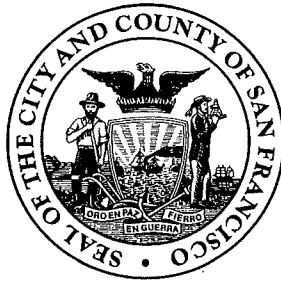


BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
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TDD/TTY No. 544-5227

October 14, 2016

The Honorable John K. Stewart
Presiding Judge
Superior Court of California, County of San Francisco
400 McAllister Street
San Francisco, CA 94102

Dear Judge Stewart:

The following is a status report on the 2015-2016 Civil Grand Jury Report (Report), "Into the Open: Opportunities for More Timely and Transparent Investigations of Fatal San Francisco Police Department Officer-Involved Shootings."

The Board of Supervisors Government Audit and Oversight Committee conducted a public hearing on September 15, 2016, to discuss the findings and recommendations of the Civil Grand Jury and the departments' responses to the Report.


The following City departments submitted a response to the Civil Grand Jury (copies enclosed):

- Mayor's Office submitted a consolidated response for the Mayor's Office of Public Policy and Finance, Police Department, City Administrator, and the Office of the Medical Examiner which was received on September 6, 2016
- Office of Citizen Complaints, received on September 6, 2016
- District Attorney, received on September 6, 2016
- Police Commission, received on September 26, 2016

The Report was heard in Committee, and Resolution No. 418-16 was prepared for the Board of Supervisors approval that formally accepted or rejected the findings and recommendations. The Board of Supervisors provided the required response on September 27, 2016 (copy enclosed).

If you have any questions, please contact Erica Major at (415) 554-4441.

Sincerely,


Angela Calvillo
Clerk of the Board

- c: Members, Board of Supervisors
Honorable John K. Stewart, Presiding Judge
Kathie Lowry, 2016-2017 San Francisco Civil Grand Jury
Kitsaun King, 2016-2017 San Francisco Civil Grand Jury
Jay Cunningham, 2015-2016 San Francisco Civil Grand Jury
Alison Scott, 2015-2016 San Francisco Civil Grand Jury
Kate Howard, Mayor's Office
Kelly Kirkpatrick, Mayor's Office
Nicole Elliott, Mayor's Office
Ben Rosenfield, Office of the Controller
Todd Rydstrom, Office of the Controller
Asja Steeves, Office of the Controller
Jon Givner, City Attorney's Office
Toney D. Chaplin, Police Department
Christine Fountain, Police Department
Sergeant Rachael Kilshaw, Police Commission
Dr. Michael Hunter, Office of the Medical Examiner
Christopher Wirowek, Office of the Medical Examiner
Joyce Hicks, Office of Citizen Complaints
John Alden, Office of Citizen Complaints
Severin Campbell, Budget and Legislative Analyst
Debra Newman, Budget and Legislative Analyst
Jadie Wasilco, Budget and Legislative Analyst

1 [Board Response - Civil Grand Jury - Into the Open: Opportunities for More Timely and
2 Transparent Investigations of Fatal San Francisco Police Department Officer-involved
3 Shootings]

4 **Resolution responding to the Presiding Judge of the Superior Court on the findings**
5 **and recommendations contained in the 2015-2016 Civil Grand Jury Report, entitled**
6 **“Into the Open: Opportunities for More Timely and Transparent Investigations of Fatal**
7 **San Francisco Police Department Officer-involved Shootings;” and urging the Mayor to**
8 **cause the implementation of accepted findings and recommendations through his/her**
9 **department heads and through the development of the annual budget.**

10
11 WHEREAS, Under California Penal Code, Section 933 et seq., the Board of
12 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
13 Court on the findings and recommendations contained in Civil Grand Jury Reports; and

14 WHEREAS, In accordance with California Penal Code, Section 933.05(c), if a finding or
15 recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a
16 county agency or a department headed by an elected officer, the agency or department head
17 and the Board of Supervisors shall respond if requested by the Civil Grand Jury, but the
18 response of the Board of Supervisors shall address only budgetary or personnel matters over
19 which it has some decision making authority; and

20 WHEREAS, Under San Francisco Administrative Code, Section 2.10(a), the Board of
21 Supervisors must conduct a public hearing by a committee to consider a final report of the
22 findings and recommendations submitted, and notify the current foreperson and immediate
23 past foreperson of the civil grand jury when such hearing is scheduled; and

24 WHEREAS, In accordance with San Francisco Administrative Code, Section 2.10(b),
25 the Controller must report to the Board of Supervisors on the implementation of

1 recommendations that pertain to fiscal matters that were considered at a public hearing held
2 by a Board of Supervisors Committee; and

3 WHEREAS, The 2015-2016 Civil Grand Jury Report, entitled "Into the Open:
4 Opportunities for More Timely and Transparent Investigations of Fatal SFPD [San Francisco
5 Police Department] Officer-involved Shootings" (Report) is on file with the Clerk of the Board
6 of Supervisors in File No. 160616, which is hereby declared to be a part of this Resolution as
7 if set forth fully herein; and

8 WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond
9 to Recommendation Nos. R.5.D, R.7.D, and R.12.D contained in the subject Report; and

10 WHEREAS, Recommendation No. R.5.D states: "The Board of Supervisors should
11 approve these additional resources requested by the DA's [District Attorney] Office and
12 included by the Mayor and the Mayor's Office of Public Policy and Finance in the proposed
13 budget for FY2017-2018, and thereafter, to expedite OIS [Officer-Involved Shootings]
14 investigations. Approval of these additional resources again should be contingent upon
15 marked, measurable improvement by the DA's Office in the time it takes to complete its
16 criminal investigations and issue its charging decision letters in OIS cases;" and

17 WHEREAS, Recommendation No. R.7.D states: "The Board of Supervisors should
18 approve the resources requested by the OCC [Office of Citizen Complaints] and included by
19 the Mayor and the Mayor's Office of Public Policy and Finance in the proposed budget for
20 FY2017-2018, and thereafter, for transcription services;" and

21 WHEREAS, Recommendation No. R.12.B states: "The Chief of Police, the Supervisor
22 for the district in which the OIS incident occurs, the DA, the Director of the OCC, all members
23 of the Police Commission, and all members of the newly formed OIS Task Force (see
24 Recommendation Nos. R.8.A and R.8.B) should attend the town hall meetings to show that
25 they acknowledge the seriousness of the situation, understand how critical it is to have a

1 thorough, accountable and transparent investigation and analysis of what occurred, and are
2 united toward the goal of making that happen. Faith leaders and other community advocacy
3 groups should also be invited to participate;" and

4 WHEREAS, In accordance with California Penal Code, Section 933.05(c), the Board of
5 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
6 Court on Recommendation Nos. R.5.D, R.7.D and R.12.D contained in the Report; now,
7 therefore, be it

8 RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the
9 Superior Court that Recommendation No. R.5.D requires further analysis for reasons as
10 follows: As reported by the Mayor's budget office: "The DA's Office budget for FY2016-2017
11 and FY2017-2018 includes \$1.8 million in each year and additional staffing of 14 positions to
12 expedite Officer-Involved shooting investigations." However as noted by the BLA [Budget and
13 Legislative Analyst's Office] for the Board of Supervisors, funds have been placed on reserve
14 and currently the Budget and Finance Committee will consider the release of those funds by
15 October 1, 2016. The Board of Supervisors agrees that future funding decisions and
16 department oversight should evaluate the DA's improvement in promptly completing criminal
17 investigations and issuing charging decision letters in Officer-Involved shooting cases, the
18 Board of Supervisors will follow up on this matter at the October 20, 2016, Government Audit
19 and Oversight Committee Meeting; and, be it

20 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
21 No. R.7.D has been implemented for reasons as follows: Increased funding for the Office of
22 Citizen Complaints has been included in budgets for FY2016-2017 and FY2017-2018; and, be
23 it

24 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
25 No. R.12.D will not be implemented for reasons as follows: The Board of Supervisors

1 wholeheartedly agrees with this recommendation and Board of Supervisors members do
2 participate in exactly such town hall meetings. However, the Board of Supervisors cannot
3 make promises on behalf of the members of the Police Commission, the District Attorney, or
4 other officials, and therefore, given the constraints imposed by the Civil Grand Jury response
5 structure must unfortunately provide a response of "will not be implemented." The Board of
6 Supervisors will, however, continue pushing for and participating in such town hall meetings
7 and for thorough, accountable, and transparent investigations of all Officer-involved shootings;
8 and, be it

9 FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the
10 implementation of the accepted findings and recommendations through his/her department
11 heads and through the development of the annual budget.

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City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160616

Date Passed: September 27, 2016

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2015-2016 Civil Grand Jury Report, entitled "Into the Open: Opportunities for More Timely and Transparent Investigations of Fatal San Francisco Police Department Officer-Involved Shootings;" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget.

September 15, 2016 Government Audit and Oversight Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

September 15, 2016 Government Audit and Oversight Committee - RECOMMENDED AS AMENDED

September 27, 2016 Board of Supervisors - ADOPTED

Ayes: 10 - Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

Excused: 1 - Avalos

File No. 160616

I hereby certify that the foregoing Resolution was ADOPTED on 9/27/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Unsigned

Mayor

10/7/2016

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Regina Revilla
for Angela Calvillo
Clerk of the Board

10/7/16
Date

