

1 Gregg McLean Adam, Bar No. 203436
gregg@majlabor.com
2 Jonathan Yank, Bar No. 215495
jonathan@majlabor.com
3 **MESSING ADAM & JASMINE LLP**
580 California Street, Suite 1600
4 San Francisco, California 94104
Telephone: 415.266.1800
5 Facsimile: 415.266.1128

6 Attorneys for San Francisco Police Officers'
Association

7
8 THE STATE OF CALIFORNIA
9 CITY AND COUNTY OF SAN FRANCISCO

10 IN RE BLUE RIBBON PANEL ON
11 TRANSPARENCY, ACCOUNTABILITY
12 AND FAIRNESS IN LAW ENFORCEMENT

DECLARATION OF GARY DELAGNES

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15 I, Gary Delagnes, declare and say:

16 **BACKGROUND FACTS ABOUT ME**

17 1. I am a retired San Francisco police officer. I am currently retained by the San
18 Francisco Police Officers' Association (POA) as a consultant. I had no intention of asking to
19 testify in these proceedings until I read a summary of the testimony of District Attorney George
20 Gascón before this Panel on February 22, 2016. My testimony below responds to Mr. Gascón's
21 testimony, which I believe is largely exaggerated or outright fabricated.

22 2. I agree with him that the text message exchanges between seven current and former
23 San Francisco police officers were vile, inappropriate, and disgusting. I believe that view is
24 shared by the vast majority of the members of the San Francisco Police Department who are
25 familiar with the contents of the text messages.

26 3. I have personal knowledge of the facts stated herein.

27 4. I was born and raised in San Francisco. I grew up in the Sunset District in the
28 1960s. I was raised by two very liberal Democrats. I was raised to respect people of all

1 backgrounds. I attended Catholic schools, graduating from St. Ignatius in 1972. I received a
2 baseball scholarship from the University of San Francisco and attended there, despite receiving
3 offers from other schools out of state. I was inducted into the USF Sports Hall of Fame in 2004.

4 5. I joined the San Francisco Police Department in June of 1978. I spent 25 years as a
5 street cop. I spent 10 years as a patrol officer in the Tenderloin, mostly on midnight shifts, and
6 two years in the Tactical Division. I was promoted to inspector in 1990 and spent the next 13
7 years leading undercover assignments, particularly in the narcotics division.

8 6. In 1990, I was elected as the vice-president of the POA, and served in that capacity
9 until 2004, when I became POA president. I served as POA president until my retirement in June
10 2013.

11 **MR. GASCÓN'S FEBRUARY 22, 2016 TESTIMONY TO THE PANEL**

12 7. I have read reports of Mr. Gascón's testimony before the Panel on Monday,
13 February 22, 2016, particularly his belief that:

- 14 a. SFPD was insular and there was widespread nepotism and cronyism;
- 15 b. the discipline system was cumbersome and ineffective and the POA was
16 "known" to slow it down;
- 17 c. there was institutionalized and systematic racism and other bias in SFPD,
18 which was expressed to him by minority communities in the City, and
19 which the POA had no genuine interest in eliminating;
- 20 d. officers in the Officers For Justice felt disenfranchised;
- 21 e. he agreed with Yolanda Williams that the POA does not represent and work
22 for the interests of black officers in the PD; and,
- 23 f. the POA tried to obstruct his development of a *Brady* policy.

24 **BACKGROUND REGARDING MY RELATIONSHIP WITH MR. GASCÓN**

25 8. I was the president of the POA when George Gascón became Chief of the SFPD on
26 August 7, 2009. When a new chief of police is hired, representatives of the Mayor's Office,
27 including the Mayor, discuss potential appointees with various stakeholders, including the POA. I
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1 had numerous telephone calls and meetings with then-Mayor Newsom and his staff about Mr.
2 Gascón's appointment as chief of police.

3 9. On the day of his appointment as chief, Mr. Gascón and I had a two-hour lunch
4 meeting with the Mayor's Chief of Staff, Steve Kawa, at Don Ramon's restaurant on 11th and
5 Folsom in San Francisco. During that meeting, we had extensive discussion about the department
6 and Chief Gascón's plans for it.

7 10. The typical relationship between a chief of police and a police officers' association
8 president is partly adversarial, partly collaborative. After his appointment and throughout his 17-
9 month tenure as Chief of Police, Chief Gascón and I routinely met or spoke telephonically 2 or 3
10 times each week. These meetings and conversations concerned all aspects of the police
11 department, not just POA matters. The conversations were always candid, no-holds-barred. They
12 were very productive. We eventually had dinner several times and met for coffee on Tuesdays.
13 Later, I was one of only a handful of department employees invited to his wedding.

14 11. Chief Gascón sought my opinion on multiple issues. For example, soon after he
15 arrived, he asked for my opinion on the department's captains. I gave him an extensive written
16 response.

17 12. He subsequently asked me to consider serving him in some type of ombudsman
18 capacity, reviewing the department and acting as liaison with district stations.

19 13. I disagree with his testimony that the POA was obstructionist in its dealings with
20 him or with the department.

21 **BRADY POLICY**

22 14. I reject Chief Gascón's characterization that the POA tried to obstruct his efforts to
23 create a formal policy under *Brady v. Maryland*. The POA sought to meet and confer about the
24 policy—even retaining the attorney with whom Chief Gascón had worked at the Los Angeles
25 Police Department. We agreed upon a policy after negotiations.

26 15. We also supported Chief Gascón's ultimately unsuccessful effort to have the San
27 Francisco Police Commission approve the issuance of tasers.
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DISCIPLINE

16. Chief Gascón's criticisms of the discipline process conflict with my experiences working with him. Chief Gascón's discussions with me about police officer discipline were collaborative and fruitful. Former Chief Heather Fong left a huge backlog of disciplinary actions behind. Chief Gascón initiated a discussion of dealing with this backlog to me. Throughout his tenure, and often at our dinner meetings, Chief Gascón and I resolved the vast majority of outstanding disciplinary actions, dramatically reducing the backlog. He could not have been more fair. He never criticized the discipline system, or the POA's approach to it, to me. The only time he criticized the Police Commission to me was when it rejected his proposal to issue tasers.

17. Chief Gascón told me that he believed our department was diverse and that our officers connected far better with the public than had LAPD officers. He expressed frustration at two main things about SFPD that I recall: (1) the lack of paramilitary bona fides of SFPD compared to LAPD and (2) the subpar performance of his captains, whom he felt refused to take responsibility for running their stations. I did not disagree with him on the second point.

18. While Chief Gascón served as chief, the Police Executive Review Forum (PERF) performed an extensive review of SFPD. After the review was concluded, a high-ranking PERF official sat in my office at the POA and told me that he thought San Francisco had the best patrol officers he had ever reviewed.

RACIAL BIAS

19. Not once during all of our candid conversations did Chief Gascón ever state that he believed racial, gender, sexual orientation or other bias afflicted the SFPD. Nor did I ever hear of him expressing such a belief or perception to anyone else. Nor do I recall him undertaking any initiatives to improve diversity at any level within the SFPD.

20. His testimony and public comments now are at odds with how he conducted himself when he served as chief. For example, early in his tenure, he expressed to me deep criticism of conditions in the Tenderloin, which had a high concentration of minority residents, especially amongst the homeless and drug dealers. He ordered an extensive sweep of the Tenderloin soon afterwards, which I was told resulted in more than 800 arrests. His order created

1 a disproportionate number of arrests of people of color. *Will Chief Gascón point to these arrests*
2 *as proof of racial profiling in the SFPD?* The Panel should ask Chief Gascón about his order, his
3 public comments at that time, the number of arrests, and the ethnicity of those arrested.

4 21. With respect to the Officers For Justice organization, I was present on a day in
5 approximately the Fall 2009, when Chief Gascón met and had discussions with the Police
6 Employee Groups (“PEG”). I was present because he asked me to attend. Those PEG
7 organizations included Officers For Justice (comprised primarily of African-American officers),
8 the Latino Police Officers’ Association, the Asian Police Officers’ Association, the Pride Alliance
9 (comprised primarily of LGBT officers), and others. Following those discussions, he stated to me
10 his belief that the Officers For Justice organization appeared to be incompetent and lacking in
11 leadership.

12 22. Chief Gascón complains about an old boys’ network—yet his promotions to the
13 command staff were almost invariably alumni of San Francisco Catholic High Schools or Lowell.
14 See, e.g., [http://www.sfgate.com/news/article/San-Francisco-police-chief-reorganizes-command-](http://www.sfgate.com/news/article/San-Francisco-police-chief-reorganizes-command-3212596.php)
15 [3212596.php](http://www.sfbayareaobserver.com/2010/08/sfpd-command-staff-changes-announced.html) and [http://www.sfbayareaobserver.com/2010/08/sfpd-command-staff-changes-](http://www.sfbayareaobserver.com/2010/08/sfpd-command-staff-changes-announced.html)
16 [announced.html](http://www.sfbayareaobserver.com/2010/08/sfpd-command-staff-changes-announced.html). The two people with whom he was perceived to be closest within the department
17 were Deputy Chief Jim Lynch (whom Chief Gascón inherited) and Deputy Chief Tom Shawyer
18 (whom he appointed). Deputy Chief Lynch went to St. Ignatius and Deputy Chief Shaywer went
19 to Riordan High School—both so-called Old Boys’ High Schools. Chief Gascón took Deputy
20 Chief Shawyer with him to the district attorney’s office. In fact, during his tenure, Chief Gascón’s
21 command staff promotions consisted almost completely of graduates of the very institutions he
22 now decries.

23 23. In contrast, Chief Gascón told me that he did not believe there were any African-
24 American Captains within the SFPD who were qualified to promote to the Command Staff of the
25 department. He asked me if I had any recommendations for an African American officer to serve
26 on the Command Staff. I recommended Lieutenant Kitt Crenshaw as an example of an African-
27 American officer with leadership skills and command potential. Chief Gascón promoted
28 Crenshaw to Commander.

24. Crenshaw was the only African-American officer Gascón promoted to his command staff. In the process of promoting Lieutenant Crenshaw, Chief Gascón passed over several qualified African American captains. He also demoted the only African American member of the Command Staff at the time he arrived.

25. By comparison, Police Chief Greg Suhr has promoted many African-American and other minority officers to command staff positions.

26. On one evening in April 2010, Chief Gascón, Martin Halloran (the current POA President), another POA representative, and I had dinner in Cambridge, Massachusetts, where we were attending a Police Union Leadership Forum organized by Harvard Law School. I had the Forum organizer invite Chief Gascón to speak to the attendees. During that dinner, Chief Gascón, who was drinking heavily, began reminiscing on his time with the Los Angeles Police Department, including his involvement in the Ramparts Unit scandal. He made multiple statements that disparaged minorities. He became so loud and animated that an African-American patron approached Chief Gascón and asked him to restrain himself because his behavior was offending his family.

CONCLUSION

27. I am aware of multiple issues upon which Chief Gascón has flipped his position to suit his political ambitions, including on “illegal aliens” (his terminology at a press conference when he was chief), the death penalty, and his political affiliation. At his first press conference as Chief of Police, which I attended, Chief Gascón stated that he believed “illegal immigrants” could be deported based on “probable cause” that a crime had occurred. He recanted a short time later.

28. I have no doubt, based on my familiarity with Chief Gascón, that much of his exaggerations, omissions, and half-truths in his testimony to the Panel are based upon his political ambitions.

29. One example comes to mind of how quickly Chief Gascón will change his position to suit his political ambition. In Spring 2011, at a lunch meeting with me at the Paragon Restaurant on 2nd Street, Chief Gascón, who had already been appointed as District Attorney but was preparing for his reelection bid that Fall, told me that he intended to oppose the appointment

1 of Greg Suhr to chief of police. I told him that his opposition to Greg Suhr was not supported by
2 the POA and, if he objected, the POA would likely not endorse his reelection as district attorney.
3 Chief Gascón then told me he would not oppose Greg Suhr.

4 I declare under penalty of perjury under the laws of the state of California that the
5 foregoing is true and correct, and if afforded the opportunity would competently testify to the facts
6 set forth herein.

7 Executed this 1st day of March, 2016 at San Francisco, California.

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11 Gary Delagnes