

1 [Urging the Arbitration Board to Incorporate City Proposal #22 into the Memorandum of
2 Understanding Between the City and County of San Francisco and the San Francisco Police
3 Officers' Association]

4 **Resolution urging the Arbitration Board to adopt and incorporate City Proposal #22,**
5 **requiring the San Francisco Police Officers Association to request to meet within 14**
6 **days of any changes involving United States Department of Justice recommendations,**
7 **and to waive factfinding and impasse procedures if no agreement is reached, into any**
8 **new Memorandum of Understanding between the City and County of San Francisco**
9 **and the San Francisco Police Officers Association.**

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11 WHEREAS, San Francisco city officials and community members invited the United
12 States Department of Justice to conduct an in-depth review into the policies and practices of
13 the San Francisco Police Department in 2015; and

14 WHEREAS, The United States Department of Justice Office of Community Oriented
15 Policing Services launched an independent and comprehensive review of the San Francisco
16 Police Department on February 1, 2016; and

17 WHEREAS, The Board of Supervisors unanimously passed a Resolution (File No.
18 161315) supporting the Use of Force policy unanimously agreed upon by the San Francisco
19 Police Commission and urging the San Francisco Police Officers Association (SFPOA) to
20 implement said Use of Force policy; and

21 WHEREAS, On December 21, 2016, the San Francisco Police Commission passed a
22 new use-of-force policy incorporating feedback and recommendations from the Department of
23 Justice, updating an outdated policy that had been in effect for over 20 years; and
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1 WHEREAS, The San Francisco Police Officers Association filed a lawsuit against the
2 City and County of San Francisco, attempting to block implementation of San Francisco's new
3 use-of-force policy; and

4 WHEREAS, The San Francisco Police Officers Association appealed the court's
5 decision when it lost its lawsuit and has not withdrawn its appeal to date; and

6 WHEREAS, The United States Department of Justice (USDOJ) issued a
7 comprehensive report in October 2016, with 94 findings and 272 recommendations for the
8 San Francisco Police Department to improve its practices; and

9 WHEREAS, San Francisco city and law enforcement officials have unanimously
10 endorsed the Department of Justice report and called for immediate implementation of its 272
11 recommendations; and

12 WHEREAS, San Francisco Police Chief William Scott has committed to the full
13 implementation of the Department of Justice recommendations; and

14 WHEREAS, The City and County of San Francisco is currently negotiating a new
15 Memorandum of Understanding with the San Francisco Police Officers Association; and

16 WHEREAS, This Memorandum of Understanding will represent one of the largest
17 expenditures in the budget for the City and County of San Francisco, requiring a baseline of
18 half billion dollars in annual costs; and

19 WHEREAS, On March 21, 2018, Supervisor Malia Cohen called a hearing to provide
20 consultation and input to the Mayor and Department of Human Resources on the successor
21 Memorandum of Understanding negotiations between the City and County of San Francisco
22 and the San Francisco Police Officers Association; and

23 WHEREAS, During the aforementioned hearing, community members and members of
24 the Board of Supervisors' Government Audit and Oversight committee emphasized their
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1 priorities for the successor MOU, including uninhibited implementation of the Department of
2 Justice recommendations; and

3 WHEREAS, Public safety services secured with these considerable expenditures must
4 be performed in as professional, effective, and high quality manner as possible; and

5 WHEREAS, The successful implementation of the Department of Justice
6 recommendations is critical to the quality and value of the services covered by the
7 Memorandum of Understanding; and

8 WHEREAS, Successful and efficient implementation of the Department of Justice
9 recommendations requires as much cooperation as possible from the SFPOA; and

10 WHEREAS, The City and County of San Francisco, through the Department of Human
11 Resources, introduced City Proposal #22 into the negotiations, requiring the San Francisco
12 Police Officers Association to request to meet within 14 days of any changes involving
13 Department of Justice recommendations within the scope of representation, and to waive
14 factfinding and impasse procedures if no agreement is reached; and

15 WHEREAS, Negotiations over this Memorandum of Understanding went to arbitration
16 on April 16, 2018; and

17 WHEREAS, On April 17, 2018, San Francisco Police Chief William Scott testified in
18 front of the Arbitration Board that City Proposal #22 would help expedite implementation of the
19 Department of Justice recommendations; now, therefore, be it

20 RESOLVED, That the San Francisco Board of Supervisors supports the Department of
21 Human Resources presentation of City Proposal #22 as language to be incorporated into the
22 Memorandum of Understanding; and, be it

23 RESOLVED, That if the San Francisco Police Officers Association does not agree to
24 City Proposal #22, the Board of Supervisors urges the Arbitration Board to factor this into
25 consideration regarding other issues under negotiation, including compensation; and, be it

1 FURTHER RESOLVED, That if no agreement is reached regarding City Proposal #22,
2 the Board of Supervisors urges the Arbitration Board to incorporate City Proposal #22—to the
3 extent possible—into the new Memorandum of Understanding between the City and County of
4 San Francisco and the San Francisco Police Officers Association.