

2006-2007 Civil Grand Jury
City and County of San Francisco

COMPENSATION AND STAFFING ISSUES IN THE
SAN FRANCISCO POLICE DEPARTMENT

Report released: July 9, 2007

The Purpose of the Civil Grand Jury

The purpose of the Civil Grand Jury is to investigate the operations of the various departments, agencies, and officers of the government of the City and County of San Francisco to develop constructive recommendations for improving their operations, as required by law.

Each Civil Grand Jury has the opportunity and responsibility to determine which departments, agencies and officers it will investigate during its one-year term of office. To accomplish this task, the Civil Grand Jury divides into committees. Each committee conducts its research by visiting government facilities, meeting with public officials and reviewing appropriate documents.

The nineteen members of the Civil Grand Jury are selected at random from a pool of thirty prospective jurors. San Francisco residents are invited to apply. More information can be found at: http://www.sfgov.org/site/courts_page.asp?id=3680, or by contacting Civil Grand Jury, 400 McAllister Street, Room 008, San Francisco, CA 94102; (415) 551-3605.

State Law Requirement

Pursuant to state law, reports of the Civil Grand Jury do not identify the names or provide identifying information about individuals who spoke 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. For each finding of the Civil 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 Civil Grand Jury, the responding party must report either (1) that the recommendation has been implemented, with a summary explanation of how it was implemented; (2) the recommendation has not been implemented, but will be implemented in the future, with a time frame for the implementation; (3) the recommendation requires further analysis, with an explanation of the scope of that analysis and a time frame for the officer or agency head to be prepared to discuss it (less than six months from the release of the report); or (4) that recommendation will not be implemented because it is not warranted or reasonable, with an explanation of why that is. (California Penal Code, sections 933, 933.05).

TABLE OF CONTENTS

PURPOSE OF THE REPORT	1
I. PROCEDURE	1
II. USE OF OVERTIME IN THE SAN FRANCISCO POLICE DEPARTMENT	1
A. Background	1
B. Historic Recommendations by the 2004-2005 Civil Grand Jury	1
C. San Francisco Police Department Response	2
D. 2006-2007 Civil Grand Jury Investigation	2
E. Findings and Recommendations regarding Overtime	4
III. CIVILIAN EMPLOYEES IN THE SAN FRANCISCO POLICE DEPARTMENT	5
A. Background	5
B. San Francisco Charter Provisions	5
C. Investigation	6
D. Findings and Recommendations	8
IV. CHART OF REQUIRED RESPONSES	I
V. SOURCES CONSULTED/BIBLIOGRAPHY	II

PURPOSE OF THE REPORT

Two issues concerning the operation of the San Francisco Police Department are the excessive use of overtime and under-utilization of civilian employees. Both have an impact on the efficient operation of the Police Department. The 2006-2007 Civil Grand Jury investigation of the Police Department is limited to these two issues.

I. PROCEDURE

The 2006-2007 Civil Grand Jury interviewed representatives of the San Francisco Police Department, the Office of the Mayor, members of the Board of Supervisors, the City Attorney's Office, and the Human Resources Department. The Civil Grand Jury also reviewed the expiring Memorandum of Understanding between the City and the Police Officers' Association, a report of the 2004-2005 Civil Grand Jury, and material from other police departments.

II. USE OF OVERTIME IN THE SAN FRANCISCO POLICE DEPARTMENT

A. Background

In March 2005, the 2004-2005 Civil Grand Jury released a report under the heading "Compensation Issues in the San Francisco Police Department"¹. The 2006-2007 Civil Grand Jury reviewed this report and decided to follow up on the recommendations made regarding overtime issues raised therein. The 2006-2007 Civil Grand Jury felt the issue timely, as the City was about to open negotiations for a new Memorandum of Understanding (MOU) with the Police Officers' Association (POA). The current MOU (as of this writing) expires on June 30, 2007. Negotiations began in early February 2007.

B. Historic Recommendations of the 2004-2005 Civil Grand Jury

The following recommendations were made by the 2004-2005 Jury:

¹ See website http://www.sfgov.org/site/uploadedfiles/courts/report_6.pdf5/24/2007

a) The City should negotiate with the POA for elimination of Overtime/Compensatory Time (OT/CT) benefits for top managerial staff² and consider less costly alternatives such as limited administrative leave as provided by other jurisdictions and City departments.

b) If top managerial staff continue to be eligible for CT [compensatory time] accrual, the City should negotiate limits in the MOU on their accrual comparable to rank and file officers.

c) The City should negotiate to pay CT balances prior to the effective date of promotions to limit the inflationary effect of carrying CT balances for long periods of time.

d) Given that rank and file officers will have had four years to reduce their CT balances to 480 hours by the end of the current MOU, the City should negotiate for the next MOU some penalty for continuing to maintain a CT balance greater than 480 hours, such as forfeiture of hours above 480.

e) The City should negotiate to include all forms of premium pay available to all officers in comparisons for the purposes of salary setting.

C. San Francisco Police Department Response

The Police Department response to each of the 2004-2005 Civil Grand Jury's five recommendations was:

Will be implemented in the future. This item may be addressed in the new Memorandum of Understanding amongst the City and County of San Francisco, the Police Commission, the Chief of Police, and the San Francisco Police Officers' Association scheduled for July 1, 2007 – June 30, 2011.

D. 2006-2007 Civil Grand Jury Investigation

The 2006-2007 Civil Grand Jury determined to pursue the recommendations of the 2004-2005 Civil Grand Jury regarding overtime. Furthermore, the Police Department response to the recommendations was that the recommendations would be implemented in the future and addressed in the 2007 negotiation of the MOU.

² Deputy Chiefs, Commanders and Captains are called "top managerial staff."

Negotiation of the new MOU began in February 2007 between representatives for the City and for the Police Officers' Association. The new MOU will be effective from July 1, 2007 through June 30, 2011.

The 2006-2007 Civil Grand Jury has been advised by City officials that overtime usage within San Francisco Police Department has been excessive and that a concerted effort is required by San Francisco Police Department management to limit the hours of overtime incurred by the lower ranks. An impediment to this effort is the expiring MOU which provides that all officers except the Chief of Police are eligible to accrue overtime. This includes the Command Staff of Deputy Chiefs, Commanders, and Captains, who are the managers of the Police Department.

An MOU covering both management and staff is problematic for many reasons. Permitting management to earn overtime is of particular concern in the context of attempting to reduce excessive overtime use in the Department. There is an obvious conflict of interest when the Captains, who have been identified as the best positioned to control overtime usage, continue to be eligible to earn overtime themselves.

The 2006-2007 Civil Grand Jury interviews concerning this topic were limited by the requirement that the negotiations are confidential. Given this restriction, the jury determined to use the interviews to confirm its understanding of the problem; to present the interviewees with copies of the 2004-05 Civil Grand Jury report and the Police Department responses thereto; and to impress upon them the Jury's concern that the City have a plan for and be committed to addressing the overtime issue in the current negotiations. In each of the interviews with Police Department management, the Mayor's Office, members of the Board of Supervisors and the Police Department's negotiating team, the Civil Grand Jury was consistently advised that our concerns were valid and would be taken into consideration.

While specific proposals were not reviewed or discussed, the 2006-2007 Civil Grand Jury learned of two negotiation strategies being considered by the City. One involved separation of command staff issues from rank and file issues. The second sought the Police Officers' Association agreement to a reduction of overtime in exchange for other concessions by the City. As of June 25, 2007, the new MOU has not been approved by the City and accepted by the Police Officers' Association. Consequently, the Civil Grand Jury has not had access to the new MOU. The course of negotiations has been covered by the San Francisco press.

E. Findings and Recommendations Regarding Overtime

Finding II.a. The 2006-2007 Civil Grand Jury recognizes that Police overtime will always be necessary, as the Police Department must respond to events, planned and unplanned, which require an increased deployment of personnel.

Finding II.b. The use of overtime within the San Francisco Police Department was a concern addressed by the 2004-2005 Civil Grand Jury, and remains a concern in 2007.

Finding II.c. The expiring MOU's provision permitting overtime to be earned by all members of the San Francisco Police Department, including command staff, is a perceived impediment to controlling the use of overtime. This is especially true with the rank of Captains, who have been identified as best positioned to control overtime usage. As long as Captains continue to be eligible for overtime, they have an inherent conflict of interest between meeting their management obligations and their own self-interest of earning compensation for overtime. The Grand Jury is not suggesting malfeasance on the part of the Police Captains, but simply identifying the conflict.

Finding II.d. The City's negotiators apparently followed through on their representation that they would address the issues raised by the 2006-2007 Civil Grand Jury. The tentative MOU, as reported in the press, addresses the need to reduce the use of overtime and the need to eliminate the eligibility for overtime by command staff.

Finding II.e. The Chief of Police is to be commended for addressing the difficult and unpopular issue of overtime.

- **Recommendation II.a.** The Chief of Police should establish policies and procedures which assign command staff with the responsibility of curtailing overtime by their subordinates to the extent work exigencies permit. The Chief should also develop a system for monitoring overtime usage, measure the Department's progress in reducing overtime, and prepare and issue a quarterly status report.

Responses required from	The Chief of the San Francisco Police Department The San Francisco Police Commission The Office of the Mayor (60 days) The Board of Supervisors (90 days)
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III. CIVILIAN EMPLOYEES IN THE SAN FRANCISCO POLICE DEPARTMENT

A. Background

In the course of investigating the use of overtime in the San Francisco Police Department, the 2006-2007 Civil Grand Jury learned of another personnel issue which could have a positive impact on reducing overtime usage. This issue involves the use of civilian employees within the Police Department.

B. San Francisco Charter Provisions

The San Francisco Charter, Article IV, Sec. 4. 127. POLICE DEPARTMENT provides in part:

POLICE STAFFING. The police force of the City and County shall at all times consist of not fewer than 1,971 full duty sworn officers. The staffing level of the Police Department shall be maintained with a minimum of 1,971 full duty sworn officers thereafter. That figure may be adjusted pursuant to Section 16.123.

.....
Further, the (Police) Commission shall initiate an annual review to civilianize as many positions as possible to maximize police presence in the communities and submit that report to the Board of Supervisors annually for review and approval.

The San Francisco Charter, Article XVI, Sec. 4.123. CIVILIAN POSITIONS WITHIN THE POLICE DEPARTMENT states:

(a) The Controller shall review sworn and civilian staffing needs in the San Francisco Police Department. As part of that review, the Controller shall review police staffing levels and patterns in comparable jurisdictions, and best practices regarding police staffing.

The Controller and the Chief of Police shall also audit all positions in the Police Department and identify those positions that must be filled by sworn officers and those that could be filled by civilian personnel or that, under best practices in other jurisdictions, typically are filled by civilian personnel.

In conducting these studies, the Controller and the Chief of Police shall consult with the Board of Supervisors' Budget Analyst, the Director of the Department of Human Resources, and a representative of the bargaining unit representing sworn members of the Police Department.

Upon the completion of these studies, the Controller and the Chief of Police shall forward to the Mayor and the Board of Supervisors a list of positions in the Police Department currently filled by sworn officers that could be filled by civilian personnel.

Upon submission of the list of positions to the Mayor and the Board of Supervisors, the provisions of subsection (a) shall expire and the City Attorney shall cause them to be deleted from future publications of the Charter, and shall cause the remaining provisions to be relettered accordingly.

(b) Positions may only be converted from sworn to civilian as they become vacant. No sworn officer shall be laid off in order to convert a position to civilian personnel.

If the Mayor and the Board of Supervisors convert positions from sworn officers to civilian personnel through the budget process, the minimum staffing level set in Section 4.127 shall be reduced by the same number of positions if the Controller and the Chief of Police jointly certify that the reduction will not decrease the number of police officers dedicated to neighborhood community policing, patrol and investigations and will not substantially interfere with the delivery of police services or the ability of the Police Department to protect the public in the event of an emergency.
(Added March 2004)

C. Investigation

San Francisco may soon face a critical shortage of sworn officers, as it is currently understaffed and has a significant number of officers who become eligible for retirement in the next few years. According to the Police Department's Human Resources unit³, as of May 23, 2007, not counting the airport, there were 2,153 sworn officers on active duty and 213 civilians. Of this total, 274 officers are on leave or restricted duty, leaving 1,879 sworn officers on full duty. This is a shortfall of 92 of the 1,971 sworn officers required by City Charter Article IV, Sec. 4.127.

³ Email from the San Francisco Police Department, received by the Jury on June 8, 2007.

Only 9% of the San Francisco Police Department work force are civilian employees. This is in sharp contrast to other major cities, which have a much higher percentage of civilian employees in their Police Departments. For example, Oakland's Police Department has 31%,⁴ Seattle has 28%,⁵ San Diego has 24%⁶ and Los Angeles has 28%⁷. The following table shows the numbers of sworn officers and civilians for each City's department:

Personnel	San Francisco	Oakland	Seattle	San Diego	Los Angeles
Sworn Officers	2,153	803	1,274	1,915	9,387
Civilian	213	363	493	587	3,605
Civilian % Total	9%	31%	28%	24%	28%

In the course of its investigation, the Civil Grand Jury learned that in the City of Oakland Police Department the following positions are filled by civilians: dispatchers, account clerks, crime lab personnel, payroll clerks, police service technicians, animal control officers, receptionists, administrative analysts, neighborhood services coordinators and police evidence technicians, among others. The City of Oakland Police Department has designated a wide range of assignments for civilians, who are effectively employed at a more economical rate of pay than sworn officers. Of equal importance, the City of Oakland Police Department recognizes the concomitant advantage of deploying its sworn officers in assignments for which they are better trained and better suited.

In considering what efforts might be needed to recruit civilian employees, the 2006-2007 Civil Grand Jury was impressed with the Los Angeles Police Department website. This website has a professional presentation,⁸ which makes it a point to attract civilians both as full time employees and as volunteers. The Los Angeles Police Department website lists over 100 job classifications available to civilians. By contrast,

⁴ Supplied by the Human Resources unit of the City of Oakland Police Department, figures as of February 2007.

⁵ Figures were obtained from the Seattle Police Department in November 2006.

⁶ Written documentation from Human Resources unit for the San Diego Police Department, figures as of February 2007.

⁷ Figures obtained from Records Division of the Los Angeles Police Department in November 2006.

⁸ http://www.lapdonline.org/join_the_team

the San Francisco Police Department website,⁹ is more difficult to navigate, does not prominently recruit civilians, and says nothing about volunteers.

The San Francisco Police Department has made slight progress in hiring civilians, increasing their proportion from 5.4% in December 2005 to 9 % in May 2007. The present Director of Human Resources, a civilian, has been in her job since late in 2006, replacing a Captain. Both the Risk Manager and the Chief Financial Officer are civilians. The Jury came away from its interviews impressed that San Francisco Police Department administrators were willing to be more proactive in increasing the ratio of civilians.

The Office of the Mayor, however, was less encouraging, stating that using civilians in desk jobs would be impractical; if the City hired more civilians it would still need to have the agreed number of officers, and “going to the Mayor for an increase in FTEs (full time equivalent employees) is not likely to fly.” On the other hand, a member of the Board of Supervisors advised that while it might be more expensive for the City during the immediate start-up phase, in the long run the City would save funds with a higher ratio of civilians and that the Board might well support funding for such an increase.

D. Findings and Recommendations

Finding IIIa: Civilian employees constitute a significant portion of the police department work force in other police jurisdictions, performing many routine functions that in San Francisco Police Department are performed by sworn officers.

Finding IIIb: The impending shortage of sworn officers in the San Francisco Police Department underlines the importance of reclassifying more of its positions as civilian, increasing its recruitment of civilian employees, and making the best use of the current cadre of officers to effectively meet the public safety needs of San Francisco.

Finding IIIc: Increasing the civilian workforce within the San Francisco Police Department, in compliance with the terms of San Francisco Charter Article 16, §16.123, may result in an initial increase in costs.

- **Recommendation IIIa:** The Controller and the Chief of Police should review the staffing needs in the San Francisco Police Department, with an emphasis on increasing the use of civilian employees. This review should include contacting the police departments of Oakland, Seattle,

⁹ http://www.sfgov.org/site/police_index.asp

San Diego and Los Angeles to review their staffing levels and best practices regarding Police Department use of civilians.

Responses required from	The Chief of the San Francisco Police Department The Office of the Controller The Department of Human Resources The Office of the Mayor (60 days) The Board of Supervisors (90 days)
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- **Recommendation IIIb:** The Controller and the Chief of Police should review the staffing needs in an Francisco Police Department to identify those positions that must be filled by sworn officers and those that could be filled by civilian personnel or that, under best practices in other jurisdictions such as Oakland, Seattle, San Diego and Los Angeles, typically are filled by civilian personnel.

Responses required from	The Chief of the San Francisco Police Department The Office of the Controller The Department of Human Resources The Office of the Mayor (60 days) The Board of Supervisors (90 days)
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- **Recommendation IIIc:** The San Francisco Police Department should establish benchmarks to progressively increase the proportion of civilian employees within the department, and its Human Resources Director should be tasked with reporting semiannually to the Chief on whether these benchmarks are being met.

Responses required from	The Chief of the San Francisco Police Department The Police Commission (60 days)
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Finding IIIId: San Francisco cannot afford to have less than a full complement of sworn officers, performing duties only they are trained to undertake to protect the health and safety of the City.

Finding IIIe: Two factors should, in time, mitigate the initial cost of the increased use of civilian employees. First, the rate of pay for civilians, in most instances, will be less than

that of sworn officers; second, the use of civilian employees will release sworn officers for police duties, which should result in less need for overtime.

- **Recommendation III d:** The Mayor and the Board of Supervisors should support increasing the number of civilians employed by the San Francisco Police Department, and should not use the initial cost of meeting the mandate of City Charter Article XVI, Sec. 16.123 (b) to defeat this important and vital improvement to police staffing.

Responses required from	The Chief of the San Francisco Police Department The San Francisco Police Commission The Office of the Controller The Office of the Mayor (60 days) The Board of Supervisors (90 days)
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Finding III f: The San Francisco Police Department website is not user friendly and does not encourage the recruitment of civilian employees.

- **Recommendation III e:** The San Francisco Police Department should hire a web master, at least on a part-time basis, to make its website more user friendly and to improve the recruiting efforts of the San Francisco Police Department.

Response required from	The Chief of the San Francisco Police Department (60 days)
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IV. RESPONSES REQUIRED BY DEPARTMENTS

Responses required in 60 days:

The Chief of the San Francisco Police Department	Recommendation IIa, page 4
	Recommendation IIIa, page 8
	Recommendation IIIb, page 9
	Recommendation IIIc, page 9
	Recommendation IIId, page 10
	Recommendation IIIe, page 10

The Police Commission	Recommendation IIa, page 4
	Recommendation IIIc, page 9
	Recommendation IIId, page 10

The Office of the Mayor	Recommendation IIa, page 4
	Recommendation IIIa, page 8
	Recommendation IIIb, page 9
	Recommendation IIId, page 10

The Office of the Controller	Recommendation IIIa, page 8
	Recommendation IIIb, page 9
	Recommendation IIId, page 10

Responses required in 90 days:

The Board of Supervisors	Recommendation IIa, page 4
	Recommendation IIIa, page 8
	Recommendation IIIb, page 9
	Recommendation IIId, page 10

V. SOURCES CONSULTED/BIBLIOGRAPHY

CIVIL GRAND JURY REPORTS AND RESPONSES:

2004-2005 San Francisco Civil Grand Jury Report, "Compensations Issues in the San Francisco Police Department".

Responses made by the San Francisco Police Department to the 2004-2005 San Francisco Civil Grand Jury Report, "Compensations Issues in the San Francisco Police Department".

CITY AND COUNTY OF SAN FRANCISCO:

San Francisco Charter, Article IV, Sec. 4.127

San Francisco Charter, Article XVI, Sec. 4.123

Memorandum of Understanding, between the City and County of San Francisco and the Police officers Association, effective July 30, 2003.

OTHER JURISDICTIONS:

San Diego Police Department, Human Resources Division, "Budgeted Positions Report as of February 2007".

The Civil Grand Jury spoke with and obtained information Oakland Police Department, Human Resources unit, the Seattle Police Department, and the Los Angeles Police Department, Records Division.

NEWSPAPERS AND PERIODICALS:

Staff Report, "Committee Eyes Police Overtime," The San Francisco Examiner, January 20, 2007.

Bonnie Eslinger, "New SFPD Contract will cut \$1M From OT Payroll," The San Francisco Examiner, February 27, 2007.

Joshua Sabatini, "SFPD Officers to See Pay Increase," The San Francisco Examiner, May 30, 2007

Robert Selna, "SF Police Set to Get 25% Pay Raise; Nurses Also Benefit," The San Francisco Chronicle, June 13, 2007

V. SOURCES CONSULTED/BIBLIOGRAPHY

Wyatt Buchanan, "Supervisors Block Contract With 25% Pay Raise - Union Head Accuses Board of Playing Politics, May Request Arbitrator in Future," San Francisco Chronicle, June 20, 2007.

WEBSITES:

http://www.lapdonline.org/join_the_team

http://www.sfgov.org/site/police_index.asp