

Paul A. Allen
San Francisco, CA
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(via email)

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Re: March 6 Chief's Report, Drugs Market, and Context

Dear Commissioners:

By this letter, I ask the Police Commission to consider sponsoring at one of its meetings a comprehensive set of presentations on the issue of the downtown drugs market, a program that would add necessary context to that part of the "Chief's Report" on same.

As part of his Chief's Report, Chief Scott regularly reports on efforts to close the downtown drug markets; just as regularly there are questions from Commissioners regarding the efficacy of the law enforcement efforts generally, and the number of arrests of dealers versus users more specifically. While there is surely a public benefit in learning something, the user and dealer arrest data, quickly followed by criticism of user arrests in particular because there has been no reduction in overdose deaths, adds little to the public understanding of the City's plan to close the markets or the progress in doing so. Worse, the enterprise is at best misleading and some of the questioning reflects a fundamental, and at this stage of the national crisis, surprising misunderstanding of the problem.

At last night's meeting on March 6, we learned (again) that about half or more of SFPD arrests are for users, not dealers. This is not new; the roughly 50:50 user:dealer arrest ratio, modestly plus or minus, has been regularly and consistently reported as such by Chief Scott for months.

After the Chief's Report, we heard the ritual criticism that (a) because drug overdose deaths have not fallen, therefore (b) the current arrest policy is a failure. This conclusion and criticism reflects a shocking ignorance of the nature of the crisis itself. To begin with the obvious, the national, indeed international spike in overdose deaths is

largely a function of the vastly increased toxicity of laboratory created drugs; and secondly by the associated increase in supply and reduction in price.¹ Measuring progress in closing San Francisco's open air drug markets by the number of overdose deaths is woefully misguided and ill informed. More to the point, the City's open air public drug markets are associated with homicides (as Chief Scott has often reported), other violent crimes, housing entrances inaccessible because of overdosed persons blocking the way, vandalism of shops and other commercial properties, sidewalk camping, and general disorder and associated indicia of neighborhood decline. These, not overdose deaths alone, are worthy markers to gauge progress. Year to date, violent crimes reported out of Tenderloin station are marginally lower (3.9%)² than last year. Is that a useful metric? Is it relevant to the issue? Surely, the answer to the second question is "yes."

In short, the dealer:user arrest data *per se* tells us little.³ Worse, it lacks context.

Periodically, the President or other Commissioners have suggested that the Health Department should be invited to give a presentation on its role in this effort. The lens should be wider.

Specifically, I don't understand how the Commission as a whole or Commissioners individually can purport to "set policies" (Sec. 4.102.1), adopt "rules and regulations" (Sec. 4.104(a)1 and Sec. 4.109), or even to offer an informed opinion on the merits of the current law enforcement efforts on dealers and users, without knowing (perhaps you do?) answers to the following questions:

- What is the City's goal in terms of the downtown markets? Short term, medium term, long term.
- What is the strategy to eliminate the markets? By when?
- What agencies are involved and what are their roles?
- What are the benchmarks and measures of progress - short, medium, and long term?
- What are the obstacles to progress?

¹ Just from today, in *The Guardian*, quoting Professor Thomas Kerr in the department of medicine at the University of British Columbia, "People ask why, with decriminalization, the overdose rate keeps going up. And the answer is very simple and straightforward. It's because the drug supply has become increasingly toxic." <https://www.theguardian.com/world/2024/mar/07/legal-challenge-pure-drugs-overdose-british-columbia-canada> This fact has been known and documented for years. Books have been written about it, e.g. Sam Quinones, *The Least of Us: True Tales of America and Hope in the Time of Fentanyl and Meth*, November 2, 2021.

² SFPD Crime Dashboard, March 7, 2024

³ Focusing on it is also misleading in another way because the arrest ratios do not reflect the amount of *officer time* associated with those arrests: surely the amount of officer time per *dealer* arrest is vastly larger than the amount of officer time per *user* arrest.

These are not all, or even mostly, questions for SFPD. The Commission could perform a valuable public service by hosting a one or, at most, one and one half hour set of presentations along the following lines:

- A representative of the executive branch to answer the the first two or three of these questions. Ten minutes.
- A representative of the Health or other departments to inform the public of their roles. Fifteen minutes.
- Perhaps a representative from the DA's office. (We know dealers are routinely released after arrest.)
- An SFPD presentation. (The DEM might be part of this element.)

Ideally, the presenters would finish all presentations before any questions so that first there can be a reasonably complete picture of the effort.

Of course, I understand that in the present political environment the Commission might be loath to take this step for fear that it could be perceived as intruding into or usurping the authority of other agencies, the Board of Supervisors, or the Mayor's Office. But if done well and respectfully, the Commission would perform a valuable public service. And it would give the Commission important, indeed essential, context.

Debating the optimal point on the harm reduction-law enforcement continuum for drug users is not the purpose of the aforementioned exercise, nor is the Police Commission the place to do it. And, the Police Commission is not the entity to design The Plan to suppress drug dealing and drug use. But the aforementioned presentation is a first step to inform the Commissioners and the public of precisely what it is the City is attempting to do, the resources it is using, and the measures of progress. Surely that is a start, as well as a necessary predicate to the Chief-Commissioner exchanges on the merits of the current enforcement efforts.

Sincerely,

Paul Allen