

**THE 2007-2008 SAN FRANCISCO CIVIL GRAND JURY
FOR THE
CITY AND COUNTY OF SAN FRANCISCO**

**FITS AND STARTS:
THE RESPONSE OF SAN FRANCISCO GOVERNMENT
TO PAST CIVIL GRAND JURY RECOMMENDATIONS**

**RELEASE DATE
JUNE 2008**

THE PURPOSE OF THE CIVIL GRAND JURY

The purpose of the Civil Grand Jury is to investigate the functions of City and County government, tax-supported agencies and districts, and any agencies or districts created by state law to develop constructive recommendations for improving their operations, as required by law.

Each Civil Grand Jury has the opportunity and responsibility to determine which departments, agencies and officers it will investigate during its one-year term of office. To accomplish this task, the Civil Grand Jury divides into committees. Each committee conducts its research by visiting government facilities, meeting with public officials, and reviewing appropriate documents.

The nineteen members of the Civil Grand Jury are selected at random from a pool of thirty prospective jurors. San Francisco residents are invited to apply. More information can be found at: <http://www.sfgov.org/site/courts>, or by contacting Civil Grand Jury, 400 McAllister Street, Room 008, San Francisco, CA 94102, (415) 551-3605.

STATE LAW REQUIREMENT

Pursuant to state law, reports of the Civil Grand Jury do not identify the names or provide identifying information about individuals who spoke to the Civil Grand Jury.

Departments and agencies identified in the report must respond to the Presiding Judge of the Superior Court within the number of days specified, with a copy sent to the Board of Supervisors. For each finding of the Civil Grand Jury, the response must either (1) agree with the finding, or (2) disagree with it, wholly or partially, and explain why. Further, as to each recommendation made by the Civil Grand Jury, the responding party must report either (1) that the recommendation has been implemented, with a summary explanation of how it was implemented; (2) the recommendation has not been implemented, but will be implemented in the future, with a time frame for the implementation; (3) the recommendation requires further analysis, with an explanation of the scope of that analysis and a time frame for the officer or agency head to be prepared to discuss it (less than six months from the release of the report); or (4) that recommendation will not be implemented because it is not warranted or reasonable, with an explanation of why that is. (California Penal Code, sections 933, 933.05).

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I. EXECUTIVE SUMMARY

The San Francisco 2007-2008 Civil Grand Jury (hereinafter referred to as the "Jury") addressed its responsibility to provide continuity from past juries in two ways: 1. by evaluating the support given to past Jury recommendations by the Office of the Mayor (the "Mayor") and the Board of Supervisors (the "Board"); and 2. by reviewing the work done by those specific departments that were the subject of select prior year reports. The Jury's investigation revealed the following:

1. The Mayor's and the Board's support of implementation of Jury recommendations is falling somewhat short of expectations. Despite a review process and validation of Jury recommendations this past year, it remains up to each City department investigated by the Jury to bring its own focus to implementation efforts. This is discouraging because high level attention can so often influence success. A concept reflected by the lone exception to this lack of attention is the Mayor's directives on disaster preparedness.
2. On the other hand, the work done by departments in response to last year's Jury recommendations has been mostly moving in the right direction. Significant progress has been made in disaster preparedness and City employees are for the most part properly engaged in attempting to reach a constant state of readiness. The Mayor, through his directives, has emphasized this important matter – keeping it front and center. There also has been an attempt to correct weaknesses in the Entertainment Commission, which were highlighted in last year's report. Some progress has been made, although more work is needed. In the case of civilian staffing in the Police Department there has been some modest improvement in the numbers, but a lack of high level focus is preventing real progress. And, finally, a key staff change has been made in the Risk Management Office and some of the recommendations are being addressed within that department. However, the City's highest officials have not put their weight behind, nor placed the needed emphasis on this important issue for real progress to be seen. In particular, the Office of the City Attorney (hereinafter referred to as "City Attorney") is not providing the necessary support to make the City's loss reduction program effective.

The Civil Grand Jury is aware of the current budget issue facing the City, which means that funding for many initiatives will be a struggle. However, implementation of many of the Jury's recommendations would result in long-term resource conservation for the City, and so should be given strong support by City government. Real opportunities for saving money are being lost.

II. INTRODUCTION

Under California state law, the Civil Grand Jury system asks a group of 19 volunteer citizens to convene each July 1 “to investigate the operations of the various officers, departments, and agencies of the government of the City and County of San Francisco. Each Civil Grand Jury determines which officers, departments, and agencies it will investigate during its term of office.”¹ Each Civil Grand Jury is unique and independent. The Jury enjoys significant authority during its term regarding the conduct of its inquiries. However, this authority ends with the end of its term. Jury members then leave with no assurance that their recommendations will be supported by senior public officials or carried out by the departments they have investigated.

The San Francisco Civil Grand Jury of 2007-2008 recognized that work of Civil Grand Juries will contribute to good governance only if there is continuity from one Jury to the next. Continuity is accomplished by having each Jury allocate time to investigating how public officials are fulfilling their promises to support and implement recommendations made by prior Juries and, in so doing, hold them accountable for their commitments.

The current Jury addressed its responsibility to provide continuity by investigating the following:

A. Are the Mayor and the Board following up on the Resolutions enacted regarding Civil Grand Jury recommendations? Are the specific recommendations of the 2006-2007 Civil Grand Jury being addressed so as to move the City forward?

B. In addition to tracking the Mayoral and Board commitment to supporting Civil Grand Jury work, the Jury also inquired into the follow-through on reports issued by the 2006-2007 Jury:

1. Preparing for Disaster: Administrative Commitment and Appropriate Funding in the Department of Emergency Management and the Department of Public Health
2. The Entertainment Commission: A Work in Progress
3. Compensation and Staffing Issues in the San Francisco Police Department
4. Risk Management: Are the Managers Managing the Risks of the City?

This report provides a summary of the Jury’s review of the Mayor’s and Board’s follow-through on the recommendations, as well as the Jury’s investigation into each department responsible for implementation of the recommendations of the above-cited reports.

¹ From the San Francisco Government website under “What is the Civil Grand Jury?”

In the conduct of this investigation, the 2007-2008 Civil Grand Jury analyzed the reports issued by the 2006-2007 Civil Grand Jury and the responses received. The Jury interviewed and/or corresponded with representatives of affected departments to obtain updates regarding implementation of the recommendations. Members of the current Jury attended hearings held by the Audit and Oversight Committee of the Board. In addition, members of the Jury met with members of the Controller's Office, members of the Mayor's Office, members of the Board, members of last year's Jury, and members of the Clerk of the Board office.

III. DISCUSSION

A. The Mayor's and the Board's Follow-up to Civil Grand Jury Recommendations

The 2006-2007 Civil Grand Jury report entitled "Have City Agencies Done What They Said They Would Do After The Civil Grand Jury of 2005-2006 Issued Its Reports?" indicated that the Board did not always provide responses to past Civil Grand Jury findings and recommendations, although the Board's Audit and Oversight Committee did conduct hearings on Jury reports. Because of the important role of the hearings in achieving accountability from department heads, the 2006-2007 Civil Grand Jury encouraged the Board "to expand its method of responding to Grand Jury reports, by including substantive written responses to the recommendations." As described below, this resulted in several resolutions being passed by the Board and signed by the Mayor. This was seen as signaling the intent of City officials to give greater focus to Jury recommendations and the resulting budget implications.

Early in its term, the 2007-2008 Civil Grand Jury was encouraged by steps taken by City leadership indicating broad support of Jury work. On August 14, 2007, the Board unanimously adopted Resolution 474-07 that amended the Board's process for responding to Civil Grand Jury Reports. The resolution was approved by the Mayor on August 17, 2007. Among other items, the Board resolved that it "encourages the Mayor to cause the implementation of accepted recommendations through his/her department heads and *through the development of the annual budget*" [emphasis added]. The resolution continues with the statement that "the Board may review the status of the Civil Grand Jury recommendations as part of the budget review. (See Appendix A)

The Board's Audit and Oversight Committee held hearings on September 10, 2007, and again on September 24, 2007, to discuss the 2006-2007 Civil Grand Jury Reports, in particular those recommendations that required a response from the Board. This Committee recommended that the entire Board approve resolutions agreeing with many of the Jury's recommendations and in so doing urged the Mayor to cause the implementation of the accepted recommendations through the development of the annual budget. By resolution, the Board also "urged" City departments responsible for recommendations not necessitating a response from the Board to provide a status report to the Board on implementation of those recommendations within six months of passage of the resolution. The resolutions were subsequently adopted by the Board and signed by the Mayor. (See Appendix B)

In San Francisco, as is true elsewhere, if it is not in the budget, it won't happen. Although of necessity, this report is being issued before the Board's discussion of the 2008-2009 budget, there have been three distinct opportunities since October 2007 in which Mayoral and Board support might have been demonstrated: (1) in the Mayor's budget instructions; (2) at the Board's Budget and Finance Committee meeting to discuss the budget instructions; and, (3) the Board's follow-up to its own resolutions indicating an intention to request status reports from City departments regarding their efforts to implement Jury recommendations. As discussed below, there had been no follow-through in any of these three areas at the time of this report. There is, however, indication that current budget requests are covering some Jury recommendations at the instigation of departments required to respond to the Jury.

1. Mayor's Budget Instructions

The Jury was led to understand from the Mayor's endorsement of the resolutions referenced above and from direct discussions that his office would strongly support the accepted Jury recommendations through the process of developing the budget for fiscal year 2008-2009. The first step in the budget process is the issuance of budget instructions from the Mayor's Office. It was disappointing to the Jury to see that the budget instructions issued in November 2007 did not reference the Civil Grand Jury reports, its recommendations, or the resolutions.(see Appendix C) When asked about the omission, the Office of the Mayor said "oops." In follow up interviews with staff from the Office of the Mayor, it was determined that there is no clear explanation of how Jury recommendations are to be tracked in the budget process.

2. Board's Budget and Finance Committee

In December 2007, Jury members met with a member of the Board, who committed to addressing Jury recommendations in budget discussions at the Budget and Finance Committee. On January 9, 2008, the Board's Budget and Finance Committee met with representatives of the Office of the Mayor regarding budget instructions. As there is no record of meeting minutes readily available on the City's website, the Jury officially requested information regarding the discussions and specifically what was said regarding Jury recommendations. Copies of the minutes were eventually received through a special request to the Clerk of the Board's office, but the minutes contained no reference to the Civil Grand Jury reports. When the Jury followed up with questions to those in attendance, responses were received that forced the Jury to conclude that the recommendations were not discussed.²

² The following responses were received: (1) One member e-mailed the Jury saying "I wish I had time to respond to this."

(2) The Legislative Aide to another board member e-mailed that he was no longer on the Budget and Finance committee and referred the Jury to another board member. The minutes indicated that he was a member and present at the meeting on January 9.

(3) After three requests for information from the Office of the Mayor, a response came, which confirmed that the Jury recommendations were not discussed.

3. Mayoral and Board Follow-up to the Resolutions

Although the six-month mark has now passed, since the Board approved its resolutions, the Board has not received any status reports from departments affected by last year's Civil Grand Jury reports, nor has any member of the Board requested them.

4. The Office of the Controller

Each year the Office of the Controller produces a Status Report tracking the responses to Civil Grand Jury recommendations. This is an important report not only due to its value in documenting Jury recommendations, but also because it serves as a reminder to City departments that the recommendations are expected to be implemented. However the Status Report, which contains only the self-reported information by the departments, does not include an assessment of the responses and it is unclear how or if the information is used by anyone in City government.

5. Summary

With the passage of a series of resolutions on the 2006-2007 Jury's recommendations, the City's leadership expressed a commitment to act on key Jury recommendations each year. Unfortunately, the Jury's investigation has led it to the conclusion that in most instances this commitment has been hollow. However, and as the following section reveals, the Jury found that follow-through at the departmental level was evident in many respects. What is most disappointing is that the work at the departmental level is being accomplished in the absence of the high level leadership and support that would make success more likely.

Finding:

1. Despite resolutions signed by both the Mayor and the Board, neither the Office of the Mayor, nor any Board members have yet demonstrated attention to Civil Grand Jury recommendations in public budget instructions, comments, reviews, or directives to City departments. The lone exception is the Mayoral Directives on Disaster Preparedness. (See Appendix D)

B. Review of Select 2006 – 2007 Grand Jury Reports

The Jury's review of specific departments' efforts revealed mixed results. Most departments seemed to be working toward implementation of Jury recommendations, but would benefit from high level support to achieve better results. The reports the Jury tracked and the results it found are as follows:

1. Preparing for Disaster: Administrative Commitment and Appropriate Funding in the Department of Emergency Management and the Department of Public Health

Has progress been made in the City's preparation for disaster? Yes, in particular if the City's preparedness today is compared with what was in place at the time of the Loma Prieta earthquake of 1989. Because the San Francisco Giants were about to begin their first home game of the World Series, the highest ranking official physically present in City Hall at the time of the earthquake was the assistant to the City administrator. Following protocol, she went to what was the designated "command center" for disasters — a building on Turk Street that is no longer in existence. At the "command center" she found a wooden box that was to be opened in the event of disaster, but she did not have a key and couldn't find anyone who did. The Fire Department came to her assistance and broke open the box, wherein they found a telephone and a list of outdated phone numbers. So the answer is, yes, progress has been made.

But the answer is also yes, if the status of preparedness is evaluated now versus what it was in June of 2007 when the then 2007 Jury submitted its recommendations. In fact, substantial progress consistent with Jury recommendations has been made. Among the accomplishments are:

a. Staffing and Planning:

- 1) An All-Hazards Strategic Plan has been completed and last year's Jury recommendations were taken into account in its development. The Plan established benchmarks regarding capabilities, assessed capabilities, established specific goals, and articulated a plan for the City. The consultant who contracted to perform this work will be supplying the Department of Emergency Management with workbooks and guidelines for implementation.
- 2) The Department of Emergency Management is adding staff and has filled four new positions, including very importantly a logistics coordinator slot. The Department now has 14 staff on board.
- 3) Every important City department now has a designated disaster recovery person/disaster planner on staff.

b. Preparation and Training:

- 1) The City has enough emergency medical supplies stored for first responders and their families in the event of a disaster.
- 2) There has been a continued heavy emphasis on training by the Department of Human Resources. All designated disaster service workers have undergone training.

- 3) Incident command training has taken place with a plan to continue to train three-deep in every department.
 - 4) City departments are conducting periodic table-top drills.
 - 5) City departments are putting in place redundant systems where practical, with a backup plan for 911, as well as the command center.
 - 6) Key staff members have visited New Orleans to study Katrina's aftermath to determine what not to do in an emergency.
 - 7) The Department of Emergency Management has adopted a "just in time" approach to training in the event of a disaster. This is to appropriately conserve resources, since there are myriad types of disasters that can occur and regularly training for every conceivable type could be costly and even futile.
- c. Facilities Upgrades:
- 1) The Command room to be used to manage disasters has been renovated as of April 15, 2008.
- d. Remaining Issues:

Two major issues remain from last year's report that require additional follow-up.

- 1) City employees indicated that where the City is currently weakest is in citizens' complacency and the resulting lack of personal preparedness. The efforts to improve in this area include: the conducting of preparedness fairs; preparedness support website--www.72hours.org; and, working with schools, community organizations, and groups to keep the issue of preparedness at the top of each citizen's mind.
- 2) A second issue is in the area of seismic work. An important step that is planned within the next six months is for the Department of Building Inspection to evaluate all department operation centers to make certain they are seismically safe. This effort needs to be given high priority. As indicated in the 2007 report, the Department of Public Health Headquarters as well as the designated locations for alternative Department Operations Centers have not yet been properly upgraded.

In Jury interviews, the Department of Emergency Management indicated that the Mayor's Directives on Disaster Preparedness have caused City departments to step up their attention to this area. (see Appendix E) The Mayor has consistently emphasized a culture of preparedness that has aided those in charge of disaster recovery to obtain needed attention and support. Also,

the availability of Homeland Security grants has provided much needed funding for this area, allowing progress to be made in many areas of hazard preparation.

Findings:

2. Although there are still areas to be addressed, the City has made substantial progress in its preparation for disasters. It appears that there are appropriately trained professionals now in place in key positions to manage this for the City.

3. There are two major issues remaining from last year's report. City employees indicated that where the City is currently weakest is in citizens' personal preparedness. Also, the Department of Building Inspection has not yet addressed the necessary evaluation of City operation centers to determine the level of seismic safety. As the Bay Area is most prone to an earthquake disaster, this potentially remains an area of great vulnerability.

2. The Entertainment Commission: A Work in Progress

The 2006-2007 Civil Grand Jury's report on the Entertainment Commission contained findings and recommendations that were aimed at improving the Commission's effectiveness and usefulness to the City. The executive director, in responding to the report on the Commission's behalf, accepted many of the recommendations and made a commitment to begin the steps to put them into force. The current Jury reviewed the changes that have been made in the nine months since the initial report was issued, and commends the Commission for the progress it has made.

a. An Additional Report on the Entertainment Commission

In January 2008 the current Jury published another report concerning the Entertainment Commission. "How Many Agencies Does It Take For San Francisco to Hold a Party?" addressed proposed legislation that would have created an Office of Special Events in the Office of the Mayor, separate from the Entertainment Commission. The Jury concluded that this would have been a wasteful duplication of effort, and reiterated the finding of last year's Jury that an improved and strengthened Entertainment Commission would be greatly preferable to the creation of redundant functions within City government. At this point in time, it appears that no further effort to create this additional department is being considered.

b. Progress by the Entertainment Commission Since Mid-2007

Interestingly, the Jury found progress on recommendations that the Commission accepted, as well as on some with which it disagreed. Footnoted references are from the report of last year's Jury. The entire report can be accessed on the website of the Superior Court for San Francisco:

1) *Coordination with Police Department*

Two recommendations³ called for the Entertainment Commission to better communicate and coordinate efforts with the Police Department, including having members of each department attending meetings of the other. The Commission developed a useful compilation of ordinances and regulations for police officers and trainees to assist them in citing permit holders for various types of code violations. This has been well received. In addition, the Commission has made it easier for the Police Department to submit recommendations to it. Although these actions indicate that some progress had been made, there still appears to be lack of a coordinated and fully cooperative relationship between the Commission and the Police Department

2) *Harm reduction policies*

Several recommendations⁴ called for the Commission to take a proactive role in preventing problems at venues and events for which it issues permits. The Jury applauds the efforts of the Commission's new president in establishing monthly training meetings for club owners, with each meeting covering a different topic. These have been well attended, and offer permit holders a greater opportunity to understand their responsibilities and the underlying law. At the same time, the Commission worked effectively with the Mayor to have legislation introduced in March 2008 that would for the first time give the Commission authority to close clubs with short notice on an emergency basis.

3) *Entertainment Commission's effectiveness*

Last year's Jury also recommended a number of measures aimed at making the Commission both more effective and more accountable.⁵ The Jury found progress in these areas in the Jury's

³ Recommendation A2b states, "The Entertainment Commission must try harder to communicate and coordinate its efforts with those of the Police Department in promoting responsible conduct at entertainment venues. To do so, the Commission staff and the police should have regular meetings." Recommendation A7a states, "The Entertainment Commission and the San Francisco Police Department must develop more effective means of communication."

⁴ Recommendation A5 states, "The Civil Grand Jury encourages the Commission to continue and expand its efforts in fostering harm reduction policies among entertainment venues." Recommendation A6 states, "Citation authority would help ensure observance of the good neighbor policy. The granting of such citation authority to members of the Entertainment Commission staff should be given serious consideration by the Board of Supervisors." Recommendation D4a states, "The Civil Grand Jury recommends that the Entertainment Commission be given the authority to cite permitted nightclub owners who break the law. Granting the power to issue such citations to the Entertainment Commission, however, must not stop the San Francisco Police Department, with its greater manpower and resources, from also issuing such citations." Recommendation D4b states, "The use of suspension and revocation powers given to the Entertainment Commission in Administrative Code, Chapter 90, Section 90.4(c) must be used to punish club owners with multiple violations, as well as serve as a deterrent for other potentially problematical entertainment venues."

⁵ Recommendation B1 states, "The Entertainment Commission should submit to the Mayor and Board of Supervisors the annual report by March 1 each year, as required in Administrative Code, Chapter 90." Recommendation B2 states, "The Entertainment Commission should submit to the Mayor and the Board of Supervisors its Effectiveness Report every five years at a minimum. The next Effectiveness Report is due on or before May 2012, as required in Administrative Code, Chapter 90, Section 90.8." Recommendation B4a states, "The Entertainment Commission should submit to the Mayor and the Board of Supervisors annual reports which revisit its Annual Statement of Purpose, and which serve to honestly address the accomplishments of the

follow-up review. The Commission developed a set of goals for itself, which the Jury believes are appropriate. It created and has begun to distribute a survey form to persons who interact with it, allowing commissioners to gather information on how the Commission is perceived and, ideally, to observe trends over time. (Topics include promptness of issue resolution, staff knowledge, staff courtesy, and overall satisfaction.) The executive director issued an annual report to the Commission in November. Although the report was brief and little more than a tally of regulations, numbers of permits issued, and the like, it nevertheless represented a first step in measuring achievements on an annual basis.

The Jury, however, did not find that the Commission had submitted an annual report to the Mayor or Board by March 1, 2008, which is a requirement under San Francisco Administrative Code, Chapter 90. The Jury believes that all commissions should make such reports, and that the Mayor and Board should review them with critical regard. Without this basic level of oversight, the citizens of the City cannot be assured these entities are fulfilling their intended purposes.

c. Additional Efforts Needed by the Commission and the City: Promotion of City-owned venues

San Francisco is blessed with many facilities that can be sites for events that would bring visitors and revenues to the City. City-owned facilities are either managed by their own boards (such as the Bill Graham Civic Auditorium) or by other City entities (such as the Recreation and Parks Department or the Port Commission). These venues are managed independently from one another. The variety of venues is confusing to event planners, and the lack of coordination among City departments can discourage planners from bringing their events to the City, depriving it of worthwhile revenue-generating opportunities.

Section 90.4(e) of the Administrative Code states that one of the duties of the Entertainment Commission is to:

Promote the use of City facilities for cultural, entertainment, athletic and similar events that generate revenue for the City, in consultation with the City departments having jurisdiction over such facilities.

Last year's Jury recommended that the Entertainment Commission take the lead in promoting such facilities, based on the Administrative Code provision within the original legislation that created the Commission.⁶

The Entertainment Commission can fulfill its duty to promote the use of City-owned venues, but not with its current, limited staff. The Jury believes that one full-time position, dedicated to promotion of City-owned facilities to event planners, should be added to the Commission's staff.

Commission in the year past and describe challenges and goals in the year ahead." Recommendation B4b states, "The Entertainment Commission commissioners should be given a draft of each year's annual report and be allowed sufficient time to provide input and editorial suggestions for the final draft so that it is a document reflecting the commissioners' collective viewpoints about what the Commission should be."

⁶ Recommendation A4b states, "The Entertainment Commission should undertake better communication and coordination with other City departments to promote the entertainment use of revenue-generative City facilities."

Findings:

4. The Entertainment Commission and staff all seem to have taken last year's Jury report seriously and are working to strengthen their organization so as to capably fulfill their multiple responsibilities.

5. Although there is some improvement in the relationship between the Police Department and the Entertainment Commission, the two entities still don't always attend each other's meetings, leaving some gaps in coordination.

6. The Entertainment Commission did not submit an annual report to the Mayor or the Board by March 1, 2008, which is a requirement under the San Francisco Administrative Code, Chapter 90.

7. The Entertainment Commission is not sufficiently staffed to enable it to promote City-owned venues to event planners.

3. Compensation and Staffing Issues in the San Francisco Police Department

In its review of Police Department staffing, last year's Jury recommended that increased emphasis be placed on hiring civilians for those jobs that were occupied by sworn officers that could in fact be performed by civilians. While this would cause an overall increase in Department staff levels, it would free up officers for patrol and other vital police duties. In responding to the report, the Mayor indicated his agreement, and further stated that such measures had already been implemented.

The Police Department had some difficulty in supplying the data for the Jury inquiry, which led the Jury to believe that there is no regularly generated report on the status of civilian staffing. Despite this apparent lack of routine tracking within the department, the actual data indicate that there is some improvement in civilian staffing.

Since Fiscal Year 2004-05 to March 2008, the Police Department reports that 41 positions have been filled by civilians and, consequently, 41 officers returned to field duties, bringing the total to 226 employed civilians. 34 additional positions are expected to be filled before June 30, 2008, (the result of which is 34 additional officers being made available for patrol duties). The Department states that it will continue aggressively to seek out police officer positions that may be filled by civilians, and in fact the Department is in the middle of another audit of positions to determine how many other positions can be filled by civilians.⁷

It should be noted that there has recently been local media attention to this issue, citing the need for a serious implementation effort in San Francisco. According to an article in the March 28, 2008 edition of the San Francisco Examiner, the proposal to save money by filling administrative

⁷ Data provided by Police Department

positions with civilians is “languishing,” despite serious budget issues in the City. Also, a recent audit of the Los Angeles Police Department cited that city’s department as lagging in its efforts to add civilians where appropriate. As the 2006-2007 Civil Grand Jury compared San Francisco’s work force (9% civilian) to Los Angeles (28% civilian), San Francisco may find itself comparing to yet a higher standard.

Finding:

8. The Police Department has made some progress in increasing civilian personnel to free police officers to do actual police work, but they do not appear to be monitoring this with regular reports as they should, if it is an area of priority.

4. Risk Management: Are the Managers Managing the Risks of the City?

The 2006-2007 Civil Grand Jury reported on the inadequacies of the City’s current risk management activity, in particular for a City with insurable assets exceeding \$15 billion.⁸ Among other things, the report cited the lack of a sophisticated, technology-based risk management program utilizing best practices in a City-wide program. The report also noted the following: the inadequacy of the staff, both in numbers and skills; the policy of the City to self-insure without a sound analysis supporting that approach; the lack of information regarding the City’s detailed loss history from the City Attorney to assist the Risk Management department in loss prevention activities; and finally, the failure on the part of the Risk Management office to follow up on earlier recommendations regarding the insuring of City-owned vehicles, which represent the most frequent and costly claims against the City.

The Civil Grand Jury’s follow up investigation found the following:

a. Department Staffing

- 1) A member of the City Administrator’s office was transferred to the Risk Management Department. This individual then performed an evaluation of the risk management staff in response to last year’s report.
- 2) As a result of the review, the most senior position within risk management was elevated to a “City-Wide Risk Manager” position. A nation-wide search was conducted, with an individual hired in early 2008 coming out of the San Francisco School system with 20 years of risk management experience. There have been no further staff increases other than this one hire.

⁸ Risk management is aimed at reducing the risk of loss by analyzing processes that have the potential to cause, or have already caused, losses, and by instituting changes as a result of that analysis. It includes a comprehensive insurance program to cover potential losses that cannot be reduced or eliminated.

- 3) There is a request to increase the size of the department in the upcoming 2008-2009 budget.

b. Comprehensive Risk Management Planning

- 1) City Departments are required to go to Risk Management for certain services, such as contract review.
- 2) The Risk Management Department appears to be at the start of attempting to implement risk management “best practices.” Contact has been made with all major City agencies to begin an education process regarding the benefits of working with the Risk Management Department in loss coverage and prevention.
- 3) There is also some evidence that the Risk Management Department is interested in utilizing best practices. At the time of the interview, a trip was being planned to meet with City of Los Angeles risk management professionals to exchange information on risk management practices.
- 4) At the time of the investigation, the Risk Management Department had issued a Request for Proposal to various insurance brokers for a planned risk management modeling project.
- 5) At the time of the interview, nothing had been done towards a comprehensive solution to track and cover claims on City-owned vehicles (not including MUNI), despite the recommendations of earlier reports in addition to the 2006-2007 Civil Grand Jury.

c. Support from Other Departments

- 1) To date, the City Attorney has still not provided the loss run history information so that the Risk Management Department can analyze it for future loss prevention. Except for MUNI, departments involved in losses do not get adequate information regarding claims so that they themselves can analyze it to find ways to reduce losses.
- 2) Although the Risk Management department has made requests to the City Attorney, it is still waiting to receive this much needed claim data. (It appears to be dependent on a programmer in the City Attorney to make the report a priority.)
- 3) In response to the current Civil Grand Jury’s follow-up to the 2006-2007 Civil Grand Jury’s request for loss run history information⁹, the City Attorney provided what was essentially a “data dump” that will not be helpful to any

⁹ Recommendation 11 of the Report on Risk Management

City department that may wish to analyze loss history. Such raw data is of virtually no use either to the Jury or to anyone needed to assess such things as patterns of loss, historical trends, departmental responsibility, and the like.

- 4) Impressions gathered in the interviews are that overall support by senior City officials remains elusive. In last September's Audit and Oversight Committee meeting, a member of the Board of Supervisors asked the Controller's office if each department's budget submission could include a history of claims paid. The representative from the Controller's office indicated that this is in fact possible. Unfortunately, the current Jury is approaching the end of its term and will not be able to conduct a complete follow-up on this issue during the budget discussions. However, at this point in time, it appears that neither the Board nor individual departments are being provided the kind of information on losses that would enable them to strengthen their loss-reduction efforts. This is a significant failure in the City's risk management process.

Findings:

9. The Office of the Mayor, the Board of Supervisors and the Office of the City Attorney are still not providing the necessary support nor placing needed emphasis on the City's ability to have a professional risk management program. In a time of budget crisis, there should be top level recognition of this as an important step in managing the City's assets and conserving cash over the long term.

10. Although the City Attorney agreed with the 2007 Jury's recommendation to "produce a standard loss run constituting the City's history of loss and should make it available to the Office of Risk Management," appropriate and usable data had still not been provided to the Risk Management department at the time of our interview. In response to a follow-up request by the Jury, the City Attorney's office provided raw and useless data.

IV. FINDINGS

As a result of its investigation into the above areas, the 2007-2008 Civil Grand Jury concludes the following:

1. Despite resolutions signed by both the Mayor and the Board of Supervisors, neither the Office of the Mayor nor any Board members have yet demonstrated attention to Civil Grand Jury recommendations in public budget instructions, comments, reviews or directives to City departments. The lone exception is the Mayoral Directives on Disaster Preparedness.

