

**Status of the Recommendations
by the Civil Grand Jury
2004-05**

CGJ Year	Report Title	Recommendation	Response Required	2006 Response (1)	2006 Response Text	2007 Response (1)	2007 Response Text
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	1. The Juvenile Probation Department (JPD) must develop and enforce policies and procedures that support the goal of reducing the population of detained youth that are unnecessarily detained. For example, supervisors of probation officers (POs) must approve all overrides of the Risk Assessment Instrument, as required by policy.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on July 25, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the Juvenile Probation Department's response to the report. William Siffermann, Chief Probation Officer, presented at the hearing. Implementation of some recommendations has been initiated. Further analysis is being done on others. The Controller's Office is addressing Recommendation 7 concerning management performance audits of community based organizations. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	1. The Juvenile Probation Department (JPD) must develop and enforce policies and procedures that support the goal of reducing the population of detained youth that are unnecessarily detained. For example, supervisors of probation officers (POs) must approve all overrides of the Risk Assessment Instrument, as required by policy.	Juvenile Probation Commission	--	While the entire report of the Civil Grand Jury is germane to the oversight responsibilities of the Juvenile Probation Commission, and the Commission has given the Chief Probation Officer the discretion to take appropriate actions in the addressing each of the first 8 points.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Commission has no direct authority over this issue, but understands the Dept has implemented several steps of review to address spikes in JH population, and facilitate release to detention alternatives.
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	1. The Juvenile Probation Department (JPD) must develop and enforce policies and procedures that support the goal of reducing the population of detained youth that are unnecessarily detained. For example, supervisors of probation officers (POs) must approve all overrides of the Risk Assessment Instrument, as required by policy.	Juvenile Probation Department	Recommendation Implemented	A policy requiring supervisory review and approval of all RAI overrides was introduced in May of 2005. Beginning in September of 2005, probation officers were directed to submit a written report of all RAI overrides to the Chief Probation Officer at the end of each shift. Additionally, the Chief Probation Officer convenes a weekly houselist review meeting with the Probation Division Director and supervisors along with the Juvenile Hall Director to identify youth who might benefit from the development of an expedited release plan. Additionally a variety of detention alternative programs are being examined for inclusion into an Administrative Sanctions Continuum to be developed in 2006.	**	
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	1. The Juvenile Probation Department (JPD) must develop and enforce policies and procedures that support the goal of reducing the population of detained youth that are unnecessarily detained. For example, supervisors of probation officers (POs) must approve all overrides of the Risk Assessment Instrument, as required by policy.	Mayor	--	The Mayor's Office supports the responses contained in the Juvenile Probation Department, Mayor's Office of Criminal Justice, Office of the Controller and Police Department status reports.	Will Not Be Implemented: Not Warranted or Not Reasonable	Does not pertain to the Mayor's Office
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	1. The Juvenile Probation Department (JPD) must develop and enforce policies and procedures that support the goal of reducing the population of detained youth that are unnecessarily detained. For example, supervisors of probation officers (POs) must approve all overrides of the Risk Assessment Instrument, as required by policy.	Mayor's Office of Criminal Justice	Recommendation Implemented	This recommendation has been implemented in May 2005. The Juvenile Probation Department supported and encouraged by the Mayor's Office of Criminal Justice has developed strict protocols that require review of all overrides of the Risk Assessment Instrument. Further, the Chief is informed of all such overrides and reviews them daily. Further, the department is presently exploring the expansion of alternatives to detention such as evening reporting centers and non-secure shelter beds.	**	
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	1. The Juvenile Probation Department (JPD) must develop and enforce policies and procedures that support the goal of reducing the population of detained youth that are unnecessarily detained. For example, supervisors of probation officers (POs) must approve all overrides of the Risk Assessment Instrument, as required by policy.	Office of the Controller	Will Not Be Implemented: Not Warranted or Not Reasonable	This recommendation does not apply to the Controller's Office and should be addressed by Juvenile Probation Department.	**	
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	1. The Juvenile Probation Department (JPD) must develop and enforce policies and procedures that support the goal of reducing the population of detained youth that are unnecessarily detained. For example, supervisors of probation officers (POs) must approve all overrides of the Risk Assessment Instrument, as required by policy.	Police Commission	--	The Police Commission Office has received the above request from the Controller's office. Of the nine recommendations, it appears that the San Francisco Police Department, also a named respondent, is better positioned to respond to the recommendations that relate to Police Department operations. Therefore, the Police Commission would defer to the responses received by you from the Police Department.	Will Not Be Implemented: Not Warranted or Not Reasonable	Will not be Implemented by the Police Commission (not reasonable) The matter is referred to the Police Department for implementation
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	1. The Juvenile Probation Department (JPD) must develop and enforce policies and procedures that support the goal of reducing the population of detained youth that are unnecessarily detained. For example, supervisors of probation officers (POs) must approve all overrides of the Risk Assessment Instrument, as required by policy.	SFPD	Recommendation Implemented	This has been implemented. The SFPD Juvenile Division has worked closely with the Juvenile Detention Alternative Initiative (JDAI) to establish the existing Risk Assessment Instrument. This tool, required to be used by Juvenile Probation Officers before accepting a custodial arrest, attempts to identify offenders who present significant risk to the community as demonstrated by their actions, history, and nature of the offense. Offending youth who do not present a risk are provided alternative placement. The JDAI and Disproportionate Minority Confinement (DMC) monitor compliance and review criteria. The OIC of SFPD Juvenile Division participates in both committees.	**	

(1) "--" Department did not respond with one of the four required actions.

**** Response not required: Recommendation has been implemented or abandoned.

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2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	2. The new chief of the JPD should make the supervision and management of JPD staff, particularly the POs, a top priority for his administration. For example, all POs must be evaluated routinely with respect to their adherence to Department policies and procedures.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on July 25, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the Juvenile Probation Department's response to the report. William Siffermann, Chief Probation Officer, presented at the hearing. Implementation of some recommendations has been initiated. Further analysis is being done on others. The Controller's Office is addressing Recommendation 7 concerning management performance audits of community based organizations. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	2. The new chief of the JPD should make the supervision and management of JPD staff, particularly the POs, a top priority for his administration. For example, all POs must be evaluated routinely with respect to their adherence to Department policies and procedures.	Juvenile Probation Commission	--	While the entire report of the Civil Grand Jury is germane to the oversight responsibilities of the Juvenile Probation Commission, and the Commission has given the Chief Probation Officer the discretion to take appropriate actions in the addressing each of the first 8 points.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Commission has no direct authority over personnel issues, but is in total agreement with this recommendation.
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	2. The new chief of the JPD should make the supervision and management of JPD staff, particularly the POs, a top priority for his administration. For example, all POs must be evaluated routinely with respect to their adherence to Department policies and procedures.	Juvenile Probation Department	Recommendation Implemented	The Chief Probation Officer meets with Division Directors on a day-to-day basis given exigent circumstances or needs. Performance appraisals are being completed on all staff for 2005. Several staff have required the necessary application of corrective or disciplinary action as remedy to poor performance. The implementation of this recommendation will be ongoing.	**	
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2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	2. The new chief of the JPD should make the supervision and management of JPD staff, particularly the POs, a top priority for his administration. For example, all POs must be evaluated routinely with respect to their adherence to Department policies and procedures.	Mayor's Office of Criminal Justice	Recommendation Implemented	The implementation of this recommendation began during the summer of 2005. The Chief Probation Officer has directed that baseline evaluations be conducted for all managers, probation officers and support staff. These evaluations have been completed. The goal of the evaluations is to establish performance benchmarks and provide staff with specific feedback regarding their compliance with department policies, procedures and directives. Supervisors are being held accountable to the performance of their assigned staff (e.g. Any motions to show cause against probation officers are being placed on a corrective action track for purposes of holding officers accountable to court and departmental expectations. Supervisors are also expected to provide participate in the development of the corrective action plan and communicate the results to the Director of Juvenile Probation.	**	
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(1) "--" Department did not respond with one of the four required actions.

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2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	3. The new chief of the JPD should engage all stakeholders within the context of the Juvenile Detention Alternative Initiative in a reconsideration of the Risk Assessment Instrument (RAI), with the goal of strict adherence to the use of the RAI by POs.	Juvenile Probation Department	Recommendation Implemented	The Executive Committee of JDAI has carefully considered the recommendation to reconsider the current RAI. The committee supported the suspension of any adjustment of the current instrument until such time as its use could be converted to electronic scoring so that all data captured, as well as the final decisions, could be sorted and tabulated. This was completed in December of 2005. An examination of the RAI's elements, weights and thresholds will commence in December of 2006. A change in the supervisor of the unit responsible for this function has improved the use of the RAI. This recommendation will require continued vigilance.	**	
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2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	4. The Community Assessment Referral Center (CARC) should be open 24 hours per day, 7 days per week and staffed by POs. This will accomplish the original intention for it to be the single screening point of entry into the juvenile justice system.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on July 25, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the Juvenile Probation Department's response to the report. William Siffermann, Chief Probation Officer, presented at the hearing. Implementation of some recommendations has been initiated. Further analysis is being done on others. The Controller's Office is addressing Recommendation 7 concerning management performance audits of community based organizations. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	4. The Community Assessment Referral Center (CARC) should be open 24 hours per day, 7 days per week and staffed by POs. This will accomplish the original intention for it to be the single screening point of entry into the juvenile justice system.	Juvenile Probation Commission	--	While the entire report of the Civil Grand Jury is germane to the oversight responsibilities of the Juvenile Probation Commission, and the Commission has given the Chief Probation Officer the discretion to take appropriate actions in the addressing each of the first 8 points.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Commission would be in agreement with this, but has no authority to direct it, short of approving funding to enable such an extensive operation.
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	4. The Community Assessment Referral Center (CARC) should be open 24 hours per day, 7 days per week and staffed by POs. This will accomplish the original intention for it to be the single screening point of entry into the juvenile justice system.	Juvenile Probation Department	Will Not Be Implemented: Not Warranted or Not Reasonable	The conversion of the Community Assessment Referral Center (CARC) into a 24/7 operation has been determined to be cost prohibitive at this time given a cost/benefit analysis that favors maintaining the existing schedule since the volume of anticipated youth served during expanded hours would not justify the concomitant expenditures.	**	
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	4. The Community Assessment Referral Center (CARC) should be open 24 hours per day, 7 days per week and staffed by POs. This will accomplish the original intention for it to be the single screening point of entry into the juvenile justice system.	Mayor	--	The Mayor's Office supports the responses contained in the Juvenile Probation Department, Mayor's Office of Criminal Justice, Office of the Controller and Police Department status reports.	Will Not Be Implemented: Not Warranted or Not Reasonable	Does not pertain to the Mayor's Office
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	4. The Community Assessment Referral Center (CARC) should be open 24 hours per day, 7 days per week and staffed by POs. This will accomplish the original intention for it to be the single screening point of entry into the juvenile justice system.	Mayor's Office of Criminal Justice	Will Not Be Implemented: Not Warranted or Not Reasonable	This recommendation will not be implemented at this time. The department has conducted a cost benefits analysis and determined that it would not be cost-effective to operate the Community Assessment Referral Center on a 24 hour basis. MOCJ believes that the consistent application of the RAI should serve to divert youth from YGC when arrested during those hours when CARC is not operational.	**	
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	4. The Community Assessment Referral Center (CARC) should be open 24 hours per day, 7 days per week and staffed by POs. This will accomplish the original intention for it to be the single screening point of entry into the juvenile justice system.	Office of the Controller	Will Not Be Implemented: Not Warranted or Not Reasonable	This recommendation does not apply to the Controller's Office and should be addressed by Juvenile Probation Department.	**	
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2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	5. CARC should be moved closer to the Youth Guidance Center (YGC) to facilitate activities with YGC and to make transportation of arrested youth more convenient for transporting police officers. The School of the Arts directly across the street from YGC should be surveyed as a possible site for CARC.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on July 25, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the Juvenile Probation Department's response to the report. William Siffermann, Chief Probation Officer, presented at the hearing. Implementation of some recommendations has been initiated. Further analysis is being done on others. The Controller's Office is addressing Recommendation 7 concerning management performance audits of community based organizations. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.

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2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	5. CARC should be moved closer to the Youth Guidance Center (YGC) to facilitate activities with YGC and to make transportation of arrested youth more convenient for transporting police officers. The School of the Arts directly across the street from YGC should be surveyed as a possible site for CARC.	Juvenile Probation Department	Requires Further Analysis	The Juvenile Probation Department, CARC, the SF Police Department, and the Mayor's Office of Criminal Justice will continue to engage in dialogue that will address the viability of relocating the center of these diversion services to the benefit of all parties and to the provision of youth services. Discussion with the San Francisco Unified School District will continue.	Requires Further Analysis	Discussions continue among stakeholders and system practitioners. Vacant building at the Youth Guidance Center will be offered as potential site for relocation if consensus determines such.
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	5. CARC should be moved closer to the Youth Guidance Center (YGC) to facilitate activities with YGC and to make transportation of arrested youth more convenient for transporting police officers. The School of the Arts directly across the street from YGC should be surveyed as a possible site for CARC.	Mayor	--	The Mayor's Office supports the responses contained in the Juvenile Probation Department, Mayor's Office of Criminal Justice, Office of the Controller and Police Department status reports.	Will Not Be Implemented: Not Warranted or Not Reasonable	
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2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	5. CARC should be moved closer to the Youth Guidance Center (YGC) to facilitate activities with YGC and to make transportation of arrested youth more convenient for transporting police officers. The School of the Arts directly across the street from YGC should be surveyed as a possible site for CARC.	SFPD	Requires Further Analysis	The SFPD has no standing in whether or not CARC relocates. Very few custodial bookings originate from CARC. If a decision is made to relocate CARC, the SFPD Juvenile Division and the Field Operations Bureau should be given the opportunity to comment on the geographic location, inasmuch as a central location would be preferred. Otherwise, SFPD involvement in the decision to relocate CARC is not warranted.	Will Not Be Implemented: Not Warranted or Not Reasonable	This recommendation was not implemented by the Police Department. The issue of the location of Juvenile Justice services is under the Jurisdiction of the Juvenile Probation Department. . The Police Department does, however, support City efforts to improve CARC's efficiency. This recommendation did not require a response from the Police Department when the Grand Jury issued its report. Police Department response was required for the one matter relating to its written directive system.
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	6. Procedures requiring arresting officers to make initial contact with CARC rather than YGC should be incorporated into the SFPD's General Orders in order to reinforce compliance with this requirement.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on July 25, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the Juvenile Probation Department's response to the report. William Siffermann, Chief Probation Officer, presented at the hearing. Implementation of some recommendations has been initiated. Further analysis is being done on others. The Controller's Office is addressing Recommendation 7 concerning management performance audits of community based organizations. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	6. Procedures requiring arresting officers to make initial contact with CARC rather than YGC should be incorporated into the SFPD's General Orders in order to reinforce compliance with this requirement.	Juvenile Probation Commission	--	While the entire report of the Civil Grand Jury is germane to the oversight responsibilities of the Juvenile Probation Commission, and the Commission has given the Chief Probation Officer the discretion to take appropriate actions in the addressing each of the first 8 points.	Will Not Be Implemented: Not Warranted or Not Reasonable	This is not an item the commission has direct responsibility/authority over.

(1) "--" Department did not respond with one of the four required actions.
**** Response not required: Recommendation has been implemented or abandoned.

**Status of the Recommendations
by the Civil Grand Jury
2004-05**

CGJ Year	Report Title	Recommendation	Response Required	2006 Response (1)	2006 Response Text	2007 Response (1)	2007 Response Text
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	6. Procedures requiring arresting officers to make initial contact with CARC rather than YGC should be incorporated into the SFPD's General Orders in order to reinforce compliance with this requirement.	Juvenile Probation Department	0	The Juvenile Probation Department cannot respond to this Recommendation.	Will Not Be Implemented: Not Warranted or Not Reasonable	While the recommendation is valid, the Juvenile Probation Department's authority in SFPD matters is outside the scope of our control.
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	6. Procedures requiring arresting officers to make initial contact with CARC rather than YGC should be incorporated into the SFPD's General Orders in order to reinforce compliance with this requirement.	Mayor	--	The Mayor's Office supports the responses contained in the Juvenile Probation Department, Mayor's Office of Criminal Justice, Office of the Controller and Police Department status reports.	Will Not Be Implemented: Not Warranted or Not Reasonable	Not within the purview of the Mayor's Office.
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	6. Procedures requiring arresting officers to make initial contact with CARC rather than YGC should be incorporated into the SFPD's General Orders in order to reinforce compliance with this requirement.	Mayor's Office of Criminal Justice	Will Be Implemented in the Future	This recommendation has not yet been implemented. While the SFPD expectation continues to be that arresting officers make initial contact with CARC rather than YGC, during the hours that CARC is operational, the SFPD has continued their efforts to incorporate their Juvenile Arrest policies into the General Orders of the Department. Such modifications require review and approval of the Police Commission.	Recommendation Implemented	SFPD issued a Department Bulletin requiring arresting officers to make initial contact with CARC rather than YGC.
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	6. Procedures requiring arresting officers to make initial contact with CARC rather than YGC should be incorporated into the SFPD's General Orders in order to reinforce compliance with this requirement.	Office of the Controller	Will Not Be Implemented: Not Warranted or Not Reasonable	This recommendation does not apply to the Controller's Office and should be addressed by Juvenile Probation Department.	**	
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	6. Procedures requiring arresting officers to make initial contact with CARC rather than YGC should be incorporated into the SFPD's General Orders in order to reinforce compliance with this requirement.	Police Commission	--	The Police Commission Office has received the above request from the Controller's office. Of the nine recommendations, it appears that the San Francisco Police Department, also a named respondent, is better positioned to respond to the recommendations that relate to Police Department operations. Therefore, the Police Commission would defer to the responses received by you from the Police Department.	Will Not Be Implemented: Not Warranted or Not Reasonable	Will not be Implemented by the Police Commission (not reasonable) The matter is referred to the Police Department for implementation
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	6. Procedures requiring arresting officers to make initial contact with CARC rather than YGC should be incorporated into the SFPD's General Orders in order to reinforce compliance with this requirement.	SFPD	Recommendation Implemented	This has been implemented. DB 04-138, "Juvenile Procedures-Arrests," and DB 06-050, "Mandatory Juvenile Bookings," address this issue. The new DGO 7.01, "Policies and Procedures for Juveniles detention, Arrest, and Custody," is currently in the approval process.	**	
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	7. Standards for evaluating the effectiveness of community-based organizations (CBOs) should be improved to provide the necessary balance between competing interests. Management performance audits of CBOs should be conducted periodically by the Controller's Office.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on July 25, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the Juvenile Probation Department's response to the report. William Siffermann, Chief Probation Officer, presented at the hearing. Implementation of some recommendations has been initiated. Further analysis is being done on others. The Controller's Office is addressing Recommendation 7 concerning management performance audits of community based organizations. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	7. Standards for evaluating the effectiveness of community-based organizations (CBOs) should be improved to provide the necessary balance between competing interests. Management performance audits of CBOs should be conducted periodically by the Controller's Office.	Juvenile Probation Commission	--	While the entire report of the Civil Grand Jury is germane to the oversight responsibilities of the Juvenile Probation Commission, and the Commission has given the Chief Probation Officer the discretion to take appropriate actions in the addressing each of the first 8 points.	Will Be Implemented in the Future	The Commission has raised the question of having communities be responsible for evaluating CBOs in their neighborhoods, so that only competent and effective CBOs may be considered for contracts. The services they provide would be developed with consideration of the Dept's needs are, and their performance would be monitored by both the Dept and community. This is an ongoing discussion.
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	7. Standards for evaluating the effectiveness of community-based organizations (CBOs) should be improved to provide the necessary balance between competing interests. Management performance audits of CBOs should be conducted periodically by the Controller's Office.	Juvenile Probation Department	Will Be Implemented in the Future	The Community Programs Division of the Juvenile Probation Department will accelerate its community based organizations (CBOs) evaluative initiatives once funding to fill a staff vacancy and funding support for an objective, full scale program evaluation becomes available in the FY 2006-07. Until that time, the Community Programs Division Director and Senior Analyst will coordinate with the Controller's Office in conducting management performance audits of CBOs.	Recommendation Implemented	Performance measures were incorporated into all CBO contracts for 06-07 beginning 7/1/06. Controller's Office audits outside the scope of Probation Department's authority.

(1) "--" Department did not respond with one of the four required actions.
**** Response not required: Recommendation has been implemented or abandoned.

**Status of the Recommendations
by the Civil Grand Jury
2004-05**

CGJ Year	Report Title	Recommendation	Response Required	2006 Response (1)	2006 Response Text	2007 Response (1)	2007 Response Text
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	7. Standards for evaluating the effectiveness of community-based organizations (CBOs) should be improved to provide the necessary balance between competing interests. Management performance audits of CBOs should be conducted periodically by the Controller's Office.	Mayor	--	The Mayor's Office supports the responses contained in the Juvenile Probation Department, Mayor's Office of Criminal Justice, Office of the Controller and Police Department status reports.	Recommendation Implemented	Performance measures were incorporated into all CBO contracts for 06-07 beginning 7/1/06. Controller's Office audits outside the scope of Probation Department's authority.
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	7. Standards for evaluating the effectiveness of community-based organizations (CBOs) should be improved to provide the necessary balance between competing interests. Management performance audits of CBOs should be conducted periodically by the Controller's Office.	Mayor's Office of Criminal Justice	Will Be Implemented in the Future	The Mayor's Office of Criminal Justice believes very strongly that community-based organizations should be evaluated and their service delivery measured against the outcomes of the service recipients. Our allocation of funding for FY 06-07 seeks to include resources for program evaluation for this very purpose. If authorized, the office will identify an evaluator and protocols to assess CBO's. The office supports and encourages performance audits conducted by the Controller's Office.	Recommendation Implemented/Will Not Be Implemented: Not Warranted or Not Reasonable	This is a two-part recommendation: 1. Recommendation Implemented Beginning in fiscal year 2006-2007, MOCJ's CBO contracts contain performance measures. 4. Not Reasonable The portion of this recommendation pertaining to management performance audits would be more appropriately addressed by the Controller's Office.
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	7. Standards for evaluating the effectiveness of community-based organizations (CBOs) should be improved to provide the necessary balance between competing interests. Management performance audits of CBOs should be conducted periodically by the Controller's Office.	Office of the Controller	Recommendation Implemented	The Controller's Office has created a program setting citywide fiscal and compliance standards for CBOs and coordinating the contract monitoring process among the departments that engage CBOs. In addition, financial and performance reviews of groups of CBOs were done directly by the Controller's Office during FY05-06 for a number of compliance purposes. Each of these process will continue in FY06-07.	**	
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	7. Standards for evaluating the effectiveness of community-based organizations (CBOs) should be improved to provide the necessary balance between competing interests. Management performance audits of CBOs should be conducted periodically by the Controller's Office.	Police Commission	--	The Police Commission Office has received the above request from the Controller's office. Of the nine recommendations, it appears that the San Francisco Police Department, also a named respondent, is better positioned to respond to the recommendations that relate to Police Department operations. Therefore, the Police Commission would defer to the responses received by you from the Police Department.	Will Not Be Implemented: Not Warranted or Not Reasonable	Will not be Implemented by the Police Commission (not reasonable) The matter is referred to the Police Department for implementation
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	7. Standards for evaluating the effectiveness of community-based organizations (CBOs) should be improved to provide the necessary balance between competing interests. Management performance audits of CBOs should be conducted periodically by the Controller's Office.	SFPD	Will Not Be Implemented: Not Warranted or Not Reasonable	While the SFPD has no current standing in these performance audits, it should be given the opportunity to comment. MOCJ should be provided with this same opportunity. Management performance audits of CBOs are critical to quality measurement and evaluation of efficiency and effectiveness. All sides benefit from performance audits.	**	
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	8. CBOs that are most likely to reduce rates of detention should be given top priority for funding in the future. Towards this end, CBOs serving youth now in the juvenile justice should have a higher funding priority than those that do not.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on July 25, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the Juvenile Probation Department's response to the report. William Siffermann, Chief Probation Officer, presented at the hearing. Implementation of some recommendations has been initiated. Further analysis is being done on others. The Controller's Office is addressing Recommendation 7 concerning management performance audits of community based organizations. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	8. CBOs that are most likely to reduce rates of detention should be given top priority for funding in the future. Towards this end, CBOs serving youth now in the juvenile justice should have a higher funding priority than those that do not.	Juvenile Probation Commission	--	While the entire report of the Civil Grand Jury is germane to the oversight responsibilities of the Juvenile Probation Commission, and the Commission has given the Chief Probation Officer the discretion to take appropriate actions in the addressing each of the first 8 points.	Will Be Implemented in the Future	The Commission has raised this question in relation to community based strategic planning and trying to move toward an objective, and locally responsible system of identifying truly effective CBOs offering services needed by the Dept. This may entail defunding current and ineffective CBOs and enlisting others not currently contracted. (it is not a given that all current contracted CBOs should continue to be funded).
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	8. CBOs that are most likely to reduce rates of detention should be given top priority for funding in the future. Towards this end, CBOs serving youth now in the juvenile justice should have a higher funding priority than those that do not.	Juvenile Probation Department	Will Be Implemented in the Future	The Juvenile Probation Department will be issuing new Requests For Proposals (RFPs) in April-May, 2006 that will require demonstrable performance indicators of positive outcomes as a key element for the Juvenile Probation Department to consider in all future program proposals and will be tied to all contract awards. Past program efficacy will determine the number of points an applicant will be granted during the deliberation of the new program proposal.	Will Not Be Implemented: Not Warranted or Not Reasonable	Giving CBOs that are "most likely" to reduce rates of detention top priority for future funding is not reasonable. Funding priority will be given to CBOs with proven evidence based outcomes.
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	8. CBOs that are most likely to reduce rates of detention should be given top priority for funding in the future. Towards this end, CBOs serving youth now in the juvenile justice should have a higher funding priority than those that do not.	Mayor	--	The Mayor's Office supports the responses contained in the Juvenile Probation Department, Mayor's Office of Criminal Justice, Office of the Controller and Police Department status reports.	Will Not Be Implemented: Not Warranted or Not Reasonable	Not within the purview of the Mayor's Office.

(1) "--" Department did not respond with one of the four required actions.
**** Response not required: Recommendation has been implemented or abandoned.

**Status of the Recommendations
by the Civil Grand Jury
2004-05**

CGJ Year	Report Title	Recommendation	Response Required	2006 Response (1)	2006 Response Text	2007 Response (1)	2007 Response Text
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	8. CBOs that are most likely to reduce rates of detention should be given top priority for funding in the future. Towards this end, CBOs serving youth now in the juvenile justice should have a higher funding priority than those that do not.	Mayor's Office of Criminal Justice	Requires Further Analysis	This recommendation requires further analysis in that there presently does not exist sufficient independent data to support the efficacy of one community-based organization over another. While there is anecdotal feedback regarding various CBO's, the evaluation discussed in recommendation response #7 are needed to facilitate fair and equitable decision-making relative to funding priorities.	Will Not Be Implemented: Not Warranted or Not Reasonable	Funding youth now in the juvenile justice system is a key factor MOCJ's funding decisions, however MOCJ also considers other factors (i.e., program effectiveness and outcomes) to determine top funding priorities.
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	8. CBOs that are most likely to reduce rates of detention should be given top priority for funding in the future. Towards this end, CBOs serving youth now in the juvenile justice should have a higher funding priority than those that do not.	Office of the Controller	Will Not Be Implemented: Not Warranted or Not Reasonable	This recommendations does not apply to the Controller's Office and should be addressed by Juvenile Probation Department.	**	
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	8. CBOs that are most likely to reduce rates of detention should be given top priority for funding in the future. Towards this end, CBOs serving youth now in the juvenile justice should have a higher funding priority than those that do not.	Police Commission	--	The Police Commission Office has received the above request from the Controller's office. Of the nine recommendations, it appears that the San Francisco Police Department, also a named respondent, is better positioned to respond to the recommendations that relate to Police Department operations. Therefore, the Police Commission would defer to the responses received by you from the Police Department.	Will Not Be Implemented: Not Warranted or Not Reasonable	Will not be Implemented by the Police Commission (not reasonable) The matter is referred to the Police Department for implementation
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	8. CBOs that are most likely to reduce rates of detention should be given top priority for funding in the future. Towards this end, CBOs serving youth now in the juvenile justice should have a higher funding priority than those that do not.	SFPD	Will Not Be Implemented: Not Warranted or Not Reasonable	This is an issue for the Controller's Office and the MOCJ.	**	
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	9. Appointees to the Juvenile Probation Commission should be knowledgeable about the issues that confront youth at-risk of detention and the organizations that serve them. They should devote the time and be willing to inform themselves of juvenile justice issues. Commissioners should not have any direct relationship with a CBO that may receive funding from the juvenile justice system. Commissioners should be evaluated according to these criteria and replaced when their terms expire if necessary.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on July 25, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the Juvenile Probation Department's response to the report. William Siffermann, Chief Probation Officer, presented at the hearing. Implementation of some recommendations has been initiated. Further analysis is being done on others. The Controller's Office is addressing Recommendation 7 concerning management performance audits of community based organizations. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	9. Appointees to the Juvenile Probation Commission should be knowledgeable about the issues that confront youth at-risk of detention and the organizations that serve them. They should devote the time and be willing to inform themselves of juvenile justice issues. Commissioners should not have any direct relationship with a CBO that may receive funding from the juvenile justice system. Commissioners should be evaluated according to these criteria and replaced when their terms expire if necessary.	Juvenile Probation Commission	Recommendation Implemented	The members of the Commission all have a familiarity with the juvenile justice system, all having had personal relationships with non-profits that serve youth in some way. Some are currently working in the field of youth development (eg. Commissioner Rojas works with the Boys and Girls Clubs, Commissioner Feticio is co-founder of the 7 Teepees organization, Commissioner Beijen teaches at the Life Learning Center, Commissioner Hale works with Bayview youth in athletics.) Together they share a wealth of knowledge regarding the field of at risk youth and youth serving organizations, and continue to learn more via their involvement in the Commission's oversight activities for the Juvenile Probation Department. Commissioners are taking time to learn more deeply about the operation of the Juvenile Probation Department and those issues that determine its activities. New commissioners have taken tours of the Department through Youth Guidance Center, Log Cabin Ranch and the new juvenile hall facility, and are actively becoming more familiar with the operations and issues that surround the Department. Commissioners work actively in the Commission's committees to get familiar with both the fiscal and programmatic processes, so they can make better informed decisions. Commissioner Feticio particularly is trying to bring a transparency to the fiscal processes that will assure accountability and fiscal responsibility. They also attend community forums and will be holding future Commission meetings in various communities to hear first hand from residents about their concerns and issues. While in the past there were commissioners who had a direct connections to CBOS that were receiving funding from one or another juvenile justice entity – eg. Probation dept, Mayor's Office of Criminal Justice), there are no current commissioners who are directly related to any CBO that receives such funding. Commissioners will be holding themselves to a high criteria of being informed and reasoned in his/her dealings and decisions for the Juvenile Probation Department, and will be asking for a similarly high standard for the Departments' staff. As to replacing commissioners when terms expire, the Commissioners are appointed at the pleasure of the Mayor.	**	Current commissioners are well acquainted with issues impacting juvenile justice in SF. Among them are lawyers, community activists, youth services providers, and a retired police officer. All have committed themselves to being knowledgeable about dept activities so that they can make informed decisions. No commissioner has a conflict of interest regarding CBOs and Dept contracts.

(1) "--" Department did not respond with one of the four required actions.
**** Response not required: Recommendation has been implemented or abandoned.

**Status of the Recommendations
by the Civil Grand Jury
2004-05**

CGJ Year	Report Title	Recommendation	Response Required	2006 Response (1)	2006 Response Text	2007 Response (1)	2007 Response Text
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	9. Appointees to the Juvenile Probation Commission should be knowledgeable about the issues that confront youth at-risk of detention and the organizations that serve them. They should devote the time and be willing to inform themselves of juvenile justice issues. Commissioners should not have any direct relationship with a CBO that may receive funding from the juvenile justice system. Commissioners should be evaluated according to these criteria and replaced when their terms expire if necessary.	Juvenile Probation Department	--	The Juvenile Probation Department cannot respond to this Recommendation.	Will Not Be Implemented: Not Warranted or Not Reasonable	This recommendation is outside the scope of the Juvenile Probation Department's authority.
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	9. Appointees to the Juvenile Probation Commission should be knowledgeable about the issues that confront youth at-risk of detention and the organizations that serve them. They should devote the time and be willing to inform themselves of juvenile justice issues. Commissioners should not have any direct relationship with a CBO that may receive funding from the juvenile justice system. Commissioners should be evaluated according to these criteria and replaced when their terms expire if necessary.	Mayor	--	The Mayor's Office supports the responses contained in the Juvenile Probation Department, Mayor's Office of Criminal Justice, Office of the Controller and Police Department status reports.	Will Be Implemented in the Future	Beginning in January 2008, openings will become available on the Juvenile Commission and the Mayor's Office will consider these criteria in the appointment process.
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	9. Appointees to the Juvenile Probation Commission should be knowledgeable about the issues that confront youth at-risk of detention and the organizations that serve them. They should devote the time and be willing to inform themselves of juvenile justice issues. Commissioners should not have any direct relationship with a CBO that may receive funding from the juvenile justice system. Commissioners should be evaluated according to these criteria and replaced when their terms expire if necessary.	Mayor's Office of Criminal Justice	Recommendation Implemented	This recommendation has been implemented in part. Since Mayor Newsom took office, two years ago, the Mayor's Commission Secretary screens each commission candidate with the City Attorney. As part of this vetting process, candidates who have conflicts of interest are ruled out as ineligible to sit on the commission. Further, the Commission Secretary and MOCJ to determine their history in working with at-risk youth as well as their knowledge of other youth serving organizations screen candidates.	**	Mayor's liaison to the Juvenile Probation Commission verifies that candidates (1) do not have a conflict of interest with CBOs that may receive funding from the juvenile justice system and (2) demonstrate the necessary qualifications and knowledge.
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	9. Appointees to the Juvenile Probation Commission should be knowledgeable about the issues that confront youth at-risk of detention and the organizations that serve them. They should devote the time and be willing to inform themselves of juvenile justice issues. Commissioners should not have any direct relationship with a CBO that may receive funding from the juvenile justice system. Commissioners should be evaluated according to these criteria and replaced when their terms expire if necessary.	Office of the Controller	Will Not Be Implemented: Not Warranted or Not Reasonable	This recommendations does not apply to the Controller's Office and should be addressed by Juvenile Probation Commission.	**	
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	9. Appointees to the Juvenile Probation Commission should be knowledgeable about the issues that confront youth at-risk of detention and the organizations that serve them. They should devote the time and be willing to inform themselves of juvenile justice issues. Commissioners should not have any direct relationship with a CBO that may receive funding from the juvenile justice system. Commissioners should be evaluated according to these criteria and replaced when their terms expire if necessary.	Police Commission	--	The Police Commission Office has received the above request from the Controller's office. Of the nine recommendations, it appears that the San Francisco Police Department, also a named respondent, is better positioned to respond to the recommendations that relate to Police Department operations. Therefore, the Police Commission would defer to the responses received by you from the Police Department.	Will Not Be Implemented: Not Warranted or Not Reasonable	Will not be Implemented by the Police Commission (not reasonable) The matter is referred to the Police Department for implementation
2004-05	A New Chief of the Juvenile Probation Department: An Opportunity for Reform	9. Appointees to the Juvenile Probation Commission should be knowledgeable about the issues that confront youth at-risk of detention and the organizations that serve them. They should devote the time and be willing to inform themselves of juvenile justice issues. Commissioners should not have any direct relationship with a CBO that may receive funding from the juvenile justice system. Commissioners should be evaluated according to these criteria and replaced when their terms expire if necessary.	SFPD	Will Not Be Implemented: Not Warranted or Not Reasonable	This is not a Police issue. The Mayor's Office, The Board of Supervisors, and the Juvenile Probation Commission should address this item.	**	
2004-05	City Contracting and Affirmative Action	The City should immediately eliminate explicit or implicit preference based on race, sex, color, ethnicity or national origin from City contracting rules, publications, policies and practices.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on September 26, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the Human Rights Commission's response to the report. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.

(1) "--" Department did not respond with one of the four required actions.
**** Response not required: Recommendation has been implemented or abandoned.

**Status of the Recommendations
by the Civil Grand Jury
2004-05**

CGJ Year	Report Title	Recommendation	Response Required	2006 Response (1)	2006 Response Text	2007 Response (1)	2007 Response Text
2004-05	City Contracting and Affirmative Action	The City should immediately eliminate explicit or implicit preference based on race, sex, color, ethnicity or national origin from City contracting rules, publications, policies and practices.	City Attorney	--	To the knowledge of the City Attorney's Office, the City has taken the following steps to implement this recommendation: The City enacted a temporary Disadvantaged Business Ordinance, Administrative Code Section 14A, which creates opportunities in contacting with the City for small local businesses. The Board of Supervisors recently enacted a similar permanent ordinance, which will be located in Administrative Code Section 14B. Based on the July 26, 2004 ruling in the case of Coral Construction, Inc. v. City and County of San Francisco, San Francisco Sup. Ct. No. 421249, the City no longer enforces the WBE/MBE ordinance located in Administrative Code Section 12DA. The City, however, has filed an appeal from the ruling and the appeal is pending. The Human Rights Commission has revised the forms given to City contractors to include requirements that City contractors make good-faith efforts to hire economically disadvantaged individuals. Those forms are in the process of being implemented. Those forms do not include any preferential treatment based on race, sex, color, ethnicity or national origin.	Recommendation Implemented/Will Not Be Implemented: Not Warranted or Not Reasonable	The City Attorney's Office has done everything within its authority to implement this recommendation. At the request of City policymakers, the City Attorney's Office drafted a Local Business Enterprise and Non-Discrimination In Contracting Ordinance, Admin. Code, Chapter 14B, enacted in May 2006. In addition, the City Attorney's Office assisted the Human Rights Commission in revising its forms to implement this newly enacted City ordinance and existing City ordinances that require City contractors to make good faith efforts to hire economically disadvantaged individuals. The revised HRC forms, issued in September 2006, do not require any preferential treatment based on race, sex, color, ethnicity or national origin.
2004-05	City Contracting and Affirmative Action	The City should immediately eliminate explicit or implicit preference based on race, sex, color, ethnicity or national origin from City contracting rules, publications, policies and practices.	City Controller	Will Not Be Implemented: Not Warranted or Not Reasonable	This recommendation does not apply to the Controller's Office and should be addressed by HRC.	**	
2004-05	City Contracting and Affirmative Action	The City should immediately eliminate explicit or implicit preference based on race, sex, color, ethnicity or national origin from City contracting rules, publications, policies and practices.	Human Rights Commission	Recommendation Implemented	The HRC has taken the following steps to implement this recommendation: 1. Based on the July 26, 2004 ruling in Coral Construction, Inc. v. City and County of San Francisco, San Francisco Sup. Ct. No. 421249, the Human Rights Commission no longer enforces the MBE/WBE/LBE Ordinance set forth in Administrative Code Section 12D.A for contracts issued after July 26, 2004. The HRC currently is implementing the City's Disadvantaged Business Enterprise Ordinance, set forth in Administrative Code Section 14A, and would be responsible for implementing the Local Business Enterprise and Non-Discrimination in Contracting Ordinance, to be codified in Administrative Code Section 14B, if and when it is finally enacted to replace the Disadvantage Business Enterprise Ordinance. Neither the Disadvantage Business Enterprise Ordinance nor the proposed the Local Business Enterprise and Non-Discrimination in Contracting Ordinance provide explicit or implicit preferences based on race, sex, color, ethnicity or national origin. 2. The Human Rights Commission has revised its forms to include requirements that City contractors make good faith efforts to hire economically disadvantaged individuals. Those forms are in the process of being implemented and will not include any preferential treatment based on race, sex, color, ethnicity or national origin. The HRC will be further revising its rules, policies, publications and practices if and when the Local Business Enterprise and Non-Discrimination in Contracting Ordinance becomes law. Like the Ordinance they implement, these revisions will not include any preferential treatment based on race, sex, color, ethnicity or national origin.	**	
2004-05	City Contracting and Affirmative Action	The City should immediately eliminate explicit or implicit preference based on race, sex, color, ethnicity or national origin from City contracting rules, publications, policies and practices.	Mayor	Recommendation Implemented	Recommendation Implemented July 25, 2005. The Mayor's Office continues to work closely with the Human Rights Commission, City Attorney, Controller, and the Board of Supervisors to ensure that City contracting procedures comply with state law. This includes development of a permanent Disadvantaged Business Enterprise ordinance, as well as review of other contracting procedures.	**	
2004-05	Compensation Issues in the San Francisco Police Department	1. The City should negotiate with the Police Officers Association for elimination of Over Time (OT)/Compensatory Time (CT) benefits for top managerial staff and consider less costly alternatives such as limited administrative leave as provided by other jurisdictions and City departments.	Board of Supervisors	--	The Board of Supervisors' Government Audits Committee conducted a public hearing June 27, 2005 to discuss the findings and recommendations of the Civil Grand Jury and the Police Department's response to the Report. Police Chief Heather Fong and Philip Ginsburg, Director, Department of Human Resources presented at the hearings. The item was continued to the call of the chair so that any members of the Civil Grand Jury or members of the Committee may check in and see how various findings and recommendations that have been concurred to with the Police Department are being implemented over time. Pursuant to Board rules, the item was filed in January 2006.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	Compensation Issues in the San Francisco Police Department	1. The City should negotiate with the Police Officers Association for elimination of Over Time (OT)/Compensatory Time (CT) benefits for top managerial staff and consider less costly alternatives such as limited administrative leave as provided by other jurisdictions and City departments.	Department of Human Resources	--	The department elected not to respond.	Requires Further Analysis	As stated in DHR's 5/26/05 audit response, DHR concurs with this recommendation, which may be addressed through current MOU negotiations. An update can be provided when negotiations have concluded so as not to violate confidentiality requirements.
2004-05	Compensation Issues in the San Francisco Police Department	1. The City should negotiate with the Police Officers Association for elimination of Over Time (OT)/Compensatory Time (CT) benefits for top managerial staff and consider less costly alternatives such as limited administrative leave as provided by other jurisdictions and City departments.	Mayor	--	The Mayor's Office supports the responses contained in the Department of Human Resources and Police Department status reports.	Will Not Be Implemented: Not Warranted or Not Reasonable	Does not pertain to the Mayor's Office.

(1) "--" Department did not respond with one of the four required actions.
**** Response not required: Recommendation has been implemented or abandoned.

**Status of the Recommendations
by the Civil Grand Jury
2004-05**

CGJ Year	Report Title	Recommendation	Response Required	2006 Response (1)	2006 Response Text	2007 Response (1)	2007 Response Text
2004-05	Compensation Issues in the San Francisco Police Department	1. The City should negotiate with the Police Officers Association for elimination of Over Time (OT)/Compensatory Time (CT) benefits for top managerial staff and consider less costly alternatives such as limited administrative leave as provided by other jurisdictions and City departments.	SFPD	Will Be Implemented in the Future	This item may be addressed in the NEW Memorandum of Understanding amongst the City and County of San Francisco, The Police Commission, the Chief of Police, and the San Francisco Police Officers' Association scheduled for July 1 2007 -June 30, 2011.	Will Be Implemented in the Future	This recommendation has not yet been implemented. Currently, the City is negotiating the MOU with the Police Officers' Association. The Police Department has taken seriously the recommendations of the Civil Grand Jury in its preparations for negotiations. Proposals presented at this point in the negotiations are confidential. Implementation of this recommendation, if presented and adopted could not occur until July 1, 2007.
2004-05	Compensation Issues in the San Francisco Police Department	2. If top managerial staff continue to be eligible for CT accrual, the City should negotiate limits in the Memorandum of Understanding (MOU) on their accrual comparable to rank and file officers.	Board of Supervisors	--	The Board of Supervisors' Government Audits Committee conducted a public hearing June 27, 2005 to discuss the findings and recommendations of the Civil Grand Jury and the Police Department's response to the Report. Police Chief Heather Fong and Philip Ginsburg, Director, Department of Human Resources presented at the hearings. The item was continued to the call of the chair so that any members of the Civil Grand Jury or members of the Committee may check in and see how various findings and recommendations that have been concurred to with the Police Department are being implemented over time. Pursuant to Board rules, the item was filed in January 2006.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	Compensation Issues in the San Francisco Police Department	2. If top managerial staff continue to be eligible for CT accrual, the City should negotiate limits in the Memorandum of Understanding (MOU) on their accrual comparable to rank and file officers.	Department of Human Resources	--	The department elected not to respond.	Recommendation Implemented	Implemented via MOU effective 7/1/03-6/30/07. See paragraph 163 of the MOU, which states that deputy chiefs, commanders, and captains with existing balances will forfeit hours over 1,300 as of 6/30/07. Employees newly hired or promoted into these ranks on or after 7/1/03 may not accrue more than 480 hours CT, the same as rank and file officers per paragraph 161.
2004-05	Compensation Issues in the San Francisco Police Department	2. If top managerial staff continue to be eligible for CT accrual, the City should negotiate limits in the Memorandum of Understanding (MOU) on their accrual comparable to rank and file officers.	Mayor	--	The Mayor's Office supports the responses contained in the Department of Human Resources and Police Department status reports.	Will Not Be Implemented: Not Warranted or Not Reasonable	Does not pertain to the Mayor's Office.
2004-05	Compensation Issues in the San Francisco Police Department	2. If top managerial staff continue to be eligible for CT accrual, the City should negotiate limits in the Memorandum of Understanding (MOU) on their accrual comparable to rank and file officers.	SFPD	Will Be Implemented in the Future	This item may be addressed in the NEW Memorandum of Understanding amongst the City and County of San Francisco, The Police Commission, the Chief of Police, and the San Francisco Police Officers' Association scheduled for July 1 2007 -June 30, 2011.	Will Be Implemented in the Future	This recommendation has not yet been implemented. Currently, the City is negotiating the MOU with the Police Officers' Association. The Police Department has taken seriously the recommendations of the Civil Grand Jury in its preparations for negotiations. Proposals presented at this point in the negotiations are confidential. Implementation of this recommendation, if presented and adopted could not occur until July 1, 2007.
2004-05	Compensation Issues in the San Francisco Police Department	3. The City should negotiate to pay CT balances prior to the effective date of promotions to limit the inflationary effect of carrying CT balances for long periods of time.	Board of Supervisors	--	The Board of Supervisors' Government Audits Committee conducted a public hearing June 27, 2005 to discuss the findings and recommendations of the Civil Grand Jury and the Police Department's response to the Report. Police Chief Heather Fong and Philip Ginsburg, Director, Department of Human Resources presented at the hearings. The item was continued to the call of the chair so that any members of the Civil Grand Jury or members of the Committee may check in and see how various findings and recommendations that have been concurred to with the Police Department are being implemented over time. Pursuant to Board rules, the item was filed in January 2006.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	Compensation Issues in the San Francisco Police Department	3. The City should negotiate to pay CT balances prior to the effective date of promotions to limit the inflationary effect of carrying CT balances for long periods of time.	Department of Human Resources	--	The department elected not to respond.	Requires Further Analysis	As stated in DHR's 5/26/05 audit response, DHR concurs with this recommendation, which may be addressed through current MOU negotiations. An update can be provided when negotiations have concluded so as not to violate confidentiality requirements.
2004-05	Compensation Issues in the San Francisco Police Department	3. The City should negotiate to pay CT balances prior to the effective date of promotions to limit the inflationary effect of carrying CT balances for long periods of time.	Mayor	--	The Mayor's Office supports the responses contained in the Department of Human Resources and Police Department status reports.	Will Not Be Implemented: Not Warranted or Not Reasonable	Does not pertain to the Mayor's Office.

(1) "--" Department did not respond with one of the four required actions.
**** Response not required: Recommendation has been implemented or abandoned.

**Status of the Recommendations
by the Civil Grand Jury
2004-05**

CGJ Year	Report Title	Recommendation	Response Required	2006 Response (1)	2006 Response Text	2007 Response (1)	2007 Response Text
2004-05	Compensation Issues in the San Francisco Police Department	3. The City should negotiate to pay CT balances prior to the effective date of promotions to limit the inflationary effect of carrying CT balances for long periods of time.	SFPD	Will Be Implemented in the Future	This item may be addressed in the NEW Memorandum of Understanding amongst the City and County of San Francisco, The Police Commission, the Chief of Police, and the San Francisco Police Officers' Association scheduled for July 1, 2007-June 30,2011.	Will Be Implemented in the Future	This recommendation has not yet been implemented. Currently, the City is negotiating the MOU with the Police Officers' Association. The Police Department has taken seriously the recommendations of the Civil Grand Jury in its preparations for negotiations. Proposals presented at this point in the negotiations are confidential. Implementation of this recommendation, if presented and adopted could not occur until July 1, 2007.
2004-05	Compensation Issues in the San Francisco Police Department	4. The SFPD should manage the CT banks with the objective of minimizing the long-term liability of large CT balances. Such management must include enforcement of CT caps. The law allows that such management may include requiring officers to use their accrued CT.	Board of Supervisors	--	The Board of Supervisors' Government Audits Committee conducted a public hearing June 27, 2005 to discuss the findings and recommendations of the Civil Grand Jury and the Police Department's response to the Report. Police Chief Heather Fong and Philip Ginsburg, Director, Department of Human Resources presented at the hearings. The item was continued to the call of the chair so that any members of the Civil Grand Jury or members of the Committee may check in and see how various findings and recommendations that have been concurred to with the Police Department are being implemented over time. Pursuant to Board rules, the item was filed in January 2006.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	Compensation Issues in the San Francisco Police Department	4. The SFPD should manage the CT banks with the objective of minimizing the long-term liability of large CT balances. Such management must include enforcement of CT caps. The law allows that such management may include requiring officers to use their accrued CT.	Department of Human Resources	--	The department elected not to respond.	Will Be Implemented in the Future	DHR will conduct any meet and confer required to for SFPD to manage banks and enforce caps.
2004-05	Compensation Issues in the San Francisco Police Department	4. The SFPD should manage the CT banks with the objective of minimizing the long-term liability of large CT balances. Such management must include enforcement of CT caps. The law allows that such management may include requiring officers to use their accrued CT.	Mayor	--	The Mayor's Office supports the responses contained in the Department of Human Resources and Police Department status reports.	Will Not Be Implemented: Not Warranted or Not Reasonable	Does not pertain to the Mayor's Office.
2004-05	Compensation Issues in the San Francisco Police Department	4. The SFPD should manage the CT banks with the objective of minimizing the long-term liability of large CT balances. Such management must include enforcement of CT caps. The law allows that such management may include requiring officers to use their accrued CT.	SFPD	Recommendation Implemented	This recommendation has been implemented. Commanding officers are provided with periodic updates for reduction management. The HRMS (Payroll) system has been modified to not accept data that exceeds established limits.	**	
2004-05	Compensation Issues in the San Francisco Police Department	5. Given that rank and file officers will have had four years to reduce their CT balances to 480 hours by the end of the current MOU, the City should negotiate for the next MOU, some penalty for continuing to maintain a CT balance greater than 480 hours, such as forfeiture of hours above 480.	Board of Supervisors	--	The Board of Supervisors' Government Audits Committee conducted a public hearing June 27, 2005 to discuss the findings and recommendations of the Civil Grand Jury and the Police Department's response to the Report. Police Chief Heather Fong and Philip Ginsburg, Director, Department of Human Resources presented at the hearings. The item was continued to the call of the chair so that any members of the Civil Grand Jury or members of the Committee may check in and see how various findings and recommendations that have been concurred to with the Police Department are being implemented over time. Pursuant to Board rules, the item was filed in January 2006.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	Compensation Issues in the San Francisco Police Department	5. Given that rank and file officers will have had four years to reduce their CT balances to 480 hours by the end of the current MOU, the City should negotiate for the next MOU, some penalty for continuing to maintain a CT balance greater than 480 hours, such as forfeiture of hours above 480.	Department of Human Resources	--	The department elected not to respond.	Recommendation Implemented	Implemented via MOU effective 7/1/03-6/30/07. See paragraph 162 of the MOU, which states: employees with more than 480 hours of CT off as of 7/1/03 may not accrue additional CT off until and unless their CT off balances fall below 480 hours.
2004-05	Compensation Issues in the San Francisco Police Department	5. Given that rank and file officers will have had four years to reduce their CT balances to 480 hours by the end of the current MOU, the City should negotiate for the next MOU, some penalty for continuing to maintain a CT balance greater than 480 hours, such as forfeiture of hours above 480.	Mayor	--	The Mayor's Office supports the responses contained in the Department of Human Resources and Police Department status reports.	Will Not Be Implemented: Not Warranted or Not Reasonable	Does not pertain to the Mayor's Office.

(1) "--" Department did not respond with one of the four required actions.
**** Response not required: Recommendation has been implemented or abandoned.

**Status of the Recommendations
by the Civil Grand Jury
2004-05**

CGJ Year	Report Title	Recommendation	Response Required	2006 Response (1)	2006 Response Text	2007 Response (1)	2007 Response Text
2004-05	Compensation Issues in the San Francisco Police Department	5. Given that rank and file officers will have had four years to reduce their CT balances to 480 hours by the end of the current MOU, the City should negotiate for the next MOU, some penalty for continuing to maintain a CT balance greater than 480 hours, such as forfeiture of hours above 480.	SFPD	Will Be Implemented in the Future	This item may be addressed in the NEW Memorandum of Understanding amongst the City and County of San Francisco, The Police Commission, the Chief of Police, and the San Francisco Police Officers' Association scheduled for July 1, 2007-June 30,2011.	Will Be Implemented in the Future	This recommendation has not yet been implemented. Currently, the City is negotiating the MOU with the Police Officers' Association. The Police Department has taken seriously the recommendations of the Civil Grand Jury in its preparations for negotiations. Proposals presented at this point in the negotiations are confidential. Implementation of this recommendation, if presented and adopted could not occur until July 1, 2007.
2004-05	Compensation Issues in the San Francisco Police Department	6. The SFPD must manage their vehicle fleet in accordance with Administrative Code 4.11 as well as optimize the use of this valuable resource for police protection.	Board of Supervisors	--	The Board of Supervisors' Government Audits Committee conducted a public hearing June 27, 2005 to discuss the findings and recommendations of the Civil Grand Jury and the Police Department's response to the Report. Police Chief Heather Fong and Philip Ginsburg, Director, Department of Human Resources presented at the hearings. The item was continued to the call of the chair so that any members of the Civil Grand Jury or members of the Committee may check in and see how various findings and recommendations that have been concurred to with the Police Department are being implemented over time. Pursuant to Board rules, the item was filed in January 2006.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	Compensation Issues in the San Francisco Police Department	6. The SFPD must manage their vehicle fleet in accordance with Administrative Code 4.11 as well as optimize the use of this valuable resource for police protection.	Department of Human Resources	--	The department elected not to respond.	Will Not Be Implemented: Not Warranted or Not Reasonable	Will not be implemented by the Department of Human Resources, as Administrative Code 4.11 specifies fleet management and vehicle assignment are the responsibility of each department head and the Director of Administrative Services.
2004-05	Compensation Issues in the San Francisco Police Department	6. The SFPD must manage their vehicle fleet in accordance with Administrative Code 4.11 as well as optimize the use of this valuable resource for police protection.	Mayor	--	The Mayor's Office supports the responses contained in the Department of Human Resources and Police Department status reports.	Will Not Be Implemented: Not Warranted or Not Reasonable	Does not pertain to the Mayor's Office.
2004-05	Compensation Issues in the San Francisco Police Department	6. The SFPD must manage their vehicle fleet in accordance with Administrative Code 4.11 as well as optimize the use of this valuable resource for police protection.	SFPD	Recommendation Implemented	This recommendation has been implemented. In addition to a reduction of 18% in overnight vehicle use, the Department has been working with the Administrative Services division to ensure Administrative Code compliance, fleet reduction, and fleet management of fuel usage.	**	
2004-05	Compensation Issues in the San Francisco Police Department	7. The City should negotiate to include all forms of premium pay available to all officers in comparisons for the purposes of salary setting.	Board of Supervisors	--	The Board of Supervisors' Government Audits Committee conducted a public hearing June 27, 2005 to discuss the findings and recommendations of the Civil Grand Jury and the Police Department's response to the Report. Police Chief Heather Fong and Philip Ginsburg, Director, Department of Human Resources presented at the hearings. The item was continued to the call of the chair so that any members of the Civil Grand Jury or members of the Committee may check in and see how various findings and recommendations that have been concurred to with the Police Department are being implemented over time. Pursuant to Board rules, the item was filed in January 2006.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	Compensation Issues in the San Francisco Police Department	7. The City should negotiate to include all forms of premium pay available to all officers in comparisons for the purposes of salary setting.	Department of Human Resources	--	The department elected not to respond.	Recommendation Implemented	See POA MOU effective 7/1/03-6/30/07. The salary survey outlined Article III, Section 1.B. of the MOU includes the most common premiums offered in the survey jurisdictions, including longevity pay, uniform allowance, and educational incentives.
2004-05	Compensation Issues in the San Francisco Police Department	7. The City should negotiate to include all forms of premium pay available to all officers in comparisons for the purposes of salary setting.	Mayor	--	The Mayor's Office supports the responses contained in the Department of Human Resources and Police Department status reports.	Will Not Be Implemented: Not Warranted or Not Reasonable	Does not pertain to the Mayor's Office.
2004-05	Compensation Issues in the San Francisco Police Department	7. The City should negotiate to include all forms of premium pay available to all officers in comparisons for the purposes of salary setting.	SFPD	Will Be Implemented in the Future	This item may be addressed in the NEW Memorandum of Understanding amongst the City and County of San Francisco, The Police Commission, the Chief of Police, and the San Francisco Police Officers' Association scheduled for July 1, 2007 -June 30, 2011.	Will Be Implemented in the Future	This recommendation has not yet been implemented. Currently, the City is negotiating the MOU with the Police Officers' Association. The Police Department has taken seriously the recommendations of the Civil Grand Jury in its preparations for negotiations. Proposals presented at this point in the negotiations are confidential. Implementation of this recommendation, if presented and adopted could not occur until July 1, 2007.

(1) "--" Department did not respond with one of the four required actions.
**** Response not required: Recommendation has been implemented or abandoned.

**Status of the Recommendations
by the Civil Grand Jury
2004-05**

CGJ Year	Report Title	Recommendation	Response Required	2006 Response (1)	2006 Response Text	2007 Response (1)	2007 Response Text
2004-05	Compensation Issues in the San Francisco Police Department	8. The Board of Supervisors should request that the Budget Analyst update the management audits of 1996 and 1998 regarding SFPD policies and practices and make recommendations for opportunities for cost savings.	Board of Supervisors	--	The Board of Supervisors' Government Audits Committee conducted a public hearing June 27, 2005 to discuss the findings and recommendations of the Civil Grand Jury and the Police Department's response to the Report. Police Chief Heather Fong and Philip Ginsburg, Director, Department of Human Resources presented at the hearings. The item was continued to the call of the chair so that any members of the Civil Grand Jury or members of the Committee may check in and see how various findings and recommendations that have been concurred to with the Police Department are being implemented over time. Pursuant to Board rules, the item was filed in January 2006.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	Compensation Issues in the San Francisco Police Department	8. The Board of Supervisors should request that the Budget Analyst update the management audits of 1996 and 1998 regarding SFPD policies and practices and make recommendations for opportunities for cost savings.	Department of Human Resources	--	The department elected not to respond.	Will Not Be Implemented: Not Warranted or Not Reasonable	Will not be implemented by Department of Human Resources, which does not perform management audits. The recommendation is directed to the Board of Supervisors Budget Analyst.
2004-05	Compensation Issues in the San Francisco Police Department	8. The Board of Supervisors should request that the Budget Analyst update the management audits of 1996 and 1998 regarding SFPD policies and practices and make recommendations for opportunities for cost savings.	Mayor	--	The Mayor's Office supports the responses contained in the Department of Human Resources and Police Department status reports.	Will Not Be Implemented: Not Warranted or Not Reasonable	Does not pertain to the Mayor's Office.
2004-05	Compensation Issues in the San Francisco Police Department	8. The Board of Supervisors should request that the Budget Analyst update the management audits of 1996 and 1998 regarding SFPD policies and practices and make recommendations for opportunities for cost savings.	SFPD	Will Not Be Implemented: Not Warranted or Not Reasonable	This recommendation was made for the consideration of the Board of Supervisors.	**	
2004-05	Continuity Report	Part II:1. The Mayor's Office should develop a standardized protocol that comports with PC 933.05 for responding to CGJ reports	Mayor's Office	Recommendation Implemented	Recommendation Implemented September 12, 2005. The Mayor's Office is maintaining tracking of all CGJ recommendations for departmental implementation.	**	
2004-05	Continuity Report	Part II:2. The Mayor's Office should require all City departments, offices, and agencies to use such a standardized protocol in their responses.	Mayor's Office	Recommendation Implemented	Recommendation Implemented September 12, 2005. The Mayor's Office has requested that all departments follow a standardized format in responding to CJI reports. However, due to the complexity of various request, departments are permitted to deviate from the established format if necessary to accommodate an appropriate response.	**	
2004-05	Continuity Report	Part III:1. The Controller should provide to the Mayor and the Board of Supervisors an on-going annual status report of the agreed-to-be-implemented CGJ recommendations. Each agree-to-be implemented recommendation should be reported on, until the respondent indicates it is fully implemented or abandoned because it is no longer reasonable or warranted. Such a report should include suggestions of ways to (a) accelerate the implementation of the open items or (b) revise the implementation of the recommendation, if need be, based on changed circumstances. The Controller's annual status report should be submitted to the Mayor and the Board in sufficient time to allow for budgetary consideration for each upcoming fiscal year.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on October 17, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the Mayor's Office and Planning Department's responses to the report. The Committee considered the actions requested by the Civil Grand Jury. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	Continuity Report	Part III:1. The Controller should provide to the Mayor and the Board of Supervisors an on-going annual status report of the agreed-to-be-implemented CGJ recommendations. Each agree-to-be implemented recommendation should be reported on, until the respondent indicates it is fully implemented or abandoned because it is no longer reasonable or warranted. Such a report should include suggestions of ways to (a) accelerate the implementation of the open items or (b) revise the implementation of the recommendation, if need be, based on changed circumstances. The Controller's annual status report should be submitted to the Mayor and the Board in sufficient time to allow for budgetary consideration for each upcoming fiscal year.	Mayor's Office	Recommendation Implemented	Recommendation Implemented March 20, 2006 per Office of the Controller 2006 Recommendations of the Civil Grand Jury Status Report.	**	

(1) "--" Department did not respond with one of the four required actions.
**** Response not required: Recommendation has been implemented or abandoned.

**Status of the Recommendations
by the Civil Grand Jury
2004-05**

CGJ Year	Report Title	Recommendation	Response Required	2006 Response (1)	2006 Response Text	2007 Response (1)	2007 Response Text
2004-05	Continuity Report	Part III:1. The Controller should provide to the Mayor and the Board of Supervisors an on-going annual status report of the agreed-to-be-implemented CGJ recommendations. Each agree-to-be implemented recommendation should be reported on, until the respondent indicates it is fully implemented or abandoned because it is no longer reasonable or warranted. Such a report should include suggestions of ways to (a) accelerate the implementation of the open items or (b) revise the implementation of the recommendation, if need be, based on changed circumstances. The Controller's annual status report should be submitted to the Mayor and the Board in sufficient time to allow for budgetary consideration for each upcoming fiscal year.	Office of the Controller	Recommendation Implemented	Recommendation implemented. Beginning in 2006, the Office of the Controller (Controller) will be reporting on agreed-to-be-implemented civil grand jury recommendations until the respondent indicates a recommendation is fully implemented or abandoned because the recommendation is no longer reasonable or warranted. The tracking of the recommendations will begin with recommendations of the fiscal year 2003-04 Civil Grand Jury. As part of the follow-up procedures, respondents will be asked to suggest ways to accelerate implementation of open items or to identify the need to revise the implementation of recommendations due to changed circumstances. The Controller expects to issue its status reports in May of each year to give the Mayor and Board of Supervisors sufficient time to allow for budgetary consideration for each upcoming fiscal year.	**	
2004-05	Continuity Report	Part III:2. The Board of Supervisors should hold an annual hearing on all outstanding recommendations, where implementation is pending.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on October 17, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the Mayor's Office and Planning Department's responses to the report. The Committee considered the actions requested by the Civil Grand Jury. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	Continuity Report	Part IV:1. The Planning Department should prepare a Work Plan that identifies steps the Planning Department will take to complete the implementation of the agreed-upon-recommendations of the 2001/02 Civil Grand Jury report on Billboard Code Enforcement. Such a response should include the number of additional temporary and/or regular staff members required to carry out its implementation, the needed additional software capability to increase productivity in enforcing the plan, timelines for completing each plan element, and potential sources for funding the plan.	Department of Building Inspection	--	The department elected not to respond.	**	Department of Building Inspection has not yet received the Planning Department Work Plan on this subject.
2004-05	Continuity Report	Part IV:1. The Planning Department should prepare a Work Plan that identifies steps the Planning Department will take to complete the implementation of the agreed-upon-recommendations of the 2001/02 Civil Grand Jury report on Billboard Code Enforcement. Such a response should include the number of additional temporary and/or regular staff members required to carry out its implementation, the needed additional software capability to increase productivity in enforcing the plan, timelines for completing each plan element, and potential sources for funding the plan.	Planning Department	Will Be Implemented in the Future	The Department prepared a work plan on completion of a General Advertising Sign inventory in 2005, including determinations of legality and follow-up enforcement work. This became the basis for the Department and Planning Commission fee recommendations included in legislation (Board Files 051844 and 052021) introduced by Supervisor Peskin. The Department's proposed budget for FY 06-07 adopted by the Planning Commission in February 2006 includes staffing and other costs associated with implementation and cost recovery from fees for sign inventory analysis and verification as mandated in proposed amendments to Planning Code Section 604. In addition, proposed amendments to Planning Code 610 would provide fees to cover costs of hearings on legality of signs when enforcement actions are undertaken and penalties for signs found through an administration hearing process to be illegal. Action on the pending legislation is anticipated to be completed prior to budget enactment.	Recommendation Implemented	The Planning Department prepared a Work Plan for the Enforcement Division in 2005, which covered the period September 2005 through December 2007. This Work Plan identifies steps to complete implementation of the recommendations of the 2001/02 Civil Grand Jury report on billboard enforcement. In FY2006, Supervisor Peskin initiated legislation to amend Planning Code Section 358 and 604.2 to require sign companies to submit inventories of signs, and pay an initial inventory processing fee of \$560 and an annual inventory maintenance fee of \$48. The fee revenue provides funding for the Department to verify sign company inventory submissions. To date, the Department has collected \$500k from the initial inventory-processing fee.
2004-05	Continuity Report	Part IV:2. In order to ensure that the Planning Department can commence implementation of the Work Plan, including elimination of the billboard code enforcement backlogs, the Department should request and receive "start up" monies for adequate temporary additional staffing to complete the assignment.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on Monday, October 17, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the Mayor's Office and Planning Department's responses to the report. The Committee considered the actions requested by the Civil Grand Jury. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	Continuity Report	Part IV:2. In order to ensure that the Planning Department can commence implementation of the Work Plan, including elimination of the billboard code enforcement backlogs, the Department should request and receive "start up" monies for adequate temporary additional staffing to complete the assignment.	Mayor's Office	Requires Further Analysis	Requires Further Analysis. Per request from the Planning Department, the Mayor's Office will consider this issue during the budget planning process	Will Not Be Implemented: Not Warranted or Not Reasonable	Please see department response.

(1) "--" Department did not respond with one of the four required actions.
**** Response not required: Recommendation has been implemented or abandoned.

**Status of the Recommendations
by the Civil Grand Jury
2004-05**

CGJ Year	Report Title	Recommendation	Response Required	2006 Response (1)	2006 Response Text	2007 Response (1)	2007 Response Text
2004-05	Continuity Report	Part IV:2. In order to ensure that the Planning Department can commence implementation of the Work Plan, including elimination of the billboard code enforcement backlogs, the Department should request and receive "start up" monies for adequate temporary additional staffing to complete the assignment.	Planning Department	Will Be Implemented in the Future	The concept of "start up" monies is encompassed in the augmented code enforcement staffing plan which is proposed to cover three years and includes Planner IIIs, Planner Is and interns. Staffing would then be reduced to an equivalent of ½ FTE Code Enforcement Planner III for monitoring and maintenance. Staffing would begin after approval of the FY 06-07 budget.	Recommendation Implemented	As described above, recent amendments to 604.2 included an initial inventory-processing fee in the amount of \$560 per sign. The Department collected \$500K from this processing fee, which serves as "start-up" monies for adequate temporary additional staff. On December 5, 2006, the Department hired one FIFE Planner III to serve as Sign Program Coordinator. The coordinator has prepared FY 2007/08 program goals and a staffing plan. A search has begun for one FIFE Planner II and up to three FTEs for Planning Interns. The Planner II position will be filled by June 2007, and the intern positions will be filled shortly thereafter.
2004-05	Continuity Report	Part IV:3. In order to limit the amount of "start up" funding needed before the billboard enforcement program can become self-sustaining, we suggest the following: The Board of Supervisors research major urban communities in California and elsewhere to identify "best practice" legislation to be used for collecting fees and penalties in matters of enforcement of illegal billboard signs. That information should be the basis for replacing or amending Planning Code Section 610 to enable the Planning Department to collect disincentive penalties from violators of the Billboard Ordinance. The legislation should have a fourfold purpose: to create an economic disincentive for future violations, to provide revenue for helping make billboard enforcement self-sustaining, to enhance other city revenues indirectly, and to eliminate the non-permitted billboards.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on Monday, October 17, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the Mayor's Office and Planning Department's responses to the report. The Committee considered the actions requested by the Civil Grand Jury. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	Continuity Report	Part IV:4. The Board of Supervisors should review the progress, including projected timelines, of the Department of Building Inspection Information Technology Exchange Project. Without such simultaneous tracking and coordinated action, it will be very difficult for the CPD enforcement staff to proceed as expeditiously as planned. The interface of information technology is essential for identifying targeted properties and billboards needing attention.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on Monday, October 17, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the Mayor's Office and Planning Department's responses to the report. The Committee considered the actions requested by the Civil Grand Jury. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	Continuity Report	Part IV:4. The Board of Supervisors should review the progress, including projected timelines, of the Department of Building Inspection Information Technology Exchange Project. Without such simultaneous tracking and coordinated action, it will be very difficult for the CPD enforcement staff to proceed as expeditiously as planned. The interface of information technology is essential for identifying targeted properties and billboards needing attention.	Department of Building Inspection	--	The department elected not to respond.	Will Be Implemented in the Future	This matter will be included in a rewrite of the Permit Tracking System.
2004-05	Continuity Report	Part IV:4. The Board of Supervisors should review the progress, including projected timelines, of the Department of Building Inspection Information Technology Exchange Project. Without such simultaneous tracking and coordinated action, it will be very difficult for the CPD enforcement staff to proceed as expeditiously as planned. The interface of information technology is essential for identifying targeted properties and billboards needing attention.	Planning Department	--	The department did not respond to this recommendation.	Will Be Implemented in the Future	The Department of Building Inspection is the lead agency for the development of an Integrated Permit Tracking System. However, this system is a priority for the Planning Department and the proposed FY2007 budget requests \$1.4M of General Fund resources for the first year of this three-year project. The Department is working closely with DBI and the Mayor's Office to develop a funding strategy for the project and to keep the project on track. The Planning Department, including the Code Enforcement Section, participated in the identifying problems related to permit tracking systems and is working with DBI to improve the sign permitting and tracking process. Implementation of this system is at least 24 months away.

(1) "--" Department did not respond with one of the four required actions.
**** Response not required: Recommendation has been implemented or abandoned.

**Status of the Recommendations
by the Civil Grand Jury
2004-05**

CGJ Year	Report Title	Recommendation	Response Required	2006 Response (1)	2006 Response Text	2007 Response (1)	2007 Response Text
2004-06	Continuity Report	Part IV:5. The Mayor, using SFStat and the Board President, using the Government Audit and Oversight Committee, should review the Planning Director's Report semi-annually for progress in meeting the program milestones and timelines, identified in the approved Work Plan.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on Monday, October 17, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the Mayor's Office and Planning Department's responses to the report. The Committee considered the actions requested by the Civil Grand Jury. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	Continuity Report	Part IV:5. The Mayor, using SFStat and the Board President, using the Government Audit and Oversight Committee, should review the Planning Director's Report semi-annually for progress in meeting the program milestones and timelines, identified in the approved Work Plan.	Mayor's Office	Recommendation Implemented	Recommendation Implemented September 12, 2005. Planning Department reporting during appropriate SFStat meetings.	**	
2004-05	Employee or Independent Contractor?	1. The City should identify and adapt legal standards into a form that can then serve as documentation for the City Attorney's approval or disapproval of independent contractor status of the vendor. Completed forms such as any appended hereto as Appendix C Forms 1-5 could well serve as that documentation.	City Attorney	--	This recommendation is directed at the City Attorney's Office only in part. As set forth in the City's August 19, 2005 response to the Civil Grand Jury, for a number of reasons, the City Attorney's Office does not agree that the City Attorney's Office should "approve or disapprove" the independent contractor status of a vendor. Independent contractor status is primarily a fact-based determination, with no "bright line" rules, and thus a matter of judgment for the department, which is best informed on the facts. But the City Attorney's Office continues to work with departments on developing ways to capture the information needed to determine independent contractor status. And the City Attorney's Office will continue to withhold approval as to form where, based on the facts presented, and applicable law, a particular contract would create an employment not an independent contractor relationship.	Recommendation Implemented/Will Not Be Implemented: Not Warranted or Not Reasonable	Response no. 1. The City Attorney's Office withholds approval as to form where, based on facts presented to it, a contract would create an employment not an independent contractor relationship. Response no. 4. As set forth in the City's August 19, 2005 response, for a number of reasons, the City Attorney's Office does not agree that the City Attorney's Office should "approve or disapprove" the independent contractor status of a vendor. The City Attorney's Office is not in a position to be aware of all relevant facts, which are more likely to be accessible to the contracting department.
2004-05	Employee or Independent Contractor?	1. The City should identify and adapt legal standards into a form that can then serve as documentation for the City Attorney's approval or disapproval of independent contractor status of the vendor. Completed forms such as any appended hereto as Appendix C Forms 1-5 could well serve as that documentation.	Controller's Office	Will Not Be Implemented: Not Warranted or Not Reasonable	The Controller's Office agrees that the appropriate parties including the City Attorney, Department of Human Resources, Civil Service Commission, and Office of Contract Administration should work together to develop a "common-law test" checklist for departments based on existing forms from other jurisdictions. It is recommended that this checklist be completed and submitted by City departments to the City Attorney (or other approving entity) as early in the contract process as possible, provided that the Civil Service Commission is able to create new exempt positions as a viable alternative. Ideally, the checklist would be submitted at the same time departments are submitting a Personal Services Summary to the Civil Service Commission per the City's established contract review process prior to contractor selection.	**	
2004-05	Employee or Independent Contractor?	1. The City should identify and adapt legal standards into a form that can then serve as documentation for the City Attorney's approval or disapproval of independent contractor status of the vendor. Completed forms such as any appended hereto as Appendix C Forms 1-5 could well serve as that documentation.	Mayor	--	The Mayor's Office supports the response contained in the Office of the Controller and Office of Contract Administration status reports.	Will Not Be Implemented: Not Warranted or Not Reasonable	Does not pertain to the Mayor's Office.
2004-05	Employee or Independent Contractor?	1. The City should identify and adapt legal standards into a form that can then serve as documentation for the City Attorney's approval or disapproval of independent contractor status of the vendor. Completed forms such as any appended hereto as Appendix C Forms 1-5 could well serve as that documentation.	Office of Contract Administration	Will Be Implemented in the Future	OCA anticipates that this recommendation will be implemented in the future. OCA will follow the City Attorney's lead	Will Be Implemented in the Future	OCA is working with the City Attorney's Office to develop a form. On the time frame, OCA will follow the City Attorney's lead.
2004-05	Employee or Independent Contractor?	2. The language in Article 14 of the City grant agreement form G100 (see Appendix B) should be incorporated into City contract agreement form P 500 and P501.	City Attorney	--	As set forth in the City's response to the Civil Grand Jury, City contract agreement P500 already contains the same language as in Article 12 of the City grant agreement form G100. Whether to also incorporate the language into form P501 is a decision to be made by City policymakers.	Recommendation Implemented	As set forth in the City's August 19, 2005 response, City Form P500 already contains this language and it is up to City policymakers whether to incorporate it into P501. The City Attorney's Office already has responded to all recommendations that pertain to its functions.
2004-05	Employee or Independent Contractor?	3. The City Attorney's Office should either approve or reject each contract for services of individual vendors based on the submitted documentation described in the first recommendation.	City Attorney	--	As indicated above, the City Attorney's response stated that it did not believe this recommendation should be implemented, but that the City Attorney's Office will continue to withhold approval as to form where, based on the facts presented, and applicable law, a particular contract would create an employment, not an independent contractor relationship.	Recommendation Implemented	See no. 1 above.

(1) "--" Department did not respond with one of the four required actions.
**** Response not required: Recommendation has been implemented or abandoned.

**Status of the Recommendations
by the Civil Grand Jury
2004-05**

CGJ Year	Report Title	Recommendation	Response Required	2006 Response (1)	2006 Response Text	2007 Response (1)	2007 Response Text
2004-05	Employee or Independent Contractor?	4. The City should designate a department with expertise to formulate a method of monitoring the classification treatment of the sole proprietor vendor to insure that the contracting department has not, in practice, altered the terms and conditions under which contract services are being rendered. Possible tools for ongoing monitoring are continuing use by periodic re-submission of the initial form referenced in recommendation number 1, above, or a prospective written certification by departmental contract administrators that the monitoring department or the City Attorney will be notified if any of the responses given to the initial checklist change.	City Attorney	--	This recommendation is not directed to the City Attorney's Office. But the City Attorney's response indicated that such monitoring would be prudent and the City Attorney is willing to work with departments to that end.	Recommendation Implemented	This recommendation is not directed to the City Attorney's Office. The City Attorney's Office already has responded to all recommendations that pertain to its functions.
2004-05	Employee or Independent Contractor?	4. The City should designate a department with expertise to formulate a method of monitoring the classification treatment of the sole proprietor vendor to insure that the contracting department has not, in practice, altered the terms and conditions under which contract services are being rendered. Possible tools for ongoing monitoring are continuing use by periodic re-submission of the initial form referenced in recommendation number 1, above, or a prospective written certification by departmental contract administrators that the monitoring department or the City Attorney will be notified if any of the responses given to the initial checklist change.	Controller's Office	Will Not Be Implemented: Not Warranted or Not Reasonable	The Controller's Office believes monitoring could occur effectively through a prospective written certification or notification from departmental contract administrators of status changes for contracts less than 2 years in duration or through re-submission of the checklist form every 2 years to allow departments to periodically re-assess and determine their needs. We recommend that the City Attorney and Department of Human Resources jointly formulate the monitoring method, and analyze and report on the results every 2 years to the Civil Service Commission.	**	
2004-05	Employee or Independent Contractor?	4. The City should designate a department with expertise to formulate a method of monitoring the classification treatment of the sole proprietor vendor to insure that the contracting department has not, in practice, altered the terms and conditions under which contract services are being rendered. Possible tools for ongoing monitoring are continuing use by periodic re-submission of the initial form referenced in recommendation number 1, above, or a prospective written certification by departmental contract administrators that the monitoring department or the City Attorney will be notified if any of the responses given to the initial checklist change.	Mayor	--	The Mayor's Office supports the response contained in the Office of the Controller and Office of Contract Administration status reports.	Will Not Be Implemented: Not Warranted or Not Reasonable	Does not pertain to the Mayor's Office.
2004-05	Employee or Independent Contractor?	4. The City should designate a department with expertise to formulate a method of monitoring the classification treatment of the sole proprietor vendor to insure that the contracting department has not, in practice, altered the terms and conditions under which contract services are being rendered. Possible tools for ongoing monitoring are continuing use by periodic re-submission of the initial form referenced in recommendation number 1, above, or a prospective written certification by departmental contract administrators that the monitoring department or the City Attorney will be notified if any of the responses given to the initial checklist change.	Office of Contract Administration	Will Not Be Implemented: Not Warranted or Not Reasonable	OCA will not be the monitoring department. OCA agrees with the Controller's August 8, 2005 response to the Civil Grand Jury. As recommended by the Controller's Office, the City Attorney and the Department of Human Resources should jointly formulate the monitoring method, and analyze and report on the results every two years to the Civil Service Commission.	**	
2004-05	Employee or Independent Contractor?	5. All documentation to support an independent contractor determination should be permanently appended to each contract with a sole proprietor vendor and maintained by the Office of Contract Administration for the length of the longest statute of limitations.	City Attorney	--	This recommendation is not directed to the City Attorney's Office. But the City Attorney's response indicated that maintenance of documentation would be prudent and the City Attorney is willing to work with departments to that end.	Recommendation Implemented	This recommendation is not directed to the City Attorney's Office. The City Attorney's Office already has responded to all recommendations that pertain to its functions.
2004-05	Employee or Independent Contractor?	5. All documentation to support an independent contractor determination should be permanently appended to each contract with a sole proprietor vendor and maintained by the Office of Contract Administration for the length of the longest statute of limitations.	Mayor	--	The Mayor's Office supports the response contained in the Office of the Controller and Office of Contract Administration status reports.	Will Not Be Implemented: Not Warranted or Not Reasonable	Does not pertain to the Mayor's Office.
2004-05	Employee or Independent Contractor?	5. All documentation to support an independent contractor determination should be permanently appended to each contract with a sole proprietor vendor and maintained by the Office of Contract Administration for the length of the longest statute of limitations.	Office of Contract Administration	Will Not Be Implemented: Not Warranted or Not Reasonable	OCA will not be able to implement the recommendation no. 5 because OCA does not approve all contracts. Although OCA could easily maintain a database and files of the sole proprietor contracts that OCA approves, OCA does not approve all independent contractors who provide services to the City. All public works related professional services are procured by departments authorized under Chapter 6 of the Administrative Code. Some departments are authorized to purchase services without the approval of the Purchaser such as, the City Attorney, the Risk Manager, and those departments that administer financial and benefits programs. Nevertheless, OCA will work with the City Attorney and Controller in training departmental contract administrators in reviewing the common law tests for an independent contracts, establishing procedures and protocols, and assist in monitoring through a post audit process.	**	

(1) "--" Department did not respond with one of the four required actions.
**** Response not required: Recommendation has been implemented or abandoned.

**Status of the Recommendations
by the Civil Grand Jury
2004-05**

CGJ Year	Report Title	Recommendation	Response Required	2006 Response (1)	2006 Response Text	2007 Response (1)	2007 Response Text
2004-05	Employee or Independent Contractor?	6. If there is currently no civil service exempt classification in which a vendor whose classification is questionable can be hired as an employee, the Civil Service Commission should create such a classification. Appointment to such a classification should be approved by the Department of Human Resources.	Civil Service Commission	Will Not Be Implemented: Not Warranted or Not Reasonable	The Department Head not the Department of Human Resources may appoint to a position (Administrative Code 2A.30). The Human Resources Director is responsible for establishing classifications, subject to appeal to the Civil Service Commission whose decision is final (Charter Section 10.103). Charter Section 10.104 defines specific categories that qualify positions exempt from civil service. The Civil Service Commission does not have the authority to extend exempt positions beyond those categories identified in the Charter.	**	
2004-05	Employee or Independent Contractor?	6. If there is currently no civil service exempt classification in which a vendor whose classification is questionable can be hired as an employee, the Civil Service Commission should create such a classification. Appointment to such a classification should be approved by the Department of Human Resources.	Department of Human Resources	--	The department elected not to respond.	Will Not Be Implemented: Not Warranted or Not Reasonable	Typically it is positions are exempt—appointments make in accordance with Charter section 10.104—rather than entire classifications (with the exception of deputy director classifications). Also, the Civil Service Commission reviews Personal Service Contract (PSC) requests from departments that wish to contract for services. PSC Form 1 requires departments to indicate why civil service classes are not applicable and/or whether it would be practical to adopt a new civil service class to perform the work.
2004-05	The San Francisco Ethics Commission Budgeting and Staffing Issues	Complaints and Investigations: Investigative resources of the Ethics Commission (EC) should be increased by some combination of available alternatives: increases in budget, decreases in mandated responsibilities, and/or delegation of existing investigative duties to other City departments within the limits of the law.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on Monday, July 25, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the Ethics Commission's response to the report. John St. Croix, Executive Director, presented at the hearing. Implementation of some recommendations has been initiated. Some recommendations are being addressed in a proposed Charter amendment that has been submitted for the November ballot. Other recommendations have been addressed in the budget process. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	The San Francisco Ethics Commission Budgeting and Staffing Issues	Complaints and Investigations: Investigative resources of the Ethics Commission (EC) should be increased by some combination of available alternatives: increases in budget, decreases in mandated responsibilities, and/or delegation of existing investigative duties to other City departments within the limits of the law.	Ethics Commission	Will Be Implemented in the Future	The budget for Complaints and Investigations was increased enough to hire one Assistant Investigator in 2005. While this additional staffer has helped reduce the backlog of cases and made it possible to reactivate several pending investigations, the Commission still faces a heavy complaint backlog caused by the filing of new complaints and the implementation of the streamlined enforcement program to address candidates and campaign committees that failed to file campaign disclosure reports. In the upcoming fiscal year, the Ethics Commission seeks to hire one additional Investigator and one clerical support staff for the division that, pending budget approval, will produce a greater reduction of the backlog. The Commission anticipates that additional staff will need to be absorbed in future years to enable the Commission to become the far more proactive investigations and enforcement unit that the Charter mandates, the Civil Grand Jury envisions, and the people of San Francisco expect.	Will Be Implemented in the Future	The Ethics Commission has received funding to hire one additional investigator and is working with the DHR to bring the person on board, hopefully by this month. The Commission believes that additional funding is required to hire an investigations clerk to assist in the enforcement division, which will be part of the Commission's FY 07-08 budget request.
2004-05	The San Francisco Ethics Commission Budgeting and Staffing Issues	Complaints and Investigations: Investigative resources of the Ethics Commission (EC) should be increased by some combination of available alternatives: increases in budget, decreases in mandated responsibilities, and/or delegation of existing investigative duties to other City departments within the limits of the law.	Mayor	Recommendation Implemented	Recommendation Implemented July 17, 2005. The Mayor's Office 2005-2006 budget provided a 10% increase in both permanent and temporary staffing to eliminate the backlog of audit cases and investigations, as well as \$30,000 in new funds to improve online filing options and access to data.	**	
2004-05	The San Francisco Ethics Commission Budgeting and Staffing Issues	Education and Training: The Ethics Commission should hire a well-qualified Education and Training Officer who would: 1. Train newly elected and appointed officers of the City to explore the ethical dimensions of their prospective positions. (A useful beginning model is to be found in Appendix D.)2. Offer seminars for officials on a regular basis, focusing on specific issues such as improving decision-making in one's domain, dealing with the media, establishing and improving ethical standards within one's jurisdiction, understanding how and why the discretionary power one has, though a highly valued asset, is ethically problematic and dangerous, and the like3. Assist in performing all other City Charter mandated education and training functions.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on Monday, July 25, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the Ethics Commission's response to the report. John St. Croix, Executive Director, presented at the hearing. Implementation of some recommendations has been initiated. Some recommendations are being addressed in a proposed Charter amendment that has been submitted for the November ballot. Other recommendations have been addressed in the budget process. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.

(1) "--" Department did not respond with one of the four required actions.
**** Response not required: Recommendation has been implemented or abandoned.

**Status of the Recommendations
by the Civil Grand Jury
2004-05**

CGJ Year	Report Title	Recommendation	Response Required	2006 Response (1)	2006 Response Text	2007 Response (1)	2007 Response Text
2004-05	The San Francisco Ethics Commission Budgeting and Staffing Issues	Education and TrainingThe Ethics Commission should hire a well-qualified Education and Training Officer who would: 1. Train newly elected and appointed officers of the City to explore the ethical dimensions of their prospective positions. (A useful beginning model is to be found in Appendix D.)2. Offer seminars for officials on a regular basis, focusing on specific issues such as improving decision-making in one's domain, dealing with the media, establishing and improving ethical standards within one's jurisdiction, understanding how and why the discretionary power one has, though a highly valued asset, is ethically problematic and dangerous, and the like3. Assist in performing all other City Charter mandated education and training functions.	Ethics Commission	Will Be Implemented in the Future	One of the budget priorities for the next fiscal year is funding for a full-time Educator/Outreach Coordinator. Assuming budget approval, this person will be responsible for developing a training curriculum for both campaign and ethics rules, create ongoing and one-time seminars on relevant topics, and coordinating other educational forum activity of the Commission.	Recommendation Implemented	The Ethics Commission has hired a well qualified education and training officer who will provide training and perform duties as specified.
2004-05	The San Francisco Ethics Commission Budgeting and Staffing Issues	Education and TrainingThe Ethics Commission should hire a well-qualified Education and Training Officer who would: 1. Train newly elected and appointed officers of the City to explore the ethical dimensions of their prospective positions. (A useful beginning model is to be found in Appendix D.)2. Offer seminars for officials on a regular basis, focusing on specific issues such as improving decision-making in one's domain, dealing with the media, establishing and improving ethical standards within one's jurisdiction, understanding how and why the discretionary power one has, though a highly valued asset, is ethically problematic and dangerous, and the like3. Assist in performing all other City Charter mandated education and training functions.	Mayor	--	The Mayor's Office supports the response contained in the Ethics Commission status report.	Recommendation Implemented	A training officer has been hired as of February 2007.
2004-05	The San Francisco Ethics Commission Budgeting and Staffing Issues	Lobbyists and Campaign Consultants: As the elected representatives for the citizens of San Francisco, the BOS must initiate an independent, rigorous, and ongoing (it will take several election cycles) evaluation of the campaign finance ordinance and the voluntary public financing program.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on Monday, July 25, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the Ethics Commission's response to the report. John St. Croix, Executive Director, presented at the hearing. Implementation of some recommendations has been initiated. Some recommendations are being addressed in a proposed Charter amendment that has been submitted for the November ballot. Other recommendations have been addressed in the budget process. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	The San Francisco Ethics Commission Budgeting and Staffing Issues	Lobbyists and Campaign Consultants: As the elected representatives for the citizens of San Francisco, the BOS must initiate an independent, rigorous, and ongoing (it will take several election cycles) evaluation of the campaign finance ordinance and the voluntary public financing program.	Ethics Commission	--	Although you ask for a response regarding lobbyists and campaign consultants, the 2004-05 Civil Grand Jury Report did not make findings or recommendations related to lobbyists and campaign consultants. Instead, the finding to which the recommendation listed was made refers to Campaign Finance Reform . Here, the recommendation addresses the Board of Supervisors. While the Ethics Commission cannot answer for the Board of Supervisors, the Commission notes that the Commission has just completed a rigorous, eight-month review of the Campaign Finance Reform Ordinance and produced a host of reforms, updates and clarifications which it has adopted and which are currently pending before the Board of Supervisors. Members of the Board throughout the year have also initiated legislation to amend the Campaign Finance Reform Ordinance.	Recommendation Implemented	The Ethics Commission adopted several major changes to the Campaign Finance Reform Ordinance in 2006 and will be considering proposed staff regulations to implement the amendments. The Commission will be implementing the partial public financing program for Mayoral candidates for the first time in the November 2007 election. Its report on the third cycle of public financing for supervisorial candidates will be available shortly. Finally, as mentioned before in our response, the 2004-05 Civil Grand Report did not make findings or recommendations related to lobbyists and campaign consultants.
2004-05	The San Francisco Ethics Commission Budgeting and Staffing Issues	Lobbyists and Campaign ConsultantsAs the elected representatives for the citizens of San Francisco, the BOS must initiate an independent, rigorous, and ongoing (it will take several election cycles) evaluation of the campaign finance ordinance and the voluntary public financing program.	Mayor	Recommendation Implemented	Recommendation Implemented July 17, 2005. The Mayor's Office concurs with the Ethics Commission that it will take several elections cycles to fully evaluate this program, and will cooperate with any such evaluation.	**	
2004-05	The San Francisco Ethics Commission Budgeting and Staffing Issues	Statement of Economic Interest (SEI)1. If the staff of the EC is expanded, random audits of SEIs required to be on file in City departments should be conducted.2. If the staff of the EC is expanded, random audits of the content of those SEIs on file in the EC should be conducted.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on Monday, July 25, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the Ethics Commission's response to the report. John St. Croix, Executive Director, presented at the hearing. Implementation of some recommendations has been initiated. Some recommendations are being addressed in a proposed Charter amendment that has been submitted for the November ballot. Other recommendations have been addressed in the budget process. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.

(1) "--" Department did not respond with one of the four required actions.
**** Response not required: Recommendation has been implemented or abandoned.

**Status of the Recommendations
by the Civil Grand Jury
2004-05**

CGJ Year	Report Title	Recommendation	Response Required	2006 Response (1)	2006 Response Text	2007 Response (1)	2007 Response Text
2004-05	The San Francisco Ethics Commission Budgeting and Staffing Issues	Statement of Economic Interest (SEI) 1. If the staff of the EC is expanded, random audits of SEIs required to be on file in City departments should be conducted. 2. If the staff of the EC is expanded, random audits of the content of those SEIs on file in the EC should be conducted.	Ethics Commission	Will Not Be Implemented: Not Warranted or Not Reasonable	The Commission has been able, using staff funded by temporary resources, to conduct facial audits of all SEIs filed with the Commission in the last four years. At this point the Ethics Commission does not have the staff resources to conduct random audits of City departments to ensure that all designated employees have filed SEIs—instead, we rely on Filing Officer Reports in which department heads must certify that all designated employees who are required to file SEIs with their respective departments have done so or, if not, list the names of those who have not complied. With respect to full audits of SEIs filed at the Commission, such audits are of necessity limited by law. The SEI requires individuals to disclose only certain financial interests that may be materially affected by governmental decisions they make or participate in making; the Ethics Commission's authority extends only to investigating suspicions of non-disclosure of <i>required</i> disclosures. Constitutional concerns would likely preclude wholesale audits of financial assets of individuals.	**	
2004-05	The San Francisco Ethics Commission Budgeting and Staffing Issues	Statement of Economic Interest (SEI) 1. If the staff of the EC is expanded, random audits of SEIs required to be on file in City departments should be conducted. 2. If the staff of the EC is expanded, random audits of the content of those SEIs on file in the EC should be conducted.	Mayor	Recommendation Implemented	Recommendation Implemented July 17, 2005. The Mayor's Office concurs with the Ethics Commission procedures for random audits for SEIs to ensure compliance with City regulations	**	
2004-05	What is the Difference Between a Contract and a Grant?	1. The Controller's Office and the City Attorney's Office should conduct an analysis of grants made from City fund sources to determine if there is-or ought to be-any legal or functional distinction between contracts and grants.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on September 12, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the responses of the Controller's Office, City Attorney's Office, and Ethics Commission to the report. Ed Harrington, Controller, and Robert Bryan, Deputy City Attorney, presented at the hearing. The Controller's Office and the City Attorney's Office will work on this matter. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-06	What is the Difference Between a Contract and a Grant?	1. The Controller's Office and the City Attorney's Office should conduct an analysis of grants made from City fund sources to determine if there is-or ought to be-any legal or functional distinction between contracts and grants.	City Attorney	--	The City Attorney's response, dated July 18, 2005, reported that there is a functional and legal distinction between grants and procurement contracts, and explained the legal difference. The distinction is set forth in City Attorney Opinion No. 84-29. The City Attorney's response also stated that the blurring of this distinction in practice presents an administrative rather than a legal issue. After the Civil Grand Jury made its recommendation, the Controller's Office consulted the City Attorney's Office concerning possible guidelines. It is our understanding that the Controller's Office review of possible guidelines is ongoing.	Recommendation Implemented	The City Attorney's response, dated July 18, 2005, reported that there is a functional and legal distinction between grants and procurement contracts and explained the legal difference. That distinction is set forth in City Attorney Opinion no. 84-29.
2004-05	What is the Difference Between a Contract and a Grant?	1. The Controller's Office and the City Attorney's Office should conduct an analysis of grants made from City fund sources to determine if there is-or ought to be-any legal or functional distinction between contracts and grants.	Controller's Office	Recommendation Implemented	Date of implementation: October through November 2005 Summary of implemented action: The Controller's Office interviewed major granting departments to determine how they distinguish between grants and contracts, analyzed a sample of grant agreements and compared them to the City's standard professional services contract form (P500), conducted a literature and comparative practices review and developed a set of recommendations on how to distinguish between a grant and a contract. These recommendations include development and clarification of definition and coding and processing policies (ADPICS, FAMIS, approval path).	**	
2004-05	What is the Difference Between a Contract and a Grant?	1. The Controller's Office and the City Attorney's Office should conduct an analysis of grants made from City fund sources to determine if there is-or ought to be-any legal or functional distinction between contracts and grants.	Ethics Commission	Will Be Implemented in the Future, Requires Further Analysis, Will Not Be Implemented: Not Warranted or Not Reasonable	The Ethics Commission is willing to review or provide input to any analysis conducted by the City Attorney or the Controller.	Recommendation Implemented/Will Not Be Implemented: Not Warranted or Not Reasonable	The Ethics Commission is willing to review or provide input to any analysis conducted by the City Attorney or the Controller.
2004-05	What is the Difference Between a Contract and a Grant?	2. The analysis by the Controller's Office should address the question of whether or not all grants presently reported as grants to for-profit entities are properly categorized as such.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on September 12, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the responses of the Controller's Office, City Attorney's Office, and Ethics Commission to the report. Ed Harrington, Controller, and Robert Bryan, Deputy City Attorney, presented at the hearing. The Controller's Office and the City Attorney's Office will work on this matter. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	What is the Difference Between a Contract and a Grant?	2. The analysis by the Controller's Office should address the question of whether or not all grants presently reported as grants to for-profit entities are properly categorized as such.	City Attorney	--	This recommendation is directed to the Controller's Office, not the City Attorney's Office. We are prepared to work with the Controller to improve that review process.	Recommendation Implemented	See above. The City Attorney's Office has done the legal analysis. This comment pertains to the Controller's Office.

(1) "--" Department did not respond with one of the four required actions.
**** Response not required: Recommendation has been implemented or abandoned.

**Status of the Recommendations
by the Civil Grand Jury
2004-05**

CGJ Year	Report Title	Recommendation	Response Required	2006 Response (1)	2006 Response Text	2007 Response (1)	2007 Response Text
2004-05	What is the Difference Between a Contract and a Grant?	2. The analysis by the Controller's Office should address the question of whether or not all grants presently reported as grants to for-profit entities are properly categorized as such.	Controller's Office	Recommendation Implemented	Date of implementation: December through March 2006 Summary of implemented action: The Controller's Office identified grant payments made to for-profit entities and asked departments to comment on them. While analyzing such payments back in FY 02-03, the Controller's Office found that a significant portion of these transactions were with public entities doing non-profit business with the City. The Controller's Office observed that the dollar value of the grant payments to entities properly coded as for-profit has decreased over the last few years. The Controller's Office is proposing to set up a category of vendors in the FAMIS database that would encompass any public agency (districts, authorities) that does business with the City. Some specific categories already exist (GOV or G) but have not been used in a consistent manner over time. The Controller's Office's goals are to clean up the current codes and set up guidelines for a more uniform identification process through the City's Business Tax Declaration Process. The circumstances upon which departments will be authorized to award grants to this specific category of vendors remain to be decided by the Board of Supervisors.	**	
2004-05	What is the Difference Between a Contract and a Grant?	2. The analysis by the Controller's Office should address the question of whether or not all grants presently reported as grants to for-profit entities are properly categorized as such.	Ethics Commission	Will Be Implemented in the Future, Requires Further Analysis, Will Not Be Implemented: Not Warranted or Not Reasonable	The Ethics Commission is willing to review or provide input to any analysis conducted by the City Attorney or the Controller.	Recommendation Implemented/Will Not Be Implemented: Not Warranted or Not Reasonable	The Ethics Commission is willing to review or provide input to any analysis conducted by the City Attorney or the Controller.
2004-05	What is the Difference Between a Contract and a Grant?	3. The City Attorney's Office should not approve grants to for-profit entities unless existing policies are revised to permit them. If these policies are revised, they must provide specific justification for grants to for-profit entities.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on September 12, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the responses of the Controller's Office, City Attorney's Office, and Ethics Commission to the report. Ed Harrington, Controller, and Robert Bryan, Deputy City Attorney, presented at the hearing. The Controller's Office and the City Attorney's Office will work on this matter. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	What is the Difference Between a Contract and a Grant?	3. The City Attorney's Office should not approve grants to for-profit entities unless existing policies are revised to permit them. If these policies are revised, they must provide specific justification for grants to for-profit entities.	City Attorney	--	The City Attorney's response stated that grants are subject to approval as to form by the City Attorney and the Controller. Deputy city attorneys are aware that the City may not evade procurement rules by labeling a procurement contract as a grant. Our office declines to approve as to form procurement contracts that City agencies have awarded without following the correct procedures. The City Attorney's response explained that a grant could properly be awarded to a for-profit entity if the criteria for a grant, as opposed to a contract, were satisfied. The response stated: "For-profit entities may also engage in programs for the community that do not involve the procurement of goods or services for the City or services that the City has an obligation to provide. That the grantee is a for-profit would not by itself make the grant inappropriate." It is a matter of policy for the Mayor and Board of Supervisors to decide whether to ban grants to for-profit entities.	Recommendation Implemented/Will Not Be Implemented: Not Warranted or Not Reasonable	Response no. 1. The City Attorney's response stated that deputy city attorneys are aware that the City may not evade contract procurement rules by labeling a procurement grant as a contract and would not approve the grant as to form. Response no. 4. The City Attorney response also stated that a grant could properly be awarded to a for-profit entity if the criteria for a grant, as opposed to a contract, were satisfied.
2004-05	What is the Difference Between a Contract and a Grant?	3. The City Attorney's Office should not approve grants to for-profit entities unless existing policies are revised to permit them. If these policies are revised, they must provide specific justification for grants to for-profit entities.	Controller's Office	--	N/A	Will Not Be Implemented: Not Warranted or Not Reasonable	Recommendation not addressed to the controller.
2004-05	What is the Difference Between a Contract and a Grant?	3. The City Attorney's Office should not approve grants to for-profit entities unless existing policies are revised to permit them. If these policies are revised, they must provide specific justification for grants to for-profit entities.	Ethics Commission	Will Be Implemented in the Future, Requires Further Analysis, Will Not Be Implemented: Not Warranted or Not Reasonable	The Ethics Commission is willing to review or provide input to any analysis conducted by the City Attorney or the Controller.	Recommendation Implemented/Will Not Be Implemented: Not Warranted or Not Reasonable	The Ethics Commission is willing to review or provide input to any analysis conducted by the City Attorney or the Controller.

(1) "--" Department did not respond with one of the four required actions.
**** Response not required: Recommendation has been implemented or abandoned.

**Status of the Recommendations
by the Civil Grand Jury
2004-05**

CGJ Year	Report Title	Recommendation	Response Required	2006 Response (1)	2006 Response Text	2007 Response (1)	2007 Response Text
2004-05	What is the Difference Between a Contract and a Grant?	4. If there is a meaningful or functional distinction between contracts and grants, the Board of Supervisors should pass legislation to define grants.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on September 12, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the responses of the Controller's Office, City Attorney's Office, and Ethics Commission to the report. Ed Harrington, Controller, and Robert Bryan, Deputy City Attorney, presented at the hearing. The Controller's Office and the City Attorney's Office will work on this matter. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	What is the Difference Between a Contract and a Grant?	4. If there is a meaningful or functional distinction between contracts and grants, the Board of Supervisors should pass legislation to define grants.	City Attorney	--	This recommendation is not directed to the City Attorney's Office. The City Attorney's Office is not aware of any legislation enacted by the Board, but is prepared to assist should we receive a legislative request.	Recommendation Implemented	This recommendation is not directed to the City Attorney's Office. The City Attorney's Office already has responded to all recommendations that pertain to its functions.
2004-05	What is the Difference Between a Contract and a Grant?	4. If there is a meaningful or functional distinction between contracts and grants, the Board of Supervisors should pass legislation to define grants.	Controller's Office	Requires Further Analysis	Timeframe: To be determined. The Controller's Office is currently working with the City Attorney's Office to determine the appropriate course of action for Board consideration.	Will Not Be Implemented: Not Warranted or Not Reasonable	The City Attorney believes there is a meaningful distinction between contracts and grants and believes the instructions are clear without further legislation. Refer to City Attorney response to recommendation #1. We agree with the City Attorney's response.
2004-05	What is the Difference Between a Contract and a Grant?	4. If there is a meaningful or functional distinction between contracts and grants, the Board of Supervisors should pass legislation to define grants.	Ethics Commission	Will Be Implemented in the Future, Requires Further Analysis, Will Not Be Implemented: Not Warranted or Not Reasonable	The Ethics Commission is willing to review or provide input to any analysis conducted by the City Attorney or the Controller.	Recommendation Implemented/Will Not Be Implemented: Not Warranted or Not Reasonable	The Ethics Commission is willing to review or provide input to any analysis conducted by the City Attorney or the Controller.
2004-05	What is the Difference Between a Contract and a Grant?	5. Such legislation should include Citywide procedures for the application and award process for grants.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on September 12, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the responses of the Controller's Office, City Attorney's Office, and Ethics Commission to the report. Ed Harrington, Controller, and Robert Bryan, Deputy City Attorney, presented at the hearing. The Controller's Office and the City Attorney's Office will work on this matter. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	What is the Difference Between a Contract and a Grant?	5. Such legislation should include Citywide procedures for the application and award process for grants.	City Attorney	--	This recommendation is not directed to the City Attorney's Office. The City Attorney's Office is not aware of any legislation enacted by the Board of Supervisors, but is prepared to assist should we receive a legislative request.	Recommendation Implemented	This recommendation is not directed to the City Attorney's Office. The City Attorney's Office already has responded to all recommendations that pertain to its functions.
2004-05	What is the Difference Between a Contract and a Grant?	5. Such legislation should include Citywide procedures for the application and award process for grants.	Controller's Office	Requires Further Analysis	Timeframe: To be determined by the Board of Supervisors. Comments: Based on its analysis of existing practices among City departments and best practices as identified in other jurisdictions, the Controller's Office is proposing citywide procedures to ensure an open and competitive selection process for grants. These procedures are consistent with what already exists for professional services contracts.	Will Not Be Implemented: Not Warranted or Not Reasonable	Will not be implemented since legislation will not be forthcoming. However, we have worked with departments to change processes and believe most City departments are now using better, competitive processes for grants.
2004-05	What is the Difference Between a Contract and a Grant?	5. Such legislation should include Citywide procedures for the application and award process for grants.	Ethics Commission	Will Be Implemented in the Future, Requires Further Analysis, Will Not Be Implemented: Not Warranted or Not Reasonable	The Ethics Commission is willing to review or provide input to any analysis conducted by the City Attorney or the Controller.	Recommendation Implemented/Will Not Be Implemented: Not Warranted or Not Reasonable	The Ethics Commission is willing to review or provide input to any analysis conducted by the City Attorney or the Controller.

(1) "--" Department did not respond with one of the four required actions.
**** Response not required: Recommendation has been implemented or abandoned.

**Status of the Recommendations
by the Civil Grand Jury
2004-05**

CGJ Year	Report Title	Recommendation	Response Required	2006 Response (1)	2006 Response Text	2007 Response (1)	2007 Response Text
2004-05	What is the Difference Between a Contract and a Grant?	6. Such legislation should define criteria for competitively awarding grants that ensure the most efficient use of public funds. For example: That grantees are the most qualified applicant, capable of performing the work for the lowest price. That grantees are capable of performing the work for which the grant is awarded.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on September 12, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the responses of the Controller's Office, City Attorney's Office, and Ethics Commission to the report. Ed Harrington, Controller, and Robert Bryan, Deputy City Attorney, presented at the hearing. The Controller's Office and the City Attorney's Office will work on this matter. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	What is the Difference Between a Contract and a Grant?	6. Such legislation should define criteria for competitively awarding grants that ensure the most efficient use of public funds. For example: That grantees are the most qualified applicant, capable of performing the work for the lowest price. That grantees are capable of performing the work for which the grant is awarded.	City Attorney	--	This recommendation is not directed to the City Attorney's Office. The City Attorney's Office is not aware of any legislation enacted by the Board of Supervisors, but is prepared to assist should we receive a legislative request.	Recommendation Implemented	This recommendation is not directed to the City Attorney's Office. The City Attorney's Office already has responded to all recommendations that pertain to its functions. The City Attorney's Office, however, is prepared to assist the Board of Supervisors in drafting any legislation.
2004-05	What is the Difference Between a Contract and a Grant?	6. Such legislation should define criteria for competitively awarding grants that ensure the most efficient use of public funds. For example: That grantees are the most qualified applicant, capable of performing the work for the lowest price. That grantees are capable of performing the work for which the grant is awarded.	Controller's Office	Requires Further Analysis	Timeframe: To be determined by the Board of Supervisors Comments: Based upon its analysis of some existing practices among departments and best practices as identified in other jurisdictions, the Controller's Office is proposing criteria to ensure an open and competitive selection processes. Among these criteria are: history and experience of the organization, description of the proposed use of grant funds, information on schedule and expected benefits of the project and detailed budget information (including a breakdown of expenditures: salary, operating and capital, if any.)	Will Not Be Implemented: Not Warranted or Not Reasonable	Will not be implemented since legislation will not be forthcoming. However, we have worked with departments to change processes and believe most City departments are now using better, competitive processes for grants.
2004-05	What is the Difference Between a Contract and a Grant?	6. Such legislation should define criteria for competitively awarding grants that ensure the most efficient use of public funds. For example: That grantees are the most qualified applicant, capable of performing the work for the lowest price. That grantees are capable of performing the work for which the grant is awarded.	Ethics Commission	Will Be Implemented in the Future, Requires Further Analysis, Will Not Be Implemented: Not Warranted or Not Reasonable	The Ethics Commission is willing to review or provide input to any analysis conducted by the City Attorney or the Controller.	Recommendation Implemented/Will Not Be Implemented: Not Warranted or Not Reasonable	The Ethics Commission is willing to review or provide input to any analysis conducted by the City Attorney or the Controller.
2004-05	What is the Difference Between a Contract and a Grant?	7. The process of selecting the most competitive grantee must ensure that knowledgeable City officials with no conflict of interest make these decisions transparently.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on September 12, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the responses of the Controller's Office, City Attorney's Office, and Ethics Commission to the report. Ed Harrington, Controller, and Robert Bryan, Deputy City Attorney, presented at the hearing. The Controller's Office and the City Attorney's Office will work on this matter. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	What is the Difference Between a Contract and a Grant?	7. The process of selecting the most competitive grantee must ensure that knowledgeable City officials with no conflict of interest make these decisions transparently.	City Attorney	--	This recommendation is not directed to the City Attorney's Office. But current City and State laws (California Government Code Sections 1090, et seq. and 87100, et seq.; San Francisco Campaign and Governmental Conduct Code Section 3.206) already ban officials with conflicts of interest from participating in any grant or procurement contracting decisions.	Recommendation Implemented	This recommendation is not directed to the City Attorney's Office. But City and State laws already ban officials with conflicts of interest from participating in any grant or procurement contracting decisions. See Cal. Gov. Code Sections 1090, et seq. and 87100; SF Campaign and Gov. Code Section 3.206.
2004-05	What is the Difference Between a Contract and a Grant?	7. The process of selecting the most competitive grantee must ensure that knowledgeable City officials with no conflict of interest make these decisions transparently.	Controller's Office	Requires Further Analysis	Timeframe: To be determined by the Board of Supervisors Comments: The Controller's Office is proposing a set of guidelines to ensure an open and competitive selection process. Among our recommendations are: the review panel should be composed of a minimum of three knowledgeable City employees or outside City's staff who do not have any conflict of interest. The review panel's members should regularly rotate and be provided with some guidance on how to evaluate proposals.	Will Not Be Implemented: Not Warranted or Not Reasonable	Will not be implemented since legislation will not be forthcoming. However, we have worked with departments to change processes and believe most City departments are now using better, competitive processes for grants.
2004-05	What is the Difference Between a Contract and a Grant?	7. The process of selecting the most competitive grantee must ensure that knowledgeable City officials with no conflict of interest make these decisions transparently.	Ethics Commission	Will Be Implemented in the Future, Requires Further Analysis, Will Not Be Implemented: Not Warranted or Not Reasonable	The Ethics Commission is willing to review or provide input to any analysis conducted by the City Attorney or the Controller.	Recommendation Implemented/Will Not Be Implemented: Not Warranted or Not Reasonable	The Ethics Commission is willing to review or provide input to any analysis conducted by the City Attorney or the Controller.

(1) "--" Department did not respond with one of the four required actions.
**** Response not required: Recommendation has been implemented or abandoned.

**Status of the Recommendations
by the Civil Grand Jury
2004-05**

CGJ Year	Report Title	Recommendation	Response Required	2006 Response (1)	2006 Response Text	2007 Response (1)	2007 Response Text
2004-05	What is the Difference Between a Contract and a Grant?	8. The posting of contract and grant awards to non-profits on the Controller's website, should indicate if the awarding mechanism was a contract or a grant.	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on September 12, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the responses of the Controller's Office, City Attorney's Office, and Ethics Commission to the report. Ed Harrington, Controller, and Robert Bryan, Deputy City Attorney, presented at the hearing. The Controller's Office and the City Attorney's Office will work on this matter. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	What is the Difference Between a Contract and a Grant?	8. The posting of contract and grant awards to non-profits on the Controller's website, should indicate if the awarding mechanism was a contract or a grant.	City Attorney	--	This recommendation is not directed to the City Attorney's Office. Although the City Attorney's Office does not play a role in the postings on the Controller's website, we are prepared to assist in differentiating contracts from grants should the Controller undertake this posting.	Recommendation Implemented	This recommendation is not directed to the City Attorney's Office. The City Attorney's Office already has responded to all recommendations that pertain to its functions.
2004-05	What is the Difference Between a Contract and a Grant?	8. The posting of contract and grant awards to non-profits on the Controller's website, should indicate if the awarding mechanism was a contract or a grant.	Controller's Office	Requires Further Analysis	{ Date of implementation: To be determined. Comments: As part of a larger initiative to improve City accountability to the public, the Controller's Office launched a new website that provides comprehensive information about payments made to vendors by all departments in April 2006. Designed as an interactive tool, users can create their own data reports by selecting a specific type of good or services (such as city grant programs or employee expenses) or vendors (such as "non-profit only"). As such, payments that are coded as grant payments (code 3800) can be easily identified by department and by vendor. Searchable information which is updated on a weekly basis, includes: vendor status, FAMS document number, payments made, payments that are in process (a voucher has been posted but the check has not been issued yet), as well as remaining balances on encumbrance documents. To complete the implementation of Recommendation 8. and to ensure the accuracy of information, the Controller's Office has been working to clean up and verify City vendor codes. The first phase of the project consisted of verifying status information regarding the non-profit vendors. If a vendor has been incompletely coded as a non-profit organization, departments have been asked to provide a copy of the IRS 501 (c)(3) form or the City's Business Tax P-25 form. All vendors that do not meet the criteria to be categorized as a non-profit vendor will have their status changed. A second phase of the project will be to look into the vendor payments coded under the "3800" category (City grant programs) to check whether they are linked to a grant agreement. As recommended in our guidelines, code 3800 shall be used exclusively for outgoing grant transactions to eligible vendors.	Recommendation Implemented/Will Be Implemented in the Future	Implemented in April 2006 and ongoing, final phase in FY07-08. See 2006 Responses. The vendor information website which provides searchable reports of payments to vendors is available to the public and has been in use since April 2006. Reports can be run to show for-profit or non-profit vendors, and display the payment coding (grant, professional services, etc.) During FY2006-07, the Controller's Office has improved the information contained in the City's vendor files and financial reports by correcting the coding of vendors that were wrongly classified as non-profit organizations. Finally, during its post-audit and grant review processes in FY2006-07 and FY2007-08, the Controller's Office is testing financial transactions citywide to determine that grant payments (code 3800) are linked to a grant agreement, and subsequently notifies and trains any City departments that are not correctly coding such payments.
2004-05	What is the Difference Between a Contract and a Grant?	8. The posting of contract and grant awards to non-profits on the Controller's website, should indicate if the awarding mechanism was a contract or a grant.	Ethics Commission	Will Be Implemented in the Future, Requires Further Analysis, Will Not Be Implemented: Not Warranted or Not Reasonable	The Ethics Commission is willing to review or provide input to any analysis conducted by the City Attorney or the Controller.	Recommendation Implemented/Will Not Be Implemented: Not Warranted or Not Reasonable	The Ethics Commission is willing to review or provide input to any analysis conducted by the City Attorney or the Controller.
2004-05	What is the Difference Between a Contract and a Grant?	9. The Ethics Commission should recommend a Charter Amendment to the voters that would remove an exemption for grants from Charter Section 3.2220 regarding conflict of interest of public employees and officials	Board of Supervisors	--	The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on September 12, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the responses of the Controller's Office, City Attorney's Office, and Ethics Commission to the report. Ed Harrington, Controller, and Robert Bryan, Deputy City Attorney, presented at the hearing. The Controller's Office and the City Attorney's Office will work on this matter. The Committee filed this item.	Will Not Be Implemented: Not Warranted or Not Reasonable	The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-02006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.
2004-05	What is the Difference Between a Contract and a Grant?	9. The Ethics Commission should recommend a Charter Amendment to the voters that would remove an exemption for grants from Charter Section 3.2220 regarding conflict of interest of public employees and officials	City Attorney	--	This recommendation is not directed to the City Attorney's Office. The correct citation, however, is Campaign and Government Conduct Code Section 3.222. This is a question of policy directed to the Board of Supervisors and the Ethics Commission. The Code may be amended by a 2/3 vote of the Board and approved by a 4/5 vote of the Ethics Commission.	Recommendation Implemented	This recommendation is not directed to the City Attorney's Office. The City Attorney's Office already has responded to all recommendations that pertain to its functions.
2004-05	What is the Difference Between a Contract and a Grant?	9. The Ethics Commission should recommend a Charter Amendment to the voters that would remove an exemption for grants from Charter Section 3.2220 regarding conflict of interest of public employees and officials	Controller's Office	--	N/A	Will Not Be Implemented: Not Warranted or Not Reasonable	Recommendation not addressed to the controller.

(1) "--" Department did not respond with one of the four required actions.
**** Response not required: Recommendation has been implemented or abandoned.

**Status of the Recommendations
by the Civil Grand Jury
2004-05**

CGJ Year	Report Title	Recommendation	Response Required	2006 Response (1)	2006 Response Text	2007 Response (1)	2007 Response Text
2004-05	What is the Difference Between a Contract and a Grant?	9. The Ethics Commission should recommend a Charter Amendment to the voters that would remove an exemption for grants from Charter Section 3.2220 regarding conflict of interest of public employees and officials	Ethics Commission	Will Be Implemented in the Future, Requires Further Analysis, Will Not Be Implemented: Not Warranted or Not Reasonable	<p>In the Commission's July 2005 response, the Commission stated the following: The Ethics Commission believes that the Civil Grand Jury meant to address section 3.222 of the San Francisco Campaign and Governmental Conduct Code ("S.F. C&GC Code"), which prohibits members of boards and commissions from contracting with the City and County of San Francisco, the San Francisco Redevelopment Agency, the San Francisco Housing Authority, the San Francisco Unified School District or the San Francisco Community College District, where the amount of the contract or subcontract exceeds \$10,000. Under subsection (a)(4), a contract is "any agreement to which the City and County is a party, other than a grant funded in whole or in part by the City and County or an agreement for employment with the City and County in exchange for salary and benefits."</p> <p>By prohibiting members of boards and commissions of the City and County from contracting with the City and County, the ordinance sought to eliminate both actual and perceived favoritism and preferential treatment in contracting. However, the ordinance also sought to ensure that no unnecessary barriers to public service were created by its enactment. See S.F. C&GC Code § 3.200(d) (formerly § 3.200(a)). Thus, the exception of "grant" in the definition of "contracts" was made after a balancing of the interest of eliminating preferential treatment and the need to get qualified persons to serve on boards and commissions took place.</p> <p>The Civil Grand Jury has recommended that the Controller's Office and the City Attorney's Office conduct an analysis of grants made from City resources to determine if there is – or ought to be – any legal or functional distinction between contracts and grants. The Grand Jury has also recommended that if there is a meaningful or functional distinction between contracts and grants, the Board of Supervisors should pass legislation to define "grants" and provide for procedures for the application and award process for grants to ensure the most efficient use of public funds. The Ethics Commission supports the Grand Jury's recommendations and will recommend the removal of the exemption of grants from section 3.222 if this change to the law would address actual or perceived favoritism or preferential treatment in the award of grants and at the same time, ensure that qualified persons are available to serve on the City's boards and commissions.</p> <p>Pending the receipt of recommendations from the other appropriate departments, the Commission will consider legislation to remove the exemption of grants from section 3.222 if this change to the law will address actual or perceived favoritism or preferential treatment in the award of grants and, at the same time, ensure that qualified persons are available to serve on the City's boards and commissions.</p>	Will Not Be Implemented: Not Warranted or Not Reasonable	The Commission does not know whether this recommendation is warranted and the task of determining whether to make such a recommendation is currently beyond the scope of the Commission's resources.

(1) "--" Department did not respond with one of the four required actions.
**** Response not required: Recommendation has been implemented or abandoned.