



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

February 9, 2017

L. JULIUS M. TURMAN
President

THOMAS MAZZUCCO
Vice President

DR. JOE MARSHALL
Commissioner

PETRA DeJESUS
Commissioner

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Commissioner

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Commissioner

The Honorable Teri L. Jackson
Presiding Judge
Superior Court of California,
County of San Francisco
400 McAllister Street
San Francisco, CA 94102

Sergeant Rachael Kilshaw
Secretary

RE: Civil Grand Jury Report - *Into the Open: Opportunities for More Timely and Transparent Investigations of Fatal San Francisco Police Department Officer-Involved Shootings.*

Dear Judge Jackson:

Pursuant to California Penal Code sections 933 and 933.05, the following is the Police Commission's ("Commission") six month progress report regarding the recommendations listed 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 ("Report")**" where the Commission determined further analysis was needed prior to determining if the recommendation would be implemented. The Commission would again like to thank the members of the Civil Grand Jury for their interest in the City's various investigations of Officer-Involved Shootings ("OIS") and for their efforts to improve the timeliness and transparency of OIS investigations.

RECOMMENDATIONS THAT REQUIRED FURTHER ANALYSIS BY THE POLICE COMMISSION

Recommendation R.10.A: SFPD and the Police Commission should make it official policy for the SFPD to hold press conferences as soon as possible after each OIS incident.

Recommendation has been implemented.

Recommendation R.11.A: SFPD and the Police Commission should make it official policy for the SFPD to post "updates" on its website as soon as possible after each OIS incident.

Recommendation has been implemented.

Recommendation R.12.A: SFPD and the Police Commission should make it official policy for the SFPD to hold town hall meetings within a week after each OIS incident.

Recommendation has been implemented with a commitment to holding the town hall meeting within *ten* (10) days after each OIS incident.

Recommendation R.12.B: The Chief of Police, the Supervisor for the district in which the OIS incident occurs, the DA, the Director of the OCC, all members of the Police Commission, and all members of the newly formed OIS Task Force (see Recommendations R.8.A. and R.8.B.) should attend the town hall meetings to show that they acknowledge the seriousness of the situation, understand how critical it is to have a thorough, accountable and transparent investigation and analysis of what occurred, and are united toward the goal of making that happen. Faith leaders and other community advocacy groups should also be invited to participate.

The recommendation will not be implemented at the Commission level because it violates Administrative Code 67 et seq. and Government Code §549954.

The official policy of the SFPD is to convene a town hall meeting within ten days of an OIS incident. In order for *all members of the Commission* to attend the town hall meeting – which by policy is held at a location other than City Hall – the meeting must be properly noticed at least fifteen days prior to the meeting. Absent proper notification, all of the members of the Commission cannot attend the same town hall meeting because doing so violates Administrative Code 67 et seq. and Government Code §549954 by creating a quorum and holding an improperly noticed meeting.

The Commission acknowledges the seriousness of these critical incidents and the importance of transparency and accountability. The Commission strives to have two Commissioners attend each town hall meeting.

Recommendation R.15: The Police Commission or the newly created OIS Investigation Oversight Task Force (see Recommendations R.8.A. and R.8.B), in addition to summarizing the findings and conclusions of the various OIS investigation (again see Recommendation R.8.A. and R.8.B.), should examine fatal OIS incidents with a view to developing “lessons learned” and answering the following questions:

- What circumstances contributed to the OIS incident?
- What aspects of the interaction between the SFPD officers and the suspect, if any, could have been handled differently so that the loss of life would not have occurred?
- What alternatives to deadly force may have been tried? What lessons can be learned?
- Should any SFPD policies and procedures be reviewed or revised because of the incident?

The entity making this review of the fatal OIS investigation should publish its findings, as well as those from each of the other City agencies involved, in one comprehensive report that is made available to the public. The entity should then hold town hall meetings to share highlights from


the report and the conclusions drawn from the OIS incident and should seek and allow for public comment and feedback.

This recommendation may be implemented in the future.

The Commission has directed the SFPD to review the policies, practices and process regarding the examination of fatal OIS incidents with a view to developing lessons learned.

On behalf of the entire Police Commission, I again want to thank you for the opportunity to respond to the Civil Grand Jury's report, *Into the Open: Opportunities for More Timely and Transparent Investigation of Fatal San Francisco Police Department Officer-Involved Shootings.* The Commission is committed to improving the timeliness and transparency of Officer-Involved Shootings.

Sincerely,


THOMAS P. MAZZUCCO *pk*
Vice President
San Francisco Police Commission

cc: VIA EMAIL
Honorable Mayor Edwin Lee
Honorable San Francisco Board of Supervisors
Commission President L. Julius M. Turman
Chief William Scott