

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

November 7, 2016

The Honorable John K. Stewart  
Presiding Judge  
Superior Court of California, County of San Francisco  
400 McAllister Street, Department 206  
San Francisco, CA 94102-4514


Dear Judge Stewart:

The Board of Supervisors' Government Audit and Oversight Committee conducted an additional public hearing on October 20, 2016, to receive updates from various City departments on the status of the continued Recommendation No. R.5.D from 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."

On November 1, 2016, the Board of Supervisors unanimously adopted Motion No. M16-152 as the updated response to the Report (attached).

If you have any questions, please contact myself or Erica Major, Government Audit and Oversight Committee Clerk, at (415) 554-5184.

Sincerely,

  
Angela Calvillo  
Clerk of the Board

c: Pat Kilkenny, Superior Court  
Asja Steeves, Civil Grand Jury Coordinator

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 **Motion responding to the Civil Grand Jury's request to provide a status update on the**  
5 **Board of Supervisors response to Recommendation No. R.5.D contained in the 2015-**  
6 **2016 Civil Grand Jury Report, entitled "Into the Open: Opportunities for More Timely**  
7 **and Transparent Investigations of Fatal San Francisco Police Department Officer-**  
8 **Involved Shootings;" and urging the Mayor to cause the implementation of accepted**  
9 **findings and recommendations through his/her department heads and through the**  
10 **development of the annual budget.**

11  
12 WHEREAS, The 2015-2016 San Francisco Civil Grand Jury published a report, entitled  
13 "Into the Open: Opportunities for More Timely and Transparent Investigations of Fatal San  
14 Francisco Police Department Officer-Involved Shootings" (Report) on July 6, 2016; and

15 WHEREAS, The Board of Supervisors' Government Audit and Oversight Committee  
16 (GAO) conducted a public hearing to hear and respond to the Report on September 15, 2016;  
17 a copy of which is on file with the Clerk of the Board of Supervisors in File No. 160616; and

18 WHEREAS, Recommendation No. R.5.D states: "The Board of Supervisors should  
19 approve these additional resources requested by the DA's [District Attorney] Office and  
20 included by the Mayor and the Mayor's Office of Public Policy and Finance in the proposed  
21 budget for FY2017-2018, and thereafter, to expedite OIS [Officer-Involved Shootings]  
22 investigations. Approval of these additional resources again should be contingent upon  
23 marked, measurable improvement by the DA's Office in the time it takes to complete its  
24 criminal investigations and issue its charging decision letters in OIS cases;" and  
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1           WHEREAS, The Board of Supervisors on September 15, 2016, responded in  
2 Resolution No. 160616 that Recommendation No. R.5.D requires further analysis for reasons  
3 as follows: As reported by the Mayor's Office of Public Policy and Finance: "The DA's Office  
4 budget for FYs 2016-2017 and 2017-2018 includes \$1.8 million in each year and additional  
5 staffing of 14 positions to expedite Officer-Involved shooting investigations." However as  
6 noted by the Budget and Legislative Analyst's Office for the Board of Supervisors, funds have  
7 been placed on reserve and currently the Budget and Finance Committee will consider the  
8 release of those funds by October 1, 2016. The Board of Supervisors agrees that future  
9 funding decisions and department oversight should evaluate the DA's improvement in  
10 promptly completing criminal investigations and issuing charging decision letters in Officer-  
11 Involved shooting cases; and

12           WHEREAS, The GAO conducted an additional hearing on October 20, 2016, to receive  
13 an update from City departments on Recommendation No. R.5.D; now, therefore, be it

14           MOVED, That the Board of Supervisors reports to the Presiding Judge of the Superior  
15 Court that Recommendation No. R.5.D has been implemented for reasons as follows: The  
16 Board of Supervisors appropriated and placed on Budget and Finance Committee Reserve  
17 \$1.8 million in FY2016-2017 to add 14 positions in the District Attorney's Office to expedite  
18 Officer-Involved Shooting investigations. On September 28, 2016 the Budget and Finance  
19 Committee released \$1.5 million to hire these 14 positions in FY2016-2017 and retained \$0.3  
20 million on Budget and Finance Committee Reserve. The Board of Supervisors agrees that  
21 future funding decisions and department oversight should evaluate the DA's improvement in  
22 promptly completing criminal investigations and issuing charging decision letters in Officer-  
23 involved shooting cases; and, be it

1           FURTHER MOVED, That the Board of Supervisors urges the Mayor to cause the  
2 implementation of the accepted recommendation through his/her department heads and  
3 through the development of the annual budget.

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**City and County of San Francisco**  
**Tails**  
**Motion: M16-152**

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

**File Number:** 160615

**Date Passed:** November 01, 2016

Motion responding to the Civil Grand Jury's request to provide a status update on the Board of Supervisors response to Recommendation No. R.5.D 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 - CONTINUED

October 20, 2016 Government Audit and Oversight Committee - PREPARED IN COMMITTEE AS A MOTION

October 20, 2016 Government Audit and Oversight Committee - RECOMMENDED

November 01, 2016 Board of Supervisors - APPROVED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160615

I hereby certify that the foregoing Motion was APPROVED on 11/1/2016 by the Board of Supervisors of the City and County of San Francisco.

  
\_\_\_\_\_  
Angela Calvillo  
Clerk of the Board



City and County of San Francisco

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

Certified Copy

Motion

160615 [ Board Response - Civil Grand Jury - Into the Open: Opportunities for More Timely and Transparent Investigations of Fatal San Francisco Police Department Officer-Involved Shootings ]

Motion responding to the Civil Grand Jury’s request to provide a status update on the Board of Supervisors response to Recommendation No. R.5.D 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. (Government Audit and Oversight Committee)

11/1/2016 Board of Supervisors - APPROVED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

STATE OF CALIFORNIA  
CITY AND COUNTY OF SAN FRANCISCO

CLERK’S CERTIFICATE

I do hereby certify that the foregoing Motion is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

November 03, 2016

Date

*Peggy Nemin*  
for Angela Calvillo  
Clerk of the Board