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Subject: January 6th Insurrection in DC -- Urgent Action Steps for SFPD
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Dear Commissioners,

Thank you for asking questions and raising concerns during last week's meeting in the wake of reports that multiple police officers from across the country have been identified as having been involved in the violence at the Capitol or having expressed support for or being members of the extremist white supremacist, anti-semitic or other lawless and violent organizations that participated in the insurrection. One of those groups -- the Oath Keepers -- claims a membership that includes active law enforcement and, notably, has been active in California in recent years. The *Washington Post* reported last night that some of the Oath Keepers have been targeted by the FBI in their investigation and already arrested.

So far, at least 30 officers from at least 12 states -- from agencies small and large (Los Angeles, Houston, Seattle, Philadelphia, Las Vegas, New York, etc.) -- have been arrested, disciplined or terminated or are under active investigation in the wake of the events of January 6th. In addition to waiting for a call from the FBI that everyone hopes never comes indicating possible involvement from a member of the SFPD, ***proactive measures -- actions, not just words -- are urgently needed.*** At minimum, SFPD should or, if necessary, should be required by the Commission to: (1) do what ***other*** agencies are already doing to address the crisis; (2) act upon the recommendations national experts have been calling for on the long-standing but largely ignored problem of white supremacist and extremist group infiltration of law enforcement; and, (3) immediately pursue the relevant "best practice" recommendation the California's Racial & Identity Profiling Advisory Board recently called on the state's law enforcement agencies to implement.

IDENTIFY ALL ACTIVE MEMBERS OF THE S.F.P.D. IN D.C. ON JANUARY 6TH

Off-duty police officers have the right to attend peaceful political rallies, vote as they please, and advocate for political causes that are not fundamentally inconsistent with their duties as law enforcement officers. However, law enforcement leaders around the country have already recognized the unprecedented events of January 6th demand an extraordinary response. SFPD should immediately follow the lead of LAPD which announced its proactive response last week:

***** Chief Michel Moore is ordering any LAPD personnel who traveled to Washington, D.C. at that time to cooperate with federal authorities - even if they did not take part in any illegal activity.

"This department met yesterday with all of our senior staff and ***we have instructed that if we learn of anyone who has traveled to this event, the president's remarks, or was present in Washington, D.C. on Jan.***

6, that we're to identify them and identify their involvement," Moore said.

The department will determine if identified officers engaged in illegal activity, but regardless of conduct, ***anyone who attended will be ordered to provide an interview with the FBI***, Moore said, as officers may be able to provide information about others who engaged in criminal activity at the Capitol.....

He said ***he has ordered his officers to come forward if they were in D.C. on Jan. 6 and explain what their activities there were.***

"Anyone that we identify that has traveled will be ordered and directed to provide an interview with the FBI, as they are interested in witnesses, and in identifying people who did commit criminal conduct, but also witnesses that were there that may add information as they pursue those criminal acts that were completed that day," Moore said.

Moore added there is a strong difference between those who committed crimes at the Capitol and those who gathered to listen to the president's speech and didn't participate in the riot. *****

(<https://abc7.com/lapd-capitol-riot-michel-moore-jan6/9604791/> .)

San Francisco should accept no less. If any member of the SFPD went to Washington only to show support for Trump and MAGA and left after listening to the speeches at the Ellipse, they should still ***want*** to identify themselves in case anything they saw or heard might be relevant to the on-going criminal investigation. They are ***law enforcement officers***. They should be ***eager*** to assist other agencies in a criminal investigation of unprecedented events that, among other things, resulted in the death of a police officer. ***Will SFPD issue such an order?*** Has it already? If not, why not?

RECOGNIZE THE THREAT -- TAKE THE RECOMMENDED STEPS TO MITIGATE AND ADDRESS IT

For 15 years now, the nation's law enforcement agencies have been repeatedly warned that violent right-wing extremist groups -- white supremacists and so-called "militias" -- were infiltrating law enforcement agencies. A 2006 FBI Intelligence Assessment warned of "white supremacist infiltration of law enforcement . . . by organized groups and by self-initiated infiltration by law enforcement personnel sympathetic to white supremacist causes." (<http://s3.documentcloud.org/documents/402521/doc-26-white-supremacist-infiltration.pdf> .) Even with periodic scandals involving officers shown to be linked to these groups and shockingly regular examples of police officers -- including in San Francisco -- using explicitly racist language to communicate their white supremacist attitudes with one another -- those warnings were not sufficiently heeded. By 2015, an FBI *Counterterrorism Policy Directive and Policy Guide* warned that "domestic terrorism investigations focused on militia extremists, white supremacist extremists, and sovereign citizen extremists often have identified active

links to law enforcement officers.” With deadly violence from white supremacist and right-wing extremist groups exploding during the Trump presidency and far too little action being taken by law enforcement to root out the white supremacists and open racists within its ranks, five months ago the Brennan Center for Justice released a meticulously-researched and thoroughly-documented report, *Hidden in Plain Sight: Racism, White Supremacy and Far-Right Militancy in Law Enforcement*, that concluded --

****** *Explicit racism in law enforcement takes many forms, from membership or affiliation with violent white supremacist or far-right militant groups, to engaging in racially discriminatory behavior toward the public or law enforcement colleagues, to making racist remarks and sharing them on social media. While it is widely acknowledged that racist officers subsist within police departments around the country, federal, state, and local governments are doing far too little to proactively identify them***, report their behavior to prosecutors who might unwittingly rely on their testimony in criminal cases, or protect the diverse communities they are sworn to serve. ****

(<https://www.brennancenter.org/our-work/research-reports/hidden-plain-sight-racism-white-supremacy-and-far-right-militancy-law>)

Among the report's recommendations for all law enforcement agencies, San Francisco should immediately prioritize the pursuit of this one --

****** *Establish clear policies regarding participation in white supremacist organizations and other far-right militant groups, and on overt and explicit expressions of racism — with specificity regarding tattoos, patches, and insignia as well as social media postings.*** ****

The report's author, Mike German, is a former FBI agent who, during his service, twice infiltrated violent white supremacist groups and helped secure criminal convictions against its members. He is also a former colleague of mine at the ACLU who I've previously introduced to members of the SFPD command staff and prior police commissioners as someone with considerable expertise that could be useful to them. While he has been inundated with media requests and appearances (*CNN, NPR, Bloomberg, Washington Post, The Lincoln Project, Fortune*, etc.) since the insurrection, he told me on Saturday that he'd still be happy to discuss the Brennan Center's extremely timely report and urgent recommendations with any San Francisco official who is seriously interested in addressing the problem in a meaningful fashion. Let me know if you want his contact information.

CONDUCT THE STATE-RECOMMENDED SOCIAL MEDIA REVIEW

Two days prior to the insurrection in D.C. and in recognition of the role of explicitly white supremacist and racist attitudes among some law enforcement officers in creating persistent problems of significantly disparate and discriminatory enforcement patterns, ***the California Racial & Identity Profiling Advisory (RIPA) Board called on all***

law enforcement agencies to "proactively conduct a review of their personnel's social media to identify problematic behavior" in their 2021 *Best Practices* report .

(<https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-best-practices-2021.pdf> , pg 2.)

This best practices recommendation was made pursuant to the finding in their 2021 *Annual Report* that --

**** Explicitly racist or bigoted social media posting among law enforcement appears to be a widespread problem nationwide, as brought to light by advocates, including The Plain View Project. The Plain View Project, formed in 2016, examined the Facebook accounts of 2,900 officers from eight departments across the country and an additional 600 retired officers from those same departments, and now maintains an active database. The Plain View Project found thousands of troubling Facebook posts that included racist or otherwise offensive language. As a result, several departments conducted investigations of their officers. ****

Citing the SFPD racist text scandals and a 2020 scandal involving Facebook racist Facebook posts by San Jose and other Bay Area police officers as examples, the RIPA Board *Report* emphasized --

**** California agencies have likewise had to address explicit bias within their ranks....

These examples of explicit biases among law enforcement agencies – both nationwide and in this state – suggest that the problem is far more widespread than most people might believe. Critically, these examples trigger a deeper concern about affiliations with white supremacist and extremist groups.... These affiliations have a real world impact on the communities officers are tasked with serving and protecting.... While the exact scale of explicit racism in law enforcement agencies is difficult to measure, there are numerous examples to suggest a significant problem that could negatively impact officers' interactions with the public. Indeed, these examples raise concerns about "[w]ho might be sitting in jail because what looked like an objective stop, what looked like a clean interaction, may actually have been driven by bigotry." ****

(<https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2021.pdf> , pg. 26-27.)

The existence of RIPA Board and the role of its annual reporting have been spelled out in the Penal Code since 2015. This state Board includes representation from, among others, the California Police Chiefs Association, the California State Sheriff's Association, the Police Officers Research Association of California (PORAC), and operates under the authority of the California Department of Justice. Its official recommendations should always be seriously considered. After the events in DC just two days after the release of their latest annual report, implementing this particular recommendation must be a top priority for San Francisco.

The Police Commission should oversee the SFPD's social media review, quickly determine who should conduct it, the deadline for completing it, and ensure the public release of least data on the results of the review along with public consideration of "next steps" recommendations that may emerge from it.

Thank you for considering my views.

John Crew

cc. Police Commission Office
William Scott, Chief of Police
Paul Henderson, DPA