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November 22, 2010

**ADDENDUM TO RESPONSE TO RECOMMENDATIONS REGARDING  
PATROL SPECIAL POLICE IN REPORT BY THE  
PUBLIC SAFETY STRATEGIES GROUP, SEPTEMBER 1, 2010**

**SUMMARY**

In early 2009 the San Francisco Police Commission and the Police Department hired the Massachusetts Public Safety Strategies research group (“study group”) and charged it with a task to “recommend organization and programmatic improvement” for the Patrol Special Police, and report back six months later on September 1, 2009.<sup>(1)</sup> However, the study group did not complete the report until early March, 2010 and presented it six months later, by then one year overdue on September 1, 2010.

Author filed a response brief on October 11 to this report. This Addendum sets forth additional data and information uncovered since that time and relevant to the issues of:

- (1) continuing budgetary deficits and unabated crime that make resources from the private sector and the Patrol Special Police even more needed and relevant,
- (2) absence of alleged liability to the City for Patrol Special policing activities, and
- (3) absence of alleged high cost to the City to endorse this neighborhood police force and expand its numbers, training, and powers.

As reiterated multiple times in the study group report: *“The study revealed strong support of Patrol Specials by their clients, who perceive a gap between the operation of Patrol Specials and services provided by public policing operations.”*

Client support was confirmed by Police Commission President Dr. Marshall when he was interviewed by an *SF Examiner* reporter on November 3, 2010.<sup>(2)</sup> Dr. Marshall said: *“Those businesses that get good service love it.”* Both comments confirm what Professor Edward Stringham found when he conducted the first-ever client survey of Patrol Special Police clients City-wide in fall, 2009: clients are highly supportive and continue to want and hire the Patrol Special Police for supplemental street patrols in their neighborhoods.<sup>(3)</sup>

Were there real and substantial problems with the performance and professionalism of the Patrol Specials, would not clients be the first to complain and simply fire their officers? Yet they do not. In fact, demand continues to outstrip numbers of Patrol Special Police available to serve.

Were there real and substantial problems, would the City choose on November 7 to permanently honor deceased Patrol Special Police Officer Association President, Officer Jane Warner, by naming a pedestrian plaza after her? It would not, nor would the Board of Supervisors have resoundingly supported such a permanent City honor with a unanimous vote on October 5.

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(1) Author was appointed by SFPD Commander Sandra Tong to serve on a small “Work Group” as liaison between clients and the study group. As set forth in author’s response brief, the study group never asked the Work Group to do any work, and inexplicably abandoned meetings after calling only two.

(2) *SF Examiner*, “Retire the Patrol Special Police, City Controller Says,” November 3, 2010.

(3) See, <http://www.sfspecialneighborhoodpolicing.org/articles/PS%20-%20REPORT.on.the.Patrol.Special.Police.2009.11.21-1%20EXCERPT%20SURVEY%20LONG%20FORM%2012%2018%2009.doc>

Contrary to client demand, City honors, continuing needs for crime prevention and control, and logic, the police commission is considering recommendations to “improve” the Patrol Special Police by diminishing the commission’s own power to regulate these police and protect San Franciscans locally, and by turning officers into State-regulated security guards having lesser training standards (*yet still legally having the ability to carry weapons*). This will transform the Patrol Special Police into guards who must stand at fixed posts with no ability to patrol the streets to effectively serve private clients and back up the SFPD. This is done for the ostensible reason of saving the City money, and minimizing an unspecified and imaginary liability.

Data presented in this Addendum provide further support for affirmation of the Patrol Special Police and expansion of their numbers and policing authority.

**A. There is no cost risk to the City of lawsuit by civilians regarding Patrol Special Police behavior.**

To reiterate a point made in author’s response brief, police commission Rules and Procedure Sec. 3.03(I) requires Patrol Special Police to insure clients against damage *and* name the City as an additional insured in liability policies. Any concerns about liability can be quickly disposed of by raising coverage limits to reasonably address present-day risk, possibly to \$5 or \$10 million.(4)

**B. Cost risk to the City from civil lawsuits is substantial, specifically \$16 million paid out over the past ten years regarding SFPD Officer behavior, when there has been no payout whatsoever concerning Patrol Special Police behavior**

First, the SFPD force is composed of 1971 officers -- *over 65 times the size of the entire active Patrol Special Police force of about 30 officers*, therefore one would accordingly expect more civil litigation with substantial payouts, as is the case (see fourth point below).

Second, the SFPD engages in high-risk policing activities such as high speed car chases, undercover work, shoot-outs, and serious law enforcement activities. These are activities in which Patrol Special Police officers by both policy, regulations, and practice, do not typically engage, absent being called to back up the SFPD or in serious public safety emergencies. Patrol Special Police perform more routine, early intervention quality-of-life policing which while risky, is certainly less risky than law enforcement policing.

Third, as author pointed out in her response brief, the “10b” off-duty SFPD policing program does not come with a City requirement to purchase and provide liability insurance to private clients who hire those officers. It is far more likely that the City will be sued for negligent behavior of 10b officers working off-duty (and it has been sued), precisely because of the close real and apparent connection the City has with 10b officers, such as officers wearing taxpayer-paid SFPD uniform and driving taxpayer-paid SFPD patrol cars. Courts will likely make short work of the City’s attempts to limit liability with a municipal law stating that it will not be responsible.

Fourth, payouts by the City for judgments and settlements regarding alleged negligent policing by SFPD officers over the past ten years has exceeded \$16 million, with more than \$8 million of that amount paid out in 2009 alone; see Exhibit B.(5) Even *more* expense to taxpayers is implicated because this does not include the salary paid to City Attorneys to defend and resolve these cases. However, the City did not find any sum whatsoever paid out for the same period for alleged negligent policing by Patrol Special Police Officers.(6)

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(4) The study group, the commissioners, and reporters have failed to specify the source of concern over alleged liability, which evidently, remains a mere chinera. See concern reported by Commission President Dr. Joe Marshall over an unspecified liability “obstacle” reported by the *SF Examiner*; fnt. 1.

(5) Data provided to author by City Attorney, email of 10/21/10.

(6) Email of November 17, 2010. See, Exhibit A. Only one claim this year was filed in August and denied by the (con’t)

Even if the City is joined in a lawsuit and some initial cost is involved for a City Attorney to be assigned to work with the insurance company, and even if a judgment is obtained against the City, the Patrol Special Police liability policy will provide attorneys and pay any judgment against the City as an “additional insured,” pursuant to the policies listed above.

Sixth, author has attempted to obtain public data regarding cost to the City and taxpayer for District Attorneys to prosecute SFPD officers for criminal violations of law. In early October, the Public Relations Officer of the DA’s office reported to author that the DA does not keep such data and referred her to the SFPD, whose Public Relations Office reported that it also does not keep such data. On October 11 author initially contacted Supervisor Bevan Dufty’s office for assistance in verifying this information or locating the proper City office that does keep such statistics, but has not heard back.(7)

### **C. SFPD officers violate the law more than the Patrol Special Police**

Violation of law be it case law, statutory law, or regulation, is unacceptable in our police forces. However, to obtain a proper perspective on the extent of the problem and to avoid “tossing the baby out with the bathwater” because of alleged violations by only some individual Patrol Special Police Officers, it is important to examine numbers and compare “apples to apples.”

If one examines data from the year of 2009, 1139 cases were opened against SFPD officers. This number is composed of 1031 cases opened by the Office of Citizen Complaints (8) and 108 cases opened (and found to be true) by the SFPD Internal Affairs Department. More cases than 108 were surely opened by the SFPD causing some taxpayer expense, even if these were eventually dismissed as unfounded. It cannot be determined how many there were because these cases are not reported on the SFPD website.(9)

The study group shows that for the same year, an average of only 10 cases were opened against the Patrol Special Police, filed by both citizens and the SFPD.

Cases were opened against 58% of the total SFPD officers on duty (1971 officers), while cases were opened against only 34% of the total Patrol Special Police officers on duty (29 officers), assuming that no officer received more than one complaint resulting in an open case.(10). The resulting number of cases opened per year per officer on duty was almost 41% lower for Patrol Special Police Officers than for SFPD officers.

*SFPD officers thus appears to present a far more troubling regulatory problem for the commission and the public than do Patrol Special Police officers.*

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(6) (con’t) City, involving a Patrol Special Police Officer who heroically shot down and stopped a gunman who had just murdered a man when the officer came upon the scene, and who continued shooting outside of the officer’s private client’s club. This officer has been appropriately submitted for award of an SFPD Medal of Valor by the SFPD District Station command officer who arrived shortly after the shooting and assumed charge at the scene.

(7) Author is aware of one infamous, and surely expensive case, founded or not, that was prosecuted around March 2003. It involved indictments of seven high-ranking police officials on charges of conspiracy to obstruct justice in the investigation of a street fight involving three off-duty rank-and-file cops (the “Fajitagate” incident). See, <http://www.sfgate.com/cgi-bin/article.cgi?f=c/a/2003/03/01MN182869.DTL#ixzzl4MwNrCda>

(8) See, <http://www.sf-police.org/index.aspx?page=2577> Total allegations in these cases amounted to 2952 with 11% for unnecessary force (311) and the rest for unwarranted action, conduct reflecting discredit, neglect of duty, racial slur, sexual slur, and discourtesy. Of the 87 allegations found to be true (only 3% of the total), 2% of those were for unnecessary force.

(9) Author has excluded five cases reported against the Patrol Special Police to come up with 108 cases. See, <http://www.sf-police.org/index.aspx?page=2581> The nature of cases referenced by the study group opened against Patrol Special Police indicate that some and possibly a major number were opened originally by the SFPD itself, similar to IAD cases it opens against SFPD officers.

Therefore, offenses by Patrol Special Police should not provide any basis whatsoever for the study group's recommendation to terminate the entire force, rather than merely discipline the specific errant officer. To argue otherwise would support the likewise nonsensical argument that the SFPD should first be disbanded before the Patrol Special Police are, since the SFPD is by far in numbers and percentages, the more errant police force.

**D. Risk to the public of serious errant policing behavior involving force is significantly higher for SFPD Officers than for Patrol Special Police Officers**

As aforesaid, any reasonable person would be concerned about policing behavior that does not comport with requirements of the law and reflect only the highest of professional policing standards and best practices. This is especially true of use of force.<sup>(11)</sup> *“Problems arise when officers repeatedly resort to force in a manner that exceeds what is necessary. That tramples on people's rights and undermines the public's confidence in police departments as institutions they can trust.”*<sup>(12)</sup> Thus, it is especially important to examine the nature of offenses involving force alleged against any police officer.<sup>(13)</sup>

The first source of such information should be statistics and historical data. The record of the SFPD is dismal compared to the record of the Patrol Special Police when it comes to use of force. Use of force by SFPD officers was troubling especially for the years of 2000 to 2006. Unwarranted force was an issue regarding SFPD officer behavior according to news reports in the *SF Examiner* and *SF Chronicle*, and according to one author, was also of concern to Chief Gascon upon assuming his duties in August, 2009.<sup>(14;</sup> see next page). *However, for the same period, author was unable to find any similar news reports regarding unwarranted force used by the Patrol Special Police.*

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(10) A closer examination of the data is required to reveal if today there are certain troubled officers who rack up multiple cases at one time. This was true in 2006 when the *SF Chronicle* published a series of articles on just this fact, and it continued when the paper followed up with a report on August, 2009. Specifically, a reporter in 2006 found that: “In the years before the (Chronicle news) series (in 2006), 100 (SFPD) officers were responsible for 25 percent of the reported force.” see, *fn*nt. 13 below. On Feb 13, 2006, the *SF Chronicle* reported that “By the end of the nine-year period analyzed by The Chronicle, (one officer) was by far the highest reported user of force in the 2,200-officer department. The 57 incidents he reported through 2004 were 50 percent more than the next highest officer's. Five more times, (the officer) made the internal watch list of officers who use force frequently, making his total of nine the highest in the department by a large margin. He injured 20 more people, sending two to the hospital, according to a Chronicle review of police incident reports, for a total of 31. He remains on the job.” See, <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2006/02/13/MNG16H715D1.DTL#ixzz13nJSGGMf>

(11) It is important to note that if the City is *truly* concerned about minimizing excessive use of force and money spent on citizen complaints, they should hire more women officers. According to the website of the National Center for Women and Policing (<http://www.womenandpolicing.org/aboutus.asp>), “twenty years of exhaustive research demonstrates that women police officers utilize a style of policing that relies less on physical force, and more on communication skills that defuse potentially violent situations.” A paper written by Dr. Kimberly Lonsway, Research Director, reported that, “The Office of Citizen Complaints received a total of 46,486 complaints against San Francisco police officers between 1986 and 2001. Of these, 9.8% named female officers, which is just over half their representation (16%) among sworn personnel.” “Men, Women, and Excessive Force,” see, <http://www.pennyharrington.com/excessiveforce.htm> Sadly, author received email on November 12 from an SFPD officer who reported that the SFPD *still* has only about 10% of its force being women.

(12) Comment by law enforcement expert Samuel Walker quoted in the *SF Chronicle*, “Calif. Police monitoring use of force,” August 17, 2009.

(13) As author stated in her response brief, it is rather the *founded* allegations and not just complaints that are of critical concern, especially those involving force. Complaints are easily lodged and may be invented out of whole cloth. Complaints do not consider valid defenses and mitigation that might obviate any need to be concerned and render a complaint meaningless.

Moving from news reports to official allegations, of all allegations filed by citizens in 2009 against SFPD officers (not including allegations filed by Internal Affairs), 11% were for unnecessary force. The study group did not report allegations by year for the Patrol Special Police, nor specify if they were filed by a citizen or by the SFPD Internal Affairs Department, thus no precise comparison can be made, but the group reported that 45 allegations were filed *en toto* over four years in 40 cases.

*However, for that entire period only one – or two-tenths of one percent– of the allegations filed against Patrol Special Police involved unwarranted use of force, compared to 11% of the allegations filed against SFPD officers.*

This being the statistical case – a case of one in four years – there simply is *no* concern about Patrol Special Police Officers being out of control or dangerous to the public or to civil rights when it comes to use of force.(15)

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(14) Blog by Menno Zacharias, retired Deputy Chief of Police (2008) and present Instructor at the University of Winnipeg: “SF Police: Making Force Option Decisions Based on Evidence,” 2010, <http://mennozacharias.wordpress.com/2010/02/03/san-francisco-police-making-force-option-decisions-based-on-evidence/> After arrival Police Chief Gascon in August, 2009, a study was undertaken by Assistant Chief Morris Tabak who reviewed a total of 15 files that involved the use of deadly force by San Francisco police officers between 2005 and 2009.

In the years 2001 to 2004 “SFPD officers were the subject of more force allegations than officers in San Jose, Oakland, San Diego and Seattle combined” and “...the city is different in two ways that national experts say present serious problems that ought to alarm residents: The department lags far behind many other major cities in developing an effective system for identifying problem officers. And it has failed, over and over, to take steps to get these officers off the streets.” See, BeyondChron, <http://www.beyondchron.org/news/index.php?itemid=2937>,

In addition, an *SF Chronicle* report December, 2006 said that: “Some large police departments collect data and conduct computer analyses on all police shootings to help identify and prevent risk to officers and civilians. Under rules adopted last year, San Francisco police make quarterly reports to the Police Commission on cases in which officers fire their guns, but they have no computerized tracking system....Using a measure comparing fatal police shootings with homicides, which police experts say is more meaningful because it considers the level of violence in a community, San Francisco had a lower rate than San Jose and San Diego, and a higher rate than Los Angeles and Oakland. A study of police shootings by the *San Diego Union-Tribune*, using the same measure, ranked San Francisco 13th out of California's 20 largest cities for 1990 to 2001.” *SF Chronicle*, “Use of force: how SF Compares with other cities”, December 4, 2006.

In a followup story dated August 17, 2009, the SFPD was “doing a better job,” “But experts believe problems remain with a small group of officers who wield far more force than their peers, The Chronicle found in a review of how the department has used force since the newspaper's 2006 investigative series on the topic.” The article reported that “In the nine-year period before the series ran, the department received an average of 394 unnecessary force allegations per year, according to the civilian-run Office of Citizen Complaints. In the four years after that first review, there was an average of 330 allegations per year. That is a 16 percent drop.” *SF Chronicle*, “SFPD makes strides against violent officers,” August 17, 2009.

“Meanwhile, the department's reported use of force edged up slightly. Before *The Chronicle's series*, officers reported using force 956 times per year, on average; since that first review, the average was 1,019 per year. Lynch said the increase may reflect that officers were more diligent about reporting their use of force. Also, he noted that today's department has more officers on the street - up 15 percent in recent years.” Apparently from 2005 to 2008 “most officers in the (SFPD) department reported using force only once or not at all.”

(15) According to the study group, the other 44 allegations against Patrol Special Police Officers filed over a four year period, involved matters most of which are also alleged against SFPD officers. However, it is of utmost importance to ask the question: *would not a client who is displeased with an officer they pay, simply not fire that officer for “neglect of duty” or “conduct unbecoming an officer”?* The answer is self-evident: they would. ‘Firing’ is easily done, usually with only a one month prior notice required by most contracts for service. Thus, this supports author’s position that the party responsible for bringing the allegations and opening the cases, may well have been the SFPD itself. The 44 allegations break down into : 1 for administrative (curiously, no equivalent category exists for SFPD officers), 1 for a ‘hateful comment’ (whatever that means; no equivalent category exists for SFPD officers), 15 for unwarranted action, 15 for neglect of duty, and 22 for conduct unbecoming an officer

**E. The SFPD continues to face layoffs of foot patrol officers while both serious and lesser crime continues and encroaches on formerly peaceful and secure neighborhoods, increasing the need for more Patrol Special Police.**

Since author filed her response brief on October 11, the City lost yet more SFPD foot patrol officers. At least 76 SFPD employees had past disciplinary issues that could discredit their former testimony in court. The list included 73 SFPD officers. While seven retired, two were fired, one resigned and three are “separated,” this still leaves some officers who won’t be able to police the streets because of their legal problems.<sup>(16)</sup>

Admittedly the Police Chief is seeking novel solutions. On October 29 the public learned about implementation of a new Patrol Rotation Program where higher-ranking officers will walk the beat for 16 hours every three months. However, the program was initiated in only two of ten police districts, Ingleside and South of Market, and these foot patrol officers will only show up every three months. <sup>(17)</sup> Regarding serious danger in Golden Gate Park, police have stepped up patrols in the Eastern area and in July, the Recreation and Park Department added a special daily evening patrol, and the sit-lie law was passed in the November ballot. However these steps raise the question of whether or not efforts are too little too late, considering that random violent crime continues apace with daring attacks even during daylight hours, and crime encroaches on major shopping areas and quiet neighborhoods, apparently unabated.

Since October 11, the following has occurred. A man driving near Union Square about 3:45 am was shot twice.<sup>(18)</sup> There continue to be calls to close Golden Gate Park at night because of rising crime and vandalism, including on November 17 when a teenager was stabbed twice near Haight and Stanyan at about 6 pm. A few days earlier police found a body and a severed arm.<sup>(19)</sup> City officials are drafting legislation to close the park at night, plus stiffen penalties for troublemakers there.<sup>(20)</sup> The City’s high schools and middle schools reduced hours for nearly 100 safety officers as part of increasing budget cuts of some \$113 million from a \$500 million budget this year and next.<sup>(21)</sup> On October 29 a convicted felon on parol pretended to be a utility worker and killed a Russian Hill publicist in a “horrific and tragic” circumstance.<sup>(22)</sup> On November 2 a man was shot inside a club in the Marina district, known to be an upscale, peaceful neighborhood. He died at the hospital. From November 9 to 13, six attacks occurred in upscale areas such as Cow Hollow and Pacific Heights, involving purse snatchings with physical attacks, and attacks on both men and women plus use of pepper spray, one such attack occurring inside of a high-end watch boutique located on Market Street.<sup>(23)</sup> On November 14 at dusk, a cable car operator at Jackson and Mason was stabbed.<sup>(24)</sup>

More violent crime means that SFPD officers are needed to focus there, and not on quality-of-life crimes such as shoplifting/ Shoplifting has increased Citywide by 300 more reports than compared to last year. Assistant Chief Godown says that “we put a lot of time putting cases together” and the DA doesn’t charge the perpetrators. Yet petty thefts “pose a challenge to law enforcement in a major city that has to focus resources elsewhere,

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(16) *SF Examiner*, “Flood of Brady disclosures,” October 28, 2010.

(17) *SF Examiner*, “New SFPD foot-patrol program unveiled days before election,” October 29, 2010.

(18) *SF Examiner*, “Man seeks care after incident,” October 25, 2010.

(19) *SF Examiner*, “Man stabbed twice during latest attack in GG Park,” November 18, 2010.

(20) *SF Examiner*, “Park closing time gains supporters,” October 19, 2010.

(21) *SF Examiner*, “Budget cuts may pose safety risks,” October 31, 2010.

(22) *SF Examiner*, “Long road led suspect to The City”, November 10, 2010.

(23) Morning television news, Channel 7, November 13, 2010.

(24) *SF Examiner*, “Cable car driver critically injured during stabbing,” November 18, 2010.

such as on gangs and guns”(25). Some might argue that even felonious burglaries are a lower priority than crimes involving violence, but burglaries also continue with new scams, such as reported on November 16 in TV news channel 7 where cat burglars steal appointment books and when the customer shows up, the burglar goes to the home and robs it.

Other less well-known influences are increasing law enforcement challenges to states and municipalities including San Francisco. For example, instead of deporting over 500,000 illegal immigrants thought to be here who are also convicted felons as required by federal law, the U.S. Immigration and Customs Enforcement released them back into local communities.(26) In the past few weeks since the end of the fiscal year, the local jail population has increased from 1600 to 1800 (27) which may reflect better policing and prosecution, but which most assuredly suggests that more inmates who may not be fully rehabilitated will certainly be eventually released into the community.

#### **F. The City continues to face a dire budget situation, increasing the need for more Patrol Special Police**

The budget situation in the City and State has not improved since author’s original response to the study group report was filed on October 11. A report on the first quarter of fiscal 2010-2011 issued on October 20 by the Controller’s office says that “30.1 million in federal and other funds remains uncertain,” and noted that its estimates of a modest \$25 million balance in the General Fund and a \$33 million dollar balance in a Rainy Day Fund at the end of this fiscal year (summer 2011), might be influenced negatively by the risk of mid-year State and federal shortfalls.(28) Foster care, child welfare services, child care services, substance abuse offender treatment programs, immunization services, and in-home support services – all vital programs to help the most needy in our City – will suffer.

On November 11 the *SF Examiner* reported that the State took \$700 million in funding for Bay Area transit agencies, in order to balance State budget deficits of 25.4 billion, with 6.1 billion as a shortfall in the budget the governor signed in early November.(29) Prop 22 passed in San Francisco the week before was to prevent this from happening, but it did not, raising the specter of future – and expensive – litigation. At the same time Supervisors prepared to address serious reforms needed to the City’s pension costs and City services because Prop B designed to force City employees to contribute more to their pension funds, went down to defeat at the polls.(30)

The Municipal Transit Agency continues to contract some services out, a bit less than last year, but this includes 12.2 million alone for police services by the SFPD. One supervisor recently called for MUNI to “pare down even more” than they have this year. Yet the Patrol Special Police force exists, can be augmented fairly rapidly (there have been 16 inquiries about employment with the Patrol Special Police received since January of this year), and is willing to patrol MUNI (31), and several times in the past have been considered for such assignments at much less cost to the taxpayer than charged by SFPD officers.

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(25) *SF Examiner*, “Police seek to jail thieves even if they won’t be tried,” November 12, 2010. TV news Channel 7, 6 pm November 14, 2010.

(26) *SF Examiner*, “Stop the bureaucracy and secure the border,” October 22, 2010.

(27) *SF Examiner*, “State raids transit funds for budget,” November 11; “Analyst pegs budget deficit at 25.4 million,” November 11, 2010.

(28) See, “First Quarter General Fund Budget Status Report,” SF Controller’s office, [http://www.sfcontroller.org/Modules/ShowDocument.aspx?documentid\\_1323](http://www.sfcontroller.org/Modules/ShowDocument.aspx?documentid_1323)

This reports a \$7 million shortfall in revenues, compensated for by a \$30 million cutback.

(29) *SF Examiner*, “State raids transit funds,” November 11, 2010.

(30) *SF Examiner*, “Lawmakers prepare to tackle city pensions,” November 11, 2010.

(31) See offer of Patrol Special Police Officer Jane Warner to MUNI Director Nathaniel Ford in December, 2009; *SF Examiner*, “Patrol Special Officer offer service to MUNI,” December 16, 2009; <http://www.sfspecialneighborhoodpolicing.org/articles/LtrtoMayor.thml>

## F. Conclusion

No one can argue with the proposition that the City needs all the viable public and private resources it can muster to fight against and prevent crime. Even the police union President, Gary Delagnes as recently as November 18 admitted the logical proposition that there is a role for the Patrol Special Police as extra eyes and ears for police officers.(32)

A report in the *Washington Post* on November 12 said that (33):

*"In California and New York," says John Hood of the John Locke Foundation, "the fiscal crisis flirts with bankruptcy." Explanations include rising Medicaid costs, increased spending on higher education and the long-term challenge of funding public pensions. At the same time, says Hood, "All the major sources of revenue have cratered." The states doing worst are the ones, such as California and New York, that had irresponsible budgets going into the recession...But now comes the reckoning. Stimulus support of state budgets is running out...While California remains in denial - even after a budget crisis that has lasted for a decade - that could rapidly change as well."*

So, too, is time running out for the police commission and Supervisors as responsible and resourceful City leaders to set aside the fatally-flawed Massachusetts report recommending that the City disavow a clear asset and tool in our arsenal of crime-prevention and control techniques. The Patrol Special Police must be affirmatively embraced and expanded in numbers and authority in order to be of more service to the residents and businesses of and visitors to this City.

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(32) Wall Street Journal, "San Francisco Reconsiders Contract Force," November 18, 2010. See, [http://online.wsj.com/article/SB10001424052748704658204575611150364830686.html?mod+WSJ\\_News\\_SanFranciscoBayArea68\\_4#articleTabs%3Darticle](http://online.wsj.com/article/SB10001424052748704658204575611150364830686.html?mod+WSJ_News_SanFranciscoBayArea68_4#articleTabs%3Darticle)

(33) *Washington Post*, "Blue-state budget crises spell more crises for Democrats", November 12, 2010. See, [http://www.washingtonpost.com/wp-dyn/content/article/2010/11/11/AR2010111106984.thml?wpisrc=nl\\_opinions](http://www.washingtonpost.com/wp-dyn/content/article/2010/11/11/AR2010111106984.thml?wpisrc=nl_opinions)

## EXHIBIT A

Email Nov. 17, 2010

Dear Ann, We reviewed the case data management system, like the search for your previous request, and we found no litigation cases in our system for that date range that specifically identify "Patrol Special" involvement.

However, recently a claim was filed alleging that a Patrol Special Officer shot an individual outside Club Suede. A copy, with personal information redacted, is attached.

Please contact me if you have any questions or need further information.

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From: Ann Grogan <anngrogan@gmail.com>  
To: Virginia Dario Elizondo <Virginia.Dario.Elizondo@sfgov.org>  
Date: 11/03/2010 10:02 AM  
Subject: Re: Followup from Ann Grogan

Hi Virginia,

My followon question was, from 2000 to 2009 inclusive, was there ever any payout (judgment or settlement) or case filed that involved assigning a City Attorney for defense, against a Patrol Special Police Officer for alleged negligence (vs. an SFPD officer that you answered before)? I would suspect the City motioned out because the Patrol Specials are required to provide their private clients with liability insurance naming the City as an additional insured, however a case might (but I doubt) have been filed in any event requiring some motion work? I hear that a recent case might have been filed involving the shootout on Feb. 7, 2010 this year in front of the troubled Suede Bar in Fisherman's Wharf, so if you can confirm that yes or no if it is public information, that would also be helpful, however I am most interested in 2000-2009.

I doubt there was, but I need to dot that "I" as it were! Thanks again. No huge rush but as available is appreciated. Hope you are enjoying this glorious weather!

Ann

## EXHIBIT B

On 10/21/2010 2:50 PM, Virginia Dario Elizondo wrote:

Dear Ms. Grogan, here is the information you requested regarding:

How many civil cases were filed and opened (causing a city attorney to be assigned, no matter the eventual resolution of the case), for alleged tortious conduct [not labor/employment cases] by an SFPD officer (or employee, if employees are lumped into those statistics, tho I prefer SFPD officers only) and the amount of judgements and payouts in these cases.

This is data was compiled in order to respond to your request by querying our case inventory system. It is shown by calendar year.

<u>Cases Filed/Opened</u>	
Cal 2000	65
Cal 2001	75
Cal 2002	59
Cal 2003	78
Cal 2004	57
Cal 2005	62
Cal 2006	53
Cal 2007	52
Cal 2008	64
Cal 2009	58
Total	623

<u>Settlements/Judgments</u>	
Cal 2000	\$ 360,000.00
Cal 2001	\$1,136,776.75
Cal 2002	\$ 353,671.90
Cal 2003	\$ 992,546.75
Cal 2004	\$ 906,184.00
Cal 2005	\$1,319,506.22
Cal 2006	\$1,209,083.25
Cal 2007	\$1,046,697.00
Cal 2008	\$ 338,604.57
Cal 2009	\$8,425,487.25
Total	\$16,088,557.69

Please contact me, if you have any questions. In the future, you can direct requests for public records to Jack Song, our public information officer, cc'd above.

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