco, the 2019 Controller's Report on the legalized marijuana industry, shows how efforts to curb the illegal market while helping on Drugs can backfire.

In 2016, 74% of San Francisco voters passed California Proposition 64, allowing cannabis for adults over 21 without a prescription. Since January 2018, these recreational cannabis businesses have been tracked from "seed to sale" to ensure consumer safety and prevent illegal diversion.

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This quagmire burdens taxpayers . . . In 2018-19 it collected \$360,000 in operating budget. Those fees came from existing businesses. But it collected zero application fees due to the logjam. Yet, its operating budget was



Doors are open at 2161 Irving St.

With this mandate, the Board of Supervisors passed Ordinance 20180001, requiring cannabis businesses 600 feet away from schools and along commercial corridors. Then Ordinance 20180002 was passed. It included an Equity Program that prioritized the War on Drugs, and an amnesty program so some businesses could enter the legal market by complying with regulations. The Board then passed Ordinance 20180003 to manage these processes. The Controller's Office then began permitting cannabis operations.

The land-use Ordinance worked, as shown by the Ordinance 20180002. At this time, the only Westside storefront dispensary and medicinal cannabis is Barbary Coast Sunset at 2161 Irving St. Two on Ocean Avenue are closed for renovations. But

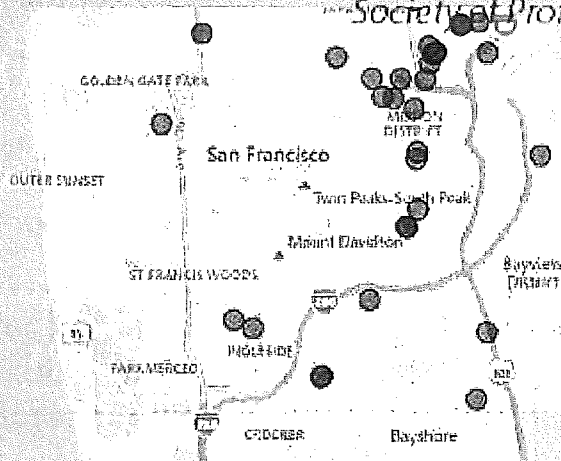
created a self-defeating solution.

REGULATORY LOGJAM: Although 212 cannabis businesses are authorized to operate, only 118 are operating. That's way less than the 387 operating in Oakland. Of these 118 operating businesses, 100 are retailers and all were pre-existing or pre-approved Medical Cannabis Dispensaries. Like dispensaries, growers, manufacturers, and distributors were already in place. New businesses are slow to enter the market. That's because Equity Program applicants hold top priority. By City law, no other applicants can get a permit until equity entrants get 50% of all permits issued. Only three equity entrants have been approved, creating a backlog.

EQUITY REVERSAL: Equity Program applicants must meet strict criteria involving low income, school attendance, loss of housing, or arrests for cannabis-related crimes. Then, they need approvals from SFPD, Cannabis, Planning, Public Health, Building Inspections and Fire, and the Office of Cannabis. Because of this grueling complexity and because the Office of Cannabis has just

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Cannabis Storefront Retailers in San Francisco Storefronts are heavily clustered in the Market Street corridor. Note: Delivery-only retail operators not store-front dispensaries. Another 144 await approvals for delivery-only outfits or cultivation distribution operations. The backlog is so bad that new equity applicants face an additional being considered. As for non-equity applicants, they're shut out entirely.

Meanwhile, equity applicants are crushed by expenses since they must maintain a site. Rent alone can amount to hundreds of thousands of dollars while waiting for a permit. equity applicants are forced into debt. Or, they sell ownership shares to well-heeled investment companies. Either way, the aims of the Equity Program are thwarted.

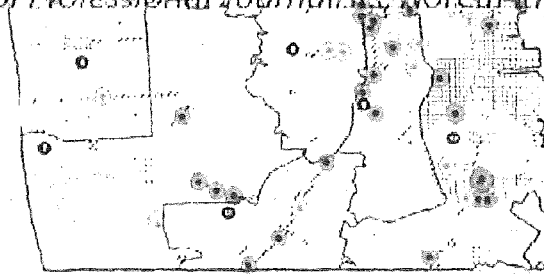
Although a Community Reinvestment Fund was set up to offset costs for equity applicants, City fears liability for aiding sales of a federally-outlawed drug. Further, there are so many that the market will be saturated before they're all approved, per the Controller's analysis.

As for the black-market entrepreneurs who opted to go legit, they're stuck in the permit process, thriving illicit market that dwarfs the legal upstart by a factor of 3 to 1. As the Report concluded, it undermined its own equity goals and intent to eliminate the illicit market."

ECONOMIC BURDENS: This quagmire burdens taxpayers. The Office of Cannabis permit application and renewal fees. In 2018-19 it collected \$360,000, about half of its budget came from existing businesses. But in 2019-20 it will collect zero application fees due to a budget that will top \$1 million. Deficits will persist until the Office of Cannabis clears the backlog. All 12 City departments supervising the cannabis industry, the cost to taxpayers exceeds cannabis sales taxes covered these losses. That may not last. After 3 years of steady decline, it declined by 16% then leveled out in 2019. Statewide cannabis sales saw a similar decline as black-market competition are cramping tax revenues. Meanwhile, legal cannabis prices

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Retail Storefront Locations of Proposed Equity Business (currently in queue). Out of 133 applicants, 133 are applying for storefront retail. The proposed locations are heavily concentrated in Union Square, the Mission and SOMA.

PUBLIC SAFETY PRESERVED: In 2006, the City assigned marijuana offense a low priority. Since then, cannabis arrests have steadily declined, although African-American people are disproportionately affected. SFPD incident reports show a 17% drop in cannabis offenses since adult-use was legalized. However, this number does not include low-level infractions. In 2018, cannabis-related complaints comprised 0.1% of recorded City crimes. As for marijuana-related complaints reported to 311, they comprised 0.003% of 2018 calls. The Westside enjoys the lowest incidence of cannabis-related crime, with 4% of the City's 2018 total.

In accord with other studies, the Controller's Report found that property and violent crime near cannabis dispensaries dropped by 2%, whereas they increased citywide. Larceny theft and burglary near dispensaries – but also throughout the City and at similar rates. Since dispensaries cluster in certain areas, the Controller's Report concluded; "...crime that occurs near cannabis locations is likely driven by local factors, rather than the notion that cannabis operators attract more crime."

California Highway Patrol records showed that cannabis-only stops for San Francisco decreased in 2018. Those 31 cases were 10 more than in 2017, a post-legalization increase. However, cannabis-related stops increased and comprised 82% of DUIs. The remaining DUIs involved other drugs or mixtures, or where cannabis was used with other intoxicants.

PUBLIC HEALTH CONCERNS: When adult-use cannabis was legalized, there were concerns about increased consumption and limit access for young people. Current data for San Francisco is lacking. When recreational marijuana was legalized in 2012, there was no change in youth use rates. In other states, cannabis use among youth decreased - even as many states legalized marijuana.

According to SF Unified School District surveys, suspensions for drug possession (largest category) are small. There were 57 suspensions in 2018 compared to 44 in 2017 – among them, the popularity of vaping, given the outbreak of life-threatening pneumonias likely caused by vaping.

California has logged 208 cases and 4 deaths to date. The SFPD hasn't responded to requests for more data. © 2020 Westside San Francisco Media. No portion of the articles or artwork may be reproduced without expressed consent.

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have increased slightly since 2018. Again, the numbers are small, averaging less than 1 encounters. On the other hand, cannabis admissions to DPH Substance Abuse Treatment 2018, just 355 or 4% of admissions were for marijuana. Per the Controller, these numbers reduce cannabis, just further monitoring.

The Office of Cannabis has rallied City departments to streamline the permitting process for applicants, a \$1.3 million grant was secured along with pro bono legal assistance from an 8-member Cannabis Oversight Committee, inaugurated in December 2019, will advise to "facilitate socially responsible growth of the cannabis industry." Hopefully, it will help to implement recommendations detailed in the Controller's Report.

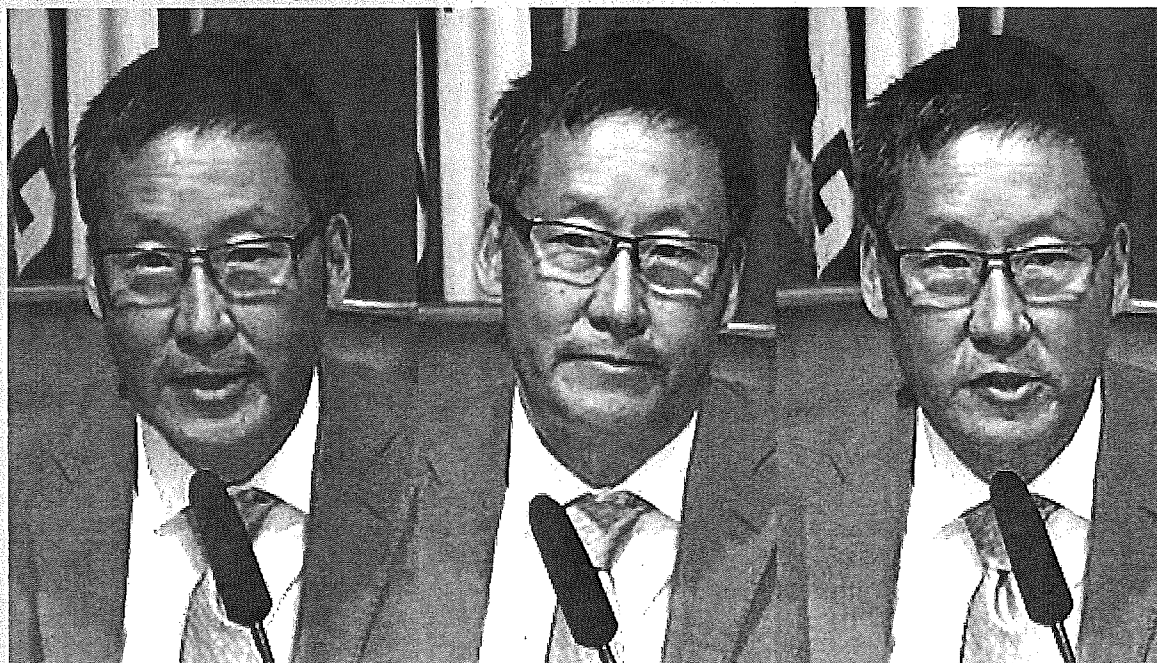
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February 2020



Precarious Partnership:

SFPD and the FBI



Supervisor Gordon Mar opens the hearing investigating the Joint Terrorism Task Force

by Dr. Derek Kerr

in its July report, Joint Terrorism Task Force: Balancing Public Safety with Civil Rights
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Society of Professional Journalists, NorCal Chapter
That arrangement was secretly renewed in 2007, adding tighter FBI controls and secret Commission. When its contract with the FBI expired in February 2017, the SFPD bailed concerns and the turmoil of switching its Police Chiefs.

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... Supervisors unanimously passed the ... transparency and acc
.. In effect, the law authorized SFPD brass and City officials to ov
Joint Terrorism Task Force investigations."

San Francisco Taxpayers Tapped Previously, the SFPD had usually ass to the JTTF under the direction of the local FBI Office, and ultimately the US Attorney G paid their salaries. These officers received Top-Secret security clearances and access t identities were secret. They signed non-disclosure agreements that barred information and underwent polygraph exams. As federal deputies, they could operate anywhere in t maneuver beyond local civilian oversight and local privacy and civil rights laws. Nomin by such laws, notably SFPD's Department General Order 8.10: Guideline for First Amend

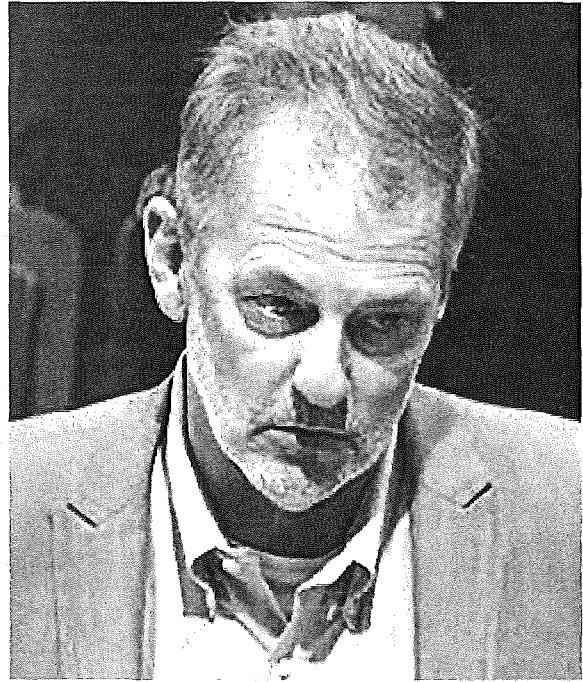
Supervisors Weigh In DGO 8.10 was designed in 1990 to prevent police intru protests, and political assemblies. In the post-9/11 era, unwarranted JTTF practices be Alarming reports and warnings were issued by the Human Rights Commission, San Fra and 79 civic groups represented by the Asian Law Caucus, Council on American Islamic Accordingly, in 2012 the Board of Supervisors unanimously passed the Safe San Franci govern SFPD participation in federal counter-terrorism activities. The Ordinance enshr DGO 8.10's transparency and accountability provisions. It also mandated Police Comm between the SFPD and FBI. In effect, the law authorized SFPD brass and City officials to investigations

That expectation proved unworkable because the FBI included "threat assessments" in activities. FBI "assessments" seek information about persons who may threaten nation laws. Unlike formal investigations, no "reasonable suspicion" of criminality is required. allowed more intrusive practices like pretext interviews, physical surveillance, telephon deploying informants, all without evidence of wrongdoing. Anyone could be targeted ba or race, thereby landing on a federal "terror watch list". Despite the slippery taxonomy, " investigations that can circumvent criminal justice principles and First Amendment right

SFPD and FBI Conflicts As the FBI White Paper admits, such assessments SFPD officers working as JTTF agents. Further, these assessments "usually involve, on First Amendment activities"

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ACLU Lawyer John Crew

Accordingly, none of the 119 assessments/investigations conducted by SFPD's JTTF actually received departmental approvals. None were forwarded to the Police Commission or the Accountability, records show. That's because none targeted "solely constitutionally protected" activities, repeatedly told the Police Commission. But, "That's the FBI standard – not the SFPD standard," attorney and police practices expert John Crew and several Commissioners at the explanation. DGO 8.10 requires approvals and oversight for investigations that "involve" First Amendment activities that "solely" target such activities. The SFPD had been bending, if not violating, its own investigative and secrecy tenets.

Worse, SFPD's JTTF activities defied the oversight imposed by the Safe SF Civil Rights Act. If activities are classified, they were withheld from SFPD brass, the Police Commission and the Accountability. Those folks lack security clearances. Indeed, the Police Chief's annual report to the Commission merely assert proper conduct, without evidence. The FBI White Paper adds to the problem by proposing workarounds including, "sanitizing" JTTF reports, or amending DGO 8.10 to "omit information" from the Police Commission.

Secrecy in Violation All this secrecy surrounding JTTF investigations nullifies any assurance that it "did not detect any instance of non-compliance with a DGO" by SFPD's JTTF, highlighted by former FBI counter-terrorism expert Mike German at the must-see Governor's

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adopted in San Francisco and California. And those protections can be slashed, depen and President. As local politicians including Mark Leno, Scott Weiner, Jeff Sheehy, Tom Rafael Mandelman and Angela Alioto warned in 2017: "if this (Safe SF Civil Rights) Ord enforced...local offices will become entangled in the implementation of Trump's policie and residents have unequivocally rejected." On the other hand, the Police Officer's Asso Commission to restore its JTTF partnership, decrying that it was abandoned "in a politi Currently, JTTF policies are antithetical to transparency and accountability. Upholding E Francisco Civil Rights Ordinance keeps the SFPD accountable to the community it serve Involvement in JTTF political surveillance entrains our police to view First Amendment Worse, more law-abiding San Franciscans view police as potential threats because unre contravene civil rights. There are other ways the SFPD and FBI can collaborate to addre the JTTF, as Portland, Oregon has done, strengthens public trust in the SFPD.

Note: Source references for this article are provided as links in the electronic version at Acknowledgement: **Mission Local and The Intercept** first reported on the FBI White Pa Dr. Derek Kerr is a SF investigative reporter. Contact: watchdogs@westsideobserver.com

December 2019



Hedging the Shake-Up at Laguna Honda

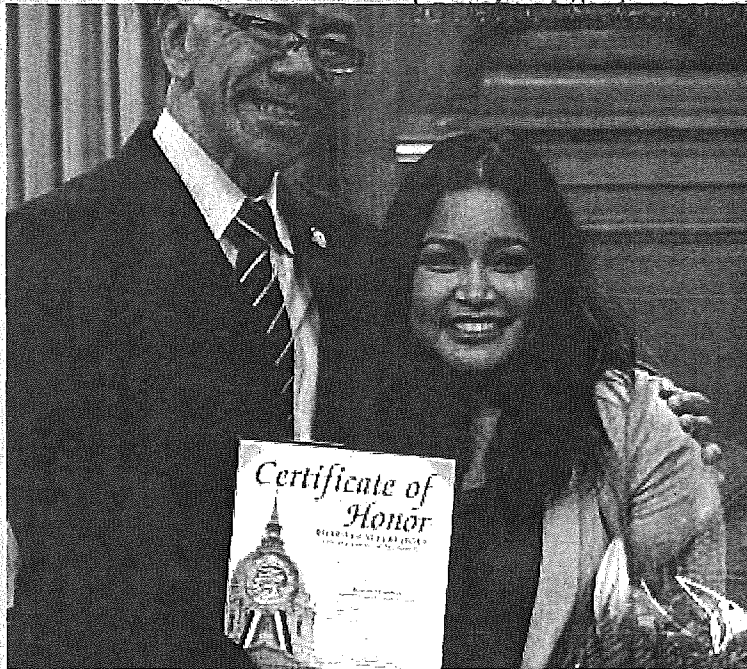
by Dr. Derek Kerr

Three months after Laguna Honda Hospital (LHH) CEO Mivic Hirose and Quality Dire ousted, another top executive has fallen. On Sunday, October 7, Acting CEO Maggie "Madonna Valencia, our Chief Nursing Officer, has left Laguna Honda Hospital." By this as an opportunity for us to welcome meaningful changes to our standards, rep Valencia's exit to the patient abuse scandal covered in the September *Westside Ob* Restoring LHH's standards, reputation and purpose won't be easy given the long tenure Hirose. Hirose served as Associate Director of Nursing since 1999, then as Chief Nursi as CEO from 2009 until the scandal emerged this June. Over those 20 years, Hirose hel culture. Lackeys were recruited, mentored and boosted into positions of power. As repe *Westside Observer*, some nurses openly denounced "favoritism, nepotism and cronyism will be to manage and transform her predecessor's entourage.

The long-delayed departure of Valencia is intriguing. After all, she was directly responsi nurses who abused 23 patients as well as their negligent supervisors. Retaining Valenc Director looked like scape-goating. The palatable rationale for keeping Valencia was to

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CNO Madonna Valencia with Supervisor Norman Yee

...inspectors found that 5 patients had been drugged with non-prescribed sedatives. All suffered life-threatening overdoses ... caused by medications smuggled into the hospital. LHH physicians knew something was wrong."

Using the passive term "has left" for Valencia's exit is interesting. In fact, records show Nurse Manager job paying \$202,852/year elsewhere within the DPH. Similarly, the ex-CNO soft-landing into a well-paying job at SFGH. Such reassignments avoid recriminations for skeletons are buried. Given the swirl of investigations by State and City agencies, more are expected.

A cone of silence hovers above LHH's Medical Division. California Department of Public Health found that 5 patients had been drugged with non-prescribed opioids and sedatives. All overdoses requiring emergency transfer to outside hospitals. The overdoses were caused by drugs smuggled into the hospital. LHH physicians knew something was seriously wrong and hospitals conveyed their alarms.

In February 2018, one outside doctor notified LHH Medical Director, Dr. Michael McShane, "an internal investigation was underway," per CDPH records. Another kept a patient hospitalized.

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LHH Medical Director, Dr. Michael McShane

months later, by chance, an unrelated investigation of an employee dispute exposed the pilfered meds. What happened with LHH's physician-run Medical Quality Improvement & Patient Safety Committee? Both are charged with probing adverse med

Meanwhile, LHH has stepped up its reporting of adverse incidents to the State. In May, scandal erupted, LHH sent 20 reports of alleged abuses and other lapses to CDPH. In July, scandal, LHH forwarded 37 reports to CDPH. In August, it was 42. Health Director Dr. G. "as Laguna Honda changes its culture, there may be an increase in the volume of incidents

.....
Another kept a patient hospitalized for an extra week, afraid to s death" at LHH. Apparently, LHH's internal medical investigation months later, by chance, an unrelated investigation of an employee the patient druggings with pilfered meds."

A burst of reporting is expected because staffers have been rattled by the scandal and the culture is another matter. One can be open about symptoms but silent about the un on 9/10/19 LHH finally admitted that there had been a 50% increase in AWOL cases co the trend has been ignored for 4 years. Recently, almost 1 in 3 patients discharged to th by going AWOL or signing out against medical advice. Further, theft/loss reports and b quadrupled over the prior year. Notably, there was a 54% increase in "Serious Incidents" although a change in reporting methods may explain some of the rise. But the cause of shrouded.

LHH officials won't admit that DPH's Flow Project brings disorder that undermines pati caregivers. Increased altercations, threats, thefts, and AWOLs are predictable with the

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said SFGH Chief Quality Officer, Troy Williams, Society of Professional Journalists, NorCal Chapter

Back in December 2016, the CDPH issued an "AA" citation (the most severe), plus a \$100,000 fine. detailed in the February 2017 *Westside Observer*, a nurse had parked an elder's wheelchair set the brakes, resulting in a fall and a fatal head injury. Surprisingly, LHH contested the citation. Attorney sued the CDPH to drop the citation and fine. In Superior Court case #CGC-17-1111, the court ruled in LHH's favor. LHH's lapse did not warrant an "AA" citation and that the fine was invalid as it was issued outside of investigation rather than within 30 days as required. After 2 years of legal wrangling, the court awarded an "A" but wouldn't budge on the \$100,000 fine. However, the cost to taxpayers will far exceed the Attorney fees.

In comparison, the recent abuses of 23 patients were deemed so grave that CDPH issued a state of "Immediate Jeopardy" – the top category of patient endangerment. State penalties were already levied. If the City again litigates against them, it could signal that Laguna Honda is not being properly protected.

Dr. Derek Kerr was a senior physician at Laguna Honda who exposed wrongdoing by the hospital. He can be reached at watchdogs@westsideobserver.com

November 2019



Attempted Assassination of Westside Journalist Lee

by Dr. Derek Kerr

On August 6th, gunmen shot Brandon Lee in the face and back outside his home in Ifuga, Philippines. On the way to the Baguio City Hospital, he repeatedly shouted that the Philippines was responsible for the attack. Internal bleeding required transfusions. Numbness below the waist indicated a need for surgery to remove a bullet lodged in his jaw, he suffered several cardiac arrests. Weeks later, he was still in critical condition with 3 bullets in place.

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...and volunteered with the Society of Professional Journalists, NorCal Chapter where he met now-Supervisor Gordon Mar. However, it was his joining the Filipino Students League that set him on his life's path.



...soldiers had repeatedly appeared at IPM offices, asking about Brandon's whereabouts, office hours, and family members. In an e-mail to his brother Aaron, Brandon expressed his worries for the safety of his family and colleagues due to the government surveillance and harassment."

In 2010, he moved to the Philippines to pursue his passion; helping farmers and indigenous communities. He became a permanent resident, married Bernice and raised their daughter Jessie, now a correspondent for the *Northern Dispatch*, an English-language weekly news outlet. His work focused on government corruption, military depredations under Martial Law, the framing of political activists, and environmental justice. Also, he volunteered as a paralegal for the Ifugao Peasants Movement. The *Dispatch* open letter declared, "The attempt on the life of Brandon is to sow fear and to silence the communities of Ifugao fighting against a corporate-led hydro-electric project and his co-leader's people's mass movement."

His writing was fearless. In a May, 2014 article titled; "Phil. Army Desecrates Ifugao Dead", he reported that soldiers raided homes of local farmers at gunpoint and forced them to open the coffins. These searches were part of the Aquino government's anti-insurgency program that he labeled "human rights violations". He bravely took over some duties of the IPM paralegal officer who had been murdered after being labeled a "communist sympathizer". Per the *Inquirer Northern Luzon*, "In 2015, Lee was among the members accused by the military of supporting the New People's Army" - the armed wing of the Communist Party. A slew of Facebook threats and vilifications such as "terrorist" and "traitor" followed. Brandon and 9 colleagues were mailed pictures of Ifugao burial blankets - an implicit threat. References to "GTFO" (Get the F—k Out) and "NorCal" - pointing to his "outsider" American status - were also made. In 2018, after another colleague who campaigned against the hydro-electric project was killed, Army investigators asked Brandon to name his coworkers, he disclosed just two - those who were with him at the time.

In the days and weeks before being shot, soldiers had repeatedly appeared at IPM offices asking about his whereabouts, office hours, and family members. In an e-mail to his brother Aaron, Brandon expressed his worries for the safety of his family and colleagues due to the government surveillance and harassment. Commander Maj. Gen. Pablo Lorenzo stated; "As regard the propaganda issue wherein (the Communist Party of the Philippines) is behind the alleged shooting incident, this is devoid of logic and factual basis. The interests of the government and AFP". Instead, Lorenzo proposed that the Communist Party of the Philippines was behind the military "to wipe the people of Ifugao". An investigation was conducted by the military.

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murdered in 2018. This April, our own Board of Supervisors passed Resolution 209-19, sanctioned extra-judicial killings that had "taken the lives of 29,000 Filipinos", including Brandon's family and friends have stayed with him, given the ominous intrusions of mili Supervisor Gordon Mar publicly condemned the "unconscionable human rights abuses Sunset District fighting for his life." Mar also lobbied the US Embassy to afford Brandon American citizens. Supervisor Matt Haney flew to the Philippines on a fact-finding miss hospital. On 9/10/19 the Board of Supervisors unanimously passed a Resolution calling evacuation" for medical care, a Congressional investigation, and suspension of US milit resolved. A Go Fund Me campaign has been set up to raise money for Brandon's medic via airlift to San Francisco.

Dr. Derek Kerr is a San Francisco investigative reporter Contact: watchdogs@westsideob

October 2019

Raided Westside Journalist Bryan Carmody

by Dr. Derek Kerr



Bryon Carmody

Bryan Carmody, the freelance journalist whose Sunset newsroom was raided by August 13th at a Society of Professional Journalists (SPJ) forum at Northwest Journalism in San Francisco. The panel included National SPJ President, J. Ale the media lawyer who represents Carmody.

Carmody was catapulted into international controversy after the SFPD broke into his ho

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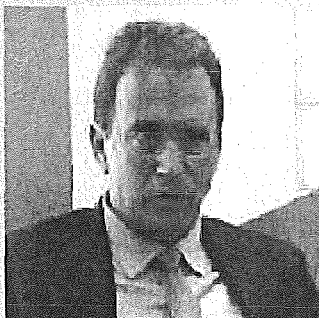
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National SPJ President,
J. Alex Tarquinio

"Woken up from a deep sleep" by the sledge-hammering of his gate, a shirtless Carmody as gun-toting officers plundered his belongings. Upon asking to make a call, a cop offered ahead and unlock it for us." No way. Similarly, Carmody said nothing to 2 FBI agents who conspiracy" and "obstruction of justice". The cops then raided Carmody's office at 794 where they confiscated computers, cameras plus 30 years of notes and digital photos. equipment, no way to work. A friend set up a GoFundMe campaign to replace \$6,000-w the SFPD returned the devices but security experts advised him not to use them.



Thomas Burke

Attorney Tom Burke explained that the raids were prohibited by the California Shield protects journalists, including freelancers; from being forced to reveal their source information. Importantly, it also protects sources. After the home and office raid March 1st, the SFPD had acquired 3 other search warrants for Carmody's cell phone numbers, text messages and location data. All 5 warrants were subsequently judges who issued them, because the SFPD had failed to tell them that Carmody had SFPD.

Burke was confident that the SFPD wouldn't use the seized information. However, the SFPD now knows the phone numbers of police officers Carmody."

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mayor Lou Lee died. As for the Society of Professional Journalists, who had previously raised their reliance on stringers – freelance photojournalists who cover breaking news the story, Carmody decided his best defense was to “talk to everybody and anybody.”

Attorney Tom Burke asserted that “receiving and requesting information” is part of “the journalism.” City Hall’s “condemnation and lack of appreciation for what journalists do (search warrants for journalist sources are generally illegal, journalists can be subpoenaed in advance notice to seek legal counsel. Even though the Shield Law protects sources from raids would inhibit sources from contacting journalists. Burke was confident that the SFPD information in a legal case. However, the SFPD now knows the phone numbers of police officers with Carmody. As for the FBI involvement, Burke was mystified. Carmody previously involved in public corruption, a charge that would apply if a police officer sold the stolen report. Carmody said, “I did not compensate, in any way...the officers who were involved in this – not

In 30 years of practice, Burke said “I’ve never known an American journalist, who hadn’t been targeted.” That targeting was fueled by outrage from the Board of Supervisors, the Mayor, and Adachi’s family. Once the City Attorney informed Police Chief William Scott that his department was being and barraged by media criticism, Scott apologized.

The Carmody search warrants were pursued by the Internal Affairs Division – part of SFPD. Scott. As ex-cop Lou Barberini reported in the July *Westside Observer*, there are “cowboy” tactics in the Internal Affairs Division. Their botched raids resembled the retaliatory “get-the-cop” investigations. Accordingly, Carmody received sympathy; “Most of the rank and file came up to me and said I was wrong.” Further, the Police Officers Association blasted Chief Scott as “deceitful” for “lack of diligence by department investigators” when the fault arose within his administrative circle.

Given law-enforcement capabilities for unlocking computers, Carmody advised, “Don’t let anyone want someone to see.” He admitted that he “would have been sunk” without Burke’s legal help. He said that if police can find legal help through SPJ’s NorCal chapter or the First Amendment Center.

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September 2019

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Laguna Honda’s Silent Abuse Scandal

By Dr. Derek Kerr

In July, the California Department of Public Health (CDPH) declared a state of “Immediate Public Health Emergency” after a survey found that 2 Licensed Vocational Nurses (LVN) and 2 Certified Nursing Assistants (CNA) were involved in a scandal.

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Acting CEO Margaret Rykowski

I treatment. Another sprawled on the floor in a soiled diaper. Some were filmed as sexual
affronts or asked to borrow money. One was being kicked by a staffer; another man
photos and videos had emerged incidentally during a staff-to-staff sexual harassment
families a "Notice of Data Breach" disclosing privacy violations – without mentioning the
Worse, 5 patients were drugged with non-prescribed morphine, methadone, and tranquilizers,
threatening complications and emergency hospitalizations. An LVN had pilfered the medication
He and a CNA exchanged text messages joking about making patients "sleep" and dispensing
medications. They were on duty when the druggings occurred. One patient was treated
urine tests showing non-prescribed narcotics between January and August 2018. He did not
caregivers, the perpetrators received annual Abuse Prevention and Reporting training.

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**Silence arises from a mistrust of leaders and fear of retaliation. Silence arises from a
lack of empathy. Health care without empathy leads to abuse and neglect. The
top 3 causes of patient harms are lapses in supervision, leadership and communication.
All are aggravated by fears of speaking up."**

In a 2015 lecture, Dr. Ron Wyatt, from the Joint Commission on Accreditation of Hospitals, described
Silence as detrimental to patient safety. The remedy, a Culture of Safety, requires trust to
result in action and improvement. Silence arises from a mistrust of leaders and fear of
a lack of empathy. Health care without empathy leads to abuse and neglect. Nationwide
harms are lapses in supervision, leadership and communication. All are aggravated by

Leadership: Organizational climate is set at the top. Unethical or incompetent leaders are at the
below. When leaders are selected for obedience rather than competence, they are easily
setbacks. Worse, they are threatened by competent subordinates and often push them
CEO John Kanaley in 2004, then Mivie Hirose in 2009, loyalists were rewarded and criticized
work, LHH managers pursued recognition and trumpeted awards. A PR Director was hired
achievements. A puffery website was created. Happy faces crowded LHH's Facebook page

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The mystery is why Quality Director Regina Gomez, who earned \$273,436 in 2018, was mistakenly reported that she had resigned. In fact, she was placed on paid administrative leave. LHH did not govern clinical nursing and those nurses didn't report to her. Yet, LHH Chief Nurse, who does oversee nurses, wasn't held accountable. Neither were the supervising nurses.

Gomez's job involved reporting alleged patient abuses – once brought to her attention. Reporting requirements, LHH reported more cases: 28 over the past 2 years. LHH was downgraded from a proud 4 stars to a mediocre 2 stars. Ironically, Gomez's amplified reporting set the stage for a separate spate of patient abuses by staff went undiscovered, Gomez was apparently fired without authority.

Paradoxically, Gomez was replaced by Troy Williams, SF General Hospital's (SFGH) Quality Director. State inspectors threatened SFGH with fines and payment cuts for an improper policy on patient abuses allegations since 2016. Plus, SFGH was cited for 2 negligent deaths and poor services. The rationale for Williams replacing Gomez is elusive.

LHH leaders have been preoccupied with flow, rushing patients in and out to accommodate care turned to process, churning out data and dashboards. "True North metrics", core metrics, "Kaizen" workshops became proxies for patient well-being. For example, LHH's May 5th celebrated metrics showing; "100% patient satisfaction with their care experience. We celebrated. Meanwhile, managers were apologizing to the families of 23 abused patients. Splendid care.

Supervision: Gone are the days when former Nursing Director Virginia Leishman roamed the wards, checking on patients and checking on staff. In the old building, each 30-bed ward had a Head Nurse and staff. Nowadays, Nurse Managers cover 60 beds, spending much of their time at the desk. When important people disengage from patients, patients become unimportant. To make matters worse, wards were re-named "neighborhoods", then "community meetings" were introduced. Nurses were out of touch with patients and their caregivers. If no one noticed that 6 staffers at the desk, supervision failed.

The mistreated patients resided on North 1 and North 2, the "Integrated Wellness" neighborhood for cognitively impaired. Per LHH's Facebook page, North 1 has; "a dedicated staff of quality nurses and therapists with experience helping residents with challenging behaviors. The program provides a variety of services including compassionate counseling with the goal of improved social functioning." North 2 aims to "provide a safe place of life while meeting their psychosocial and emotional needs." What happened? Why were they assigned to such specialized wards? How did they pass the hiring process? Why were they there while working?

The Health Commission is supposed to oversee LHH. Three commissioners meet monthly. © 2020 Westside San Francisco Media. No portion of the articles or artwork may be reproduced without expressed consent.

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favoritism, nepotism and cronyism at LHH. A 2007 LHH report warned about the lack of the problems associated with cultural dominance. A majority of LHH nurses are from the tend to be collectivist rather than individualistic. Though dedicated and caring, LHH nurses out - or cannot afford the risk.

Establishing a Culture of Safety requires a root-cause analysis of why these abuses festoon own Compliance Office and Hotline fail to spot the scandal? Does LHH still treat whistleblowers abuses reported and buried? What derailed supervision on the affected wards? Were they indifferent, or blinded by group allegiance? How did hiring and assignment practices influence helpless patients? Hopefully, these questions will be addressed in LHH's "Turn-Around 1

For now, LHH has promised State inspectors that all staff will be re-trained in reporting, check their patients weekly instead of monthly, and re-engage with their staff. Hiring will questions about abuse and neglect. Tighter controls will be applied to narcotics and sexual allegations will be audited for timely reporting. As to why this scandal occurred, perhaps proposed hearing will provide insights – if employees can safely testify.

Acknowledgement: Thanks to the current and former LHH employees who provided tips.

Dr. Derek Kerr was a senior physician at Laguna Honda Hospital where he was fired for by the Department of Public Health. Contact: DerekOnVanNess@aol.com

SEPTEMBER 2019

Breaking the Silence:

Laguna Honda's Patient Abuse Scandal



Former CEO Mivic Hirose

Stunned and bewildered. That was the reaction when 1,650 Laguna Honda employees received email from DPH Director Dr. Grant Colfax on June 28th. "I regret to inform you that we have shown incidents of staff misconduct towards patient residents at Laguna Honda Hospital."

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impacted patients, family notifications, and retraining of staff in preventing and reporting. An Acting CEO has been appointed; Margaret Rykowski, RN, Director of the DPH Office Affairs. She is a retired US Navy Reserve Rear Admiral with the Nurse Corps who previously was an Officer at SFGH and oversaw Laguna Honda's Health at Home program. Within 60 days of the "Turn-Around Plan" to the Health Commission and the Mayor's Office.

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Director Colfax made an accurate diagnosis when he identified a "culture of silence" at Laguna Honda. By allowing abuses to fester, this institutional silence harmed patients but unfairly shamed the many dedicated workers who care with skill and compassion. "



Former Quality Management Director Regina Gomez

So far, all that is known about the scandal is what the DPH has reported. It's telling that to "horrific actions". A more granular analysis will emerge from an investigation pursued by the Department of Public Health. Supervisor Norman Yee is seeking additional public and professional input from the Board's Public Safety and Neighborhood Services Committee. The Westside Observer is covering the scandal and welcomes confidential input from Laguna Honda employees.

Perhaps the most disturbing aspect of these violations is that they were discovered by a Human Resources investigation this January. Nobody reported the shocking misconduct. Director Colfax made an accurate diagnosis when he identified a "culture of silence" at Laguna Honda. By allowing abuses to fester, this institutional silence has not only harmed patients but unfairly shamed the many dedicated workers who care for patients with skill and compassion.

Dr. Derek Kerr was a senior physician at Laguna Honda Hospital where he was fired for whistleblowing by the Department of Public Health. Contact: DerekOnVanNess@aol.com

JULY 2019

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Sunset Uprising: Residents Tackle Prop

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Photo courtesy: stopcrimesf.com

District 4 Supervisor Gordon Mar heard an earful about property crimes from his residents. Break-ins, residents are alarmed about residential burglaries and package theft, worsening safety in previously low-crime neighborhoods and the targeting of Chinese criminals.

On April 25th, Supervisor Mar held a hearing before the Board's Public Safety & Neighborhoods Committee. Dozen residents expressed frustration and outrage. A construction contractor testified to losing \$80,000 in equipment due to job-site and office break-ins, and a stolen truck. Yet, police responses were disappointing. Most of the commenters were older Chinese residents who recounted incidents of theft and even the theft of food delivered to a 90 year old woman. Some feared going out at night with people wandering about and sleeping on private property. Seeing strangers now "cause trouble," one said. Amid demands for more police patrols, arrests and prosecutions, one gentleman asked, "maybe policeman sleeping?"

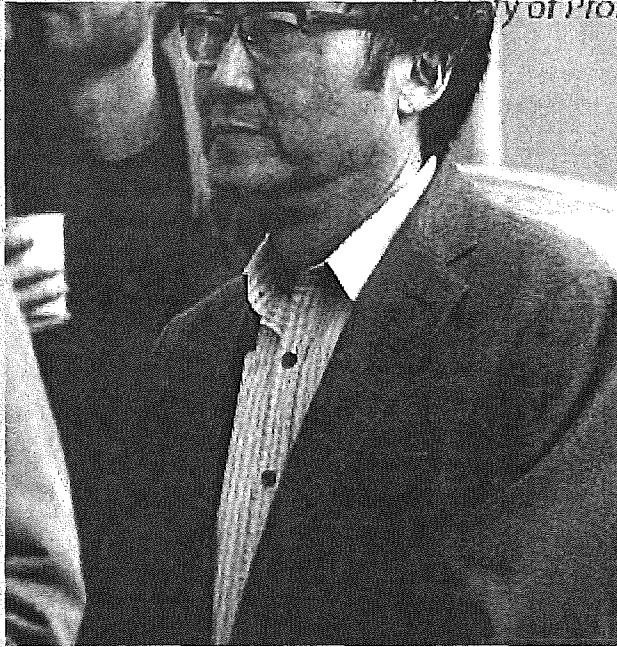
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...residential burglary cases had risen from 137 in 2014 to 237 in 2018, a 73% increase. In 2019, there was an 18% drop so far this year. In 2018, the DA filed charges in 86% of burglaries.

SFPD Captain Tim Falvey provided statistics showing a steady decrease in residential burglaries from 2015 to 2018. The term robbery means that perpetrators confront victims and take property by force. Burglaries occur without victims being present. A "hot prowler" occurs when burglars enter a home without confronting them. Taraval Station logged 57 hot-prowls in 2018 – the lowest since 2015. However, the 379 burglaries, robberies and hot prowls recorded in 2018 were less than the 647 recorded in 2015. An additional 41% decline was noted in 2019.

These declines were attributed to the 2018 re-activation of Citywide Burglary and Robbery Units across all police stations. Previously, police stations handled residential crimes within their respective Neighborhood Crime Units. That system missed criminals who worked across station boundaries. Under the new system, arrests for burglaries and robberies increased from 322 in 2015 to 465 in 2018, a 44% increase. Of reported burglaries in 2018, versus 10% in prior years. Yet many Sunset residents complained that police were not responding quickly enough.

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Supervisor Gordon Mar-Photo: Sunset Beacon

The SFPD and Sunset residents agree that package thefts are mounting and can escalate. However, the SFPD doesn't track package thefts as a distinct crime. Instead, they are lumped in with other thefts and classified as "larceny/theft". Without data on the incidence and demographics of these thefts, the SFPD couldn't say whether Chinese residents were targeted. Despite the citywide increase in package thefts, they are still handled as low-level crimes at the station level. SFPD's focus has been public education on Taraval Station's website; taraval.org.

Cristine DeBerry from the District Attorney's Office reported 16,000+ thefts in 2018. She noted that since these were mixed into the larceny/theft category. Prosecutions are based on the value of the item; anything under \$950 is considered petty theft – a misdemeanor. Although residential burglaries dropped from 137 in 2014 to 237 in 2018, she reported an 18% drop so far this year. In 2018, the DA filed 1,000 burglaries and 88% of these yielded convictions.

Kyra Worthy, director of SF SAFE (Safety Awareness for Everyone), explained how her coalition partners with the SFPD to conduct free residential security surveys. SF SAFE also sets up neighborhood Watch groups and Community Police Advisory Boards.

Frank Noto, co-founder of Stop Crime SF, described how his network of anti-crime volunteers monitors rental cars to "our homes." He said crimes targeting Asians had increased and favored Asians. This organization holds law-makers, the police, the DA, and judges accountable for crime.

Wendy Wong, SF Coalition for Good Neighborhoods, said just 4 of 140 SFPD dispatchers

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The handouts also showed that burglaries and robberies had fallen in May, compared to April, thanks to the efforts of anti-crime neighborhood leaders; Amos Lim, a gay and immigration rights activist, Si Si Wong from Coalition for Good Neighborhoods, John Zwolinski, a Neighborhood Watch leader, Nancy Tung from Stop Crime SF and a DA candidate. Also present was mayoral candidate David S. Lee with a "make SF safe and clean" agenda.

The multitude was separated into 4 groups. Afterwards, group leaders reported results.

- Ask SFPD to provide more patrols and track package thefts.
- SFPD should facilitate crime reporting, address language barriers and improve response times.
- Increase police-community contacts to make cops more approachable and help residents feel safer.
- Seek City subsidies for security cameras and alarms.
- Know your neighbors through events like Neighborfest, a City program that strengthens neighborhood ties.
- Work with SF SAFE to organize more Neighborhood Watch groups.
- Community Ambassador Program, a City job-training program providing safety escort services.
- Use Nextdoor, a free social network for neighbors to report suspicious behaviors.

All this led Supervisor Mar to form the D-4 Public Safety Working Group. Good thing because community action, crime fears intensify. Meanwhile, he has to navigate between progressive and conservative approaches to crime, as well as conflicting claims of crime abatement and a crime wave. Captain Nicholas Rainsford for a comment but received no response.

Dr. Derek Kerr is a San Francisco investigative reporter. Contact: watchdogs@westsideobserver.com

JULY 2019

“

The Struggle for Sunlight on Dark Money

by Dr. Derek Kerr

The Sunlight On Dark Money initiative launched this March is a rear-guard action to salvage the political process. The back-story features a split within the Ethics Commission, the resignations of David S. Lee and Quentin Kopp, and 2 years of excruciating deliberations that pitted the Ethics Commission against the City Attorney. Sponsored by Keane and Supervisors Mar, Haney, Fewer, Ronen and Mandelman, the initiative will be on the November ballot.

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candidate campaigns,
prohibits developers
pursuing land use decisions
from funding campaigns for
Mayor, Supervisor, or City



Attorney, and requires Independent Expenditure Committees (aka Super PACs) to name

Then-Chair Keane warned against “putting our faith in a legislative political, jockeying for Mayor, jockeying for power, one group trying to... Keane emphasized that he saw no need for an Ethics Commission to... independently ... Keane announced “I resign” and walked out.”

One impetus for this Initiative was the 2013-14 Civil Grand Jury report titled Ethics in the City. It revealed that Ethics and the Board had covertly neutered Prop J of 2000, a measure that banned “legal kickbacks” whereby City officials took contributions, gifts or jobs from the contracts, land deals or similar benefits. This “Taxpayer Protection Amendment” received

But in 2003, Prop J was repealed by Prop E, an “Ethics Reform” Charter Amendment sponsored by Ethics. Prop E empowered the Board to amend - or undermine - voter initiatives in the City and Government Conduct Code. Sold as a more efficient way to update ethics laws, it a majority of votes; 8 of 11 Supervisors plus 4 of 5 Ethics Commissioners. Prop E drew protection from the “hen-house” features, but passed with 62% of the votes. Thereafter, conflict of interest finance laws could be altered without a public vote. For example, in 2009 the Board and “lobbyists” - those who influence City Hall indirectly by subsidizing the lobbying of astro groups - did not have to disclose expenditures.

On 4/27/15 Ethics Chair Paul Renne asked Commissioner Keane to assess Prop J and possible ballot measures. Ethics can independently introduce ballot measures without a public vote. Ethics placed Prop C “Expenditure Lobbyists” on the November 2015 ballot. Approved by 62% of the voters, it was opposed by the nonprofit sector. Then in November 2016, Ethics introduced Prop T to ban contributions to City officials whom they lobbied. It got 87% of the votes.

In March 2017, Keane started a “Prop J Revision Project” that evolved into a complex Accountability Ordinance (ACAO). The ACAO sought a ban on behest payments whereby City officials seek City entitlements to fund their favored nonprofits or political committees - what is known as “behest”. Keane wanted Ethics - not the Board - to place the ACAO on the ballot since it was about City officials in terms of raising money.” But it also cramped the fundraising and influence of

The Nonprofit Perspective: According to the June, 2018 Budget Book, City expenses for lobbying are \$1.2 million. City officials are prohibited from lobbying without expressed consent.

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Since the ACAO applied to nonprofits big and small, the nonprofit representatives emphasized nonprofits that struggle to make ends meet and serve needy clients. For these Mom-and-pop nonprofits, they argued, drowning them under layers of accountability. They could not afford violations, then sued out of existence by corporate adversaries.

Nonprofits resented being stigmatized as self-serving. If they don't lobby in the land use arena, they risk opening or renovating their facilities – even displacement. By necessity, nonprofit developers try to influence land use decisions. Further, nonprofit board members often serve on City commissions that would prohibit them from fundraising for their nonprofits, or supporting candidates who would receive contracts and benefits. Such limits would deter nonprofit leaders from sharing their expertise. Or, they might quit their nonprofit boards to avoid conflicts of interest.

Nonprofits wanted City officials to steer donations to them. They viewed behest payments as extortion or quid pro quos. So, Ethics agreed to switch from banning to simply disclosing behest payments. Nonprofits objected; having to report donations could discourage potential donors. Ethics tried to accommodate their concerns. Yet after every amendment, they sounded the same refrain: "We're threatened."

The Split within Ethics: On one side were Commissioners Renne, Keane and Kopp who supported banning corruption via a ballot measure. They were generally allied with Friends of Ethics (FOE), a group of former Ethics Commissioner and Civil Grand Jurors. FOE collaborated with MapLight and other groups in politics, to provide data supporting bans on certain campaign contributions and behest payments. In 2015-16, City Commissioners appointed by the Mayor had reportedly funneled \$1.1 million into their mayoral agendas. Further, of \$23 million in behest payments logged from 2012-2017, 70% went to serving low-income San Franciscans. FOE also pushed to limit the huge monetary impact of the ACAO and the resulting displacement of local residents by luxury housing.

On the other side were nonprofits and big businesses. The nonprofit cause was bolstered by Ed Lee appointed Commissioner Yvonne Lee who has long-standing ties with nonprofit organizations. "It is my duty to support the most vulnerable and community service organizations." She rebuffed critics as arising from "anecdotes" rather than facts and because negative perceptions of "Asian sisters" had incited their persecution. Commissioner Daina Chiu, a corporate attorney at Google, initially wanted to move "expeditiously" given the "harm done." Then she drifted, citing public concerns, to join Lee against placing the ACAO on the ballot. After a 9/27/17 Chronicle article failing to tackle money in politics, Chiu deplored "the high-jacking of our electoral process."

The Sausage-Making Finale: At the 2/16/18 2018 Ethics meeting, the staff recommended placing the ACAO on the June ballot. However, Supervisor Peskin's aide, Lee Hepner, implored Ethics to legislate instead. Peskin also wanted to insert a Major Donor Disclosure requirement into the ACAO.

Before the June 2018 elections when a flood of dark money was expected.

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Thus stymied, Ethics acquiesced to a joint meeting with the Board. But at that April 2018 Major Donor Disclosure proposal. The Board voted 6 to 5 against banning campaign co million from developers pursuing land use permits, citing the "highly diffuse and techn making." Commissioner Kopp's motion to ban behest payments failed. Worse, most of Ordinance 129-18, took effect after the 2018 elections – thus failing to stem the torrent London Breed's mayoral bid gained \$1,248,098 in funds from Independent Expenditure (money to all other mayoral candidates.

Commissioner Renne's term ended in February 2019. Isolated, Kopp resigned in March. mentioned Ethics' failure "to illuminate so called 'dark' money" given the "refusal by sor the face of political pressure from nonprofit corporations and businesses." Keane, Kopp Sunlight on Dark Money initiative to restore some provisions that succumbed to divisio

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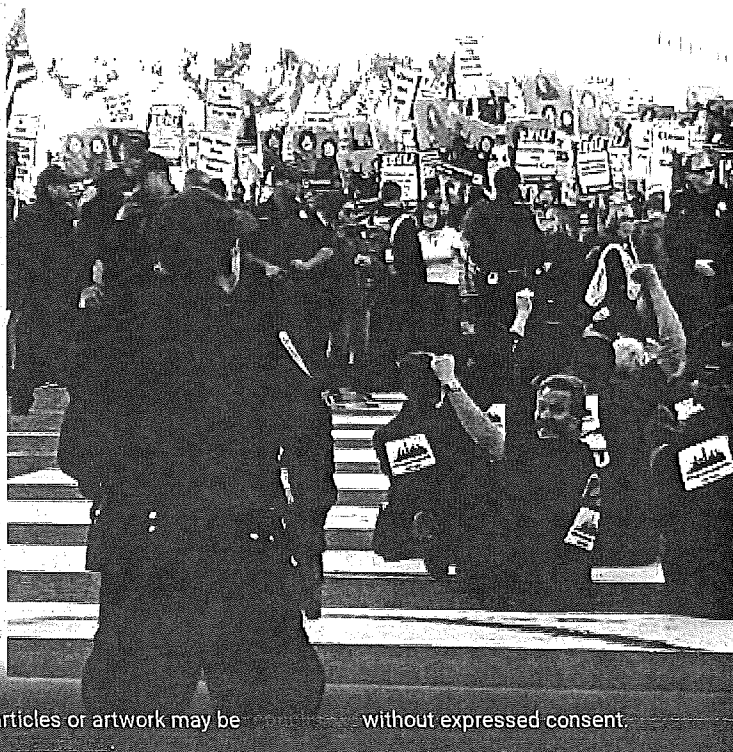
JUNE 2019

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Tough Contract Negotiations: Unions V Disobedience to Disrupt Inequa

By Dr. Derek Kerr

On April 11th afternoon, some 400 Service Employees International Union (SEIU)-1021 and International Federation of Professional and Technical Engineers (IFPTE) Local 21 members staged a novel civil disobedience protest at City Hall. Some 2 dozen workers were arrested for blocking traffic by sitting on the Polk Street crosswalk. Demonstrations during arduous contract



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stand to ensure that San Francisco is a city that works for everyone – not just the 1%. money from beleaguered taxpayers, the idea is to hold big corporations and their CEOs services and infrastructure that allow them to thrive. Recent data from the Institute on shows that some of the largest and most profitable corporations pay no taxes. In 2018, by 31% according to US Treasury records. Most corporations use tax shelters and sub enormous revenues from taxation. So workers and small businesses have to make up t service cuts.

.....
**...multi-billion dollar corporations like Uber and Lyft get to play by t
have to pay their fair share towards the public services that City w**

Targeted by this demonstration were “unicorns” – privately-held start-up companies val handful of San Francisco-based unicorns are scheduled to go public through IPOs or In mint hundreds of new millionaires. This influx of wealth could further widen income ine increase homelessness and drive further displacement of long-time San Franciscans. C can't afford to live in the City and endure protracted, congested commutes.

Demonstrators displayed colorful placards of unicorn figures with messages like; “Fair “Safe and Healthy Communities,” “Affordable Housing for All,” “Dignity and Respect for don't get no contract, you don't get no peace” resounded throughout Civic Center as w Street waving signs and banners. That fervor was balanced by a demure minister from concluded with an appeal; “Let justice roll down like a river and let inequity wash away.”

Hundreds then charged to Uber headquarters on Market Street to shame the ride-sharir workers and shielding its revenues from taxation. Union members see similarities betw 15% of City employees who are retained as temporary rather than permanent employee protections of regular workers.

Upon returning to City Hall 24 City workers staged a sit-in across Polk Street facing City traffic. Monitoring the demonstrators were some 50 police officers plus 12 Sheriff's de entrance to City Hall. The police respectfully warned that arrests were forthcoming. No budged. So the cops gently guided the demonstrators one at a time to stand up to be z waiting paddy wagons.

Apparently, rising corporate wealth and predations, coupled with shortfalls in public ser portend more discontent, protests - and strikes.

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1 <https://itop.org/notadime/>

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SFMTA over the installation of transit-only

lanes. Such lanes, separated from regular

traffic, aim to improve MUNI reliability and reduce

pedestrian injuries. But they eliminate the parking that

sustains businesses along commercial thoroughfares. A

colorful protest against purged parking was covered in the June 2018

Westside Observer's "Taraval Merchants See Red Over Parking Ban."

In a March 10 letter to the SFMTA, Albert Chow, President of People of Parkside Sunset (POPS) demanded that an evaluation of planned transit-only lanes on Taraval Street be conducted as promised. POPS is a

coalition of merchants and residents who promote local businesses as

well as neighborhood activities and quality of life. Back in July 2018,

SFMTA Rapid Team Leader Michael Rhodes had assured Chow that he would compile

residents and merchants" and "reconvene the small working group to share the results

finalizing any staff recommendations." But the L-Taraval Project will resume this year and

part is missing. POPS members worry that SFMTA is "walking back understandings and

supported by then-Supervisor Katy Tang.

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Simultaneously, the Controller's Office released a study of SFMTA's
It was conducted because, "Members of the public report that notification
inadequate and that SFMTA can appear to make decisions regardless of
received."

We asked Rhodes to comment, but he is out on leave. Instead, SFMTA's Philip Pierce re
will continue until 2021, with ongoing community surveys and engagement with POPS.
community survey of about 1000 people showed that 49% supported transit only lanes

Simultaneously, the Controller's Office released a study of SFMTA's community outreach

"Members of the public report that notification can be inadequate and that SFMTA can

regardless of the public input received." In early 2018, SFMTA staff upgraded its public

processes. Improvements included public notices with maps and project manager com

emails to interested persons, and conducting satisfaction surveys. Satisfaction ratings

SFMTA's public hearing notices and from 66% to 89% on the clarity of its approval proc

Statistics aside, POPS expects SFMTA to survey merchants and residents and hold con

the impact of the transit-only lanes on merchants and residents is fully explored." In ad

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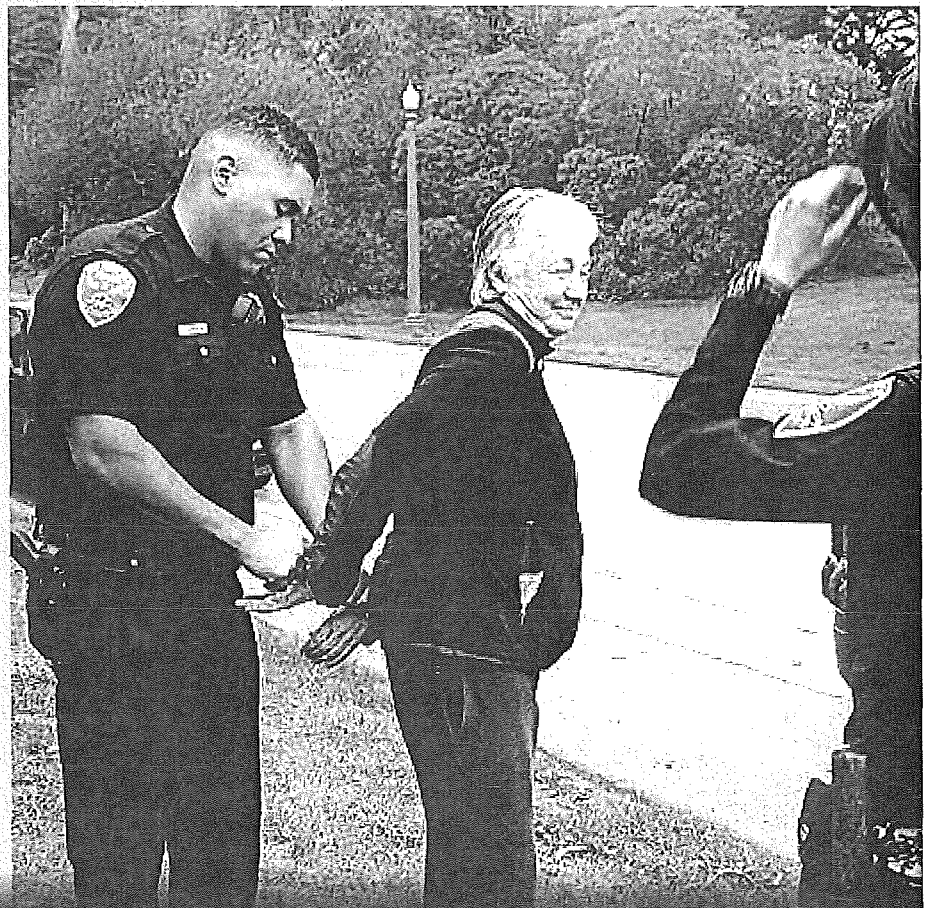
by Dr. Derek Kerr

Nine days before the untimely death of Public Defender Jeff Adachi on 2/22/19, I received an email from his office. It detailed allegations of prisoner abuse by SFJ and offered an interview with Adachi. WSO reporters were busy preparing articles. When it would be time, we thought, to confer with Adachi, a former WSO contributor and St. Fra

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...16 female inmates alleging that some were strip searched in view of the public. Once naked, the women were ordered to lift their breasts then squat and cough for vaginal and anal exams. They felt humiliated and degraded.

Adachi's message included a 1/16/19 formal complaint to Sheriff Vicki Hennessy about the San Francisco jails and ongoing and repeated misconduct by SFSD deputies." Adachi and his colleagues were "fearful of retaliation for coming forward with their complaints" but were willing to

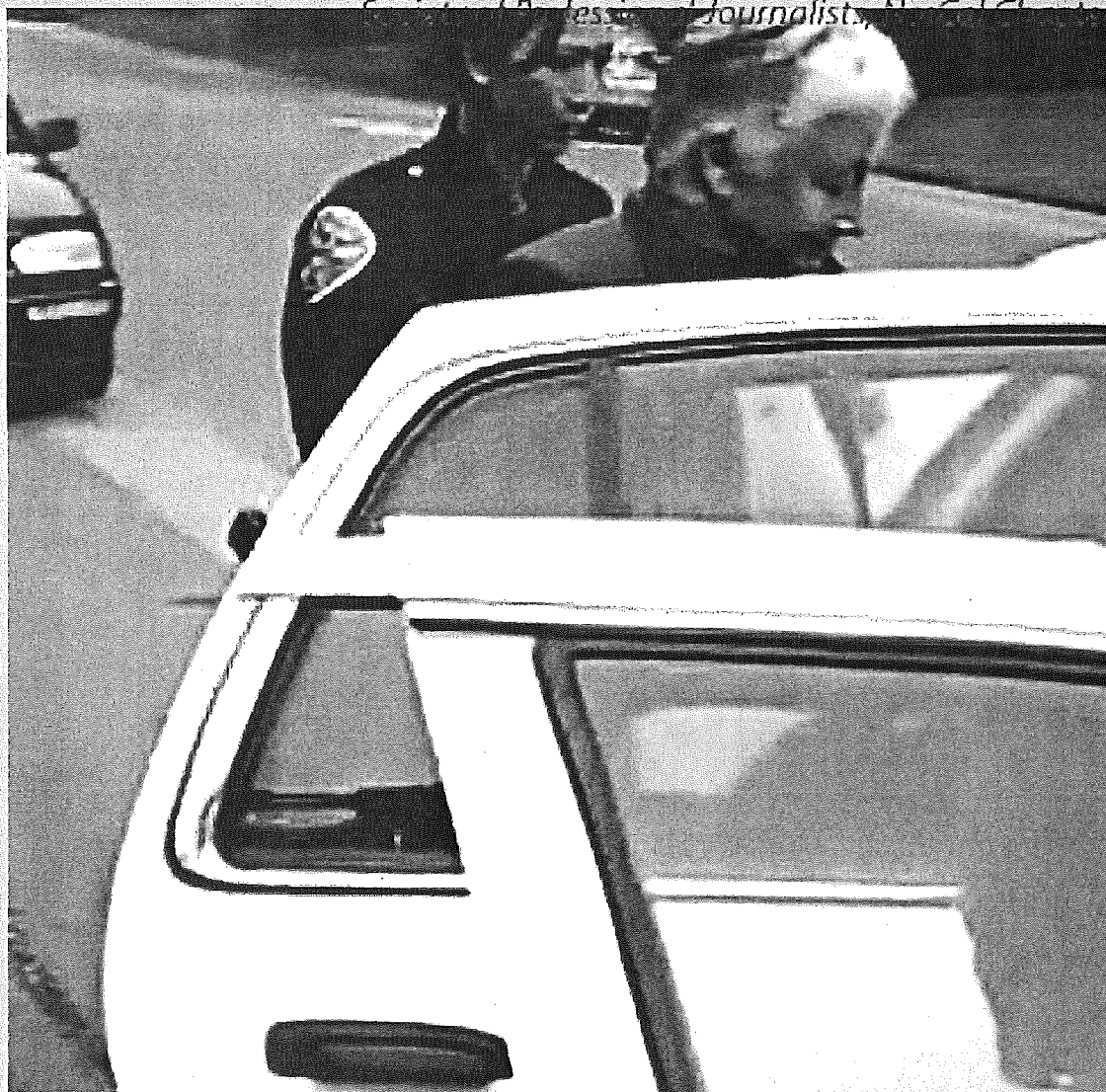


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San Francisco Professional Journalists, The Gold Coast



Attached were reports by 16 female inmates alleging that some were strip searched in of individual private strip searches; these were conducted en masse. Once naked, the v breasts then squat, spread their genitalia and cough for vaginal and anal exams. They f Another 15 male inmates at the San Bruno Jail reported "abuse or physical assault" by There were injuries from fists and kicks as well as being dragged by handcuffs. In all, s implicated.

Sheriff Vicki Hennessy rejected Adachi's designation of "deplorable conditions" but lau Adachi wanted an outside investigation – with good reason. Back in 2015, he had expo scenarios" at the Hall of Justice jail on Bryant Street. Sheriff's deputies had manipulate

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Alarmed that his current complaint would be similarly torpedoed, Adachi and Supervisor called for an independent investigation and oversight of the Sheriff's Department. After Hennessy referred the investigation to the Department of Police Accountability – without investigative fiasco.

Mistreating prisoners is an occupational hazard for guards. That was made clear in the Experiment. Psychologist Philip Zimbardo recruited students to act as guards and prisoners after 6 days because the subjects who played guards became sadistic toward the inmates that situational forces overtook the subjects' sense of morality and agency. A similar trait Mother Jones reporter Shane Bauer who spent four months undercover as a prison guard: "I treat everyone as human takes too much energy...I focus on proving I won't back down. I lack of self-control, my growing thirst for punishment and vengeance."

One reason that jail conditions matter is that almost anyone can be arrested. Take Susan Kathleen McCowin, a proponent of natural grass and limited lighting in playing fields. In 2014, she was arrested for peacefully protesting the rushed bulldozing of Golden Gate Park to install lights. Her December 2014 WSO article, The Shame of Rec and Park, provides the background.

During her one-day stay at County Jail #2, McCowin says her pregnant cellmate "Amanda" Amanda's cramps and leaking were dismissed. Once bleeding occurred, she was taken to a hospital and chained to a bed as she miscarried. Upon returning to jail, McCowin offered to switch beds with Amanda the lower bed. Reportedly, the guard wouldn't allow it and no menstrual pads were provided.

The Sheriff's Department was anxious for McCowin to sign herself out as she was considered settled in after a reassuring but expensive phone conversation with her teen daughter. She also called her daughter who was supposedly crying for her release. The deputy neglected the daughter's needs, hoping to get her to leave. That call was "fabricated" McCowin insists to this day. Upon recounting her jail experiences to her Public Defender, she recalls that it was "my world."

The jail environment depersonalizes all involved, so the latest allegations of illegal beatings are not surprising. The prisoner-guard dynamic creates power struggles that compound the trauma. In March, the Health Commission passed Resolution 19-5 declaring; "Incarceration is a Public Health Issue" "each experience of being incarcerated is physically and psychologically traumatic with long-term impacts on their families, communities." But it's also traumatic and corrosive for guards who are expected to be neutral. They would normally disavow. Too often, "rogue" actors are blamed instead of the pathologic cultures, role expectations, and unchecked power.

At a March 7 hearing before the Government Audits and Oversight Committee, Supervisor Adachi asked to oversee the Sheriff's handling of jail complaints. He insisted that the Sheriff's Office cannot be held accountable. Unlike the SFDP, the Sheriff's Department isn't overseen by a commission. Its use of force is unchecked.

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where discipline is determined solely by the Sheriff. Sheriff Hennessey defended her ser to a chronic lack of staff and funds. However, Hennessey acknowledged that in 2018 the citizen complaint investigations, double the number of previous years. She affirmed her of 21 misconduct claims to the Department of Police Accountability (DPA). While the D testify, Hennessey agreed to require their cooperation. Since the DPA cannot pursue crim Henderson vowed to promptly refer such cases to the DA. And the DA's Chief of Staff, C willing to assist and pushed for immediate referrals. It seemed that Jeff Adachi's death collaborate - and resolve his last complaint.

Dr. Derek Kerr is an SF award winning investigational Journalist. Contact: DerekOnVanNe

APRIL 2019

City's Lapses in Rape Reporting and Han Reforms



By Dr. Derek Kerr

Across the country, police departments convey that they solve rape close them according to an investigation of 60 police agencies conducted by Newsy, Reveal and ProPublica.

The public views arrests as the way to clear rape cases. But police agencies even when suspects go free and victims don't get justice. Nearly half of studied cleared more rape cases by "exceptional clearance" than by arresting a suspect. Oakland PD reported that 60% of rape cases were cleared in 2016. When journalists found out that only 13% of rapes were solved by arrests while 47% were solved by "exceptional

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Exceptional clearance is the term used when police have enough evidence to make an arrest, and know who and where the suspect is, but can't make the arrest due to circumstances outside their control. These include when the suspect is dead or incarcerated, when the District Attorney declines to prosecute, or when the victim withdraws the case.

Exceptional clearance is the term used when police have enough evidence to make an arrest, where the suspect is, but can't make the arrest due to circumstances outside their control. When the suspect is dead or incarcerated, when the District Attorney declines to prosecute, or when the victim withdraws the case. However, some police agencies stretch this definition.

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rape cases – 87 more than what was reported to the FBI. Perhaps those 87 cases were sexual assaults short of rape, but we can't tell. The table below shows these discrepancies.

SFPD Rape Case Reports

Year	CompStat Data	Reported to FBI	Reported/Cleared
2014	378	355	109 (31%)
2015	391	344	129 (38%)
2016	429	342	334 (98%)
2017	437	367	63 (17%)
2018	417	n/a	n/a
Avg:	410/yr	352/yr	159/yr (45%)

When journalists request SFPD's rape data for exceptional clearances, arrest rates or clearance rates, they often get stone-walled. As Mark Fahey, one of the Reveal collaborators told us; "I talked to the SFPD's Media Relations office and the Media Relations office – more than a dozen times between January and March 2018. The office indicated that they did intend to respond to our request, but missed their own deadlines and was unresponsive..." The *Westside Observer's* own records request on 12/27/18 was ignored and the request was acknowledged...but no response to date.

By 2021, the actual outcome of rape cases now dubiously reported as "cleared" will be reported to the FBI when the FBI will implement its National Incident-Based Reporting System nationwide. This new system is also flawed as it doesn't count the many cases deemed "unfounded" or "exceptionally cleared" cases from arrests - unlike the Uniform Crime Reporting Program. Omitting unfounded cases can mask the prevalence of sexual violence and impede social justice. Labeling rape cases as unfounded can make police agencies appear more successful in their reported crime rates while boosting clearance rates. Because of the Newsy/Reveal/ProPublica's plans to add the "unfounded" category to its new reporting system. The SFPD should be held accountable.

The need for reforms emerged when the Board of Supervisors' Public Safety & Neighborhood Safety Committee heard from sexual assault survivors and experts on 4/25/18. In emotional testimony, they called for more empathy, respect and investigative zeal from the SFPD's Special Victims Unit. The City's Board of Supervisors also faced criticism. That entity includes the SFPD Special Victims Unit, the DA's Office, the District Attorney's Services Division, SFGH's Rape Treatment Center, the Medical Examiner's Toxicology Laboratory, and the City's various law enforcement agencies.

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improvements, navigating the City's sexual assault services remains a lonely, grinding effort. The City isn't treated as a public safety threat. Similar deficiencies were identified in a 2017 report on Sexual Violence commissioned by the Department on the Status of Women and a 2018 report on Accountability.

The lack of transparency in the handling of rape was exemplified when SFPD Commanders don't give the clearance rate for rapes at the Hearing. And the DA's Chief of Victim Services, I don't know how many of the 436 sexual assault cases served by her Division in 2017 were charged. Reports only show the percent of cases charged that result in convictions – without disclosure, it remains in the low single digits. Prosecuting sexual crimes is difficult. Nationwide, 20% of arrests and just 2% to convictions.

So we asked the DA's Office for the number of rape/sexual assault cases it charged and the law enforcement presented an average of 141 arrests/year to DA prosecutors. (The DA's Office 3 times more because it also helps victims of unreported and uncharged crimes.) On average, such as filing new criminal charges, proceeding on another case, revoking probation, or 52% of cases. But we couldn't get the actual numbers charged with or convicted of sexual assault. The Department does not presently have responsive and reliable information".

After the Hearing, Supervisor Ronen crafted Ordinance 215-18 creating the Office of Sexual Assault Response and Prevention (SHARP). It was enacted in September 2018. Working under SHARP will have a Director and 2 full-time employees at a cost of around \$400,000. Key goals include: blaming, promote survivor-centered services and oversee all City agencies dealing with sexual assault to receive complaints about City services for sexual assault, help victims navigate the system, to meet with complainants, report service failures to involved departments and City Hall, and combat and prevent sexual crimes.

Importantly, SHARP will gain access to and publish sexual assault data that is now under wraps.

Dr. Derek Kerr was a senior physician at Laguna Honda Hospital where he repeatedly exposed sexual assault in the Department of Public Health. Contact: DerekOnVanNess@aol.com

March 2019



Rape, Stolen Valor Charges Jolt Human Services

by Dr. Derek Kerr

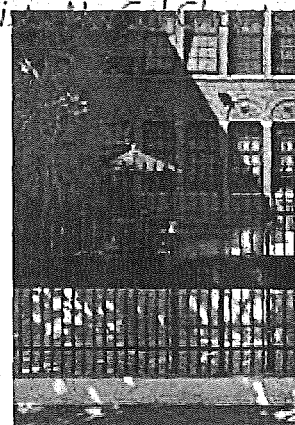
Immense anger over hiring practices at the Human Services Agency (HSA) turned to disbelief when a man arrested for rape and another accused of stolen valor.

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an admirable career in the industry of professional journalism, the local community". Jones earned a salary of \$92,927 (\$125,631 with benefits) in 2017.

Five months later, he was accused of stolen valor by the veteran-operated "Military Phonies" website. Reportedly, Jones had been representing himself as a former Navy SEAL with combat duties and injuries in various war theaters. However, military records disclosed by Military Phonies show that he actively served the Navy from 1998-2000 – with no overseas deployments, SEAL training or service. His 2002 discharge from the Naval Reserve Personnel Center was "for the convenience of the government" these records show. On 1/22/19, Jones apparently "false allegations". Military Phonies responded by asking for his BUD/S class number. A 6-month Basic Underwater Demolition/SEAL class but Jones' records showed none. Ar classified.



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Given HSA's 2,000 employees, occasional scandals are expected but HSA has been a hotbed of protests about "cronyism, nepotism and hiring and promotion of unqualified personnel..."

The 2013 Stolen Valor Act imposes penalties for fraudulently claiming to have received so secures money, property or other tangible benefits. HSA's Human Resources Department whether Jones embellished his military service and whether tangible employment bene

However, HR Director Luenna Kim had to surmount a bigger challenge – in her own office old attorney and Labor Relations Analyst was arrested for rape in Dublin in November 2018 he is being held without bail at Santa Rita Jail according to the Alameda County Inmate will be in March.

Prior to working at HSA, Harris was an Investigative Analyst with the DA's Office. Although were excellent, sources say his arrival at HSA entailed some controversy. A University of graduate, he was admitted to the California Bar in 2014 and remains in good standing. salary of \$82,108 (\$112,687 with benefits) in 2017. HSA disclosed that he's no longer e

There's more. In June 2018, long-time HSA engineer Albert K. Broohm, age 59, was arrested on a warrant for aggravated sexual assault of a child under 10. A stunned HSA colleague described him as a "person". A resident of Hayward, Broohm remains incarcerated at Santa Rita Jail with a hearing is due in February. He too is no longer employed.

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of Public Health.: DerekOnVanNess@aol.com Society of Professional Journalists, NorCal Chapter

March 2019

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The Way We Were

by Dr. Derek Kerr

Between 1938 and 1940, the New Deal's Works Progress Administration (WPA) hired some detailed wooden model of San Francisco for the Planning Commission. The idea came from Timothy Pflueger. The 3-D scale model served as a planning tool for the many WPA projects to Golden Gate Bridge and the Bay Bridge itself, as well as the development of Treasure Island working during the Great Depression. Built at a scale of 1 inch to 100 feet, the 6,000 pieces covered 1000 square feet. The cost, \$100,000. The model was displayed at the City Hall in 1939, then at City Hall in 1940. It was packed away in 1942 to make room for administrative offices. In the late '60s, it was shipped to UC Berkeley for urban design studies.

Last year, the SF Museum of Modern Art, in partnership with the SF Public Library and the City of San Francisco, restored the model of San Francisco circa 1938. The goal was to make it public in a memorable way and promote civic engagement. The result is an exhibition at the branch of the Public Library will display sections of the scale model corresponding to its location. It will reveal something about the way we were and the City's evolution. Events and programs will accompany the display from January 25 through March 25. For more information check out [see Take Part](#)

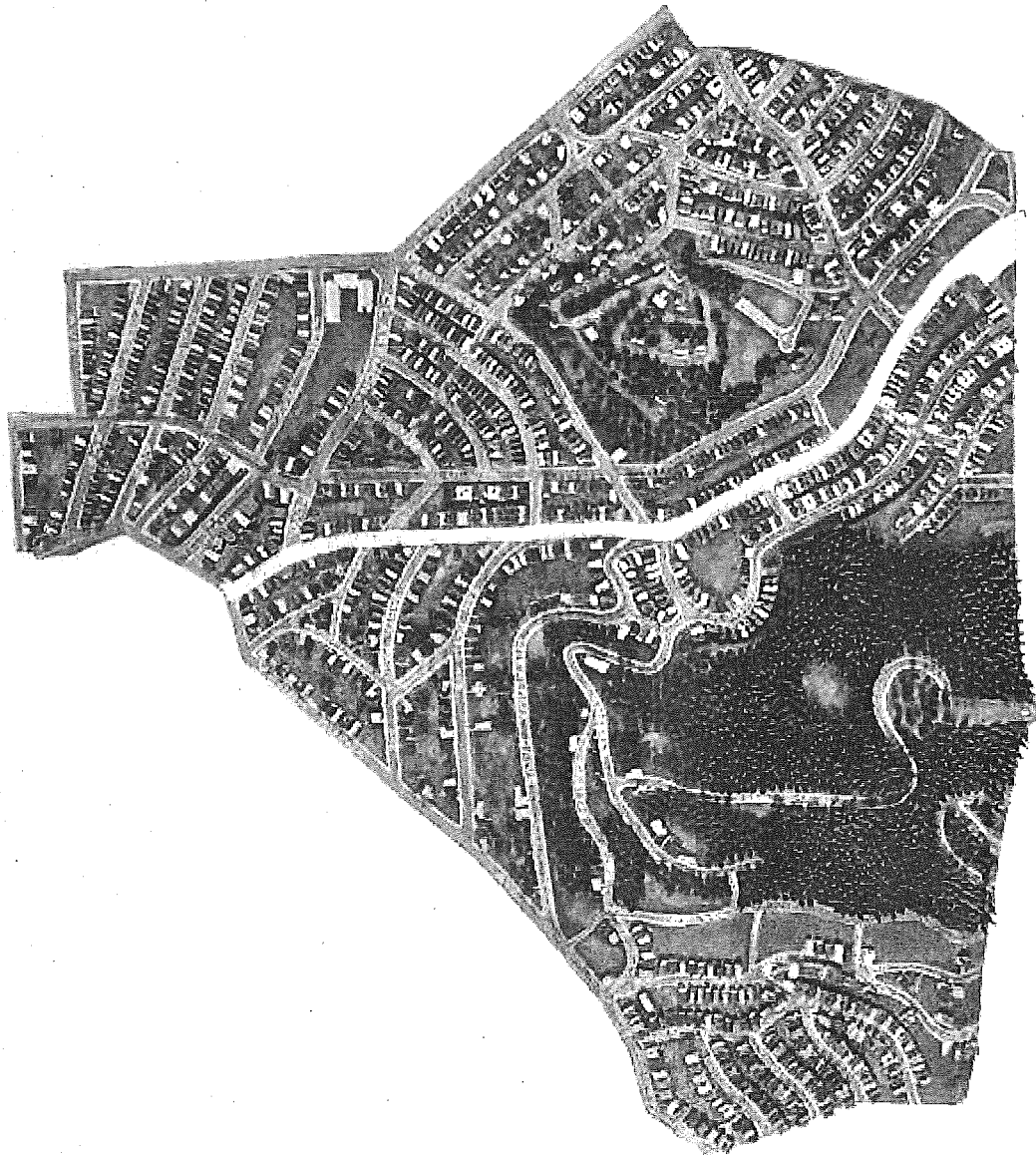
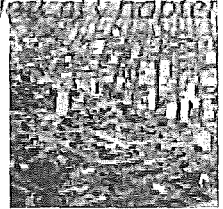
Dr. Derek Kerr was a senior physician at Laguna Honda Hospital where he repeatedly expanded the Department of Public Health. Contact: DerekOnVanNess@aol.com

LIBRARY BRANCH EVENTS

2. publicknowledge.sfmoma.org/events

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Toward a San Francisco Public Bank

By Dr. Derek Kerr

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A ceremony for the WPA Scale Model of San Francisco April 1940: image animated by indigenous tribes protesting the Dakota Access Pipeline. Payment of City Planning Records, San Francisco History Center, San Francisco. Standing Rock Sioux water rights, local supporters lobbied for pipelines. In March 2017 the Board of Supervisors directed City to do so. But those banks also financed private prisons, hedge funds, weapons, fuels, tobacco interests, and luxury real estate. Plus their predatory practices tanked the financial system. When it came to loans for City housing, infrastructure, transit interest charges were steep. Since the *Westside Observer's* May 2017 [article](#) “A Public Bank” appeared, much has happened.

February 2019

During the early 1900s,

North Dakota's economy was based on agriculture, specifically wheat. Frequent drought and harsh winters didn't make it easy to earn a living. The

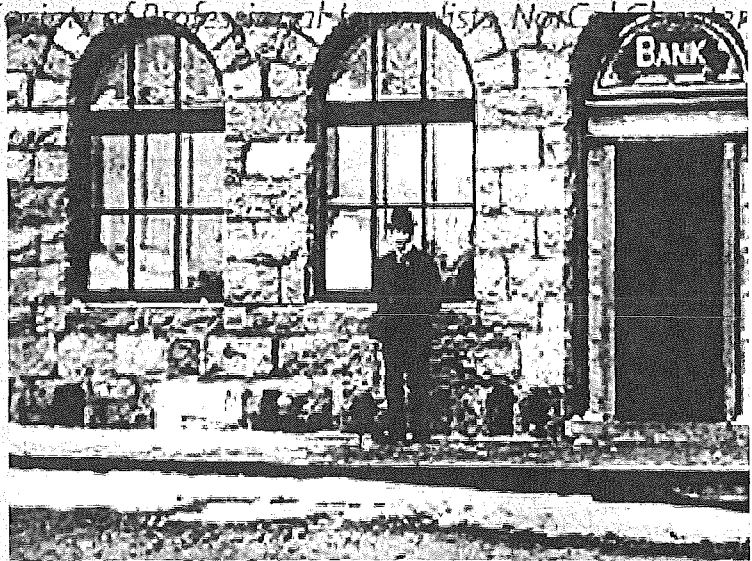
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Chicago which raised the interest rates on farm loans, sometimes up to 12%. North Dakotans were frustrated and attempts to legislate fairer business practices failed.

A.C. Townley, a politician who was fired from the Socialist Party, organized the Non-Partisan League with the intent of creating a farm organization that protected the social and economic position of the farmer.



The Non-Partisan League gained control of the Governor's office, majority control of the one third of the seats in the Senate in 1918. Their platform included state ownership and credit agencies. In 1919, the state legislature established Bank of North Dakota (BND) and Elevator Association. BND opened July 28, 1919 with \$2 million of capital.

Per the Controller's SF OpenBook website, the City paid private banks a whopping \$581 bonds and loans in 2017-18. Of that amount, taxpayers owed up to \$121 million, according to the Annual Financial Report. The rest was owed by ratepayers using water, transit, airport and other services. Either way, bank executives, shareholders and bond holders reaped the proceeds. The city reported \$864,000 in bank fees last year. In response to public pressure to save money and protect our values are, City officials, like those in Oakland and Los Angeles, began exploring Public Bank as the public good.

Public input also favored divesting from Bank of America and Wells Fargo Treasurer's Office finds it daunting to 'create a Public Bank from scratch'

Pursuant to the Board of Supervisors' Resolution 152-17, sponsored by Malia Cohen, Supervisor and Hillary Ronen, Treasurer Cisneros organized a 16-member Municipal Bank Feasibility Study. In response to Fewer's request, the Budget & Legislative Analyst's Office issued a November 2017 report exploring various public and other community supportive banking options.

After 9 months of deliberations and consultations with experts and other municipalities

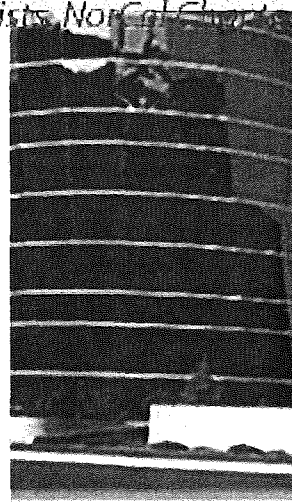
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businesses, and students who are not for-profit. The City of Professional Journalists, Nor Cal Chapter, and "will never be profitable."

The most viable model, a Commercial Municipal Bank, would use the City's General Fund for lending. By not taking deposits, it would eliminate the complexity and costs of a getting a charter. It would make money by year 2, and a \$17 million profit by year 10. But it wouldn't break from Wall Street or provide consumer loans.

On 12/13/18, the Board's Budget & Finance Committee heard updates from the Treasurer's Office regarding the Municipal Banking Task Force. Its service priorities are affordable housing, small businesses, infrastructure, unbanked residents, then cannabis. Turns out the 4 models proposed in September took flak for being "too small – not thinking big" according to Amanda Kahn Fried. Public in Bank of America and Wells Fargo. However, the Treasurer's Office finds it daunting to "c scratch," declines to recommend a Public Bank, and hasn't provided a roadmap to estal costs of a Public Bank, the social costs of depositing public dollars in private banks are and Fewer urged the Treasurer's Office to "think big," move beyond its comfort zone, an State legislators. The goal would be "local control, financial empowerment, and transpa bank balance. Accordingly, the Task Force will present 3 new models: Divestment, Re-In at its last meeting at 3 PM on January 31, Room 305, City Hall.



The counting room at the Bank of North Dakota

Meanwhile, on 1/10/19 over 200 people packed the Women's Building to launch the San Coalition (SFPublicBank.org). Among the speakers were former Supervisor John Avalo who pioneered hearings on Public Banking in 2011, recalled how private banks were ba thousands of residents lost their homes or were displaced from the City. He too default

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concept. SF Public Bank Coalition organizers Kurtis Wu and Jackie Fielder announced Bank Charter Amendment before voters in November. Supporters can check SFPublicB sessions and work groups.

Regulatory and political hurdles abound. Last November, Los Angeles placed a Charter allow the creation of a Public Bank. A robust 44% of voters approved - but it failed. Oak commissioned a study concluding that a multi-Jurisdictional Public Bank was feasible. Office rejected it citing "no clear roadmap, structure or supporting data." As for cannabi California Treasurer's Office found that "No State-backed financial institution designed industry is feasible. All alternatives fail on both risk and financial grounds." Banks handl asset seizures and employee prosecutions for enabling a federal crime.

Yet the quest to transform banking is gaining momentum. In 2016, the second US Publi American Samoa, opened with Federal Reserve approval. Hundreds of Public Banks thr nascent Green New Deal movement dovetails with Public Banking. Recall the Great Dep Roosevelt tapped the publicly-owned Reconstruction Finance Corporation to finance Ne Congressional appropriations. While campaigning, now-Governor Newsom declared, "V chokehold on state finances and develop our own state bank."

Meanwhile, City Treasurer Cisneros actively pursues socially responsible investments. Local" program allocated \$80 million from the County's Pooled Investment Fund to ban community lending. Other City agencies facilitate loans. For example, the Mayor's Office Development backs \$86 million in home loans for lower-income residents. Such service Public Bank grows.



Laguna Honda Grapples with Fleeing

Dr. Derek Kerr was a senior physician at Laguna Honda Hospital where he repeatedly

Dr. Derek Kerr & Dr. Maria

Rivero

February 2019

three years ago, in Exodus from Laguna Honda Hospital, The Westside Observer reported number of LHH patients who fled the premises. Now, LHH managers are publicly acknd testing ways to reduce "unplanned discharges." Unplanned discharges refer to patients Against Medical Advice (AMA), or who simply walk out, Absent Without Official Leave (patients eventually return to LHH.

At LHH's 11/13/18 Joint Conference Committee, a public meeting of LHH managers ar Social Services Director Janet Gillen presented an analysis of unplanned discharges. SI saw a significant spike, with 23.6% of all community discharges leaving AMA or AWOL. of unplanned discharges hovered between 18% and 24%. And in the year ending in Sep rate hit 26%, a new high. That's double the historical rate around 13%, even in the old LH fewer amenities

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THE NEW LHH'S private and semi-private rooms were supposed to contain such jarring behaviors. Instead, the proportion of patients showing bothersome behaviors steadily increased from 23% in 2013 to 31% in 2017, almost twice the State nursing home average of 17%. Recently, largely by changing reporting standards, LHH claims that patients with disruptive behaviors fell to 23%. Hardly a healing environment. Nothing was said



Janet Gillen Social Services Director

about bothersome patients provoking others to bail from LHH.

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Concurrently, LHH is coping with a rise in unruly patients with "behaviors like wandering, screaming, aggression, and rejecting care."

LHH is working hard to reduce the turmoil while keeping its roots hidden. Without addressing its admissions process, or the population it serves, LHH set a goal of reducing the number of disruptive behaviors.

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There are costs. This year LHH faces a \$2.5 million budget shortfall. Increased need for coaches in an effort to facilitate patient flow with Coaches are staffers assigned to watch unruly or unsafe patients. Increased costs for security services, including staffing, patrols, security technology, and environmental controls. For example, every AWOL event triggers a wide search by the Sheriff's Department and busy LHH staff. Means more guarded and restrictive."

Why do LHH patients flee? Here, we are baffled by contradictions. Between 2010 and 2018, reasons for AMA and AWOL discharges included 33% who "Did not want to be here" and 25% who "abused substances." Now, according to Gillen's November presentation, 70% of unplanned discharges were due to substance abuse. Only 18% didn't want to be at LHH. However, in a September presentation, Chief Gillen insisted that merely 18% of unplanned discharges were tied to substance abuse between 2010 and 2018. If that 18% is correct, treating substance abusers won't do much to curb runaway discharges. If 70% is correct, reducing abrupt decampments seem directed at drug users. The conflicting numbers preclude Qian from being able to guide effective interventions. We asked Ms. Gillen and Dr. Qian to clarify their response yet.

Currently, records show that 25% of LHH admissions are designated as homeless. Surprisingly, LHH is not doing much to care for these sometimes challenging patients. Although LHH documents are almost always accurate, they did say that most AMA discharges were homeless. But their presence within the larger system is not fully disclosed. Gillen mentioned in passing that 44% of unplanned discharges fled from the HIV/AIDS ward. Such information should help to target specialized services.

LHH deploys a host of interventions to cut unplanned discharges. These include early identification of patients troubled by drug cravings, as well as more support groups, motivational counseling, and medication. Surprisingly, a 16-month trial of Medication Assisted Treatment, offering buprenorphine to patients with opioid use disorder, was a flop. Turns out only 1% of unplanned discharges were opioid users. So, treating heroin and opioid users for AMA and AWOL discharges. Another 17% of runaways craved non-opioids like cocaine, methamphetamine, and alcohol. These drug habits cannot be treated with methadone or buprenorphine. Support groups, and anti-depressants can help. Even so, LHH Psychiatry surveys show that substance use has a major impact on patient flight. Wisely, LHH recently abandoned its draconian policy of punishing smokers. After 3 years of harassing smokers who defied no smoking rules, and causing some to leave, LHH has restored a patient smoking area.

Intriguingly, LHH hasn't explained why it admits patients who "do not want to be here," or why it has so many AMA and AWOL departures. Were these patients appropriately evaluated and screened prior to admission?

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There are costs. This year LHH faces a \$2.5 million budget shortfall, "mainly due to the an effort to facilitate patient flow within the network." Coaches are staffers assigned to patients. And there are escalating costs for security services, including staffing, patrols environmental controls. For example, every AWOL event triggers a burdensome campus Department and busy LHH staff. Meanwhile, LHH becomes more guarded and restrictive. Finally, San Francisco lacks nursing home beds, shelters and housing. The Health Department Medical Respite beds on Mission Street for homeless persons discharged from SFGH. LHH even if they don't want to be there. Because LHH always has a waiting list, folks are displaced by those who don't.

Dr. Maria Rivero and Dr. Derek Kerr were senior physicians at Laguna Honda Hospital who wrongdoing by the Department of Public Health. Contact: watchdogs@westsideobserver.com

Proposition B

December 2018

• Mayor London Breed's Aversion to Sunshine



by Dr. Derek Kerr

London Breed's ascent into Room 200 portends a loss in City Hall. The City's "Privacy First Policy" - passes in November, it would allow Sunshine Ordinance without voter approval. And thus, our sunshine amendment to reinforce it.

As District 5 Supervisor, Breed repeatedly defied the Sunshine Ordinance requests. When thwarted requesters filed complaints with the Sunshine Ordinance Task Force, Breed ignored SOTF summons to attend. When intransigence came to a head in August 2017 when public advocate/gadfly Michael Petrucci presented a list of addresses she had blocked from her Twitter account. No reminder emails. Still nothing. Unlike Breed, other Supervisors responded to the same requests.



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The SOTF determined that Breed had violated the Sunshine Ordinance by blocking public records and failing to attend its hearings. This April, frustrated voters voted 7-0 to refer Breed's delinquencies to the District Attorney to be prosecuted.

"Blocked" means that those individuals cannot view what Breed is tweeting, or conversely, some of those tweets entail City business. The case was timely because a March 2017 (San Jose v Superior Court) established that public business conducted on personal email is subject to disclosure. (In May 2018, a US District Court ruled that President Trump violated the law by blocking his critics from his Twitter account.)

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In a May 1st letter to DA George Gascon, SOTF Chair Bruce Wolfe explained that Breed's compliance with the Sunshine Ordinance and has failed to respond to public records re SOTF hearings." Wolfe noted Breed's non-compliance in 5 prior cases: #15029-2, #15038, #17047. The rebuke stirred the *Mission Local* to describe Breed as one who "continually "has no patience for public records requests or the task force that oversees them." On May 1st case to the Ethics Commission where it awaits resolution.

Breed's aversion to public scrutiny of her public service isn't new. As *The Westside Observer* Breed had refused to disclose her work calendars. When the Board of Supervisors voted the names of participants in its official meetings, Breed voiced the sole no vote. On September that September she deployed her unique aversion to calendar disclosures as a litmus-test.

Thanks to a tip from Patrick Monette-Shaw, here are Breed's sunshine violations per the

In complaint #15029-2 Michael Petrelis showed that his request for Breed's outgoing email was ignored. When the SOTF met in June 2015, it found his request was unduly broad and a Nobody from Breed's office appeared. Although her aides Connor Johnson and Iris Wong committee hearing, Breed was cited for dodging the full SOTF hearing and failing to respond to request.

In complaint #15038 from March 2015, Ray Hartz requested Breed's records about app Public Library. No response. The SOTF unanimously cited Breed for failure to provide the appear or send a representative to its hearing. The matter was referred to the SOTF's Compliance Committee. There, Breed's aides Connor Johnson and Iris Wong did show up. Offended seen Hartz's request, had no responsive records, and had replied - to the Clerk of the Board received the requested records from other Supervisors. Nevertheless, Breed's aides were response directly to Hartz - after 7 months.

In complaint #15060 from December 2015, Michael Petrelis requested Breed's work calendar 2015. Astoundingly, he was told that Breed didn't keep calendars. In October 2016, he presented the SOTF's Compliance & Amendments Committee. Connor Johnson and Iris Wong did Breed's calendars. They had to. By then, the Board of Supervisors had voted to disclose Breed's opposition. The SOTF cited Breed for failing to timely respond to a public records request.

In complaint #17018 from March 2017, journalist Josh Wolf requested a list of persons blocked account. No response. Wolf's follow-up request 10 days later was also ignored. The SOTF block spammers and trolls, but had to disclose who she blocked. Further, Breed had violated by withholding public records and not sending any representative to 2 hearings.

In complaint #17047 from May 2017, political blogger Angela Gerben requested a list of from her Twitter and Facebook accounts. No response. In contrast, other Supervisors responded.

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purposes." But by showing up at the first SOTF hearing, they saved everyone's time, read only one week's emails.

Yet, Breed's sunshine aversion persists. This August, Petrelis requested Breed's calendar right before she was sworn in as Mayor. He received a same-day response - 41 grossly- them on Google drive for all to see, then filed a sunshine complaint alleging egregious and perhaps, a subsequent request for Breed's mayoral calendars received a prompt response behavior, and the ominous implications of Prop B, a sunshine eclipse may characterize

Dr. Derek Kerr is a member of the Society of Professional Journalists and an investigative watchdogs@westsideobserver.com

October 2018

"Privacy First Policy" Threatens Sunshine



by Dr. Derek Kerr

The "Privacy First Policy" (PFP), a Charter amendment proposed to safeguard private data from abuse by tech-based companies, under Ordinance. Set to appear on the November ballot as Proposition between privacy and transparency. By conferring "First" place to privacy, sacrificed.

Origins of the Privacy First Policy: Drafted by Peskin's legislative aide Lee Hepner, a resident Ordinance Task force, and Deputy City Attorney Paul Zarefsky, the PFP was initially co-sponsored by Ronen, Kim, Fewer and Sheehy. It propounds 11 privacy principles. These affirm the public's personal information is being used, how to access that information to ensure its accuracy, informed consent for the use of that information by the City or parties benefitting from it, offered as guiding rather than binding City policy. In a round-about opaque way, it directs the City to devise an Ordinance implementing the policy guidelines by May 2019. Then the Supervisor

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Who decides if an amendment of the Sunshine Ordinance is "not in purpose? The City Attorney, according to Peskin ... Trouble is, the City Attorney's loyalties, representing the public and City government. When the City Attorney defends City officials."

One impetus for the upcoming Prop B is a scandal: the political data mining firm Cambridge Analytica harvested the personal information of millions of Facebook users to target ads for Donald Trump's presidential campaign.

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records, provided that any such amendment is not inconsistent with the purpose or intent of the voter-approved ordinances."

Who decides if an amendment of the Sunshine Ordinance is "not inconsistent" with its purpose? The City Attorney, according to Peskin. City Hall would rule on voter intent – at its own intent. Trouble is, the City Attorney has dual loyalties, representing the public and the City. When the two clash, the City Attorney defends City officials. It's not a hypothetical concern. Recall Matt Dorsey told the New York Times in 2011 that the Sunshine Ordinance Task Force (a jury that beats up on City departments...) "As the Westside Observer has repeatedly repealed the Ethics Commission to dismiss virtually all sunshine violation referrals. Plus, the City already - as the "Supervisor of Records" to adjudicate public appeals for withheld City records - the SOTF.

Granting the City Attorney and Supervisors Charter powers to amend the Sunshine Ordinance. It happened before. In 2014, a cabal of Supervisors (Wiener, Chiu, Farrell, Tang and Yee) used the Ordinance to disqualify applicants who were deemed too independent. Instead, City Hall shills were in the Sunshine Ordinance to tampering by the very City officials who contend with sunshine requests and complaints. Unlike California's Consumer Privacy Act, Prop B becomes a Trojan Horse that turns government laws into a bill that appears to protect consumer information. If it passes, it will lessen transparency – despite assurances to the contrary.

The current Sunshine Ordinance was voter-initiated and approved. As such, it can only be amended by the voters or the Supervisors. That's apt because sunshine complaints are all directed against City Hall and City Attorneys are regular targets. Allowing them to modify the Sunshine Ordinance is a disservice. Since 1999 the Board hasn't touched the Ordinance, except to add something. In 2008, Supervisors amended the requirement that audio and video recordings of City Hall meetings be digitally recorded, and available to the public in digital form. Under public pressure, it forced themselves and other top officials to maintain work calendars as public records, and to post meeting agendas. These add-ons neither altered existing mandates, nor bypassed the SOTF – they merely permit.

Stakeholders Beware: Almost privately, PFP was composed within the confines of City Hall. No companies were consulted, the bill received a perfunctory, unnoticed introduction at the Supervisors meeting. Then came two fleeting reviews before the Rules Committee in June. No public input, save for a single sunshine concern voiced by Peter Warfield from the Library. The bill was quickly adopted by the full Board on July 24th, with Supervisor Cohen joining as a co-sponsor. Peskin mentions his intent to work with "a broader set of stakeholders on trailing legislation." The bill itself says nothing about stakeholders, apart from Supervisors and the City Administration.

Notably absent was any outreach to the open government advocates who drafted or

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Granted, the PFP/Prop B is well intended. We need protection from digital platforms and monetize our private data. Granted, its sponsors generally support open government they likely wanted to facilitate updates to the Sunshine Ordinance, some of which are so. Alarmingly however, Prop B asks voters to give up power for politicians' good intentions. lurks the fox. Giving future politicians the leeway to amend the Sunshine Ordinance is to Hall could simply deem self-serving revisions as "not inconsistent" with the Sunshine O

Dr. Derek Kerr is a member of the Society of Professional Journalists and an investigative watchdogs@westsideobserver.com

Sept 2018

No Takers Yet: Laguna Honda's Aid-In-Dying

by Dr. Derek Kerr & Dr. Maria Rivero

As reported in the June 2017 *Westside Observer* (WSO), Laguna Honda Hospital (LHH) approved a medical aid-in-dying policy last May. Based on California's 2016 End of Life Options Act, it allows terminally ill patients with decision-making capacity to self-administer prescribed lethal sedatives in the hospital. While awaiting LHH's promised annual report on its aid-in-dying program, the WSO requested records showing the number of lethal prescriptions issued and the number of associated deaths. LHH's response: "zero" and "zero".

Zero takers may seem surprising in a hospital that reported 181 deaths in 2017. However, few dying patients choose this option. For example, Oregon's 20 year old "Death with Dignity" program accounted for just 144 deaths in participants, that's merely 0.4% of Oregon deaths. In California, data for the first Options program, June through December 2016, show that 191 patients received lethal (58%) took them. That accounts for 0.06% of California deaths during that period. Data prescriptions were issued and 374 (65%) of those patients died as a result, amounting to deaths



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...the overwhelming majority who opted for aid-in-dying were over educated, insured cancer patients living at home with Hospice serv

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This May, a legal challenge by the Life Legal Defense Foundation temporarily suspended the Compassion & Choices Act. Despite pleas from Compassion & Choices, a group that supports assisted dying, a Riverside judge invalidated California's End of Life Options Act - on procedural rather than substantive grounds. In the *Hestrin* case, the judge ruled that the Act was wrongly passed in a special legislative session for Medi-Cal recipients. That maneuver was deemed unconstitutional as it skirted the requirements of the Special sessions also bypass committee reviews and potential opposition. After 3 weeks, General Xavier Becerra's motion to stay that ruling was granted by the 4th Circuit Court. Arguments to overturn that decision will be heard this July. Given the strong public support and absence of reported abuses, the Legislature could simply reenact the bill in general sessions next year.

Since the LHH's medical aid-in-dying program was enthusiastically introduced to the Hospital, since controversy abounds, the reasons for zero patient participation, the program's procedures were disclosed this year.

Dr. Derek Kerr & Dr. Maria Rivero were a senior physician at Laguna Honda Hospital, they are now reporters. Contact: watchdogs@westsideobserver.com

July 2018



Westside Car Break-Ins Subsiding - I

by Dr. Derek Kerr

Uncorrected data from the Taraval Police Station's website (www.Taraval.org) shows a significant improvement in reported auto burglaries. The average number of auto break-ins for 2018 now stands at 100/month, a big improvement from the 140/month average logged in 2017, and slightly better than the 110/month average for 2016. Still, it means 4 local car break-ins each day. While the best protection is to remove valuables from the car, the next best is to have a good alarm system.

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(computer statistics) database. Last month, WSO columnist Lou Barberini – a CPA and the SFPD's CompStat numbers as "phony statistics" because they quietly increase – so age. That's partly due to the addition of cases filed after the monthly crime reports are corrections inserted so many months later? Initially, the current crime rate is understated. When the data is updated, the update the data creates an illusion of improving crime trends by pairing current underreported numbers.

For example, car break-ins recorded in Taraval Station's monthly reports totaled 1,418 in 2016, but the CompStat show 1,614. That discrepancy amounts to a 14% surge - from 111 to 127. Notably suspicious, the 81 auto break-ins Taraval Station recorded for December 2016 are not in the CompStat. Similarly, Taraval reported 1,680 auto break-ins in 2017, while CompStat shows 1,400. Instead of 140 break-ins/month, the retroactive average for 2017 was 149/month. Given that many thefts from autos go unreported, the true numbers are likely about 10% higher than Taraval's.

Last month, SFPD Lt. Tim Paine told the West of Twin Peaks Central Council that the recent drop in street and home burglaries - was tied to the arrests of 12 of 30 members of a gang targeting the area. As a result, residential burglaries plunged to 26 this May. That looks better than the 2017 average of 30. But if home burglaries had risen in early 2018, the drop in May merely kept this year's average low. Crime statistics are malleable, and because burglary gangs are resilient, vigilance remains needed.

Dr. Derek Kerr is an investigative reporter living in San Francisco

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July 2018

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Taraval Merchants See Red Over Parkside

by Dr. Derek Kerr

Wandering through the Parkside and Sunset neighborhoods, Taraval Street is dotted with small businesses. Their owners have strenuously opposed Metropolitan Transportation Agency (MTA) plans to turn the street into a commercial corridor. The latest flare-up came on Monday, May 5th. Taraval merchants painted along the entire curb of the 2200 block. Gone were the parking spaces in front of the Fire Equipment, Avenues Pet Hospital, Allstate Insurance and the Zhong Shan Restaurant. Although the MTA had promised fliers, business owners say they weren't notified in time. The paint deters customers and eliminates loading zones for daily deliveries of essential supplies.

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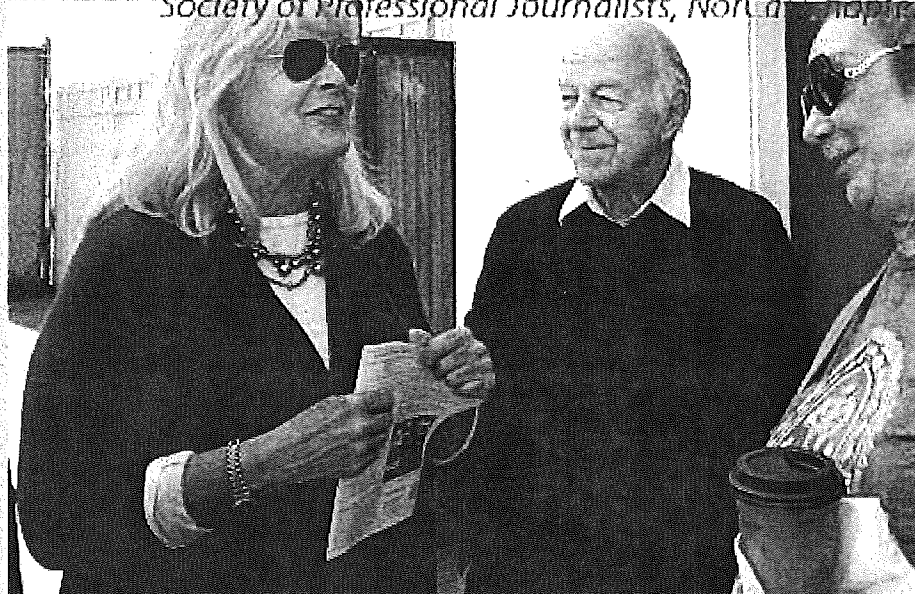
When business owners along Taraval Street arrived at work on Monday morning, they were surprised to find MTA had painted the curbs red along the entire block. Alioto spoke about MTA's process at a press conference three days later.

But safety doesn't rank among Vision Zero's 57 priorities. According to MTA's website, 22 people have been killed on L-Taraval trains in the last 5 years. The agency blames motorists who failed to stop as they crossed the tracks. Just 72% of drivers complied with required stops. In April 2017, a 6-month pilot project was launched to improve compliance by deploying street markings, signs and flashing lights on trains. If the company would have continued these measures, compliance might have improved. But compliance stalled at 74%. So, 36 parking spaces were removed to install concrete boarding islands at train stops. Apparently, the 2200 block was the last straw.

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Alioto's message resonated; "Neighborhood serving businesses are suffering from economic losses. With behemoth competition like Amazon on one side and city agencies like MTA on the other, our small businesses are being squeezed out of San Francisco."

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"I was at wits end," Dianna Anderson (left) of Avenues Pet Hospital said, "I heard Angela Alioto criticizing MTA's tactics recently at a mayor's forum, and it gave me some hope that she would listen to our small businesses." Shown above is Ms. Anderson, Marcello the owner of Marcello's Restaurant and Sue Hoffman

of Avenues Pet Hospital. MTA and abandoned by their Supervisor, Katy Tang. That's why Diana Anderson, co-owner of Avenues Pet Hospital, appealed to mayoral candidate Angela Alioto. On May 8th, Alioto and her team joined a 30-person Press Conference outside the Pet Hospital.



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Much discontent was directed at MTA officials, its unelected Board and Director Ed Reishus over the past 3 years, the agency "just steamrolled over any objections and refused to implement solutions we offered to address safety concerns." She's also skeptical of MTA's "disingenuous and methodology. She doubts that cutting parking will improve safety, citing the small number of Taraval's 30,000 daily transit passengers - about one collision per 2.5 million riders. As questioned why a 24 hour/day parking ban was imposed given the paucity of riders out during rush hours. Indeed, several nearly-vacant double buses rumbled by during the noon rally.

Mike O'Rourke, representing the Transportation Alliance of San Francisco, a grass-roots organization characterized the MTA as an "autocratic fiefdom, insulated from the public." Albert Cho, Parkside Sunset and owner of the Great Wall Hardware store joined past-president Alar Insurance office, in decrying the many hours they wasted conveying community concerns to the MTA. They say their pleas for parking recuperation and mitigation of "highly impacts" appears. Barry Hermanson, a 40-year Sunset resident and Green Party candidate for US Congress, original presentation to the community was a fully-formed plan. They didn't come to us

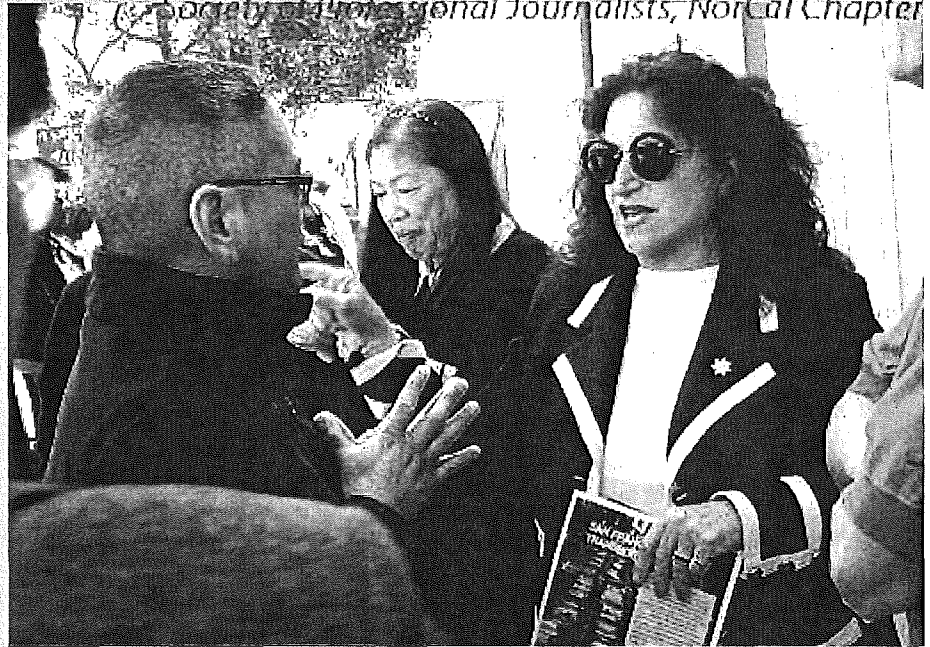
Economic and service disruptions emerged. Gene, the 20-year owner of Gene's Deli, knew. Now, he's losing customers because nearby parking is scarce after 6 PM. Veterinarian Lisa she's legally obligated to see emergency patients, while MTA prohibits emergency access when guardians of large dogs have to scrounge for parking and haul their ailing pets seeking attention. Customers are complaining and some have canceled visits for lack of parking.

.....
**Just because certain merchants are unhappy ... does not mean I have
The SFMTA Board ultimately makes final decisions ... and the Board
to my recommendations." (Supervisor Katy Tang responded)"**

These complaints are reminiscent of a prior revolt against the MTA, championed in the 1990s by Supervisor Tony Hall. Backed by the Coalition for San Francisco Neighborhoods, a mot

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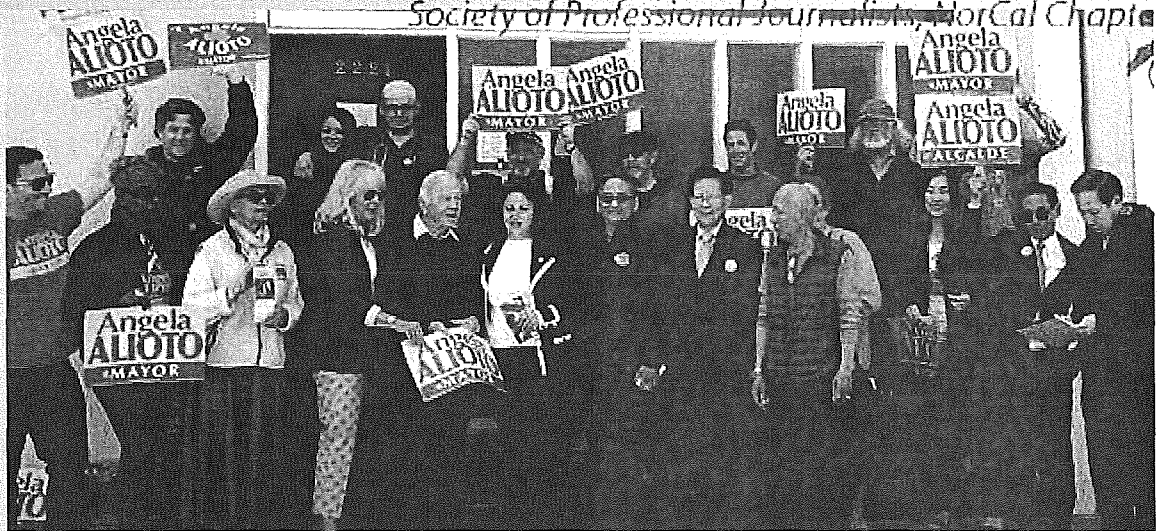


Greatwall Hardware Business owner, Albert Chow, President of People of People outlines the inflexible pattern of SFMTA's responsiveness to neighborhood concerns. "the kind of public interaction I would expect from a Director with almost a half-million dollars a year," Alioto responded

support. Advocates for public transit, pedestrians and bicycles won then and remain for resistance, there may be hope. On May 15th, the Board of Supervisors, citing "frustration with certain transit decisions based on neighborhood appeals.

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Desperate merchants reached out to candidate Alioto, fearing as one merchant have to look at what happened to the businesses along the N Judah Line to see v to our Taraval businesses



None of the folks at the rally believed that MTA's goals of transit ef

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focus groups after MTA hearings devolved into shouting matches! While siding with the merchants who wanted additional study before sacrificing parking for boarding islands alterations for a year. Still, several rally participants viewed Tang as unresponsive to the oddity of District 4 merchants appealing to Angela Alioto rather than their own Supervisor

Barry Hermanson, a 40-year Sunset resident and Green Party candidate recalled; "SFMTA's original presentation to the community was a failure. It didn't come to us to help craft a solution."

While Alioto has pledged to "Fast track infrastructure projects to our most heavily traveled corridors," she has also vowed to fire Ed Reiskin and audit MTA's billion dollar budget. That's why she was recruited; "Neighborhood serving businesses are suffering devastating losses. With both Amazon on one side and ever more-demanding City agencies like MTA on the other, our businesses are being squeezed out of San Francisco."

To a Westside Observer query, Supervisor Tang replied that she wasn't invited to the rally. "A Mayoral candidate would insert herself and prey on angry merchants given that she did not understand the history of the project." Tang added; "Our office has been working with SFMTA to create as much parking as possible along Taraval...creating more parking turnover by installing time-limited parking."



A small group of counter-protesters attempt to disrupt the crowd gathered to protest the MTA's proposed changes to the Taraval corridor.

Photos: Derek Kerr

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and trade unions largely rejected the hurried amendments to reduce building heights, prevent displacements, and add affordable units and help. None of the gubernatorial candidates, mayoral candidates, London Breed, Supervisor B 827, or Mayor Wiener vows backing from big technology firms and developers.

The bill's defeat was foreshadowed by its divisiveness was exemplified, at an early rally. Gathered in opposition was a diverse coalition of tenant, neighborhood, business and community groups by some 100 multi-ethnic and multi-generational protesters. Many were unmonetized seniors and Asian. Their message was that SB 827 would wrest control of land use from the City and its residents. Their slogan, "Say goodbye to your neighborhood." They cheered speakers from Supervisors Jane Kim, Aaron Peskin and Sandra Fewer as well as former Mayor Art Agnos. Agnos penned a comprehensive critique of SB 827 in the April Westside Observer, spoke for the Neighborhoods. But their messages were suppressed.

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Riling them up were YIMBY Action head Laura Clark, Bay Area Renters' Federation leader and wannabe District 6 Supervisor Sonja Trauss, and SF Housing Action Coalition director and Wiener acolyte, Todd David. Trauss even barged into the larger group shaking her placard... A Sheriff's deputy asked Trauss to leave that section of the rally. The YIMBY's disruption provoked angry verbal exchanges and soon a team of deputies came out to separate the clashing factions"

Shouting them down were barely 20 young, white counter-protesters. These self-described "NIMBYs" took their opponents as old, wealthy, self-serving, white NIMBYs. So they were taken aback by the YIMBYs and out-represented by an unexpectedly diverse crowd, the YIMBYs stooped to drown out the NIMBYs. Riling them up were YIMBY Action head Laura Clark, Bay Area Renters' Federation leader and wannabe District 6 Supervisor Sonja Trauss, and SF Housing Action Coalition director and Wiener acolyte, Todd David. Trauss barged into the larger group twice yelling and shaking her placard. An offended demonstrator slipped her own placard. A Sheriff's deputy asked Trauss to leave that section of the rally. The YIMBY's disruption provoked angry verbal exchanges and soon a team of deputies came out to separate the clashing factions.

Some of the elderly demonstrators were startled and intimidated by the YIMBY's bullying. Eventually, the larger group began chanting "Shame! Shame!" and "racism" while pointing at the YIMBY contingent. True to form, Laura Clark resorted to victimology, later claiming that her book was "a trap" and were "gaslighted." The Examiner's Joe Fitzgerald-Rodriguez's provided a nuanced analysis of its fallout. Tim Redmond of 48 Hills provided additional background including the position of the coalition opposing SB 827.

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Dr. Derek Kerr is San Francisco investigative reporter Contact: watchdogs@westsideobserver.com

May 2018

Who Owns Voting?

by Dr. Derek Kerr & Dr. Maria Rivero

San Franciscans are seeking more autonomy in some of their public-private partnerships. Alongside the movement for a Public Bank is a similar quest for a Public Voting system. There's unease when public votes are counted secretly by private corporations.

The 2000 Bush v. Gore "hanging-chad" debacle drove computerized voting. But the new technology begat glitches. In 2007, California Secretary of State Debra Bowen decertified all of the proprietary voting systems tested because of security and auditing flaws. That year, the SF Elections Commission prioritized voting systems that "provide the maximum level of security and transparency." The Department of Elections (DoE) then contracted with Sequoia Voting Systems. The upfront cost was \$9.6 million. In 2010, Dominion Voting Systems acquired Sequoia and became the DoE's vendor. Over 11 years, these contracts have totaled \$22 million. The current contract will expire in December 2018 so the DoE has been reviewing its security and transparency goals, nicely summarized at www.SFElections.org

Current Problems: Dating from the 1990s, the technology running our leased voting systems has a high risk of malfunction - and vulnerability to hacking, as shown by the breach of voting machine codes at a recent conference. Importantly, transparency is lacking since the computer codes operating the machines are guarded by copyright. Election officials cannot verify their accuracy or security, or even if the machines lack auditing functions and thus, accountability for their transactions. Although we do have random 1% manual tallies, today's voting machines are "black boxes" when electoral machines are "black boxes". Compounding these flaws is "vendor lock-in." Only one company can service or adjust the machines and any adjustment requires vendor permission. And, options are limited with just 3 major vendors. The tabulations are largely controlled by contractors - not government officials.

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...transparency is lacking since the computer codes operating the machines are guarded by copyright.

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accessible computer codes licensed by the Open Source Initiative. Unlike proprietary code, open source code is free for anyone to inspect, copy and improve. Because many eyes scrutinize the software, it is less likely to be corrupted or corrupted it unnoticed. Though publicly visible on platforms like GitHub, the code is still considered proprietary.

Most super-computers use open source codes, as does the US Department of Defense. CIA Director R. James Woolsey opined in the New York Times; "To Protect Voting, Use Open Source." A federal policy requires that 20% of all new software be open source to facilitate inter-agency peer review. Personal computers also use open source software via the Firefox and Chrome web browsers and the Android operating systems. Open source systems are transparent, secure, flexible and free of proprietary barriers and fees.

Plodding Progress: In 2011, the Board of Supervisors' Voting Systems Task Force recommended an open source voting system. In 2014, the Board unanimously supported such a system, along with a new Agency Formation Commission. Based on this study, the Elections Commission passed a Voting Systems Resolution in 2015, requesting funding to "develop and certify an open source voting system." That means voters would still get paper ballots, and touch-screen votes generate a vote that is recounted by hand.

The plan is to advance incrementally, developing and certifying individual components of the system. The development would rely upon consultants overseen by the DoE. Meanwhile, ground rules for the Election Commission's Open Source Voting System Technical Advisory Committee.

Chaired by Commissioner Chris Jerdonek, PhD, its meetings are open. OSVTAC members are responsible for contracting for the new voting system. Cost savings are anticipated from using commercial off-the-shelf terminals and optical scanners instead of proprietary hardware. Buying replacement parts will no longer be obligated to a single vendor, the DoE could hire any contractor to maintain and update the system. The Elections Commission has requested \$4 million for 2018-19 to start building it.

That money awaits the approval of the Mayor's Office and the Committee on Information Technology. San Francisco's 5-Year Information & Communication Technology Plan touts an Open Source goal, Universal Broadband is a competing objective. Until a publicly-owned voting system is built, the city will spend \$2 million/year on an interim proprietary system that accommodates open source code.

However, the 2016-18 City Budget did provide \$300,000 to develop "a new voting system." The DoE allocated \$100,000 for a salaried Project Director. But no satisfactory candidate was found. Director John Arntz assumed the role. In September 2017, the DoE engaged Slalom Consulting to "prepare a business case" for an open source voting system.

Risks and Challenges: Slalom's February 2018 draft report emphasizes the complexity of building an open source system required to build, certify, run and maintain an open source system. One challenge is that the city is building entire voting systems – not individual components. Building it bit by bit or adjusting the system as it goes along is not an option.

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through. Ominously, contractors shunned the Texas project because open source systems mentioned in the Slalom draft is the expected resistance from corporate vendors. Slalom recommend more planning.

State Support: State funding is likely because California's voting system is overdue for a model designed here could be freely copied by other counties. Secretary of State Alex Flores voting as "the ultimate in transparency and accountability." Last year, the Assembly approved California's voting machines via a 2018 Voting Modernization Bond Act. But that measure. However, Governor Brown has proposed spending \$134 million from the budget surplus.

Elections Commissioner Chris Jerdonek seeks public input and support by speaking to you. He can be reached at chris.jerdonek@gmail.com.

Dr. Maria Rivero and Dr. Derek Kerr were senior physicians at Laguna Honda Hospital who exposed wrongdoing by the Department of Public Health. Contact: watchdogs@westsideobserver.com

April 2018



by Dr Derek Kerr

Parkmerced: Class Action Lawsuit Settlement, Small Change

On December 13, 2017, the City's Superior Court approved a settlement of Stewart v. Parkmerced Investors Properties. Notably, "The Settlement is barred from initiating any publicity of the Settlement...and without any media..." Accordingly, this report was derived from court records.

In May 2014, Danilo Stewart and his girlfriend moved to Parkmerced. They settled into a building at 405 Serrano Drive. The rent was \$2,391/month. Soon, Stewart developed nausea and headaches. He attributed these symptoms to moisture and mold caused by building an allowed water intrusion and excess humidity. Parkmerced abuts Lake Merced and sits in the fog. Its leases include a "Disclosure of the Presence of Moisture/Mold/Mildew" and commissioned air quality testing that reportedly showed "excess dampness" and "harmful causing contaminants." Parkmerced responded by performing its own air quality testing. When done, Stewart claimed his symptoms persisted, leading to "severe mental and emotional distress." He deemed his apartment "not habitable" and moved out.

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\$75 late fee. On July 3rd 2014, Stewart paid \$2,550 for rent, garbage and utilities, but in total dues owed. For this minor shortfall, he was charged \$75. The next month, his rent \$75 penalty was imposed. Stewart felt that Parkmerced's flat-rate late fee was unfair. It amount owed or the length of the delay. He charged that the late fee was excessive, ge over-compensating Parkmerced for so-called "cost and damage". He alleged that tenan of outstanding dues for services and utilities, thereby increasing their risk of fines.

Further, his lease defined the late fee "as additional rent". The SF Residential Rate Stabi Ordinance doesn't allow late fees to be collected as rent. Although Parkmerced did not when it imposed a late fee, the Law Offices of Eric Lifschitz considered it an "illegal ren Action lawsuit was launched on behalf of 5,186 Parkmerced residents – expressly for t asked for "restitution of all excessive late fees."

Parkmerced moved to dismiss the suit as meritless. It denied that its late fees were ren increased the monthly rent due, merely assessed a late fee when rent wasn't timely pai administrative fee, not added rent. Parkmerced also rejected Stewart's claim for punitiv of malice or reckless disregard. However, in October 2016 Judge Ronald Quidachay all since the lease verbiage related the late fee to a rent increase and Stewart's ill-health co

An arduous discovery process ensued during which Parkmerced showed that its late fe of 8 similar City landlords overseeing 75,000 units. Most charged \$100 with a range of testified that tailoring late fees wasn't feasible and a flat rate was both reasonable and Parkmerced's \$75 late fee undervalued its administrative costs for handling delinquenc Parkmerced assessed 2,271 late fees (some were waived) totaling \$132,825 of which \$ calculated management costs were double the sum recovered.

After a year of wrangling, mediations and conferences, a Final Settlement was approve retain its \$75 late fee, but agreed to delete the descriptive phrase "as additional rent" fro replaced. Only the late fee language can be revised on the new tenancy agreements. As Parkmerced reduced its separate fee for bounced checks from \$50 to \$25. While denyi agreed to pay \$120,000 in legal fees, and \$30,000 to Danilo Stewart for work loss, envir moving costs, plus acting as the Class representative. Parkmerced residents with conc their newly-revised leases can contact the Housing Rights Committee of San Francisco

(Case #: CGC-16-551696)

Dr. Derek Kerr is an Investigative Reporter living in San Francisco

March 2018

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"Marijuana Act", ended cannabis prohibition in November 2016. Garnering 57% of votes statewide - and 74% in San Francisco - it legalized the sale of recreational marijuana. Medical marijuana has been legal in California since 1996. Prop 64 allows adults aged 21 and older to possess 1 ounce of marijuana, or 8 grams of



marijuana concentrates, and to cultivate 6 plants at home. To sell marijuana to adults - need both State licenses and City permits. Detailed State regulations were issued. On 1 Consumption Ordinance installed the Office of Cannabis with regulations and equity po providers.

In December 2017 the City's Department of Public Health (DPH) reported the potential of legal cannabis, focusing on youth exposure and neighborhood quality of life. The 20- Assessment on Legalization of Adult Use Cannabis" aims to minimize health risks, you disruptions. Based on these guidelines, the DPH reviewed the scientific literature, consi surveys to come up with key findings and recommendations.

Youth Impacts



.....
As of August 2017, there were 38 medical marijuana dispensaries were delivery-only services. Of these, 64% were located in 4 neigh Market, Mission, outer Mission and the Financial District."

Although the new law applies to adults, youth may be affected by the legalization of rec among youth has been associated with learning difficulties, lower school performance. Recent City surveys cited by the DPH show that 17% of our high-schoolers use marijuan the national average, partly because of low use rates among Asian students. For exam Chinese students used marijuana versus 43% of African-Americans, 33.6% of Whites and LGBT students use marijuana at twice the overall rate. The DPH advises adding cannab middle and high school curricula.

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Owners of 2505 Noriega have filed in court after the Supervisors upheld an appeal by n
granted by the Planning Department.

young people. Back in 1991, nearly 80% of San Francisco voters approved Proposition I
- 5 years before California legalized it. And in 2006, the Board of Supervisors passed Or
possession of marijuana the "lowest law enforcement priority". In 2011, the SFPD repor
misdemeanor marijuana possession – and all were secondary to other charges. Per the
Colorado, Washington, Oregon and Alaska has not resulted in increased use among you
could change with uncontrolled advertising and marketing.

Young people are especially susceptible to advertising, a vulnerability long-exploited by
industries. Conversely, restricting advertising is a proven strategy for preventing drug u
advertising by licensed marijuana businesses, there's a loophole. Advertising agencies
not directly sell marijuana can freely promote marijuana. That's why local vigilance play
Transportation Agency stripped marijuana ads from buses in November. The Golden G
Transportation District, followed suit. The DPH recommends regulating the content and
does with tobacco and alcohol.

Medical Impacts

Even before the legalization of recreational cannabis, "cannabis-related" hospitalization
However, from 2011-2015 City hospitalizations and ER visits directly caused by cannab
annually. In comparison, alcohol-driven hospital visits were around 80 times higher. The
cases involved young people under 24 years of age. Interestingly, hospital visits attribut
higher for African-Americans than for the overall population.

A particular concern is poisoning by edible forms of marijuana like cookies, chocolates
cannabis poisonings between 2006-2010 and 2011-2015, ER visits increased from 133
indicating more serious impairments, rose from 21 to 52. These are small numbers as
unlike other drugs, marijuana has never been fatal.

Not mentioned in the DPH report is the August 2016 incident at a Quinceaniera celebra
Nineteen people were taken to the hospital complaining of confusion, dizziness and let
bears containing tetrahydrocannabinol or THC, the psychoactive agent in cannabis. Of

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counseling services in 2015. There's no mention of the 5-fold boost in the potency of tetrahydrocannabinol (THC) compared to those of past decades. That raises the risk of intoxication for those who use it. Drugged driving isn't mentioned. That may be because research has not yet proven that it increases crash risk. Nevertheless, marijuana can impair critical driving skills. While recreational marijuana became legal, recreational marijuana-linked crashes and fatalities have risen in Washington.

Also missing is a Kaiser Permanente study of 35,000 pregnant women. In 2016, 6.6% of women were using marijuana, rising to 19% among those between 18 and 24 years old. Fetal development may be affected. A study of 5,588 women showed a 5-fold rise of pre-term births among those who continued to use marijuana during pregnancy. Most medical marijuana dispensary physicians discourage marijuana during pregnancy, history of addiction or mental illness. And because marijuana harbors bacteria and fungi, people with weakened immune systems are advised against smoking it. Recreational purveyors won't be so careful. A public education campaign targeting pregnant women, youth, parents and seniors. For more information, visit www.westsideobserver.com.

Community Impacts

Like retail outlets for alcohol and tobacco, marijuana dispensaries gravitate toward low-income communities of color. As of August 2017, there were 38 medical marijuana dispensaries in San Francisco, 10 offering delivery-only services. Of these, 64% were located in 4 neighborhoods: South of Market, Tenderloin, Financial District. Commercial zoning laws and community participation in the approval process are required for distribution. The Westside's sole approved retailer is Barbary Coast Collective due to opposition from other dispensaries. Check WeedMaps.com for dispensary locations.

Because alcohol and tobacco outlets are associated with increased youth exposure as well as traffic, vehicle accidents, and crime, the DPH is concerned about the impact of marijuana dispensaries. Marijuana is a sparse, most community complaints mention malodorous marijuana smoke. The risk of health problems from cannabis retailers are cash-only enterprises with lots of it at hand. Cannabis tourism may be adversely affected. Importantly, the DPH reports that; "...none of the stakeholders, including organizations serving communities of color, or living in these communities, believed cannabis would benefit communities of color, and instead would have a negative impact...". While the DPH promotes a "measured approach" that mitigates disparities - and fears - by using health and safety inspections, the Office of Cannabis, Fire Department and Department of Building Inspections. Community input is needed. 311.

The DPH promotes a "measured approach" that mitigates disparities - and fears - by using health and safety inspections, the Office of Cannabis, Fire Department and Department of Building Inspections. Community input is needed. 311.

Dr. Maria Rivero and Dr. Derek Kerr were senior physicians at Laguna Honda Hospital when they were interviewed for this article.

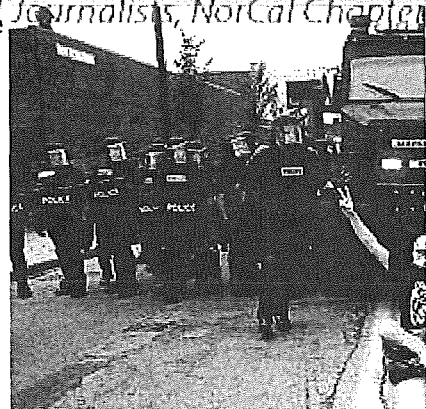
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The Posse Comitatus Act generally bars the use of soldiers in domestic policing. Soldiers are trained to kill and destroy while cops serve to keep the peace. This distinction has faded with the militarization of police in the War on Drugs and the War on Terror. A warrior mindset has seeped into routine policing as reported by criminologist Peter Kraska, the ACLU in War Comes Home, and journalist Radley Balko's Rise of the Warrior Cop. Back in 1998, the Bay Guardian covered an SFPD drug raid in War on Crime, warning that when cops become soldiers, the community becomes the enemy.



Militarized policing started in the late 1960s when the LAPD introduced SWAT (Special) to quell riots and violent emergencies. Initially driven by fears of civil unrest and armed acceptance. For politicians, SWAT teams confirmed tough-on-crime credentials. For cops, But money drove mission creep because SWAT teams generated revenues. Incentivized gear for the War on Drugs as well as civil asset-forfeiture laws, police forces eventually deployments to drug searches and non-violent crimes, versus 7% for emergencies like situations.

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President Obama issued an Executive Order limiting and banning the field staples like tracked armored vehicles, large-caliber weapons, bayonets and grenade-launchers.”

Then came massive donations of excess military equipment from the Department of Defense. The National Defense Authorization Act (NDAA). The 1989 NDAA authorized the transfer of and State agencies engaged in the War on Drugs. The 1996 NDAA created the “1033 Program” for deliveries to local law enforcement for counter-terrorism as well as counter-narcotics purposes. If gear must be returned if not used within a year, its deployment is abetted. Loosely over Emergency Services, the 1033 Program is administered by the Defense Logistics Agency Office whose motto is “From Warfighter to Crimefighter”. September 11, 2001 spawned the Department of Homeland Security (DHS), and the ongoing national State of Emergency departments with grants to address terrorism and disasters – emphasizing national security. And, given the rarity of terrorism and disasters, DHS offerings trickled into everyday police. The deployment of war equipment to quell civil uprisings raised constitutional concerns, protests and riots in Ferguson, Missouri. Transparency and accountability concerns are

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So far, the SFPD has been judicious in procuring castoff militaria. Unlike other Bay Area agencies, the SFPD hasn't sought combat equipment. DOD records show that between April 2008 and May 2010, the SFPD received surplus items valued at \$447,535. This represents the "acquisition cost" to the DOD of surplus equipment, 36% of which is unused. The SFPD gets the gear for free, but pays storage and maintenance costs. The big-ticket items were mobile remote-controlled robots, namely an MK3MOD1 Packbot 510s valued at \$77,000 each. These machines can probe hazardous sites and the remaining items were vision-enhancing devices like thermal and reflex sights, night vision goggles, and illuminators for surveillance and reconnaissance.

So the SFPD upgraded its arsenal with cost savings. Of course, with a budget of \$583 million, the SFPD can buy weaponry from private vendors. Or, it can accept gear transferred from other 1033 Program agencies. San Francisco's FBI office, its Joint Terrorism Task Force partner. The SFPD acknowledged receiving "Neutralization robots" from "another law enforcement agency" in this way.

Incidentally, the City's FBI office is the major local recipient of DOD military surplus. Received at least 1,850 items valued at over \$10.9 million since 1996. Major acquisitions include 1 "Reconnaissance Camera Systems" valued at \$6.7 million, 2 "Reconnaissance Camera Systems" valued at \$167,000 and 3 "Reconnaissance Camera Systems" valued at \$195,000. Much of the equipment is quotidian; computers, cameras, flashlights, rescue equipment, "coffee maker" and "exercise bicycles". The military-grade equipment falls into 3 categories: Disposal like robots, Hazardous Material Disposal including gas detectors, electric blowers, machines, and Reconnaissance gear including night-vision goggles, gun sights, rifle scopes, and thermal signals. None of it is offensive combat gear.

Very little of the DOD surplus acquired by the SFPD is reported publicly. A search of the "1033 Program" revealed just 2 entries; 3 mobile decontamination trailers requested in 2002 and 2 reports indicated that 2 helicopters were acquired in 1998. None of the military items is reported in Police Commission meeting minutes. Neither are goods transferred from other 1033 Program agencies. The obscure is the impact on SFPD practices of \$28.8 million in grants received from 2003 to 2010 (approximately \$2.4 million annually) from the Department of Homeland Security. Although these grants do provide military-style equipment and training. Military paradigms legitimize violence and militarization. The SFPD's use of force showed "significant deficiencies" per the Justice Department's Initiative. Its lack of transparency was the theme of the 2015 Civil Grand Jury report "In the Name of the People".

Now that weapons of war are again readily obtainable – without Pentagon reporting requirements and without transparency about its acquisitions is indicated. The frequency and purpose of SWAT team operations is not publicly reported. And, the Police Commission should re-examine the impact of federal grants on militarization and community engagement. The threatened cuts of law enforcement grants to sanctuary cities, defunding; shifting resources away from militarization and toward community policing and public safety.

Dr. Maria Rivero and Dr. Derek Kerr were senior physicians at Laguna Honda Hospital when this article was written.

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Maria Rivero

The Ethics Commission "recklessly" disregarded the Brown Act and the Sunshine Ordinance when it "brazenly voted to send a letter without proper public notice." The commissioners must "immediately resign" or face



suspension. Either way, an appeal to "criminally prosecute" them for "official misconduct" warned a 5/2/17 complaint to the Sunshine Ordinance Task Force (SOTF), the District / appoint said Commissioners. It came from "outraged" pro-housing activists Laura Clark (Back Yard") Action, Sonja Trauss, founder of SFBARF (Bay Area Renters Federation) and an oblique strike in a war against perceived barriers to housing development. Recall the gut in trying to take over the Sierra Club. This time, their anger was displaced onto a revitali tackles corruption.

Johnson acknowledged a conflict. She resolved it by contortion, vo policy decisions at SPUR while continuing to vote on housing polic Commissioner. Although she had told Mayor Lee she wanted to res SPUR."

At the March 27 Ethics meeting, clean-government advocates with "Friends of Ethics" n Quentin Kopp of a potential conflict of interest. It involved Planning Commissioner Chri been dubbed Director of SPUR's San Francisco chapter following a term on SPUR's Boa Area Planning and Urban Research Association) is a member-funded "non-partisan" thi advocacy. Its income for 2016-17 was \$7.1 million, of which 34% came from some 6,00 corporations, developers, realtors, as well as trade unions and public institutions. Anoth mostly private. Noted for past "urban renewal" fiascos, SPUR promotes development th contributors, among others. Kopp included Johnson's alleged conflict among 10 sugge Ethics' work on an Anti-Corruption Ordinance - and future meeting agendas.

But the Johnson matter didn't get on the April Friends of Ethics co-founder Larry Bush warned Commission would review 2 competing Inclus Ordinances that assigned different percentage

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Commission President Peter Keane

Society of Professional Journalists, NorCal Chapter
was Johnson SPUR's salaried advocate and full-time lobbyist. She reversed her vote to tighten Airbnb regulations in the Mayor's Office.

So Ethics had to decide: address an imminent vote potentially tainted by a conflict of interests, or wait until the matter could be agendaized. By then, Planning would have voted. The Brown Act and the Sunshine Ordinance require that government meeting agendas be publicly posted 72 hours beforehand to allow public participation. But both allow action on non-agendaized items if all commissioners present deem immediate action necessary to avoid "serious injury to the public interest" and if the need for action arose after the agenda was posted. Commissioner Kopp moved to take action on Johnson's perceived conflict. Deputy City attorney (DCA) Andrew Shen, who is assigned to the Ethics Commission, cautioned against further discussion as the matter wasn't on the agenda, as did Ethics Director LeeAnn Pelham. Ethics Chair Peter Keane ruled that the matter was urgent, important and in order. A required roll-call vote on this decision wasn't taken but in agreement.

What ensued was a one-hour open discussion punctuated by DCA Shen's defensive refusal to disclose a potential conflict. Larry Bush shared e-mails showing that the Mayor's staff had called Johnson and Johnson about, "having to recuse herself from items at the Planning Commission.. Administration." This Shen did not disclose. Nor would he share that he told Johnson she had "attorney-client privilege." He wouldn't reveal if his advice was written or verbal. He even mentioned points of law related to conflicts of interest. Not once did he mention that the Brown Act allows for non-agendaized matters. Awkwardly, Shen was caught in his own conflict of interests - his differing views. Worse, Ethics was rejecting the "no-conflict" pass he had granted to Johnson. In discussion, and suggested that one Commissioner send a personal letter to Johnson. In comments, Ethics voted 4-0 to send a letter advising Planning Commissioner Johnson that her position was "incompatible" and to recuse herself from acting on "housing or other development projects."

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Ethics made a good-faith effort to fulfill its duty and met the immediate demands allowed by the Brown Act. YIMBYs desiring fairness can report to Ethics about conflicts enveloping other Planning Commissioners. And Ethics should confront the conflict-bound City attorney with independent counsel."

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Ethics warning without the Society of Professional Journalists, North Chapter criminal prosecution - as did the YIMBY complaint against the Ethics Commissioners.

Johnson acknowledged a conflict. She resolved it by contortion, vowing to avoid housing while continuing to vote on housing policy matters as a Planning Commissioner. Although she wanted to resign once hired by SPUR, Lee asked her to stay until he appointed another, another 7 months. She walked out during public comments that overwhelmingly favored her. However, she did support one amendment that favored low-income residents. Tensions rose. Jane Kim arrived to announce that the dueling proposals would be melded into a "consensus" proposal. A YIMBY grievance against Ethics proceeded.

On 9/6/17, before the full Sunshine Task Force, Ms. Clark and a handful of YIMBY supporters, Commissioners Keane and Kopp and their allies. Intriguingly, the YIMBYs' fervor for sunshine long-committed sunshine advocates like Bruce Brugmann, Rick Knee and Bob Plantholz. The all-white YIMBYs injected victimology and identity politics into their narrative. Discriminatory to challenge Johnson because other Planning Commissioners harbor conflicts. She lamented that "I had my character thrown under the bus." Previously, she had argued it was Johnson through the mud." She labeled Ethics "a rogue agency...filled with politically-motivated people who use the hammer on whoever they deem a political opponent." Housing Action Coalition CEO said about old white men not liking Christine Johnson. "Dismissing conflict of interest concerns for "a political witch-hunt for a minority female woman," "a political vendetta", "selective enforcement" and "new levels of hypocrisy." They also maintained that the Ethics letter didn't address the fact that Ethics had received tips about Johnson's conflict weeks before and she had previously voted on the issue almost worked. A motion to find that Ethics had violated the Sunshine Ordinance died at the 6-vote threshold needed to pass. Commissioner Johnson wasn't there to back her side. Shen.

In sum, Ethics made a good-faith effort to fulfill its duty and met the immediacy exemption. YIMBYs desiring fairness can report to Ethics the alleged conflicts enveloping other Planning Commissioners. Ethics should replace its conflict-bound City attorney with independent counsel.

Dr. Maria Rivero and Dr. Derek Kerr were senior physicians at Laguna Honda Hospital who reported the wrongdoing. Both are local San Francisco residents. Contact Derek

October 2017



Safe Injection Sites: Neither Drug Dens nor Recovery

by Dr. Derek Kerr and Dr. Maria Rivero

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City's HIV cases and 70% of all deaths. The Department of Public Health (DPH). In 2015, 179 people died of drug overdoses, about 100 by injection, primarily heroin and methamphetamine, mostly hidden in Tenderloin and South of Market hotels. Drugs drive thousands of ambulance runs and hospital visits for infections, overdoses, falls and other complications yearly, not to mention crimes and arrests.



.....
The Bill passed the Assembly 41 to 33 and awaits a Senate vote. O Police Chiefs Association, District Attorneys Association, Sheriffs' Narcotic Officers' Association ... Nonetheless, SISs offer hope amid fentanyl-spiked overdoses despite the fierce policing and mass incarceration on Drugs."

Drug addiction is viewed by experts as an illness - *substance use disorder*. To tackle its Board of Supervisors passed Resolution 123-17 in April. It urged the DPH to convene a Services Task Force to assess setting up sites where people can legally inject their own under medical supervision, and connect with health, drug treatment and social services meetings, the Task Force will send recommendations to the Mayor. In June 2016, Mayor injection site at a homeless Navigation Center, declaring his "vigorous disagreement over heroin and meth, to literally destroy their bodies and their minds, in a City-funded shelter. Director Barbara Garcia endorsed injection facilities in December.

Safe Injection Sites (SIS) originated in Switzerland in 1983 then spread to 100 cities in Canada, Denmark, Germany, and Spain. Two of these incorporated scientific evaluation Supervised Injecting Centre set up in Sydney Australia in 2001, and the Insite program established in 2003. Their research shows that SISs attract hard-to-reach, high-risk drug and long-time addicts, many with no prior drug treatment experience. SISs promote safety likely reduce overdose deaths and infections as well as public injecting and litter. They treatment, social and health services without increasing local drug use, trafficking or crime. Supreme Court of Canada blocked government efforts to shut down Insite in 2011. Despite US, health officials in Seattle have authorized 2 SISs and San Francisco aims to follow.

Here, SISs would extend the DPH's Harm Reduction approach to drug addiction; distribute syringes annually, providing methadone or buprenorphine treatment for heroin addiction

(Not meant to reverse opioid overdoses. Essentially, the DPH partners with habitual users to prevent overdoses.)
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Critics who analyzed the data from the Sydney and Vancouver SISs challenged their effort. Just 31% of Vancouver public injectors said they would use SISs because registration is required for injections nor drug sharing are allowed. Acceptability dropped to 20% with police presence. SISs, do so for less than 20% of their injections on average. Canada's Expert Advisory Committee's thousands of visits represented barely 5% of overall community injections. Such potential and sometimes elusive benefits. The Sydney SIS could not demonstrate reduced infections, hepatitis or HIV. Although Vancouver's Insite reported improvements in all, the program saw no direct evidence. While neither program reported overdose deaths in-house, they reported those in the community. Apparently, some SIS clients feel emboldened to experiment with drug cocktails while safely supervised.

SIS referrals to drug treatment programs are widely touted, but only 14% of Sydney clients attended. In Vancouver, the majority did not attend until recently, with added funding and follow-up. In Vancouver, just 14% of drug users surveyed wanted drug treatment. In San Francisco, merely 14% of drug users surveyed wanted drug treatment. Denial of disability is a symptom of addiction, but some taxpayers see returns on investments. However, both the Vancouver and Sydney programs reported complaints from businesses and residents complained about loitering and drug dealing. While no increase in crime was detected, cops had boosted patrols around both SISs – a hidden cost.

SIS critics complain that "partisan sympathizers" cherry-pick data to highlight successes. The diversity of DPH's Task Force was revealed when its members were ruffled into admitting the need for SISs. On 8/10/17 the Task Force proffered 6 City SISs rather than a pilot program. Other equity whereby every City District would do its fair share. Unaddressed are drug users' acceptability barriers and the allure of the street scene. Ideological opponents fear that SISs will encourage riskier behaviors. They call for more robust treatment programs as well as pre-arrest diversion or mandatory treatment.

The SIS movement is stymied by federal and state Controlled Substance Laws that prohibit possession of drugs and paraphernalia. Even building owners and operators may be held liable. This November Sessions directed federal prosecutors to seek "the most serious, readily provable" penalties. A legislative work-around is California Assembly Bill 186 for a "Safe Drug Consumption Program." It would create supervised injection sites. The Bill passed the Assembly 41 to 33 and awaits a Senate vote. The Police Chiefs Association, District Attorneys Association, Sheriffs' Association and Narcotics Anonymous oppose it. They worry about conflicts with federal laws, congregating drug-related criminality, and "public nuisances" that don't require treatment. Nonetheless, SISs offer hope amidst an Opioid Crisis with thousands of overdoses despite the fierce policing and mass incarceration of the War on Drugs.

Like other municipal efforts to combat national plagues, SISs may relieve a fraction of the problem, but not the problem overall. Since modest results fit the Harm Reduction paradigm, the Task Force will support SISs.

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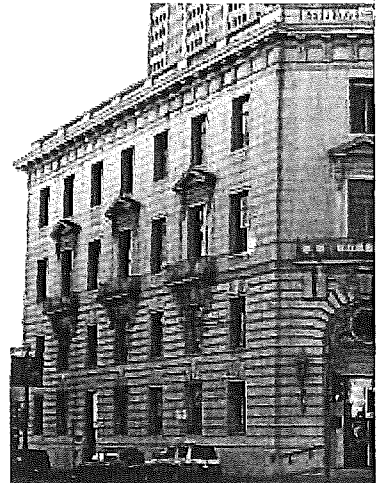
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Society of Professional Journalists, NorCal Chapter
September 2017

..... **FBI Probe Plunged DPH into Turmoil,**

by Dr. Derek Kerr & Dr. Maria Rivero

The March 2017 *Westside Observer* reported on the FBI probe of a pay-to-work scandal at the Department of Public Health (DPH). Payments had allegedly been solicited in exchange for job questions, promotions and shift assignments. Since then, new sources and documents have been discovered. Investigation dug longer and deeper than initially reported, mirroring the DPH in recriminations.

Starting in 2011, DPH janitors were questioned by the FBI and City Attorneys about payments for jobs and the hiring of janitors with unverified qualifications from China. Who notified the FBI is unclear. According to confidential DPH sources, a janitor who reportedly paid \$5,000 for a position that didn't materialize demanded a refund then complained after receiving just \$4,000. Another janitor allegedly paid \$10,000 for a position. No legal action ensued as the victims declined to testify. However, the DPH introduced multiple-choice exams for hiring janitors. The FBI kept watching for potential human trafficking.



Hostile Work Environment: In 2011-12, the DPH launched 3 investigations targeting its General Services manager, Willie Crawford, and other facility services. Several of his subordinates had complained about his "harassment" and reduced responsibilities. Crawford, a 35-year DPH employee who is African American, said his superiors had issued "false allegations" resulting in a "hostile work environment" that he quit. His 2011 complaint to the DPH Equal Employment Opportunity office was rebuffed. So was his complaint to the California Department of Fair Employment and Housing (DFEH), adding retaliation to his list of grievances.

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Adding to the impression that dirt was being hidden was a series of break-ins, burglaries and thefts from DPH executive offices at 101 Grove Street. The DPH was also activating or installing security cameras. Key documents, including personnel files, were vanished.”

To calm tensions, Crawford was assigned new supervisors. One was Ron Weigelt, hired as a Human Resources chief in May 2013. Crawford says his mistreatment continued - including the deletion of his e-mails from DPH servers. So he filed a retaliation claim with the City's Civil Service Commission.

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for threatening behavior. *Society of Professional Journalists, NorCal Chapter*

Investigative Zeal: Remarkably, the Whistleblower Program and the City Attorney pounce on witnesses from August to December 2015. Crawford's deputy and "right hand woman", and sought reassignment. In October 2015, Crawford was placed on Administrative Leave. His replacement, a Payroll manager with no janitorial experience, was David Palma. Pal Amanda He as his deputy. That move was reportedly opposed by DPH Director Barbara staff who longed for change. But Weigelt, who protected informants, supported it and purged half a dozen employees and supervisors, including witnesses to ongoing intrigues and outcries over retaliation and discrimination.

The City's investigation stated that Crawford had "accepted money from a subordinate" "threatened bodily harm". Labeled an "administrative retaliation ploy" by Crawford, it res notice on 12/18/15. Crawford had been taken aback by a grilling on his personal finances and even his Chinese-American wife's business. Moreover, he had been ordered to undergo an attorney present, and to attend a disciplinary hearing while on Medical Leave – a breach. City Attorney was investigating Crawford - while defending the DPH against Crawford's attorney protested "a biased investigation designed to terminate him" and successfully Attorney from the case. That's why Louise Renne's Public Law Group began defending them thereby collecting \$187,158.

FBI Behind the Scene: The City's investigation wasn't autonomous. By November 2015, janitors it wanted to interview. FBI agents also interviewed DPH Human Resources Director Micki Callahan. The DPH scrambled to review complaints janitors had filed since Weigelt crafted a memo encouraging janitors to cooperate with the FBI and promising information. This memo sparked contention between Weigelt and cagier City Attorneys off managers suspected in the pay-to-work scheme. The FBI asked to search Crawford demanded a warrant. The FBI argued that it simply needed DPH's permission since the City Attorneys held FBI agents at arm's length. The FBI did not force the issue, but agent lack of cooperation.

Instead of an FBI search, the DPH's Weigelt directed a search of Crawford's office and City Attorney's investigation reportedly bypassed the As Needed janitors who were more like pressures. Adding to the impression that dirt was being hidden, was a series of break-ins at DPH executive offices at 101 Grove Street. The DPH reportedly stalled on activating or documents, including promissory notes allegedly showing that janitors had signed over vanished. Months of Crawford's emails also disappeared.

Concurrent investigations by the FBI, the Whistleblower Program, the City Attorney, and control, paranoia and intrigue. Coworkers suspected each other of being FBI informants.

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uprising the City's anti-corruption efforts Society of Professional Journalists, NorCal Chapter

Dr. Maria Rivero and Dr. Derek Kerr were senior physicians at Laguna Honda Hospital who wrongdoing by the Department of Public Health. Contact: [watchdogs@westsideobserver](mailto:watchdogs@westsideobserver.com)

Laguna Honda to Offer Medical Aid-In-Dying

by Dr. Derek Kerr & Dr. Maria Rivero

On May 9, 2017, Laguna Honda Hospital (LHH) pivoted to offering terminally ill patients the option of taking a lethal drug cocktail on its premises. This Medical Aid-In-Dying (MAID) policy is based on the June 2016 California End of Life Option Act and a related Department of Public Health (DPH) policy approved this February. Since the California Act prohibits MAID in a "public place" – and public hospitals are public places – it was assumed that patients would self-administer the pre patients without homes or caregivers, the DPH initially planned to "facilitate placement setting." But there are few community settings where MAID can be safely conducted – on the right to choose the timing, place and manner of their own deaths, LHH devised an need skilled nursing services, patients may be admitted to LHH for MAID.

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Patients must personally request MAID from their physician. No one on behalf. They must understand and communicate the nature and consequences. The physician assesses the patient's eligibility and offers alternate Care, palliative sedation, ending life-prolonging treatment, or voluntary drink.”

Since Oregon's 1997 Death with Dignity Act, Washington, Montana, Vermont, California, similar laws. Oregon data shows that 1,749 terminally-ill patients were prescribed lethal deaths. In other words, one-third decided not to use the drugs. Last year, just 0.37% of MAID. Overwhelmingly, they were over 65, white, college-educated cancer patients with 5% took MAID in long-term care facilities like LHH. The prime reasons for seeking aid-in control, unbearable quality of life, and loss of dignity. In 19 years, no complaints of MAID. The MAID advocacy group Compassion and Choices describes the experience in a video. To qualify for MAID, patients must be California residents, at least 18 years old, and terminally months to live. They must have the capacity to make informed medical decisions – and drug. Because patients in Skilled Nursing Facilities are vulnerable to coercion and despite that MAID requests are voluntary and rational. Patients must personally request MAID or can do so on their behalf. They must understand and communicate the nature and consequences.

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Concerns about a patient's mental state or judgment require evaluation and clearance by a Psychologist. The review takes 3 weeks at minimum, and likely twice as long. In Oregon, a decision can be rescinded at any time.

Days after the written attestation, a prescription is made out for 10 grams (100 capsules) along with pills to prevent vomiting. The medications are provided 48 hours before the patient must self-administer the drugs and is reminded that it's OK not to take them. To mask the taste, the capsules are emptied into half a cup of juice or apple sauce then swallowed within 2 minutes. In Oregon, patients are out after 5 minutes but a few stayed awake for an hour. Most died within an hour, though some took a few days. The cocktail can be modified to speed up the effect. A physician fills out the death certificate, listing the underlying terminal illness as the cause of death. By law, MAID is not suicide and does not require a psychiatric evaluation.

All MAID prescriptions and related deaths are reviewed by the State Department of Justice and the Department of Health (CDPH), respectively. Annually, the CDPH will publicly report the number of prescriptions and deaths, along with demographic data, keeping patient identities confidential.

MAID is controversial and emotive. Catholic doctrine opposes it, as does the Hippocratic Oath. The American Medical Association though the California Medical Association takes a "neutral" stance, believing that MAID reflects a fear of disability, thereby devaluing the lives of disabled people. Some believe that the quality of life may be due to poor quality of care. Traditionally, Hospice care neither promotes nor discourages the process. Accordingly, the Act allows health care providers and hospitals to opt out. Catholic hospitals like St. Francis and St. Joseph prohibit MAID. So does the VA hospital system. The Vitas Hospice chain does not prescribe MAID.

Commendably, LHH conducted a staff survey before introducing its MAID policy. Only 5% of physicians agreed to participate. Support seems spotty among nurses, most of whom did not disclose how many staff refused to participate. Or how many declined to be surveyed. LHH acknowledged "challenges that needed to be addressed for conscientious objection." Staff who oppose MAID on ethical, cultural or religious grounds are free to be offered Monday through Friday during the daytime when enough supportive staff are available. Patients are afforded a private room on the Palliative Care Service which is accustomed to caring for

LHH patients, who are largely poor and non-white, were not surveyed. Neither were DPH patients. The demand for MAID. A UC Berkeley poll showed that 76% of California voters support MAID. African-Americans. No one has polled terminally ill patients. Offering MAID without pushback will be a challenge.

Apart from those who request MAID, who benefits? The DPH Flow Project rushes non-palliative patients to relieve crowding and cut costs. In October 2012, DPH Director Barbara Garcia listed MAID as a priority. In a May 2014 "Patient Flow" presentation, LHH reaffirmed its commitment to "improve" by increasing discharges, reducing lengths of stay and favoring short-term care.

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where they repeatedly exposed wrongdoing by the Depa

Contact: DerekOnVanNess@aol.com



June 2017

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A Public Bank for San Francisco

by Dr. Derek Kerr and Dr. Maria Rivero



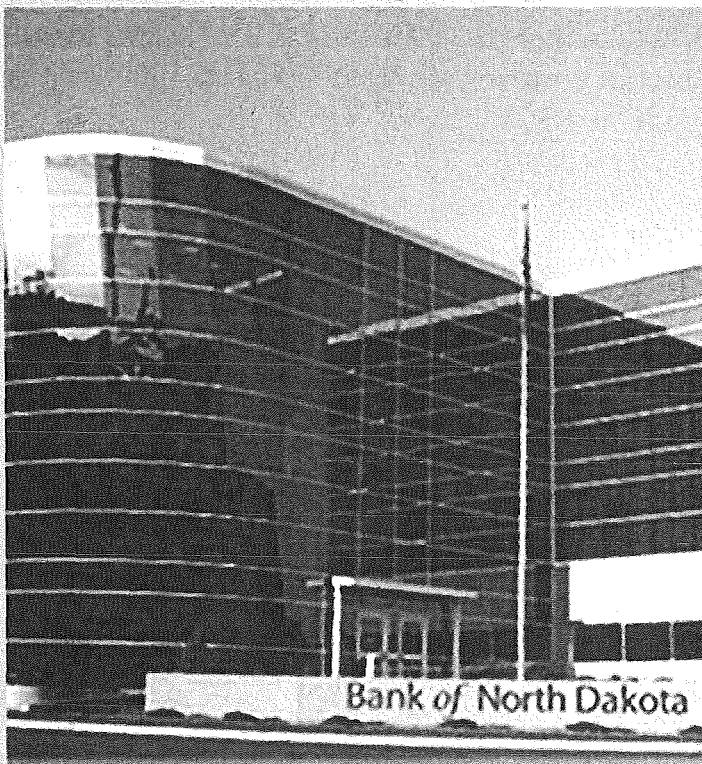
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organization that protected the social and economic position of the farmer.

The Non-Partisan League gained control of the Governor's office, majority control of the and one-third of the seats in the Senate in 1918. Their platform included state ownership and credit agencies. In 1919, the state legislature established Bank of North Dakota (BND) and Mill and Elevator Association. BND opened July 28, 1919 with \$2 million of capital.



Where does money come from? It's created from nothing - by banks. Because banks can lend \$10 for every dollar they hold. By charging interest on this far much more than they lend. Since loans are marked as deposits, they can also governments collect taxes and deposit them in big banks. By serving as intermediaries this money or lending it. Instead of fostering community development, most bank loans institutions, insurance and real estate companies, hedge funds and corporate raiders. Community urban development grants have locked cities into the private banking system. Averse to budgets, cities obtain private credit via municipal bonds or public-private deals that reveal the costs of public projects. Private banks monopolize a wealth-transfer mechanism that shareholders at taxpayer expense.

The deregulation-enabled and fraud-driven banking crash of 2008, the \$700 billion public

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Supervisor Sandra Lee Fewer directed the Budget Analyst to re-assess the city-owned bank. Treasurer Cisneros will also have an opportunity to review the bank. With the ongoing risks and predations of private banks, threats of federal action against cities, and revenue losses from denying bank services to the cannabis industry, a city-owned banking option is needed."

City Treasurer Jose Cisneros was guarded while testifying before the City Operations and Finance Committee on 10/24/11. He admitted that the City deposited its funds with Bank of America at a cost of \$2.7 million/year. He emphasized his legal obligation to prioritize second order, for City investments. There was no assessment of the security of City funds placed with the bank. Bank of America co-mingles its \$1 trillion in deposits with \$70 trillion in derivatives. When such banks fail, the City is left with nothing.

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for the tech sector...inevitably leads... to rising commercial and housing costs.

Cisneros' current Investment Policy keeps "social responsibility" subordinate to security, liquidity, and returns. However, his "social responsibility screen" steers City investments from firearms producers, major polluters, and predatory lenders. A foe of predatory banks, Cisneros uses public bank-like tools to boost community financing. In 2008 he advanced Bank On SF program that partners with credit unions and "responsible banks" to provide income residents with low-fee accounts. Last year he suspended Wells Fargo from the sham accounts nationwide. His Kindergarten to College program used City and philanthropic savings accounts for over 18,000 kids. This March, he was pushed by the Board of Supervisors that sponsor the Dakota Access Pipeline. Why not open a public bank?

E-mails obtained from the City Treasurer's Office since 2011 reveal wariness, skepticism about public banking - and its proponents. Inquiries from Avalos and associates were cautious. Legal Section. Correspondence between City and regional treasury officials expressed

1. Conflicts of Interest: Can bank governance be insulated from politics? Will political loans, or how bad debts are collected?
2. Complexity & Cost: Can the City provide the necessary expertise and start-up capital?
3. Risk-Management: Would prioritizing economic development loosen loan standards and risk?

The Public Banking Institute has answers to these questions. And on 4/11/17 Supervisor David S. Cho, the Budget Analyst to re-assess the feasibility of a city-owned bank. Treasurer Cisneros to re-assess his stance. With the ongoing risks and predations of private banks, threats to cities, and revenue losses from denying bank services to the cannabis industry, a public



Severgate: Costly Conspiracies of Ex

Dr. Derek Kerr & Dr. Maria Rivero

Dr. Derek Kerr and Dr. Maria Rivero were senior physicians at the University of California, San Francisco. They were fired in 2017. Watchdogs@westsideobserver.com

In March 17, 2017, an epic whistleblower retaliation trial rendered a \$2 million judgment for Dr. Herrera. His former Chief Trial Deputy, Joanne Hoeper, claimed she was fired for exposing involving the City Attorney's Claims Bureau. Herrera maintained he had long-planned to leave. After 3 weeks of testimony, a Superior Court jury unanimously spurned Herrera's oath that nothing to do with my decision to replace her."

Prompted by an FBI tip about fraudulent claims, Hoeper found that plumbing contractors were checking City records to locate City trees. They drove around to video sewer traps with cameras. Then they knocked on doors, warning of tree-root problems needing immediate attention.

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... Hoeper had offered to settle for \$1,895,000 while Herrera countered with \$355,000. Now, taxpayers face bills surpassing \$3 million for Herrera's attorneys, plus \$2 million for Jo Hoeper and around \$2.5 million for her attorneys."

Sewer and tree-related claims were soaring. In 2002, 202 claims totaled \$1.1 million. By 2010, they had reached \$4.6 million. The 10-year total was \$24 million, including legitimate types of sewer and tree damage. The City didn't pay for sewers infiltrated by city-owned trees because roots rarely break sewers. And most can be cleared by root cutting for a few hundred dollars rather than spending thousands to replace entire lines. That's why Oakland, with a comparable number of city trees, paid \$1 million for sewer repairs. Meanwhile, one SF contractor collected \$600,000 over 2 years solely from City claims. If the City did replace sewers, it paid 50% to account for depreciation. SF paid full freight for branch removal. That dubious payouts had cost taxpayers \$10 million.

Most of the claims were for private sewer lines that run from homes to the sidewalk. By 2010, the City was providing capital improvements for property owners and big payouts to private contractors. According to the Government Claims Act, cities are only liable for public sewer damage. And City codes require the Department of Public Works (DPW) to fix street sewers through the DPW. However, the Claims Bureau paid

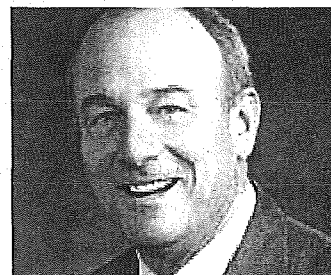
for some street sewer jobs. These irregularities were tolerated as "a conspiracy of expedite repairs. Hoeper saw false claims and suspected corruption.



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Herrera supported Hoeper's investigation - until her findings triggered blow-back. Matt connected Herrera ally who heads the Claims Bureau, was rattled. He told Hoeper; "You be sorry." Also upset were PUC Manager Ed Harrington and DPW Director Mohammed I Bureau for mismanagement. Wagon-circling ensued - another conspiracy of expedience Deputy Attorney, Therese Stewart, to defuse tensions and wrap up Hoeper's investigation Rothschild and his staff, without notifying Hoeper's investigative team of her back-char fended off Harrington's accusations, declaring; "Everybody has a hand in this...no need 2012, Nuru and Harrington barred the "pre-approval" of cvlaims by the Claims Bureau w Troubled by Hoeper's ongoing search for "something nefarious," Stewart demanded a " blow by blow summary" of Hoeper's findings. Instead, Hoeper delivered a 27-page draft recommending a "top to bottom" audit of the Claims Bureau. One week later, Herrera to to the DA's Office for 18 months, then be released with full retirement benefits. It was a landing, removing a threat rather than demoting an under-performer. Plus, Herrera's tim Rothschild, a target of the sewer investigation, knew of Hoeper's sacking a week before Herrera would reconsider, Hoeper accepted the transfer and a \$120,000 severance but her release from the DA's Office, she filed a wrongful termination claim in June 2014.



Attorney John Keker

Herrera testified that he had "lost confidence" in Hoeper and resolved to replace her in find the right person. He described a desultory recruitment effort that stretched over 2. run for Mayor. He couldn't prove he interviewed candidates because he didn't keep notes

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termination, arguing that she wasn't too emotionally devastated to take vacations or outlets. He exhorted, "Press contact is not distress, it's a sign of wanting to win." As if to attract attention. Keker asked why she accepted a transfer to the DA. Answer: "I needed a job." transfer? "I was unsure if I wanted to do it." Why did she finally decide to sue? "Because City Attorney's Office if I didn't and it came out some other way."

Therese Stewart, now a judge, testified: "There was always some friction" between Herrera and Hoyer. "It was not a good enough job," underestimating liability, withholding information, scrambling from "cover" rather than settling – and making a paralegal cry. She cited key examples of said flaws Herrera decided to fire Hoyer. They wobbled like pretexts under cross-examination by Fickes, and were refuted by several witnesses. Something more than Hoyer's tempera about "over-investigating" the sewer deals. As to why it took 2.5 years to recruit Cheryl Stewart glibbed, "no one thought of her" – even though Adams had sought the job while

Ironically, Herrera manifested the flaws he attributed to Hoyer, i.e., bungling a crisis, doing a good job, withholding information, and running up costs by over-litigating. Records show that Hoyer cost \$1,895,000 while Herrera countered with \$355,000. Now, taxpayers face bills surpassing Hoyer's attorneys, plus \$2 million for Jo Hoyer and around \$2.5 million for her attorneys.



Dr. Maria Rivero and Dr. Derek Kerr were senior physicians and they repeatedly exposed wrongdoing by the Department of Public Health. Contact: watchdogs@westsideobserver.com.

FBI Probe of DPH Bribery Scheme

by Drs. Derek Kerr and Maria Rivero

Recall when the FBI exposed "pay to play" schemes involving State Senator Lela Gaddis, Commissioner Nazly Mohajer and staffer Zula Jones, as well as political consultant Keith Jackson? Less well known is the FBI probe of "pay to work" clause in the Department of Public Health (DPH).

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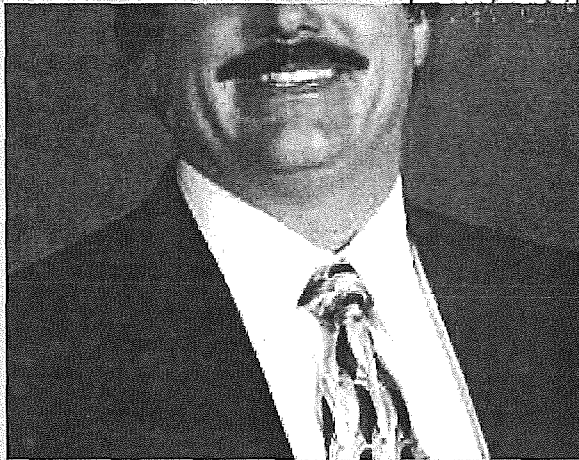
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...employees - who requested anonymity for fear of retaliation, told us that bribery work schemes exist in many departments but mostly the DPH – there are some 7,370 positions ... gifts can yield access to exam questions, locations, or promotions.”

In December 2015, DPH janitors, who are called porters, received a memo stating: "The

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Ron Weigelt, DPH Human Resources Director

in exchange for jobs, promotions, or assignments." It came from DPH's Human Resources Director, Ron Weigelt. In both Chinese and English, it explained, "if you give truthful information to the FBI about corruption, we will use that information to seek discipline against you." Immigrant porters are more vulnerable to their limited English proficiency and knowledge of laws. Some complained about bribery and a pro quo culture, according to DPH sources. But the mostly Chinese-speaking porters were promised immunity from reprisals. None were willing to testify and the FBI probe collapsed.

Janitors maintain safe, clean, functional environments for every City department. Those called porters. Those working in non-clinical departments are called custodians. Paying for these entry-level jobs attract immigrants and minorities with basic manual and language skills. "Pathways to Entry Level Positions" training to help candidates with applications, exams, and interviews. Last year, 959 janitors worked for the City. Meanwhile, there were 812 applicants for a competition. There's plenty of competition.

Applicants must have 6 months experience in commercial janitorial work, or complete the Janitorial Training Program. To get hired, they must pass a 2 hour test with 75 multiple-choice questions. After passing the test, they get a permanent Civil Service position with benefits, rather than being hired provisionally or "on-call." They get to choose their job locations, shifts, and promotions. Each of these decision points can be a point of corruption, kickbacks and extortion. Current and former City employees - who requested anonymity with WSO that pay to work schemes exist in many departments but mostly the DPH - the City's largest department. Allegedly, sums up to \$5,000 or expensive gifts can yield access to exam questions, job locations, or promotions.

For some, these are good deals. Others, who earn their jobs and assignments, resent them when less-qualified workers can buy a job. Pervasive corruption can be subtle when bribery is not rather than demanded. Some who refused to pay tribute were reportedly bullied or given

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and according to Callahan; "their assessment was that these were historical claims, the

At the October 3 Commission meeting, Callahan whittled the narrative down to "one all individual who...was terminated". Nonetheless, she was launching a training program to rights. Commissioner Kate Favetti emphasized that the City has reduced the number of vulnerably in provisional and "as needed" positions. Commission Executive Director Mic characterized the bribery claims as a "new thing" then acknowledged that investigation "those people that are affected are not coming forward." On that point everyone agrees

There is disagreement on the scope of the problem and how to proceed. Officialdom de while our sources say that 3 DPH employees have been fired. DHR records show that in members e-mailed the Mayor, Board of Supervisors and department brass to report the for surveys and policies to counter workplace favoritism, bribery and the resulting confi Promptly, DPH Director Barbara Garcia and Ron Weigelt conferred with a City Attorney a use of DPH e-mail during work hours. Then DHR Director Callahan notified Louise Renn FBI probe.

One month later, DHR Policy Director Susan Gard responded officially that additional lay "a problem being caused by people who are willing to break the law and disregard City "rooting these people out of the system is the most effective way to eliminate this type because victims aren't willing to testify. Also, the anti-corruption efforts of Management different political expectations.

Records show that the two sides agreed on training janitors about workplace rights, and how to get help if violations occur. We asked the DHR for any notices or policies related extortion developed since the issue arose in 2016. On 1/27/17 there were "no responsi agencies will likely be more adversarial toward San Francisco in coming years. Better to before the feds step in.

Dr. Maria Rivero and Dr. Derek Kerr were senior physicians at Laguna Honda Hospital who wrongdoing by the Department of Public Health. Contact: DerekOnVanNess@aol.com

March 2017



Will Honesty and Sanity Save Laguna

By Dr. Maria Rivero and Dr. Derek Kerr

n 1/10/17 Laguna Honda Hospital (LHH) CEO Mivic Hirose disclosed a State citation a accidental death of a patient. It was 85 year old Eugene Jeandeville. "Gene" had lived a

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Eugene Jeandeville

O since our "Requiem for an Old Friend" reported on April 2015. Commendably, LHH disclosed the State investigation of the accident, the penalties the hospital has taken – before the CDPH issued its Press Release on media about Class AA citations, the most severe, whose fines range from \$25,000 to \$100,000. LHH's own revelation occurred at its public Joint Conference Committee meeting – a forum where lapses, spin controversies and celebrate trivia. It took 2 years, partly due to a backlog in the Office, the bureaucratic pace of State regulators and the gravity of the case. Still, LHH's notch toward honest accountability. Adverse outcomes, though rare, occur in all hospitals and are dreaded and difficult. Doing so shows professional integrity and respect for the community. At the same meeting, LHH quietly reversed a bizarre feature of its Admissions Policy. A Medical Director has been restored as "the ultimate authority over admissions." Sane as it could be uneasy for recently-appointed Medical Director Dr. Michael McShane.

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During the notorious Flow Project of 2004, a reckless political decision regarding patient admissions. Former LHH Medical Director Dr. Terrence