

DECLARATION OF MICHAEL HENNESSEY

I, MICHAEL HENNESSEY, declare as follows:

I served as San Francisco's Sheriff from January 8, 1980 through noon, January 8, 2012.

After the November 2011 election I recommended to Ross Mirkarimi that he make himself available for a number of "briefings" or "transition meetings" to further familiarize himself with the different functions of the Sheriff's Department.

Between November 9, 2011 and January 8, 2012 I set up approximately one dozen such meetings to highlight the activities of Department units such as the Civil Division, Custody Division, Personnel, Budget, Prisoner programs, Internal Affairs, Warrant Services, Prisoner Legal Services, Emergency Services, City Hall Security, Courtroom security and other Department units.

I personally attended all but two of those sessions. At no time did Mr. Mirkarimi direct any staff to perform any functions, direct or attempt to direct any staff activity, or influence or attempt to influence any Department policy or practice.

During this same time frame, I also invited Mr. Mirkarimi to sit in and observe two personnel disciplinary hearings so he could see how these hearings were structured under my administration. Mr. Mirkarimi did not speak or in any other way participate in the hearing, nor did he influence or attempt to influence the outcome of the hearing. He merely attended at my invitation, and with the consent of the employee, to observe the process.

At no time prior to noon, January 8, 2012, did Mr. Mirkarimi make any policy decisions affecting the Sheriff's Department. He played no role, nor did he seek a role, whatsoever in the administration of the Department during the time I served as San Francisco's Sheriff.

During my tenure as Sheriff I hired a number of individuals with criminal records to work in the county jails. Most of these individuals were not peace officers, but worked in what would be considered social services roles. I also hired several individuals as deputy sheriffs who had been convicted of misdemeanor charges. I am also aware of several San Francisco deputy sheriffs, serving as full peace officers, who were arrested and convicted of misdemeanors while employed by the Sheriff's Department. I am aware of several deputy sheriffs who were convicted of more than one misdemeanor in separate incidents of off-duty conduct. I am also aware of more than one San Francisco deputy sheriff who was arrested for domestic violence or child endangerment charges. While the initial

charges in those cases were either dismissed or were reduced to non-domestic violence convictions, those officers typically received a departmental disciplinary suspension, but were not terminated. With rare exception, the deputy sheriffs who suffered a criminal conviction continued to have an honorable public safety career.

~~I am aware of two elected California county sheriffs who were convicted of misdemeanor violations during the time that I have worked with the San Francisco Sheriff's Department. In the late 1970's (prior to my election in 1979), San Francisco Sheriff Richard Hongisto was convicted of criminal contempt of court for failing to carry out a court ordered eviction involving the International Hotel. Sheriff Hongisto was sentenced to serve five days in jail and did in fact serve those days in jail. In the 1980's, the elected Sheriff of Sacramento County, Robbie Waters, was convicted of crashing a department car while under the influence and was sentenced to a short term in the county jail. In neither of these cases was the elected Sheriff suspended or removed from office. Neither California law nor San Francisco law prohibit a person with a misdemeanor conviction from becoming a peace officer or from becoming the elected county sheriff.~~

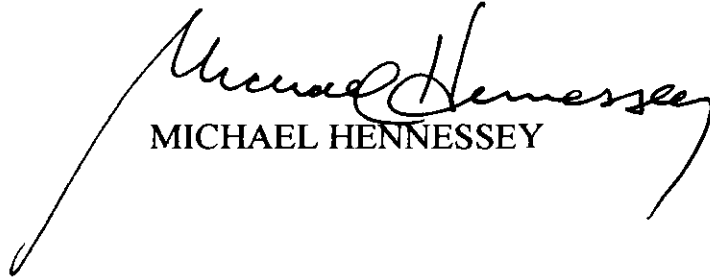
~~With regard to what other public safety executives may state about the qualifications that one must have to perform successfully as an elected Sheriff, I note that those individuals generally do not feel that someone of my background is qualified to serve as an elected county sheriff. The California State Sheriff's Association successfully lobbied for specific legislation that prohibits a person of my training to seek the elected office of county sheriff, and obtained changes in the law, Calif. Govt. Code section 24004.3, that requires candidates for the office of Sheriff to have some training or employment as a peace officer. Yet the voters of San Francisco apparently felt I was adequately qualified to be re-elected several times even after the state law prohibited a person of my training to seek the office.~~

The "law enforcement community" can be a very closed and insular society that believes it "knows best," irrespective of what a county's voters may believe or want.

However, the San Francisco Sheriff's Department is a paramilitary organization, whose employees take and follow orders. If Sheriff Mirkarimi is reinstated as Sheriff, my opinion is that his subordinates will carry out his orders. My opinion is also that the fact that Sheriff Mirkarimi has suffered a misdemeanor conviction for which he is on probation will not impair him from performing the duties of Sheriff of San Francisco.

I declare under penalty of perjury that the foregoing is true and correct as to those matters of which I have personal knowledge, and as to all other matters that I believe them to be true on information and belief.

Signed this 1ST day of June, 2012, in the County of San Francisco, California.


MICHAEL HENNESSEY