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10 ETHICS COMMISSION
11 CITY AND COUNTY OF SAN FRANCISCO

12
13 In the Matter of Charges Against
14 ROSS MIRKARIMI,
15 Sheriff, City and County of San Francisco.

DECLARATION OF DEPUTY CHIEF OF
STAFF PAUL HENDERSON

16
17 I, Paul Henderson, declare as follows:

18 1. I have personal knowledge of the matters stated herein, except for those matters set
19 forth on information and belief, which I believe to be true. If called to testify, I could and would
20 testify competently as to all matters set forth herein.

21 2. I am the Deputy Chief of Staff, Director of Public Safety for Mayor Ed Lee. I have
22 held this position since March 2011. Prior to this, I served as a prosecutor in the San Francisco
23 District Attorney's Office for 16 years, most recently as the Chief of Administration. Prior to that, I
24 was the co-manager of the Trial Division, and before that I served as a trial attorney in a variety of
25 units including General Litigation, Narcotics, Domestic Violence, Juvenile Prosecutions, and Hate
26 Crimes. I have experience with all aspects of the San Francisco criminal justice system.
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1 3. The Mayor is the chief executive officer of the City and County of San Francisco.
2 Among other things, the Mayor is responsible for coordinating the intergovernmental activities of
3 the City and for overseeing all departments and other governmental units in the executive branch.
4 As the Mayor's Deputy Chief of Staff, Public Safety, one of my main duties is to oversee the public
5 safety operations of the City for the Mayor's Office. This includes advising the Mayor on
6 administrative and policy issues related to criminal justice; solving problems between and among
7 criminal justice agencies to ensure their ability to work effectively; promoting community efforts to
8 address public safety; and building and maintaining strong alliances between City agencies and the
9 community to achieve public safety goals. In regard to domestic violence, those goals include
10 violence prevention, arrest and prosecution of offenders, support and advocacy for victims, and
11 fostering a civic culture in which family violence is never acceptable.

12 13 **Domestic Violence In San Francisco**

14 4. Domestic violence is a serious and widespread threat to public safety in San
15 Francisco. As tabulated by the San Francisco Family Violence Council, a group on which I serve,
16 the twelve months between July 1, 2009, and June 30, 2010, saw more than 7,000 emergency
17 domestic violence calls to 911; more than 4,000 domestic violence incidents reported to the police;
18 nearly 1,400 requests for civil temporary restraining orders attributable to domestic violence; and
19 more than 26,000 calls to community-based domestic violence crisis lines. Attached hereto as
20 Exhibit 42 is a true and correct copy of the Family Violence Council's *Comprehensive Report on*
21 *Family Violence in San Francisco (2010)*.

22 23 **San Francisco's Citywide Efforts To Eradicate Domestic Violence**

24 5. San Francisco has long been at the forefront of efforts to address domestic violence.
25 In 1975, the City created the Commission on the Status of Women ("Commission") as an executive
26 branch commission appointed by the Mayor. The Commission is charged with developing and
27 recommending "policies and practices for the City and County to reduce the particular impacts on
28 women and girls of problems such as domestic violence, sexual harassment, employment and health

1 care inequity, and homelessness." In 1976, the City, through the Commission, funded La Casa de
2 las Madres, California's first and the nation's second domestic violence shelter. Since then, San
3 Francisco has remained steadfastly committed to the fight against domestic violence in all of its
4 manifestations.

5 6. In 1990, San Franciscans were shocked and outraged by the brutal murder of Veena
6 Charan by her husband at her children's school. He had an extensive history of domestic violence
7 and contacts with the criminal justice system. In 1991, the Commission on the Status of Women
8 ("Commission") investigated the events leading to Ms. Charan's death. The Commission
9 recommended numerous policy and operational changes to the criminal justice agencies and
10 superior court, many of which they adopted. Specialized units were created within the Police and
11 Adult Probation Departments, and domestic violence response training of criminal justice personnel
12 was expanded throughout the system.

13 7. Despite this progress, the fatal stabbing of Claire Joyce Tempongko in front of her
14 two children by her ex-boyfriend in 2000 exposed the continuing weaknesses of San Francisco's
15 response to domestic violence. Like Veena Charan's husband, Claire Joyce Tempongko's murderer,
16 Tari Ramirez, had had repeated contacts with every aspect of the San Francisco criminal justice
17 system as his violence against Ms. Tempongko escalated.

18 8. Community members requested an investigation into the city-wide response to
19 domestic violence. The Commission formed a Review Panel and asked the City Attorney to
20 conduct the investigation into the City's actions in regard to the events leading to Ms. Tempongko's
21 murder. After identifying a series of missed opportunities to intervene more forcefully in the
22 numerous acts of domestic violence reported to the City, the City Attorney's report concluded that
23 the most striking problem was the absence of collaboration and information-sharing between the
24 City's criminal justice agencies. Attached hereto as Exhibit 43 is a true and correct copy of the
25 report of the domestic violence investigation conducted by the City Attorney. As that report put it,
26 "Each department dealt with the same defendant and victim, played a role in monitoring the conduct
27 of the defendant, assessed the risk the defendant posed, and shared responsibility for ensuring
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1 public safety. Yet each department appeared to operate almost independently without effectively
2 communicating vital information to each other." Ex. 43 at p. 21.

3 9. Building on the information provided by the City Attorney, the Commission released
4 its own report in 2002, *Justice and Courage: A Blueprint for San Francisco's Response to Domestic*
5 *Violence*, a true and correct copy of which is attached hereto as Exhibit 44. The Commission
6 emphasized the need to improve communication both among City agencies and between the City
7 agencies and community-based services, and it provided a series of policy recommendations.

8 10. The Commission also formed the Justice & Courage Oversight Panel, a policy body
9 charged with overseeing implementation of resulting policy recommendations. The Panel, chaired
10 by Commissioner Andrea Shorter, includes representatives from La Casa de las Madres, the
11 Domestic Violence Consortium which represents 17 service providers, Bay Area Legal Aid, a
12 batterer's intervention program, and a permanent housing facility for women.

13 11. The Justice & Courage Oversight Panel has been meeting continuously for over 10
14 years and serves as the backbone in overseeing and coordinating the City's response to domestic
15 violence. During its tenure:

- 16 • Protocols for domestic violence victim response were reviewed and updated at the
17 District Attorney's Office, Emergency Communications Department, Police
18 Department, and Sheriff's Department.
- 19 • The District Attorney assigned a full-time investigator for misdemeanor DV cases
20 and conducts regular training of other agencies on procedures to enhance conviction
21 in DV cases.
- 22 • The Emergency Communications Department protocol was changed to identify
23 domestic violence calls and flag the possible presence of batterers for first
24 responders.
- 25 • The Police Department introduced new codes and dedicated investigators to address
26 stalking cases.
- 27 • The Sheriff's Department revised procedures to better capture the degree to which
28 batterers' continue to be risks to their victims.

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- The City launched a Mobile Language Interpretation Project to enable victims to report crimes, including domestic violence, to the Police in their native languages.
 - The Department on the Status of Women conducted the Domestic Violence Response Cross-Training Institute for 435 criminal justice personnel to promote a victim-centered response.
 - The Department on the Status of Women trained over 100 first responders in legal and domestic violence terminology in Spanish and in Chinese to further expand language access for victims.

10 12. In 2007, the Justice & Courage Oversight Panel again reviewed the City's domestic
11 violence response systems and identified a number of additional gaps. A true and correct copy of
12 the 2007 Domestic Violence Safety and Accountability Audit is attached hereto as Exhibit 45.

13 13. In June 2007, then-Mayor Gavin Newsom issued Executive Directive 07-05, a true
14 and correct copy of which is attached hereto as Exhibit 46. Executive Directive 07-05 directed all
15 City agencies to cooperate fully with the Justice & Courage Oversight Panel in implementing all of
16 the recommendations in the audit. The Mayor further required all criminal justice departments to
17 collaborate with community-based agencies in a number of areas.

18 14. The City has also provided significant financial support to community-based
19 organizations serving domestic violence survivors and their families. The Commission's City-
20 funded Violence Against Women Prevention and Intervention Grants Program has steadily
21 increased from a first small grant to La Casa de las Madres to the current amount of approximately
22 \$2.7 million in grants shared among 24 community-based service providers.

23 15. The City's consistent commitment to ending domestic violence, the leadership of
24 community organizations, a series of fundamental policy reforms, and the City's sizable investment
25 in direct services for domestic violence survivors have resulted in a reduction in domestic violence
26 homicide by 80% over the past decade, from an annual average of 10 murders to now 2 or less. This
27 significant reduction represents concrete progress in saving lives.

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The Sheriff Must Aid The Effort To Curtail Domestic Violence

16. The Sheriff has a fundamental responsibility to all San Franciscans and his coordinate criminal justice agencies to foster and support the City's public safety efforts. In regard to domestic violence, that requires the Sheriff to work closely and collaborate well with the Mayor, the Police Department, the District Attorney's Office, the Adult Probation Department, the Commission and Department on the Status of Women, the Justice & Courage Oversight Panel, City-funded community service providers, and victims of domestic violence. The Sheriff also has to convey to the public that domestic violence is a serious matter of public concern that is never acceptable.

The Sheriff Cannot Meet His Responsibilities In Regard To Domestic Violence

17. Sheriff Mirkarimi's domestic violence against his wife, in combination with his subsequent statement that domestic violence is a "family matter" or a "private matter," makes it virtually impossible for the Sheriff to collaborate with other domestic violence stakeholders. Domestic violence advocates and service providers are critical to the City's ability to respond effectively to domestic violence, but many of them are no longer willing to sit at the table with Sheriff Mirkarimi, and the Mayor cannot order them to do so.

18. A broken relationship between the domestic violence community and the Sheriff harms the City's ability to respond to domestic violence and puts battered women (and men) at risk. The current system depends on a fabric of relationships that is sufficiently strong to allow one person or group working on a domestic violence issue to call any other stakeholder with issues, concerns, or emergent developments. Even if all of the City and community organizations could maintain those close relationships with the sole exception of the Sheriff, there would still be a hole in that fabric that could result in a real injury to a real person. The City has tried before to respond to domestic violence solely at the agency level, and it learned through tragedy that that approach does not work.

