

**A REPORT OF THE 2003-2004 CIVIL GRAND JURY
FOR THE CITY AND COUNTY OF SAN FRANCISCO**

CONTINUITY REPORT

RELEASED JUNE 2004

Pursuant to State law, reports of the Civil Grand Jury do not identify the names or identifying information about individuals who provide information to the Civil Grand Jury.

Departments and agencies identified in the report must respond to the Presiding Judge of the Superior Court within the number of days specified, with a copy sent to the Board of Supervisors. As to each finding of the Grand Jury, the response must either (1) agree with the finding, or (2) disagree with it, wholly or partially, and explain why. Further, as to each recommendation made by the Grand Jury, the responding party must report either (1) that the recommendation has been implemented, with a summary explanation of how it was; (2) the recommendation has not been implemented, but will be implemented in the future, with a timeframe for implementation; (3) the recommendation requires further analysis, with an explanation of the scope of that analysis and a timeframe for the officer or agency head to be prepared to discuss it (less than six months from the release of this Report); or (4) the recommendation will not be implemented because it is not warranted or reasonable, with an explanation of why that is. (Cal. Penal code, secs. 933, 933.05.)

INTRODUCTION

Each year the San Francisco Civil Grand Jury selects various entities of city or county government that it chooses to investigate. Additionally, the Grand Jury determines whether to pursue any issues raised or recommended by previous juries.

The 2002-2003 Grand Jury made several recommendations in their review of:

- The state of San Francisco's emergency planning
- Water Emergency Preparedness in San Francisco
- Fire safety in local detention facilities
- The lack of cooperation by SFPD with the Office of Civilian Complaints
- The management of the Department of Building Inspection
- Truancy in the San Francisco Unified School District
- The conduct of the November and December 2002 elections
- The Human Rights Commission and the Minority Business Ordinance
- Camp Mather

The 2003-2004 Grand Jury elected to review whether recommendations made by the previous jury had been implemented for the following entities:

- The state of San Francisco's emergency planning
- Fire safety in local detention facilities
- The lack of cooperation by SFPD with the Office of Civilian Complaints
- The management of the Department of Building Inspection
- Truancy in the San Francisco Unified School District
- The conduct of the November and December 2002 elections

THE STATE OF SAN FRANCISCO'S EMERGENCY PLANNING

The 2002-2003 Grand Jury was highly-critical of the state of emergency planning for San Francisco, and it recommended that the Office of Emergency Services address the inadequacy of its emergency resources in areas of communication and technology. Additionally, it recommended that the City should improve its methods of budgeting for emergency response. The Jury report elicited a scathing rebuttal by the then Mayor Willie Brown, who denied that there were any deficiencies in the City's emergency planning and subsequently demanded that the Grand Jury be abolished. Despite the Mayor's public histrionics, the Jury stood by the integrity of its report.

On his first full day as Mayor, Gavin Newsom convened the San Francisco Disaster Council and directed municipal departments to update their preparedness plans for earthquakes, terrorist acts and other emergencies. He gave departments until the end of March to update their response plans and ordered the Department of Emergency Services to create a new citywide operations plan by the end of June. Within the same week, the Director of Emergency Services resigned. The position has since been filled.

Presently, the Office of Emergency Services is located in the northeast quadrant of San Francisco and operates from the Emergency Operations Center which handles 911 calls for police, fire and medical emergency dispatching. The Center is undergoing a transition which will civilianize practically all its staff. Additionally, there is an on-going review of its triage protocols which are used to assess incoming emergency calls and to dispatch first responders.

Because of the vital nature of both the Office of Emergency Services and the Emergency Operations Center, it is suggested that their activities be considered as a matter of interest for the 2004-2005 Grand Jury.

FIRE SAFETY IN LOCAL DETENTION FACILITIES

The Jury recommended that the San Francisco Police Department discontinue use of detention cells at Northern, Richmond and Ingleside district stations because the cells do not comply with state and local fire codes. However, detention cells in those stations continue to be used notwithstanding safety and fire deficiencies noted by the State Board of Corrections and the lack of clearance from the San Francisco Fire Department.

Each year since 1997, the Police Department has made requests for funds to bring the holding cells into compliance with state and local fire codes in its capital improvements budget. However, the City's Capital Improvement Assessment Committee and the Mayor's Budget Office have denied funding because refitting the stations to meet safety and fire standards was not considered high priority.

Since October 1997, the station commanders have been under orders to implement an alternate means of protection—a fire watch—in the cell area every 30 minutes to check on the safety of any prisoner incarcerated there. Inspectors from the San Francisco Fire Department's Fire Prevention and Inspection Division do not consider the fire watch to be a permanent or satisfactory remedy; it was allowed only as a temporary measure, in 1997, in anticipation of refitting the stations within a reasonable time. As a result, the inspection service will not issue a fire clearance pending correction of physical safety and fire deficiencies which have existed for seven years.

The 2003-2004 Civil Grand Jury suggests that the 2004-2005 Civil Grand Jury consider whether funding is again allocated for the correction of fire and safety deficiencies at the three stations or whether the Police Department discontinues use of the facilities.

THE LACK OF COOPERATION BY THE SAN FRANCISCO POLICE DEPARTMENT WITH THE OFFICE OF CIVILIAN COMPLAINTS

During its inquiry into how the San Francisco Police Department related with the OCC (Office of Civilian Complaints), the Jury noted a distinct and palpable lack of cooperation and coordination between the two entities. The disunity between the two departments has caused the dismissal of many meritorious citizen complaints which affected the due process of the citizens complaining and of the officers being investigated. Record keeping of complaints and investigative files were slipshod; necessary documents were not shared in a timely way, and the Police Commission omitted the necessary management oversight to keep the complaint investigative process operating effectively and efficiently. The Jury's report called attention to the obvious lack of cooperation between the Police Department and the OCC and offered several remedial recommendations to the two departments.

During the past few months, a number of remedies to the complaint investigative process have been implemented. New leadership, which bodes well, was instituted: a new head of the OCC was hired; a new police chief was appointed and a new Police Commission was sworn in. Additionally, an ordinance was enacted (Chapter 96 of the San Francisco Administrative Code) which codified responsibilities and duties of the Police Department, the Police Commission and the OCC in the timely handling and reporting by citizens of police misconduct. The ordinance requires that the status and disposition of sustained complaints be made public and that instruction on the OCC's processes and procedures for investigating citizen complaints be required for officers and police commissioners.

Because the new leadership has been in office for a short time, it is suggested that the 2004-2005 Civil Grand Jury, midway through their term of office, consider, as a matter of interest, how the revised process for handling citizen's complaints against police is working.

THE MANAGEMENT OF THE DEPARTMENT OF BUILDING INSPECTION

In its inquiry into the management of the Department of Building Inspection, the Jury found that preferential treatment was being afforded to certain Department of Building Inspection (DBI) customers. It recommended quality control procedures in both the Plan Check and Inspection Services divisions. Additionally, it recommended that DBI comply with state law by determining the actual costs of providing services. Lastly, there is a need to improve management and leadership skills of those in DBI positions of responsibility. The report of the Jury's inquiry and its recommendations brought public condemnation of the Jury by certain members of the Department who demanded that the names of the persons who cooperated with the Jury be revealed. The Jury refused to identify the individuals interviewed, pursuant to California Penal Code Section 929, and it stood behind the allegations made in its report.

In March 2004, Mayor Gavin Newsom appointed Rudy Nothenberg, retired former Chief Administrative Officer of San Francisco, as an “unpaid advisor” to the Mayor. Nothenberg’s charge was to investigate whether there is preferential treatment of certain DBI customers, as alleged in the Jury’s report. Additionally, the Board of Supervisors has proposed an application-tracking process to reveal any evidence of favorable treatment by DBI employees.

Nothenberg estimated that the report of his inquiry would probably be concluded in three months and then presented to the Mayor. Since the inquiry was commissioned by the Mayor, the Mayor would determine its acceptance and manner of distribution. Nothenberg’s conclusions would be a choice matter of interest for the 2004-2005 Grand Jury.

TRUANCY IN THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT

Even though State law specifies the content, manner of delivery and time at which truancy notices are given to the student and to the student’s parent, District schools do not follow a uniform truancy notice procedure. The 2002-2003 Grand Jury concluded that promptly-sent notices would reduce the District’s truancy rate. Since the School District is entitled to State reimbursement for every first and third truancy notice it sends, the District annually collects less State monies than it could.

According to the District’s Pupil Services Department, a process will be implemented shortly to ensure that the District will mail its truancy notices on time and thereby reduce its truancy rate and promptly capture the State funding to which it is entitled. Since the 2003-2004 Grand Jury did not have the opportunity to view the truancy abatement process, it is suggested that the 2004-2005 Grand Jury consider it an area of interest

THE CONDUCT OF THE NOVEMBER AND DECEMBER 2002 ELECTIONS

Currently, the Department of Elections operates in and from six major facilities during an election period—a condition which can easily endanger the integrity of the election process. Therefore, the Grand Jury made a strong recommendation that the City consolidate all operations of the Department of Elections into one site. The recommendation received concurrence by management of the Department. However, to date, an appropriate site has not been located, nor have any City funds been set aside for such a consolidation.

