

[Authorizing the Chief of Police to Suspend Police Officers for Up to 45 Days]

CHARTER AMENDMENT

PROPOSITION ____

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by amending Section A8.343 to increase the number of days that the Chief of Police may suspend police officers from 10 to 45, and making other non-substantive amendments.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 6, 2007, a proposal to amend the Charter of the City and County by amending Section A8.343 to read as follows:

Note: Additions are *single-underline italics Times New Roman*.
Deletions are ~~*strikethrough italics Times New Roman*~~.

SEC. A8.343. FINE, SUSPENSION AND DISMISSAL IN POLICE AND FIRE DEPARTMENTS

Members of the uniformed ranks of the ~~f~~Fire or the ~~p~~Police ~~d~~Department~~s~~ guilty of any offense or violation of the rules and regulations of their respective departments, shall be liable to be punished by reprimand, or by fine not exceeding one month's salary for any offense, or by suspension for not to exceed ~~three months~~90 calendar days, or by dismissal, after trial and hearing by the commissioners of their respective departments; provided, however, that the ~~e~~Chief of ~~each respective department~~ the Fire Department for disciplinary purposes may suspend such member for a period not to exceed 10 working days for violation of the rules and regulations of ~~his the Fire d~~Department, and the Chief of the Police Department for disciplinary purposes may suspend such member for a period not to exceed 45 calendar days for violation of the rules and regulations of the Police Department. Any such member so suspended shall have the right to appeal such suspension to the ~~f~~Fire ~~e~~Commission or to the ~~p~~Police ~~e~~Commission, as the case may be, and have a trial and hearing on such suspension. Written notice of appeal must be filed

within 10 days after such suspension and the hearing of said appeal must be held within 30 days after the filing of said notice of appeal. If the commission shall reverse or alter the finding of the chief, it shall order that the member affected be paid salary for the time of the suspension received or altered. In the event the chief should exercise such power of suspension, the member involved shall not be subject to any further disciplinary action for the same offense; provided, that where the Office of Citizen Complaints has sustained a complaint and recommended discipline in excess of a ~~10~~45-day suspension, the Chief of Police may not exercise his or her power of suspension under this section without first meeting and conferring with the director of the Office of Citizen Complaints and affording the director an opportunity to verify and file charges with the Police Commission pursuant to Section 4.127. If the director of the Office of Citizen Complaints verifies and files charges, the Police Commission shall conduct a trial and hearing thereon, and the Chief of Police may not suspend the member pending the outcome of the Police Commission proceedings on the charges except as provided in Section A8.344.

Subject to the foregoing, members of the uniformed ranks of either department shall not be subject to dismissal, nor to punishment for any breach of duty or misconduct, except for cause, nor until after a fair and impartial trial before the commissioners of their respective departments, upon a verified complaint filed with such commission setting forth specifically the acts complained of, and after such reasonable notice to them as to time and place of hearings as such commission may, by rule, prescribe. The accused shall be entitled, upon hearing, to appear personally and by counsel; to have a public trial; and to secure and enforce, free of expense, the attendance of all witnesses necessary for his defense. The Commission may subpoena witnesses, administer oaths and compel the production of books, papers, testimony and other evidence, as provided in Charter Section 16.114.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney
By: _____
MOLLY S. STUMP
Deputy City Attorney