

May 25, 2021

Pleas for Law Enforcement Budget Reform To Defund, or Not Defund, SFPD?

by Patrick Monette-Shaw

This article is dedicated to George Floyd, Ken Zhao, and Dr. Terry Palmer's 103-year-old mom, Berenice Palmer

When the Board of Supervisors five-member Budget and Appropriations Committee scheduled a meeting for 11:30 a.m. on May 12, 2021 as a lead-up to eventually adopting the City's budget for Fiscal Year 2021–2022, nobody suspected it would involve a marathon eight-and-a-half hour Committee meeting.

The third item on the Committee's agenda included a hearing to receive a Budget and Legislative Analyst report providing a budget and policy analysis of City law enforcement functions that could be performed by other City agencies and other functions that do not provide public safety. The hearing did not explicitly address defunding the Police Department.

But by the time the Committee's meeting adjourned at 8:08 p.m., the five supervisors had received an earful of public testimony demanding the defunding of San Francisco's Police Department.

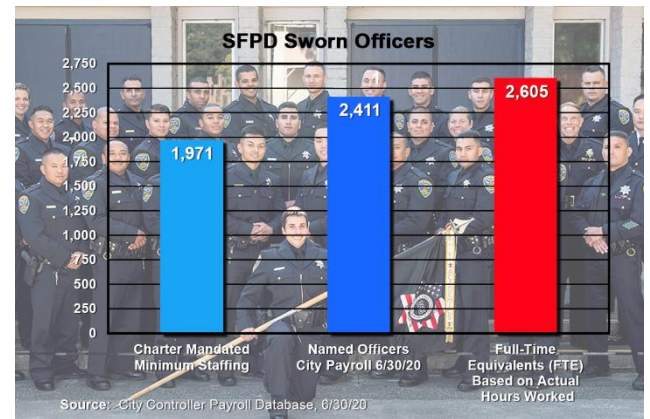
First Up: Free MUNI Pilot Program

The first two agenda items on May 12 involved a proposal for San Francisco Municipal Transportation Agency (SFMTA) to implement a *Free MUNI Pilot* program; the two items were heard together. The two items involved a proposed Ordinance to appropriate \$9.6 million from the City's *COVID Contingency Reserve* to the SFMTA for a three-month trial of free MUNI service during July, August, and September 2021. During the hearing, Committee chairman Matt Haney introduced an amendment to increase the appropriation from \$9.6 million to \$12.5 million.

MUNI director Jeffrey Tumlin testified to the Committee that the thing he is most concerned about is full-service restoration because MUNI is now only at 50% of pre-COVID capacity since San Francisco's Department of Public Health won't allow more people on the buses. He indicated the source of the proposed funding is the biggest reserve fund that had been designated as part of the City's COVID-recovery system. Tumlin indicated that money is one-time funding that is going to run out at some point, and would need to be recategorized from a contingency account to a reserve account. He indicated MTA's priorities are focused right now on addressing the severe over-crowding that it is experiencing and MTA's capacity to take on more riders, in part given a shortage of MUNI drivers.

Despite Tumlin's concerns about the source of the funding and current capacity of MUNI's system, Haney's amendment to increase the appropriation passed on a five-to-one vote (with Supervisor Dean Preston being allowed to vote, even though he is not a member of the Budget and Appropriations Committee, and with Supervisor Hillary Ronen excused because she had not yet joined the hearing).

Does this portend that at \$12.5 million for just a three-month "trial period," that free MUNI service for a full 12 months might cost \$50 million annually? If so, after this COVID-contingency reserve fund runs dry (out of money), where will the Board of Supervisors come up with \$50 million annually to continue providing free MUNI rides?



SFPD "Minimum" Staffing: As of June 30, 2020 SFPD had 440 to 634 more sworn officers than the 1,971 mandated in the City Charter.

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Given poor time management by Chair Haney, the Committee members, invited speakers, and Tumlin droned on and on for two-and-a-half hours before the Committee voted to continue the *Free MUNI Pilot* item to its May 19 meeting. Haney then recessed the meeting at 1:55 p.m. for lunch and reconvened the meeting at 2:25 p.m., at which point Ronen finally showed up.

Third Up: Law Enforcement Staffing

Leading up to adopting next year's City budget, the Committee's [third agenda item](#) was about law enforcement staffing (beginning at 2:43:40 on audio and video tape).

The Committee received a Budget and Legislative Analyst's (BLA) report from Harvey Rose's LLC ahead of the May 12 hearing. Of note, the BLA was asked to provide an analysis of alternatives to services currently provided by law enforcement agencies, and were specifically asked to answer the following questions: (1) Can the City provide a civilian response to 9-1-1 calls related to homelessness and mental health crises?, (2) What is the public safety impact of certain Police assignments?, (3) Are there funded alternatives to certain programs currently carried out by the Police Department?, (4) Are there opportunities to civilianize work-ordered services provided by the Police and Sheriff Departments to other City departments?, and (5) Are there opportunities to reduce administrative costs at the Police and Sheriff Departments?

BLA's Apples-to-Oranges Analysis

Unfortunately, BLA employees Nicolas Menard and Dan Goncher essentially used an apples-to-oranges analysis during the Budget and Appropriations Committee meeting on May 12.

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Page 24 of the BLA [report](#) on Law Enforcement staffing authored by Goncher stated “*In June 2020, the Police Department reported it had “1,828 ‘full duty sworn staff’ in the City.”* Goncher went on to report the BLA estimated SFPD had 40 fewer Police Officers in May 2021 — presumably 1,788 full-duty sworn officers — due to historical attrition and the Board of Supervisors cancellation last summer of the Spring 2021 SFPD Police Academy class.

On page 25 of the BLA report, Goncher also estimated that because the Board of Supervisors had eliminated General Fund-funded Police Academies in FY 2021–2022, SFPD's sworn officer staffing will decrease by approximately an additional 80 officers, presumably to a total of 1,708 sworn officers.

One question is: Since when does the BLA rely on self-reporting from a City department, rather than the BLA performing its own fact-checking, or relying on other more credible sources of information to verify facts? Another question is: Why was the 40-officer reduction a mere “*estimate*”? Couldn't the BLA ascertain the actual number of SFPD retirements and other attrition that occurred between June 2020 and May 2021?

The *Westside Observer* learned that in response to a public records request questioning the BLA's usage of the term *full duty sworn staff*, Mr. Menard responded saying “*A full-duty officer refers to the headcount of sworn staff that [sic: “who”] are available for duty (so does not count people on leave). This is distinct from full-time equivalent (FTE), which is a budget measure of full-time positions.*” The BLA's definition of “*full duty*” as excluding officers out on leave is an extremely narrow interpretation. *Full-duty officers* are the oranges, here.

“Menard and the BLA should not have conflated the number of officers available for work with the separate issue of the total number of full-time equivalent hours those people are actually working.”

Clearly, the BLA, Goncher, and Menard all know what FTE's are — the apples here — and know that FTE is the preferred term, since it is typically used throughout San Francisco city government and by the Board of Supervisors, as well as all by governments and companies around the country (and likely the world) as the typical unit of measuring headcount staffing.

For example, if you have two employees who both work only half time at 20 hours per week, their combined forty hours weekly represents just 1.0 FTE, since 40-hour work weeks are the norm for one person. Alternatively, if you have two employees who both work full-time at forty hours per week and each of them work overtime for another 20 hours each week, their combined 120 hours worked equals 3.0 FTE's (not 2.0 full-duty people, since neither one is out on leave).

Menard and the BLA should not have conflated the number of officers available for work — sworn people who are *not* out on leave — with the separate issue of the total number of full-time equivalent *hours* those people are actually working.

Why didn't the BLA use the budget measure terminology of FTE's in its report to this Budget Committee, given that FTE's is the typical "budget-speak" the Committee is accustomed to using?

Actual SFPD Sworn Officer Staffing

Rather than having relied on SFPD's June 2020 self-reported data about *full duty sworn staff*, the BLA should have been aware that Police Chief William Scott had presented his two-year budget [proposal](#) for SFPD on February 12, 2020 to the Police Commission.

Scott's budget proposal was for the two-year FY 2019-2020 and FY 2020–2021 budget cycles. He reported SFPD then had 2,581 sworn officer FTE's and proposed increasing them to 2,715 for the fiscal year starting July 1, 2020 — an increase of fully 134 additional FTE's.

The 2,715 sworn officer FTE's Scott proposed beginning on July 1, 2020 included 887 more FTE's than the 1,828 "*full duty sworn staff*" that the BLA had cited going into July 2020. The 2,715 sworn FTE's Scott proposed involved 1,007 more FTE officers than the 1,708 *full duty sworn staff* than the BLA had implied would remain after attrition going into July 2021.

Alternatively, the BLA should have turned to the City Controller's Office to ascertain (if only for purposes of fact-checking) just how many sworn officer FTE's had been on the City payroll at the end of June 2020. I've obtained the City Controller's payroll database at least once each year for many, many years under public records requests. The BLA should have had that payroll data available at its fingertips.

As shown in the bar chart accompanying this article, my analysis of the City Controller's payroll database for the fiscal year ending June 30, 2020 showed the City had somewhere between 440 and 634 more sworn officers on the City payroll than mandated by the former City Charter.

The Controller's payroll database for the fiscal year ending June 30, 2020 revealed SFPD had 2,411 named sworn officers, (including Police Officers, Sergeants, Lieutenants, and Captains), fully 440 more than the minimum staffing of 1,971 mandated by the 1994 changes to the City Charter.

The BLA should have known that the 2,411 named sworn officers on the City' payroll as of June 30, 2020 involved 583 more officers than the 1,828 "full duty" officers as of June 2020 that SFPD tried to palm off on the BLA.

As well, as shown in Table 1, when you add up the total number of regular-time hours worked plus the total number of overtime-hours worked by the 2,411 named officers on the City payroll and divide the total by 2,080 hours (representing a 1.0 FTE) — a methodology the City Controller's Office confirmed was a valid calculation — the 2,411 named sworn officers mushrooms to 2,605 FTE officers based on their total hours worked. There were actually 634 more sworn officers on SFPD's payroll than the minimum staffing of 1,971 formerly mandated by the City Charter before voters weighed in last November and approved revising the Charter to remove the SFPD minimum staffing requirement.

The City Controller had indicated each officer costs \$155,000 annually. Having 634 more sworn officers than required costs the City approximately \$98.3 million each and every fiscal year!

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Table 1: SFPD Sworn Officer Staffing by Job Classification

Job Code	Job Classification	Count of Officers by Last Name	Calculated FTE's			Approx. FTE's Based on Hours Worked
			Sum Of Regular Hours Worked	+ Sum Of Overtime Hours Worked	= Sum of Total Hours Worked	
Q002	Police Officer	483	856,471	99,246	955,717	459.5
Q003	Police Officer 2	440	890,250	138,334	1,028,584	494.5
Q004	Police Officer 3	823	1,595,701	238,341	1,834,042	881.8
Q051	Sergeant 2	21	45,483	5,395	50,878	24.5
Q052	Sergeant 3	498	1,087,982	136,609	1,224,591	588.7
Q061	Lieutenant 2	3	6,512	1,399	7,911	3.8
Q062	Lieutenant 3	110	237,094	17,646	254,740	122.5
Q082	Captain 3	33	60,641	738	61,379	29.5
		2,411				2,605
Total Hours Worked			4,780,135	637,708	5,417,843	
2,080 Hours = 1.0 FTE			÷ 2,080	2,080	2,080	
FTE's (based on 2,080 hours worked) =			2,298	307	2,605	

Source: City Controller's payroll database, fiscal year ending 6/30/2020.

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Matrix Consulting Group, the consultant chosen by the Police Commission in consultation with the City Controller to assess police staffing levels issued a report in early 2020 that recommended a low-ball increase to 2,107 sworn officer FTE's — which means that with 2,605 sworn police officer FTE's on the City payroll as of June 30, 2020 the City had 500 more than what Matrix Consulting had recommended! Those 500 excess sworn police officers cost the City \$77.5 million annually.

Law Enforcement Budgets

The BLA report noted that in the four years between FY 2017–2018 and FY 2020–2021, SFPD's budget increased by \$79.6 million to a total of \$667.9 million. The Sheriff's Department budget also increased by \$13.2 million to a total of \$245 million. Between the two law enforcement agencies, their combined budgets in FY 2020–2021 totaled \$922.9 million.

The BLA's law enforcement budget data potentially appears to be massively under-reported. Data available in the *SF OpenBook* dashboard on the City's web site (sfgov.org) reports that in FY 2020–2021, the City's combined "*Public Protection*" budgets stood at \$1.13 *billion* — fully \$213 million more than the \$922.9 million the BLA reported to the Board of Supervisors Budget and Appropriations Committee on May 12, 2021.

For its part, the *San Francisco Chronicle* [reported](#) on June 13, 2020 that in the decade between FY 2010–2011 and FY 2019–2020 SFPD's budget increased from \$523.5 million to a total of \$692.3 million — a 32.2% change increase of \$168.8 million across that decade — not merely the \$79.6 million increase the BLA reported across just four fiscal years. The *Chronicle* article helped document that on average, approximately 88.9% of SFPD's budget historically comes from the General Fund.

There's surely room to whittle away at SFPD's and the Sheriff's budgets and their General Fund support.

Chief Scott's presentation to the Police Commission in February 2020 noted that SFPD budgeted funds to provide interdepartmental services (work orders) to eight City agencies — including to MUNI/MTA; the Port Authority; Human Services Agency; the Main Library and Eureka Valley Branch Library; Department of Children, Youth, and Their Families; Treasure Island; and the Moscone Convention Center, along with other smaller partnerships — totaling \$6.7 million in FY 2020–2021, a 13.8% change increase from \$5.9 million in FY 2019–2020. SFPD's work orders just for MUNI/MTA totaled \$4.4 million in FY 2020–2021, a 17% change increase from \$3.77 million in FY 2019–2020.

As part of its mandate to identify whether there are alternatives to services currently provided by law enforcement agencies, the BLA itemized various work-order services provided by SFPD to 14 different agencies and programs for FY 2021–2022 totaling \$8.76 million, but its not clear what kind of appetite either the Board of Supervisors or taxpayers may have to cut back on those services. That appetite is in question, in part, because \$3.44 million of the \$8.76 million is for a 15-officer dedicated unit to respond to 9–1–1 calls on MUNI. Otherwise, MUNI would have to rely on regular, non-dedicated, police officers, which might end up decreasing police response time for MUNI-related 9–1–1 calls.

More promising for cuts may be the additional \$22.3 million the Sheriff's Department has budgeted for FY 2021–2022 to provide security for the City's public health facilities, including SFGH, Laguna Honda Hospital, and DPH Clinics.

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Police Civilianization

The BLA report contains a one-page discussion about civilianization of the Police Department, noting that the Board of Supervisors “*could choose to fund the civilianization positions recommended by the Police Commission in FY 2021–2022 [starting July 1, 2021] or enhance funding for civilianization positions based on the recommendations of prior staffing studies.*” But the BLA incorrectly and disingenuously claimed:

“In November 2020, voters approved Proposition E, which modified sections of the City Charter pertaining to Police Department staffing. City Charter Section 4.127 requires the Police Commission to annually review Police Department staffing to ‘civilianize as many positions as possible’ and submit a report to the Board of Supervisors each year that identifies opportunities for civilianization. City Charter Section 16.123 states that no sworn officer may be laid off in the processing of civilianization.”

The BLA’s “summary” of “Prop. E” isn’t entirely accurate because of what the BLA had left out!

While the BLA accurately reported that the replacement text of Charter §4.127 requires the Police Commission to conduct an annual review to civilianize as many positions as possible, that legal text is way down in §4.127. The BLA completely omitted that before that text appears in the revised Charter, the Charter explicitly states:

“By no earlier than October 1 and no later than November 1 in every odd-numbered calendar year, the Chief of Police shall transmit to the Police Commission a report describing the department’s current number of full-duty sworn officers and recommending staffing levels of full-duty sworn officers in the subsequent two fiscal years. The report shall include an assessment of the Police Department’s overall staffing, the workload handled by the department’s employees, the department’s public service objectives ...”

In other words, the main focus of changes to §4.127 was to remove the specific minimum number of 1,971 police officers from the Charter and replace it with a requirement that the Chief of Police prepare a report assessing and analyzing overall staffing in the Police Department, and only secondarily to focus on the process involving civilianization.

While the new Charter also uses the term “*full duty sworn officers*,” it is thought “*full duty*” was more broadly intended to assess the full-time equivalent of officers working full-time (not just those who are *not* out on leave).

The Charter goes on to say the Police Commission must hold a public hearing regarding the Chief’s staffing recommendations report during the Commission’s consideration and approval of SFPD’S proposed budget every fiscal year, but the Commission is not required to accept or adopt any of the Police Chief’s recommendations.

It’s obvious the Police Commission is empowered to do much more than just “*civilianize as many positions as possible.*”

Indeed, the City Controller’s statement on page 76 in the November 2020 voter guide also advised voters that the Police Commission is not required to accept or adopt any recommendations in Chief Scott’s staffing report when it considers and approves SFPD’s proposed budget *every fiscal year*. [By extension, the Board of Supervisors are also not required to adopt recommendations from Chief Scott or from the Police Commission when approving SFPD’s upcoming two-year budget.]

Of note, the Controller’s voter guide statement clearly indicated that the Board of Supervisors have complete discretion to re-allocate funding formerly set aside for the minimum sworn police officer staffing, and additional discretion to use any portion

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of that funding for any public purpose. Clearly, Charter §4.127 is not restricted to just civilianization; rather the Charter section is more broadly intended to address all SFPD staffing, not just civilianizing jobs.

Demands to Defund SFPD

Former Supervisor Norman Yee introduced a Charter Change ballot measure on May 19, 2020 titled “*Police Department Staffing Levels*,” which was assigned to the Board of Supervisors Rules Committee.

Yee’s Charter Change proposal did not explicitly cut police staffing levels. Instead, it merely sought to eliminate the artificial “minimum” staffing level of 1,971 sworn police officers set in stone in the Charter in 1994, which was based at the time on 40-year-old data obtained in the 1980’s. Yee’s Charter Change proposal only sought to put in place a process for regular evaluations of police officer staffing levels.

It only requires the Police Chief to periodically analyze staffing levels and submit a report to the Police Commission, and requires the Police Commission to consider the Chief’s report.

The Police Officers Association (POA) attempted to derail Yee’s Charter Change and keep it off of the ballot, but eventually the City’s Department of Human Resources ruled it only involved a management issue that wasn’t subject to meet-and-confer processes the POA could object to.

Developing the ballot measure legislation had been a years-long project for Yee, which he had begun long before the murder of George Floyd in Minneapolis on May 25, 2020. Indeed, San Francisco Deputy City Attorney Alicia Cabrera had signed off on Yee’s legislation “*Approving it as to Form*” days before Yee introduced it.

Although Yee had introduced it just six days before Floyd’s death, Yee had been working on developing it during 2019, before nationwide calls had begun to defund the police. By the time the Rules Committee held hearings and recommended that the full Board of Supervisors vote on whether to place it as “Prop. E,” on the November 2020 ballot, Yee’s legislation had gained a total of 10 Supervisors as co-sponsors (excluding District 2 Supervisor Catherine Stefani). Eventually, Stefani joined with the Board and it was placed unanimously on the ballot by all 11 City Supervisors.

The “*defund the police*” slogan became common during the summer of 2020 following the nationwide George Floyd protests. By the time of the November 2020 election, the drumbeat calling for defunding police had grown deafening. Yee’s Charter Change was passed by 71.3% of San Francisco voters.

So, it came as no real surprise that during the Budget and Appropriations Committee hearing on May 12, the vast majority of [public comments](#) on agenda item 3 phoned in to the remote virtual hearing called for defunding SFPD (beginning at 6:04:20 on tape and lasting for over two hours).

Of approximately 91 public commenters given one minute each, 40 callers explicitly used the word “*defund*” in their testimony. Another 25 callers used terminology like *divest* (rather than the word *defund*) from policing and jails, and instead reinvest those funds away from law enforcement to finance investing in community services to support San Franciscans — like housing, education, and accessible health care programs. That totaled 65 callers — 71.4% of the 91 — who support re-allocating SFPD funds.

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Of approximately 91 public commenters, 65 callers — 71.4% of the 91 — support re-allocating SFPD funds. ”

Just seven callers explicitly stated they don't want SFPD *defunded*. An additional seven callers said they want SFPD academy classes resumed and funded, along with staffing levels increased for foot beat patrols. Those 14 callers represented just 15.4% of the 91 callers during public comment. The views of the majority could not have been clearer.

Please bear with some redundancy: The City Controller clearly noted the Board of Supervisors have complete discretion to re-allocate funding formerly set aside for the minimum sworn police officer staffing, and additional discretion to use any portion of that funding for any public purpose — like financing increased investments and alternatives in community services.

Before public comment had been opened, representatives from the Sheriff's Department noted their Department needed to retain the \$24.7 million in savings from closure of County Jail #4. To his credit, Supervisor Shamann Walton indicated he was having trouble *"trying to understand the conundrum of how we close the jail, but we have still high expenses in terms of personnel, because it would seem to me [that] closing the jail would coincide with [the need for] less funding [to the Sheriff's Department]."*

Several people who phoned in to provide public comment also noted closing County Jail #4 had saved the City over \$24.7 million from the Sheriff's budget alone, not to mention the police budget.

The BLA report also noted:

"The Board of Supervisors could make it City policy for the Sheriff to assume law enforcement responsibilities at the Airport and request the Airport Commission to enter into a Memorandum of Understanding with the Sheriff. This would allow Police assigned to the Airport to instead be assigned to duties in the City ..."

Indeed, Chief Scott's two-year budget proposal presented to the Police Commission on February 12, 2020 reported that in FY 2020–2021 SFPD had 332 sworn police FTE's at the Airport. Given the City Controller's estimate of \$155,000 each year for each police officer, that translates to \$51.5 million annually in police staffing at the Airport. All the Supervisors need to do is come up with the political will to enact significant law enforcement reforms NOW, before passing the next two-year City budget for FY 2021–2022 and FY 2022–2023.

There's no point delaying law enforcement budget reforms for another two-year period by kicking the can down the road again to a nebulous *"sometime in the future."*

Indeed, language now incorporated in revised Charter §4.127 specifically states:

"The Chief of Police may, but is not required by this Section 4.127 to, submit staffing reports regarding full-duty sworn officers to the Police Commission in even-numbered years."

The president of the Police Commission, Malia Cohen — formerly president of the Board of Supervisors representing District 10, current Board president Shamann Walton's district — could, and should, demand along with the full Board of Supervisors and particularly Chair of the Budget Committee Matt Haney, that Chief Scott rapidly produce a police staffing report now, even before the first report is due between October 1 and November 1, 2021.

One red herring is having to wait until October 2021 before receiving a SFPD staffing report from the Chief of Police. Given nationwide calls to defund law enforcement and reinvest those savings into desperately-needed and alternative services, a police staffing report must be expedited. The Board of Supervisors must require that the Police Chief produce a staffing report annually, not biannually.

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Another red herring is the notion that reductions to SFPD sworn police officers must be done using a 1:1 ratio of replacing police officers with a civilian counterpart. To the extent San Francisco had 634 more sworn police officers on the City payroll as of June 30, 2020 than the 1,971 minimum mandated by the former City Charter does not mean that all 2,605 SFPD sworn FTE's must be replaced with civilian employees.

As we reach the first anniversary of George Floyd's death, leaving San Francisco's bloated sworn police officer staffing levels unaddressed and unresolved is an insult to racial inequities highlighted during last year's protests following his murder, and an insult to Floyd's legacy.

It's clear the Board of Supervisors have a menu of options that could save substantial millions of dollars annually from law enforcement budgets.

Now is the time — as part and parcel of nationwide calls for police reform — to drastically reduce the bloated number of sworn police officer positions in SFPD based on their number of FTE hours worked. In addition, the Board of Supervisors should eliminate police academy classes for the next two fiscal years and allow attrition due to retirements to further reduce sworn officer staffing levels at SFPD without resorting to 1:1 civilianized replacements.

Any savings from reducing the number of sworn police officers and eliminating police academy classes should be re-allocated to the Department of Public Health to fund providing gap subsidies to facilitate opening a sub-acute Skilled Nursing Facility (SNF) — since the City currently has no such public- or private-sector facility in the City — to halt out-of-county patient dumping of patients, [like Ken Zhao](#), who require sub-acute level of care.

That's because another complete canard would have you believe the City can't come up with the \$3 million to \$5 million that appears to be needed to open a sub-acute SNF facility somewhere in the City.

Surely, this Board of Supervisors can identify \$5 million in cuts to law enforcement budgets and mandate those savings be earmarked to open a sub-acute SNF rapidly. The lives of people like Ken Zhao who need one in-county, matter.

Drastically reducing the number of sworn police officer FTE's is intrinsically linked to defunding SFPD.

“ Now is the time to drastically reduce the bloated number of sworn police officer positions in SFPD based on their number of FTE hours worked. ”

“ Surely, this Board of Supervisors can identify \$5 million in cuts to law enforcement budgets and mandate those savings be earmarked to open a sub-acute SNF rapidly. The lives of people like Ken Zhao who need one in-county, matter. ”

Monette-Shaw is a columnist for San Francisco's Westside Observer newspaper, and a member of the California First Amendment Coalition (FAC) and the ACLU. He operates stopLHHdownsize.com. Contact him at monette-shaw@westsideobserver.com.