



Gregg McLean Adam
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SACRAMENTO
SAN FRANCISCO

May 23, 2016

VIA E-MAIL AND REGULAR MAIL

Micki Callahan
Acting Director Employee Relations
City and County of San Francisco
One South Van Ness Avenue, 4th Floor
San Francisco, CA 94103-5413
E-mail: micki.callahan@sfgov.org

Re: Use of Force Changes

Dear Micki:

The POA has been advised that the Police Commission is (1) creating a sub-committee to review a DOJ report received on May 6th; (2) drafting at least two versions of use of force policies for the Commission to discuss at its June 1, 2016; and (3) conducting two additional meetings in the community on June 8th and June 15th for the Commission to take public comment on the updated versions presented at the June 1st meeting. This is all within the Commission's right. Community participation is welcomed.

But I want to remind the City and the Commission of its obligation to meet and confer with the POA *prior to* implementing any new changes in use of force policies. The changes being contemplated significantly affect working conditions—including officer safety, training and discipline.

We want to avoid another situation like the Department's unilateral implementation of a new policy mandating the wearing of 36-inch batons. Because the Department failed to meet and confer before making this unilateral change, we will need an arbitrator to determine whether or not our labor rights were violated. (Micki, I presented that demand for arbitration to you on Thursday. I suggest that the City work collaboratively to schedule that arbitration as soon as possible. The POA will resolve that matter, including by arbitration if necessary, before it sets dates to meet and confer over any further changes.)

I am enclosing my February 19, 2016 letter to you, which copied Commission president Loftus and then-Chief Suhr (I copy Interim Chief Chaplin now). We suggested that, in order to expedite the implementation of any changes, the City and the Commission agree to begin the meet and confer then and run it parallel to the various stakeholder meetings. In its February 29 response (also enclosed), the City declined to begin meeting and conferring at

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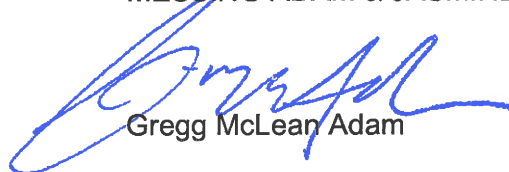
that time. The City noted the problem of bargaining over a policy that was not yet final—a legitimate point, and an issue that remains today.

But the point of this letter is to remind the City and the Commission, as it makes its plans, to factor in sufficient time for a robust meet and confer process. As Interim Chief Chaplin said, recently, these are among the most dramatic changes at SFPD in at least 30 years.

The POA has asked me to serve as its lead negotiator during the meet and confer. Please note that I will be out of the country between June 18 and July 11. And while one of the City's negotiator's seems to believe that the POA should be ready to drop everything, when the Commission finally gets around to proposing a policy, that is not realistic. Upon my return, I will have numerous open collective bargaining tables. Thus, if the City wants to begin selecting dates, we will be happy to entertain those discussions.

Very truly yours,

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Gregg McLean Adam

GMA:jo

Enclosures

cc: Suzy Loftus, President, San Francisco Police Commission
Toney Chaplin, Interim Chief of Police
Martin D. Halloran, President, San Francisco Police Officers' Association



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February 19, 2016

VIA E-MAIL AND REGULAR MAIL

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Re: POA Participation on Use of Force Working Group and Request to Begin Meet and Confer Process Immediately

Dear Chief Suhr, Commissioner Loftus, and Micki:

The SFPOA has always embraced sensible police reforms and modernization. We want our Department to lead. That includes on use of force issues.

The operative word is sensible. Another is “safety”—as in the safety of our members.

Proposed use of force changes are all over the news. There is a major controversy brewing between police officer and police chief organizations over the latest proposed use of force changes promulgated by the Police Executive Research Forum (PERF) because of the concern that they prioritize public relations over officer safety.

For example, the International Association of Chiefs of Police just announced:

[It] is extremely concerned about calls to require law enforcement agencies to unilaterally, and haphazardly, establish use of force guidelines that exceed the “objectively reasonable” standard set forth by the U.S. Supreme Court nearly 30 years ago (*Graham v. Connor*). The creation of a multitude of differing policies and use of force standards throughout the United States would, undoubtedly, lead to both

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February 19, 2016

Greg Suhr

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confusion and hesitation on behalf of law enforcement officers which in turn would threaten both their safety and that of the citizens they are sworn to protect.

This was as blunt an attack on a PERF recommendation as we have witnessed from the Chiefs.

The POA would have preferred to have been part of a more collaborative approach in discussing use of force changes on the front end. (We appear to have missed the boat on that with Tasers, as well.) These proposed changes are as sweeping and significant as the POA can remember—in careers going back 35+ years. The proposed changes affect multiple aspects of working conditions—training, discipline and especially officer safety come readily to mind.

For this reason and because we know the Department wants to begin making changes as soon as possible, the POA is exercising its rights under the MOU, the Charter and state law to meet and confer over the proposed changes before they are implemented. Beginning the meet and confer as soon as possible will (1) speed up the likely implementation date of any changes and (2) reduce our concerns about the City's flexibility to bargain after the Police Commission has already voted on a policy.

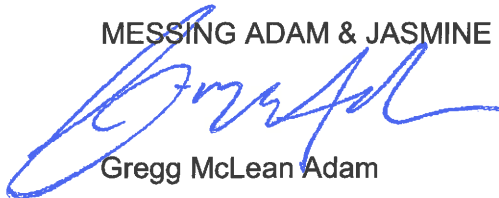
Like we did with body worn cameras, the POA will participate in the Stakeholders' Meeting in an observer capacity, trying to educate stakeholders about the practical effect of these policies on street cops.

The POA proposes that we meet with the drafters of the policy and any subject matter experts utilized as soon as possible, so that we can better understand the rationale for proposed changes. We would also like information about the extent to which the proposals were modelled after policies promulgated by other agencies or organizations.

We look forward to a vigorous discussion and to arriving at sensible and safe revisions to the current policy. Janine Oliker will start the process of selecting dates for us to meet.

Very truly yours,

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cc: Martin D. Halloran, President, San Francisco POA
San Francisco POA Executive Board



Edwin M. Lee
Mayor

Micki Callahan
Human Resources Director

February 29, 2016

Gregg Adam
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San Francisco, CA 94104

Re: Request to Meet and Confer Regarding Proposed Use of Force Policy

Dear Mr. Adam:

This will respond to your letter of February 19, 2016 on behalf of the SFPOA, in which you request to immediately begin meeting and conferring on the San Francisco Police Commission's proposed use of force policy.

As you know, the Commission has begun developing its proposal in this regard, and is currently convening stakeholder and community meetings to obtain input. While the formation of the policy is a managerial right outside the scope of bargaining, we welcome the SFPOA's participation as a stakeholder in this preliminary process. The Commission expects to approve its draft policy for meet and confer on April 13, 2016, after which point we will engage the SFPOA to consider the negotiable impacts that the policy may have.

Because we do not yet know the full content of the Commission's proposed policy, it would be premature to launch into a full meet and confer about its impacts. However, we recognize that many of the elements currently under discussion may be included in the Commission's final policy, and that the impacts of those elements may fall within the scope of meet and confer. We appreciate your interest in eliminating delay.

For these reasons, we agree to begin setting meeting dates in March. We would like to start with an assessment of the areas of anticipated disagreement and anticipated impacts, and a discussion of whether and to what extent a bargaining obligation may exist with respect to those areas. We may also be able to exchange information that will address some of the concerns of SFPOA's membership.

LaWanna Preston will serve as the City's Chief Negotiator. However, as I will attend at least the first meeting, please ask Janine to contact my assistant, Jeanne Buick, to make arrangements.

We look forward to engaging in a productive process.

Sincerely,

A handwritten signature in blue ink, appearing to read "Micki Callahan", with a long horizontal flourish extending to the right.

Micki Callahan
Human Resources Director/Employee Relations Director

C: President Loftus, Chief Suhr, LaWanna Preston, Martin Halloran