March 25, 2019

Board of Supervisors
City Hall, Room 244
#1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94103

Dear Honorable Board of Supervisors:

At the meeting of the Police Commission on Wednesday, March 13, 2019, the following resolution was adopted:

RESOLUTION 19-25

APPROVAL OF PROPOSED CHARTER AMENDMENT REVISING THE POLICE COMMISSION DISCIPLINARY PROCEDURES

RESOLVED, that the Police Commission hereby approves proposed Charter Amendment revising the Police Commission Disciplinary Procedures.

AYES: Commissioners Hirsch, Taylor, DeJesus, Mazzucco, Elias, Hamasaki, Brookter

Very truly yours,

Sergeant Jayme Campbell
Secretary
San Francisco Police Commission

759/rct
A8.343  **FINE, SUSPENSION AND DISMISSAL DISCIPLINARY PROCEEDINGS**

IN POLICE AND FIRE DEPARTMENTS

(a) Members of the uniformed ranks of the fire or the police department guilty of any offense or violation of the rules and regulations of their respective departments, shall be liable to be punished by reprimand, or by fine not exceeding one month's salary for any offense, or by suspension for not to exceed three months, or by dismissal, after trial and hearing by the commissioners of their respective departments, fire commission; provided, however, that the chief of their respective departments, chief of the fire department, for disciplinary purposes may suspend such member for a period not to exceed 10 days for violation of the rules and regulations of his department. Any such member so suspended shall have the right to appeal such suspension to the fire commission or to the police commission, as the case may be, and have a trial and hearing on such suspension. Written notice of appeal must be filed within 10 days after such suspension and the hearing of said appeal must be held within 30 days after the filing of said notice of appeal. If the commission shall reverse or alter the finding of the chief, it shall order that the member affected be paid salary for the time of the suspension received or altered. In the event the chief should exercise such power of suspension, the member involved shall not be subject to any further disciplinary action for the same offense; provided, that where the Department of Police Accountability has sustained a complaint and recommended discipline in excess of a 10-day suspension, the Chief of Police may not exercise his or her power of suspension under this section without first meeting and conferring with the Director of the Department of Police Accountability and affording the Director an opportunity to verify and file charges with the Police Commission pursuant to Section 4.136. If the Director of the Department of Police Accountability verifies and files
charges, the Police Commission shall conduct a trial and hearing thereon, and the Chief of
Police may not suspend the member pending the outcome of the Police Commission proceedings
on the charges except as provided in Section A8.344.

(b) Members of the uniformed ranks of the police department may be disciplined as
provided in this subsection (b).

(1) The chief of the police department for disciplinary purposes may suspend
such member for a period not to exceed 10 days for violation of the rules and regulations of the
department. Any such member so suspended shall have the right to appeal such suspension to
the police commission, and have a trial and hearing on such suspension, in accordance with
rules adopted by the commission. In the event the chief should exercise the power of suspension
set forth in this subsection (b)(1), the member involved shall not be subject to any further
disciplinary action for the same offense, provided, that where the Department of Police
Accountability has sustained a complaint and recommended discipline in excess of a 10-day
suspension, the chief may not exercise his or her power of suspension under this section without
first meeting and conferring with the Director of the Department of Police Accountability and
affording the Director an opportunity to verify and file charges with the police commission
pursuant to Section 4.136. If the Director of the Department of Police Accountability verifies
and files charges, the police commission shall conduct a trial and hearing thereon, and the chief
of police may not suspend the member pending the outcome of the police commission
proceedings on the charges except as provided in Section A8.344.

(2) Except as provided in subsection (b)(1), any such member shall be liable
to be punished by reprimand, or by fine not exceeding one month's salary for any offense, or by
suspension for a period exceeding 10 days and not to exceed three months, or by dismissal, after
trial and hearing as provided in this subsection (b)(2). As part of such trial and hearing, the
police commission may designate a single commissioner to preside over the taking of evidence.
who shall also have the authority to conduct a settlement conference, and to conduct such other
functions relating to the settlement of a case as the commission may by rule provide. After the
taking of evidence, the commissioner who presided over the taking of evidence and two other
commissioners shall conduct a hearing to determine whether the charges shall be sustained and
what penalty, if any, shall be imposed in connection with any charges that are sustained. In the
event that one or more charges is sustained, the member shall have the right to appeal that
decision, and the nature of any penalty imposed, to a panel of three other commissioners, who
shall previously have taken no part in the proceedings, or in any other proceedings arising out of
the same facts. The commission may adopt rules concerning appearances of members or their
representatives; the taking of evidence; the settlement of cases; the imposition of discipline; the
filing, hearing, and resolution of appeals; and other matters related to the imposition of
discipline under this subsection, but such rules shall provide that the member shall bear the
burden of showing legal or factual error on appeal, under such standard of review as the
commission may by rule prescribe.

(c) Subject to the foregoing, members of the uniformed ranks of either
department shall not be subject to dismissal, nor to punishment for any breach of duty
or misconduct, except for cause, nor until after a fair and impartial trial before the
commissioners of their respective departments, as set forth in this Section A8.343, upon a
verified complaint filed with such commission setting forth specifically the acts
complained of, and after such reasonable notice to them as to time and place of
hearings as such commission may, by rule, prescribe. The accused shall be entitled,
upon hearing, to appear personally and by counsel; to have a public trial; and to secure
and enforce, free of expense, the attendance of all witnesses necessary for his defense.