

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.**

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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. 160615, 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’s] Office and
12 included by the Mayor and the Mayor’s Office of Public Policy and Finance in the proposed
13 budget for Fiscal Year 2017-2018, 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 Fiscal Year 2017-2018, 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 Recommendations R.8.A and R.8.B) should attend the town hall meetings to show that they
25 acknowledge the seriousness of the situation, understand how critical it is to have a thorough,

1 accountable and transparent investigation and analysis of what occurred, and are united
2 toward the goal of making that happen. Faith leaders and other community advocacy groups
3 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 they _____ with Recommendation No. R.5.D for reasons as follows:
10 _____; and, be it

11 FURTHER RESOLVED, That the Board of Supervisors reports that they _____ with
12 Recommendation No. R.7.D for reasons as follows: _____; and, be it

13 FURTHER RESOLVED, That the Board of Supervisors reports that they _____ with
14 Recommendation No. R.12.D for reasons as follows: _____ ; and, be it

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

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