

REVIEW OF CLAIMS, SETTLEMENT AND LITIGATION DATA FOR CITY DEPARTMENTS

BOARD OF SUPERVISORS BUDGET ANALYST

MARCH, 2001

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

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March 28, 2001

Honorable Gavin Newsom
Chair, Audit, Labor and Government Efficiency Committee
and Members of the Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, California 94102-4689

Dear Supervisor Newsom and Members of the Board:

Pursuant to your direction, the Board of Supervisors Budget Analyst has prepared the attached Review of Review of Claims, Settlement and Litigation Data for City Departments.

Our report is based on three fiscal years for which complete data is available (FY 1996-97, 1997-98, and 1998-99). In our analysis, we analyzed Citywide data on claims and litigation cases, and focused our review on risk management practices in the four General Fund supported departments that experienced a large number of claims and litigation cases and high settlement or judgment payments. These departments are the Department of Parking and Traffic, the Department of Public Works, the Municipal Railway and the San Francisco Police Department. We also found that, citywide, incidents involving City-owned vehicles (not including Muni public transit vehicles) were the most frequent and costliest cause of claims and litigation cases.

Honorable Gavin Newsom
and Members of the Board of Supervisors
March 28, 2001
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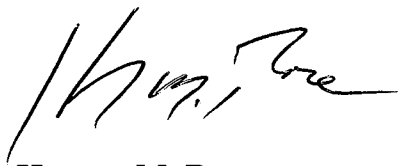
Our analyses, findings and recommendations are summarized on pages 2 through 8 of our report.

Sections 1 through 8 of the attached report provides the analysis of data for claims and litigation cases.

Sections 9 through 11 of our report describe our findings and recommendations. Our conclusions and summary of recommendations are contained on pages 35 and 36 of this report.

The Budget Analyst would like to thank and acknowledge the City Attorney's Office, the Department of Parking and Traffic, the Municipal Railway, the Department of Public Works and the Police Department for their assistance and cooperation in the preparation of this report.

Respectfully Submitted



Harvey M. Rose,
Budget Analyst

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BOARD OF SUPERVISORS
BUDGET ANALYST

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INTRODUCTION

Summary of Requested Action

The Board of Supervisors directed the Budget Analyst to prepare a report on the City's civil judgments and settlements experience, which includes the frequency of claims filed against the City by department and by cause, and the costs of these claims, including the expenses incurred by the City Attorney's Office.

This report looks generally at the claims and litigation experience of City General Fund supported departments and specifically at the claims and litigation experience of the four City departments with the most frequent claims and litigation cases and the highest settlement costs: Municipal Transportation Agency (Municipal Railway), Department of Parking and Traffic (DPT), Department of Public Works (DPW), and the San Francisco Police Department (SFPD).

Methodology

Claims and litigation data for this report were obtained from the City Attorney's Office database. This review of claims and litigation cases filed against the City and County of San Francisco covers the three-year period from July 1, 1996 through June 30, 1999 for which complete data is available, and covers all City departments except for the Airport and the Port. During the period reviewed, the Municipal Railway (Muni) was a General Fund supported enterprise fund department. On March 1, 2000, Muni became part of the Municipal Transportation Agency, but remains an enterprise fund, receiving a General Fund subsidy. The City Attorney's Office has maintained database files for claims and litigated cases for more than a decade and implemented its current database system on July 1, 1996. Information regarding Muni claims has been maintained in the database since July 1, 1997. Because claims data for Muni is available for a two-year period compared to three years of claims data for other City departments, Muni's claims experience is under-represented in this report. Although this under-representation of data for Muni affects the gross number of claims and settlement payments reported, it does not alter the conclusions drawn from the data. Even with under-representation of the data, Muni outpaces other City departments in the number of claims and litigation cases filed against Muni and in the amount of settlement or judgment payments. The Port and Airport, which are special fund departments, are not included in the City Attorney's database.

Sample source documents were checked against the City Attorney's computer files to verify the accuracy of the data obtained from these computer files. A total of 100 closed claims files for the period from July 1, 1996 through June 30, 1999, and 33 closed litigation files for the period from July 1, 1996 through June 30, 1999 were reviewed and compared to the corresponding computer files. The Budget Analyst determined that the computer files, when compared to the source documents, were generally accurate. The minor errors detected did not have a material effect on the reliability of the computer-generated reports. Additionally, expense vouchers were reviewed and compared to computer data regarding expenses associated with claims and litigation cases and the computer data was determined to be generally accurate.

REPORT SUMMARY

In the past three fiscal years for which complete data is available (FY 1996-97, 1997-98, and 1998-99), 16,210 claims and litigation cases were filed against City General Fund supported departments. Of the 16,210 claims and litigation cases filed, 4,776 or 29.5 percent were settled or adjudicated for monetary consideration and paid, for total settlement or judgment payments of \$30,045,520. The total number of claims and litigation cases that were filed during this period and are still open is 4,077, or 25 percent of claims and litigation cases filed.¹ Under the City Administrative Code, a claimant must file a claim against the City for money or damages, and the City must reject the claim, prior to the claimant pursuing litigation through the legal system. City departments or their commissions are authorized to settle claims for a settlement amount up to \$25,000 with approval from the City Attorney and certification by the Controller that sufficient funds are available from the appropriate fund sources. Settlement of claims exceeding \$25,000 requires Board of Supervisors approval.² Once a claim has been litigated, City departments may settle such litigation for an amount not to exceed \$25,000 upon approval of the City Attorney and certification by the Controller that sufficient funds are available in the department's budget or in the General Fund Litigation Reserve. Settlement of litigation for an amount exceeding \$25,000 requires Board of Supervisors approval.

¹ The remaining 7,357 cases (16,210 less 4,776 less 4,077) were either denied or the claimant withdrew the claim.

² California Government Code authorizes the Port Commission, Airport Commission, and Public Utilities Commission to perform all functions of the Board of Supervisors in processing and settling claims. The Administrative Code specifically authorizes the Airport Commission to settle unlitigated claims and litigation for a settlement amount up to \$100,000.

The table below shows the number of claims and litigation cases filed against City General Fund supported departments for the three-year period from FY 1996-1997 through FY 1998-1999.

Table 1: Cumulative number of claims and litigation cases filed against City General Fund supported departments, including the number which were paid, the number which are still open, and the amount of settlement or judgment payments, for the three-year period from FY 1996-1997 through FY 1998-1999.

	Number of claims or litigation filed	Number of claims or litigation paid	Number of claims or litigation open	Number of claims denied or withdrawn	Claims or litigation settlement or judgment payments
Claims	13,214	4,447	1,969	6,798	\$9,750,873
Litigation	2,996	329	2,108	559	20,294,647
Total	16,210	4,776	4,077	7,357	\$30,045,520

The most frequently occurring claims and litigation cases involved City-owned vehicles and City-owned property, such as streets, sidewalks and sewers. Departments with a high number of claims and litigation cases also had high settlement costs. Muni, DPW, DPT and SFPD experienced a higher number of claims and litigation cases and higher costs than other City departments for the time period from July 1, 1996 through June 30, 1999. This report reviews the claims and litigation experience of City General Fund supported departments, including a summary of the most frequently occurring claims and litigation cases for Muni, DPW, DPT and SFPD, and a description of these departments' programs to reduce the number of claims and litigation cases. Our findings and recommendations are summarized below.

Finding 1: The City Attorney's Office computer data system will soon have the capacity to provide monthly reports summarizing the claims and litigation experience of each City General Fund and General Fund supported department by the cause or type of claim or litigation case. Monthly summary reports provided to the Board of Supervisors that track the number of claims by type of claim or litigation case and by department would better allow the Board of Supervisors to track the trend in claims and litigation cases.

Currently, the City Attorney's Office submits confidential attorney-client monthly and quarterly reports to the Board of Supervisors, listing claims and litigation cases that were settled in the prior month or quarter. The City Attorney's Office data system tracks claims and litigation cases by department and by cause code. The City Attorney's Office has placed types of claims into categories, defined by the cause or incident, called a "cause code". The City Attorney's Office will soon have the capacity to develop and submit reports to the Board of Supervisors, summarizing the types and frequencies of claims by cause code and by department, including the costs of settlement. The monthly and quarterly reports currently submitted by the City Attorney's Office to the Board of Supervisors list claims and litigation cases that were settled in the prior month or quarter. These reports do not give a cumulative summary of the claims and litigation cases that were settled in the prior year, and do not show the trends in the number and types of claims and litigation cases by the cause and by the department. Reports summarizing the City's claims and litigation experience for the month and cumulatively for the year would allow the City to track types of claims and litigation cases that are costly to the City and their trends over time.

Recommendation 1: The City Attorney's Office should submit monthly reports to the Board of Supervisors summarizing the claims and litigation experience of City General Fund and General Fund supported departments, by cause code and by department, for the month and cumulatively for the year.

Finding 2: Claims and litigation cases involving City-owned vehicles were the most frequent and costliest of all claims and litigation cases for the three-year period.

Because claims and litigation cases involving City-owned vehicles were the most frequent and the costliest of all claims and litigation cases for the three-year period, the City should implement citywide policies to reduce the number of vehicle-related incidents. A total of 4,406 claims were filed against City departments under the major cause code category "CCSF vehicle-involved accident"³ and 1,916 claims were paid, for total settlement payments of \$3,949,148. A total of 319 litigation cases were filed against City departments under City vehicle-related cause codes and 125 of these cases

³ The Port and Airport are not included in these numbers. Additionally, claims which are under cause codes specific to Muni, such as "cable car operation" or "injury on board CCSF vehicle" are not included in these numbers.

were settled or judgments were entered, for settlement or judgment payments totaling \$11,283,684. Of the 319 litigation cases filed under City vehicle-related cause codes, 182 or 57 percent were filed against four departments, DPW, DPT, Muni, and SFPD. Of the 125 City vehicle-related litigation cases which were settled or judgments were entered, 114, or 91 percent, of the settlements or judgments were against DPW, DPT, Muni, and SFPD. These four departments paid \$10,981,222, or 97.3 percent, of the \$11,282,684 in settlement or judgment payments for City vehicle-related litigation for the three-year period.

DPW, Muni, and SFPD currently have driver safety programs for employees, and DPT is in the process of developing a driver safety program. All four departments state that they have existing vehicle preventive maintenance programs. The decentralized structure of City departments limits the types of policies that can be developed citywide, and the City does not have a citywide program to increase vehicle and driver safety or to reduce the number of vehicle-related claims and litigation cases and the resulting costs. Within this decentralized structure, the City should develop citywide standards for vehicle and driver safety programs that would be implemented on the departmental level.

Recommendation 2: The City should implement citywide policies to reduce the number and cost of claims and litigation cases resulting from City vehicle-related incidents, coordinated by the City Risk Manager.

Finding 3: Currently, the City does not have a citywide program to track and analyze City vehicle related claims and litigation cases. The City Attorney's Office database has the capacity to generate detailed claims and litigation information for vehicle-related claims for the City General Fund and General Fund supported departments. Using this information to track and analyze vehicle-related claims and litigation cases on a citywide basis would allow the City to develop standardized policies and programs to reduce the occurrence and the costs of these claims.

The City should implement a citywide risk management program to track the number of vehicle-related claims and litigation cases, determine the common causes, and develop policies to reduce vehicle-related claims which would be implemented at the departmental level. The City Attorney's Office database

has the capacity to generate claims information for vehicle-related claims for the City General Fund and General Fund supported departments, which could be used for tracking and analyzing claims and litigation cases. Tracking of these claims on a citywide basis would allow the City to develop standardized policies and programs to reduce the occurrence and the costs of these claims.

The City Attorney's database could also be used by City departments to track claims and litigation cases resulting from functions specific to the Department. The City Risk Manager should work with City departments to develop a system to track and analyze categories of claims and litigation cases filed frequently against the department.

Recommendation 3: The City should develop a system to track City vehicle-related claims citywide, coordinated by the City Risk Manager, and to assist City departments in tracking department-specific claims on a departmental level.

Finding 4: The four City departments reviewed in this report (Muni, DPT, DPW, and SFPD) approach the risk management of claims and litigation cases in different ways. Only the SFPD has a designated risk manager, although the other departments had positions within the department responsible for safety and prevention programs. City departments should designate an existing position within the department with responsibility for implementing citywide risk management programs within the department and developing a department-specific risk management program.

City departments should designate an existing position within the department with responsibility for risk management functions, such as tracking and evaluating patterns of claims and litigation cases filed against the department, developing departmental policies to reduce the number of claims and litigation cases specific to the department, and overseeing implementation of citywide policies to reduce vehicle-related claims. The risk management function would also include an incident reporting system that identifies accidents or potential accidents prior to a claim being filed.

Muni, DPW, DPT and SFPD experienced a high number of claims and litigation cases resulting from department-specific functions. Muni had the largest number of claims and litigation cases and paid the highest amount in total settlement and judgment costs. These claims and litigation cases were associated with public transportation functions, such as injuries to riders on-

board transit vehicles, vehicle accidents involving buses or streetcars, and other related causes. DPW had frequent claims resulting from problems with street, sidewalk, tree and sewer maintenance. DPT had frequent claims regarding the wrongful tow of vehicles. SFPD had frequent claims associated with police functions, including excessive police force, property damage from “door kicks”, high-speed chase incidents, and unlawful seizure of property.

The four departments approach risk management of claims and litigation cases in different ways. SFPD has a designated risk manager, who oversees the Police Department’s Legal and Internal Affairs Divisions. The other three departments do not have designated risk managers but do have safety programs. Muni, DPW, and DPT participate in the State’s Pull Notice program, in which the State notifies the Department when an employee’s driving status has changed, such as suspension or revocation of a driver’s license. Muni has a driver and vehicle safety program. Muni also has a computer database for tracking vehicle accidents to determine what corrective measures are necessary. DPW and DPT each have a division responsible for safety, including driver safety. DPW has a comprehensive behind the wheel defensive driving training program and has a computer database for tracking vehicle accidents and drivers with repeated accidents. DPT also has a computer database for tracking vehicle accidents and is in the process of developing a specific driver safety program. Additionally, DPT and DPW have programs addressing the reduction of department-specific claims.

Recommendation 4: City Departments should designate an existing position within the department to be responsible for risk management functions, including tracking and analyzing claims, developing and implementing departmental policies to reduce claims and litigation cases costs, and implementing citywide policies.

Finding 5: The City pays claims and litigation cases for General Fund and General fund supported departments from the General Fund Litigation Reserve. Since individual departments budget for safety, prevention, and risk management programs in their own department budgets, the departments are responsible for the cost of safety, prevention, and risk management programs. However, individual departments are not responsible for budgeting for the settlement costs of claims and litigation cases. Therefore, individual departments do not have a financial incentive to reduce the costs of claims and litigation cases.

Claims and litigation settlement or judgment payments are paid from various funds, depending on which City department was the target of the claim or litigation. Muni and SFPD budget funds to pay claims and litigation costs in their department budgets. Claims and litigation costs for other General Fund or General Fund supported departments are paid from the General Fund Litigation Reserve, decreasing the departments' incentives for reducing the number and costs of claims and litigation filed against the department. On the other hand, City departments must find funds within their own budgets to pay the cost of departmental risk management programs or safety training. The City should undertake a further evaluation of this policy, to determine if restructuring financial incentives would contribute to reductions in claims and litigation cases costs. Additionally, the City should examine the relative costs and benefits of funding departmental prevention and maintenance programs compared to the costs of claims and litigation.

Recommendation 5: The City should undertake an evaluation of its current policy of funding Departments' safety programs from departmental budgets and funding Departments' claims and litigation costs from the General Fund Litigation Reserve. As part of this evaluation, the City should determine if restructuring financial incentives and increasing funding for safety and prevention programs would reduce the number and costs of claims and litigation cases.

The following report summarizes the City's claims and litigation experience for the period from July 1, 1996 through June 30, 1999, with a specific look at the claims and litigation experience of Muni, DPW, DPT and SFPD, including each department's programs to reduce the incidence of claims.

SECTION 1. CLAIMS AND LITIGATION CASES INVOLVING CITY-OWNED VEHICLES AND CITY-OWNED PROPERTY REPRESENT THE LARGEST NUMBER OF CLAIMS AND THE LARGEST PORTION OF SETTLEMENT PAYMENTS MADE BY THE CITY.

In the three fiscal years for which complete data is available (FY 1996-97, 1997-98, and 1998-99), 13,214 claims and 2,996 litigation cases, totaling 16,210 claims and litigation cases, were filed against City General Fund supported departments. Of the 13,214 claims which were filed during this period, 4,477 claims, or 33.9 percent, were paid, and 1,969, or 14.9 percent, are still open. Of the 2,996 litigation cases which were filed, 329 litigation cases, or 11 percent, were settled or judgments entered, and 2,108, or 70.36 percent, are still open.⁴ Claims settlement payments were \$9,750,873 and litigation settlement or judgment payments were \$20,294,647, for total payments of \$30,045,520. Of the \$30,045,520 in settlement or judgment payments, \$15,232,832, or 50.6 percent, were related to accidents involving City-owned vehicles (\$3,949,148 for claims settlement payments plus \$11,283,684 for litigation settlement or judgment payments).

Table 1.1: Comparison of the number of claims and litigation cases which were filed under all cause codes for all City General Fund supported departments, including the number which were paid and the payment amount, to claims and litigation filed under vehicle-related cause codes⁵ for all City General Fund supported departments, including the number which were paid and the payment amount, for three-year period from FY 1996-1997 through FY 1998-1999.

Cause Code	Claims			Litigation		
	Filed	Paid	Payment	Filed	Paid	Payment
All cause codes	13,214	4,477	\$9,750,873	2,996	329	\$20,294,647
Vehicle-related cause codes	4,406	1,916	\$3,949,148	319	125	\$11,283,684
Percent of vehicle-related to all cause codes	33.3%	42.8%	40.5%	10.6%	38%	55.6%

In addition to claims involving City-owned vehicles, claims and litigation cases involving City-owned property represent the largest portion of payments by the City. Claims and litigation cases involving City-owned property made up 17 percent of the number of claims and litigation cases filed against the City and 19.6 percent of the number of claims and litigation cases paid by the City.

⁴ Claims and litigation cases that were not paid and are not still open were either denied or withdrawn.

⁵ These numbers include all claims and litigation cases filed under seven cause code subcategories which make up the general cause code category, "CCSF vehicle-involved accident". Cause code subcategories which are specific to public transit, such as "cable car operation" and "injury on board CCSF vehicle", are excluded.

Another \$2.6 million, or 8.7 percent of total payments, were related to claims and litigation cases filed against City-owned property, such as buildings, sidewalks, and streets. Other costly areas of claims and litigation cases were breach of contract, including construction and other contracts (\$1.5 million, or 5 percent), police conduct (\$898,700, or 3 percent), property damage caused by sewer problems (\$624,793 or 2 percent), and wrongful tow of private vehicles (\$500,739 or 1.7 percent).

Generally, categories of claims and litigation cases that were frequent in number also resulted in high total settlement payments to the City. A notable exception were the breach of contract claims and litigation cases, which have high settlement payments but represent less than 1 percent of the claims and litigation cases filed against the City

Appendix A contains tables summarizing the claims and litigation experience of City departments.

SECTION 2. THE CITY GENERAL FUND SUPPORTED DEPARTMENTS THAT HAVE THE HIGHEST NUMBER OF CLAIMS AND LITIGATION CASES ALSO HAVE THE HIGHEST SETTLEMENT PAYMENTS.

The departments with the most frequent number of claims and litigation cases, DPW and Muni, also had the highest settlement payments. A total of 6,128 claims and litigation cases were filed against Muni during the period reviewed in this report⁶, or 37.8 percent of the 16,210 claims and litigation cases filed against all City General Fund supported. Muni paid \$17,532,618 in claims and litigation settlement payments, or 58.3 percent of all settlement payments in the amount of \$30,045,520 paid by the City for supported departments. 2,046 claims and litigation cases were filed against DPW, or 12.6 percent of the total of 16,210 claims and litigation cases filed. DPW paid \$3,326,123 in settlement payments, or 11 percent of the total amount of settlement or judgment payments of \$30,045,520.

SECTION 3. SEVERAL CITY GENERAL FUND DEPARTMENTS HAVE A LARGE NUMBER OF OUTSTANDING CLAIMS AND LITIGATION CASES THAT COULD RESULT IN LARGE SETTLEMENT PAYMENTS BY THE CITY.

Several departments have a large number of claims and litigation cases that are still open, which could result in large settlement payments by the City.

⁶ As noted previously, litigation data for Muni covers the three-year period from July 1, 1996 through June 30, 1999, but the claims data only covers a two-year period from July 1, 1997 through June 30, 1999.

For instance, the Police Department has 275 litigation cases pending, and Muni has 993 claims and 412 litigation cases which are still open. Of the claims filed in FY 1997-1998 and FY 1998-1999 and the litigation cases filed in FY 1996-1997 through FY 1998-99, Muni paid \$3.2 million to settle 1,605 claims and \$14.2 million to settle 195 litigation cases. Therefore, it is likely that the pending Muni claims and litigation cases could result in large settlement payments by the City.

SECTION 4. FOUR CITY GENERAL FUND SUPPORTED DEPARTMENTS HAVE A LARGE NUMBER OF CLAIMS AND LITIGATION CASES AND HIGH SETTLEMENT OR JUDGMENT PAYMENTS.

The four City General Fund supported departments with the highest incidence and costs of claims and litigation cases in the past three fiscal years (FY 1996-1997 through FY 1998-1999) are DPT, DPW, Muni, and SFPD. The City Attorney's Office provided data regarding the number of claims and litigation cases, settlement or judgment payments, and associated expenses. Claims and litigation data for DPT, DPW, and SFPD include three fiscal years, FY 1996-1997 through FY 1998-1999. The City Attorney's Office did not begin tracking claims for Muni until FY 1997-1998, so claims data for Muni covers a two-year period. Muni's claims costs for the two-year period are high compared to the other City departments and exceed the claims costs for each of the other three City departments for the three-year period.⁷ Litigation data was available for three fiscal years for all four City departments.

Table 4.1 summarizes the cumulative number of claims and settlement costs for these four City departments. Except for Muni, these claims were filed between July 1, 1996, and June 30, 1999, and were settled or closed prior to December 31, 1999. Muni data represents claims filed between July 1, 1997 and June 30, 1999, and settled or closed prior to December 31, 1999. Because complete data is only available for claims and litigation cases that were filed during the three-year period, it is not possible to determine if claims and settlement costs are increasing, decreasing, or remaining constant over time. Therefore, this report looks at the cumulative claims experience for the three-year period rather than trends.

⁷ If claims data provided by the Muni for FY 1996-1997 were included, the total number for claims settled by the Muni for the three-year period would be approximately, 5,424, with settlement payments totaling \$3,286,379.

Table 4.1: Cumulative number of claims which were filed and which were paid, including the settlement payment amount, and associated expenses for DPT, DPW, Muni, and SFPD for three-year period from FY 1996-1997 through FY 1998-1999

Department	Claims		Settlement Payments	Expenses*	Total Costs (payments plus expenses)
	Filed	Paid			
DPT	1,322	370 (28%)	\$680,694	\$16,103	\$696,797
DPW	1,847	1,047 (57%)	2,627,911	665,040	3,292,951
Muni**	5,424	1,109 (20%)	3,286,739	1,811,552	5,098,291
SFPD	1,126	309 (27%)	643,534	54,737	698,271

*Includes City Attorney's Office claims investigator time⁸ and other expenses

**City Attorney Office data for Muni is only available for the two-year period, FY 1997-1998 through FY 1998-1999

In addition to the \$1,811,552 in expenses reported by Muni for the processing of claims, Muni incurred \$788,643 in "pre-claim" expenses in FY 1997-1998 and FY 1998-1999. Pre-claim expenses are incurred from the investigation of accidents or incidents that do not necessarily result in a claim being filed.

Table 4.2 summarizes the litigation cases for each of the four departments for the three fiscal years, FY 1996-1997 through FY 1998-1999. Muni had a larger number of litigation cases, higher settlement or judgment payments, and higher associated expenses than the other three departments.

Table 4.2: Cumulative number of litigation cases which were filed and which were paid, including settlement or judgment payment amount, and associated expenses for DPT, DPW, Muni, and SFPD for three year period from FY 1996-1997 through FY 1998-1999

Department	Litigation		Settlement or Judgment Payments	Expenses*	Total Costs (payments plus expenses)
	Filed	Paid			
DPT	41	13 (32%)	\$135,150	\$531,275	\$666,425
DPW	199	22 (11%)	698,212	922,846	1,621,058
Muni	344	195 (27%)	14,073,870	5,238,612	19,312,482
SFPD	104	39 (37%)	802,324	1,874,922	2,677,246

*Includes attorney time and other expenses

⁸ Claims investigators process claims. Minimal attorney costs are incurred for claims.

SECTION 5. CITY VEHICLE-RELATED CLAIMS AND LITIGATION CASES HAVE A HIGH INCIDENCE AND PAYMENTS FOR FOUR CITY SELECTED DEPARTMENTS.

Incidents involving City-owned vehicles were the most frequent and costliest cause of claims and litigation cases. Table 5.1 shows the number of claims filed under City vehicle-related cause codes for all City departments⁹, the number of claims paid, and the total amount of payments.

Table 5.1: Cumulative number of claims filed under seven City vehicle-related cause codes for all City General Fund supported departments, including the number of claims which were paid, the settlement payment amount, and the number of claims which are still open, for three-year period from FY 1996-1997 through FY 1998-1999¹⁰

Cause Code	Claims		Settlement Payment	Open Claims
	Filed	Paid		
CCSF Vehicle vs. Other Vehicle	3,481	1,631 (47%)	\$3,275,654	465
CCSF Vehicle vs. Other	687	208 (30%)	450,660	243
CCSF Vehicle vs. Pedestrian	82	14 (17%)	134,813	3
CCSF Vehicle vs. Motorcycle	25	14 (56%)	22,525	4
CCSF Vehicle vs. Bicycle	31	9 (29%)	11,300	5
CCSF Vehicle Involved Accident	64	24 (38%)	28,220	5
CCSF Vehicle vs. Fixed Object	36	16 (44%)	25,976	2
Total	4,406	1,916 (43%)	\$3,949,148	727

Table 5.2 compares the number of claims filed under City vehicle-related cause codes for all City departments to the total number of claims for all cause codes for all City departments.

Table 5.2: Comparison of the total number of claims filed under seven City vehicle related cause codes for all City General Fund supported departments, including the number which were paid and the settlement payment amount, to the total number of claims filed under all cause codes for all City General Fund supported departments, for three-year period from FY 1996-1997 through FY 1998-1999.

Claims Filed			Claims Paid			Settlement		
All cause codes	Vehicle cause codes	Percent vehicle/all	All cause codes	Vehicle cause codes	Percent vehicle/all	All cause codes	Vehicle cause codes	Percent vehicle/all
13,214	4,406	33.3%	4,447	1,916	43%	\$9,750,873	\$3,949,148	40.5%

⁹ City vehicle-related claims and litigation data is for all City departments except the Port and Airport. Additionally, vehicle related claims specific to Muni's public transit functions are not included.

¹⁰ Closed claims which were not settled were either denied, resulting in no settlement payment costs to the City, or were referred to litigation.

Table 5.3 shows the City vehicle-related claims experience for the four City departments with the largest number of claims (Muni, DPW, DPT, and SFPD).

Table 5.3: Cumulative number of claims filed against DPW, DPT, SFPD, and Muni under seven City vehicle-related cause codes, including the number which were paid and the settlement payment amount, for three-year period from FY 1996-1997 through FY 1998-1999

Cause Code	Claims		Settlement Payment	Expenses*
	Filed	Paid		
CCSF Vehicle vs. Other Vehicle	2,068	1,233 (59.6%)	\$2,207,866	\$383,065
CCSF Vehicle vs. Other	443	182 (41%)	409,330	207,494
CCSF Vehicle vs. Pedestrian	22	5 (22.7%)	66,698	8,308
CCSF Vehicle vs. Motorcycle	14	9 (64.3%)	12,984	4,195
CCSF Vehicle vs. Bicycle	7	4 (57%)	5,091	701
CCSF Vehicle Involved Accident	28	14 (50%)	14,280	1,452
CCSF Vehicle vs. Fixed Object	17	8 (47%)	12,278	2,874
Total	2,599	1,455 (56%)	\$2,728,527	\$608,089

* Muni paid \$374,384 of the \$383,065 in expenses for settling "CCSF vehicle vs. other vehicle" claims and \$207,077 of the expenses for settling "CCSF vehicle vs. other" claims.

Table 5.4 compares the City vehicle-related claims experience for Muni, SFPD, DPW, and DPT with the City vehicle-related claims experience for all City departments.

Table 5.4: Comparison of the total number of claims filed under seven City vehicle related cause codes for all City General Fund supported departments to the total number of claims filed under these City vehicle-related cause codes against DPW, DPT, SFPD, and Muni, for three-year period FY 1996-1997 through FY 1998-1999.

Claims Filed			Claims Paid			Settlement Payments		
All	DPW, DPT, SFPD, Muni	Percent DPW, DPT, SFPD, Muni/ All	All	DPW, DPT, SFPD, Muni	Percent DPW, DPT, SFPD, Muni/ All	All	DPW, DPT, SFPD, Muni	Percent DPW, DPT, SFPD, Muni/ All
4,406	2,599	59%	1,916	1,455	76%	\$3,949,148	\$2,728,527	69.1%

Table 5.5 shows the number of litigation cases filed under the seven City vehicle-related cause codes for all City departments, the number of these

litigation cases which were settled or for which judgments were entered, and the total amount of the settlement or judgment payments.

Table 5.5: Cumulative number of litigation cases filed under seven City vehicle-related cause codes for all City General Fund supported departments, including settlement and judgment payments, for three-year period from FY 1996-1997 through FY 1998-1999

Cause Code	Litigation		Settlement/ Judgment Payment	Open Litigation Cases
	Filed	Paid		
CCSF Vehicle vs. Other Vehicle	237	92 (39%)	\$750,508	95
CCSF Vehicle vs. Other	23	6 (26%)	662,250	14
CCSF Vehicle vs. Pedestrian	34	15 (44%)	8,010,247	15
CCSF Vehicle vs. Motorcycle	4	2 (50%)	66,462	0
CCSF Vehicle vs. Bicycle	12	6 (50%)	1,525,020	5
CCSF Vehicle Involved Accident	7	4 (57%)	269,197	0
CCSF Vehicle vs. Fixed Object	2	0 (0%)	0	0
Total	319	125 (39%)	\$11,283,684	129

Table 5.6 compares the number of City vehicle-related litigation cases to the number of litigation cases filed under all cause codes for all City departments for the three-year period.

Table 5.6: Comparison of the total number of litigation cases filed under seven City vehicle related cause codes for all City General Fund supported departments to the total number of litigation cases filed under all cause codes for all City General Fund and General Fund departments, for three-year period from FY 1996-1997 through FY 1998-1999.

Litigation filed			Litigation settled or judgment entered			Settlement or judgment payment		
All	Vehicle	Percent vehicle/ all	All	Vehicle	Percent vehicle/ all	All	Vehicle	Percent vehicle/ all
2,996	319	10.6%	329	125	38%	\$20,294,647	\$11,283,684	56%

Table 5.7 shows the number of City vehicle-related litigation cases filed against Muni, DPW, DPT, and SFPD, the number of cases which were settled or for which judgments were entered, and the total amount of settlement or judgment payments.

Table 5.7: Cumulative number of litigation cases filed under seven City vehicle-related cause codes against Muni, DPW, DPT, and SFPD, including settlement or judgment payments, for three year period from FY 1996-1997 through FY 1998-1999

Cause Code	Litigation Cases		Settlement/ Judgment Payment	Expenses*
	Filed	Settled		
CCSF Vehicle vs. Other Vehicle	138	83 (60%)	\$641,135	\$1,042,850
CCSF Vehicle vs. Other	11	6 (55%)	481,250	125,683
CCSF Vehicle vs. Bicycle	7	5 (71%)	1,516,131	701,255
CCSF Vehicle vs. Motorcycle	3	1 (33%)	63,262	72,532
CCSF Vehicle vs. Pedestrian	18	15 (83%)	8,010,247	628,723
CCSF Vehicle-involved Accident	4	4 (100%)	269,197	1,168,534
CCSF Vehicle vs. Fixed Object	1	0 (0%)	0	2,978
Total	182	114 (63%)	\$10,981,222	\$3,742,555

* Includes attorneys' costs and expenses

Table 5.8 compares the City vehicle-related litigation experience of Muni, DPW, DPT, and SFPD to the City vehicle-related litigation experience of all City departments for FY 1996-1997 through FY 1998-1999.

Table 5.8: Comparison of the total number of litigation cases filed under seven City vehicle related cause codes for all City General Fund supported departments to the total number of litigation cases filed under these City vehicle-related cause codes against DPW, DPT, SFPD, and Muni, for three-year period from FY 1996-1997 through FY 1998-1999.

Litigation filed			Litigation settled or judgment entered			Settlement or judgment payments		
All	DPW, DPT, SFPD, Muni	Percent DPW, DPT, SFPD, Muni/ All	All	DPW, DPT, SFPD, Muni	Percent DPW, DPT, SFPD, Muni/ All	All	DPW, DPT, SFPD, Muni	Percent DPW, DPT, SFPD, Muni/ All
319	182	57.1%	125	114	91%	\$11,283,684	\$10,981,222	97.3%

Total claims and litigation costs for City vehicle-related claims and litigation filed against DPW, DPT, SFPD, and Muni for FY 1996-1997 through FY 1998-1999 were \$16,728,548.¹¹

SECTION 6. EACH OF THE FOUR SELECTED DEPARTMENTS HAD A LARGE NUMBER OF, AND HIGH COSTS FOR, DEPARTMENT-SPECIFIC CLAIMS AND LITIGATION CASES.

Each of the four selected City departments had frequent claims and litigation cases that were specific to the department.

- DPT paid \$485,390 in claims for the “wrongful tow/property damage of vehicles” cause code.
- DPW paid \$1,872,623 in claims resulting from injury or damage from problems with City sewers, sidewalks, streets, and trees.
- Muni paid \$695,613 in claims resulting from causes specific to Muni (cable car operation, and injuries incurred on-board public transit vehicles or while getting on or off such vehicles).
- SFPD paid \$51,815 in claims resulting from complaints regarding use of door kicks with property damage, excessive police force, unspecified police-related complaints (“other-police”), property damage or injury, unlawful entry, and unlawful seizure or property.

¹¹ The City paid \$10,981,222 for litigation cases settlement or judgment costs, \$2,154,434 for litigation cases expenses, including attorney time, \$2,946,107 for claims settlement costs, and \$646,785 for claims expenses, including attorney time, totaling \$16,728,548.

Table 6.1: Cumulative number of department-specific claims for DPT, DPW, Muni, and SFPD, including settlement or judgment costs, for three-year period from FY 1996-1997 through FY 1998-1999

Department and Cause Code	Claims		Settlement Payments
	Filed	Paid	
DPT			
Wrongful Tow	<u>1,068</u>	<u>276 (26%)</u>	<u>\$485,390</u>
Total	1,068	276 (26%)	\$485,390
DPW			
Sewer/Property Damage ¹²	179	126 (70%)	\$516,546
Sidewalk Maintenance	305	116 (38%)	440,649
Street Maintenance	438	238 (54%)	597,935
Tree Maintenance	<u>140</u>	<u>117 (84%)</u>	<u>317,493</u>
Total	1,062	597 (56%)	\$1,872,623
Muni			
Cable Car Operation	18	2 (11%)	\$6,119
Fall Getting On/Off	67	33 (49%)	70,177
Injury on Board	<u>681</u>	<u>264 (39%)</u>	<u>619,317</u>
Total	766	299 (39%)	\$695,613
SFPD			
Door Kicks	22	11 (50%)	\$6,419
Excessive Police Force	82	4 (5%)	7,938
Other – Police	70	19 (27%)	17,083
Property Damage or Injury	33	15 (45%)	12,157
Unlawful Entry	54	3 (5%)	5,718
Unlawful Seizure of Property	<u>10</u>	<u>1 (10%)</u>	<u>2,500</u>
Total	271	53 (19.5%)	\$51,815

In addition to the settlement payments shown Table 6.1:

- DPT paid \$1,347 in litigation settlement or judgment costs for the wrongful tow/property damage of vehicles.
- DPW paid \$342,922 in litigation settlement or judgment costs, resulting from damage associated with problems with City sewers, sidewalks, streets, and trees.
- Muni paid \$3,018,436 in litigation settlement or judgment costs resulting from causes specific to Muni (cable car operation, and injuries incurred on-board public transit vehicles or while getting on or off such vehicles).
- SFPD paid \$281,039 in litigation settlement or judgment costs resulting from various police-specific causes, noted in the Table 6.2 below.

¹² In FY 1997-1998, the DPW sewer repair function was moved to the Public Utilities Commission (PUC). Data for DPW includes the cause code “sewer repair” in FY 1997-1998 and FY 1998-1999, although PUC data also contains the cause code “sewer repair” for these years. This data represents separate claims and the claims are not double-counted in this report.

Table 6.2: Cumulative number of department-specific litigation cases for DPT, DPW, Muni, and SFPD, including settlement or judgment costs, for three-year period from FY 1996-1997 through FY 1998-1999

Department and Cause Code	Litigation Cases		
	Filed	Paid	Settlement/Judgment Payments
<i>DPT</i>			
Wrongful Tow	<u>4</u>	<u>2 (50%)</u>	<u>\$1,347</u>
<i>Total</i>	4	2 (50%)	\$1,347
<i>DPW</i>			
Sidewalk Maintenance	45	5 (11%)	\$122,922
Street Maintenance	31	10 (32%)	220,000
Tree Maintenance	<u>2</u>	<u>0 (0%)</u>	<u>0</u>
<i>Total</i>	78	15 (19%)	\$342,922
<i>Muni</i>			
Cable Car Operation	20	15 (75%)	\$1,054,314
Fall Getting On/Off	20	14 (70%)	1,021,704
Injury on Board	<u>102</u>	<u>60 (59%)</u>	<u>942,418</u>
<i>Total</i>	142	89 (63%)	\$3,018,436
<i>SFPD</i>			
Door Kicks	1	0 (0%)	\$0
Excessive Police Force	15	5 (33%)	57,789
Failure to Get Medical Attention	2	1 (50%)	90,000
High Speed Chase	1	1 (100%)	1,022
Other – Police	4	2 (50%)	20,500
Unlawful Arrest	24	10 (42%)	125,228
Unlawful Entry	2	1 (50%)	5,000
Unlawful Seizure of Property	<u>1</u>	<u>0 (0%)</u>	<u>0</u>
<i>Total</i>	50	20 (40%)	\$299,539

In addition to the settlement or judgment payments shown in Table 6.2:

- DPT's total cost for department-specific claims and litigation cases, including settlement and judgment costs and associated expenses, for the three-year period was \$516,296.
- DPW's total cost for claims and litigation cases, including settlement and judgment costs and associated expenses, was \$2,794,848.
- Muni's total cost for claims and litigation cases, including settlement and judgment costs and associated expenses, was \$5,985,632.
- SFPD's total cost for claims and litigation cases, including settlement and judgment costs and associated expenses, was \$1,506,103.¹³

¹³ DPT's expenses for settling claims were \$7,284, and for litigation cases were \$22,275. DPW's expenses for settling claims were \$12,772 and for litigation cases were \$566,531. Muni's expenses for settling claims were \$335,002 and for litigation cases were \$1,936,581.

Table 6.3: Summary of claims and litigation costs, including settlement payments and expenses, for department-specific claims and litigation cases for DPT, DPW, Muni, and SFPD for three-year period from FY 1996-1997 through FY 1998-1999

Department	Claims settlement payments	Litigation settlement/ judgment payments	Claims and litigation associated expenses*	Total claims and litigation costs (settlement payments plus expenses)
DPT	\$485,390	\$1,347	\$29,229	\$515,966
DPW	1,872,623	342,922	579,303	2,794,848
Muni	695,613	3,018,436	2,271,583	5,985,632
SFPD	51,815	299,539	1,154,749	1,506,103

* Includes attorney costs.

SECTION 7. MUNI HAD A LARGER NUMBER OF, AND HIGHER COSTS FOR, CLAIMS OVER A TWO YEAR PERIOD AND LITIGATION CASES OVER A THREE YEAR PERIOD THAN OTHER CITY GENERAL FUND AND GENERAL FUND SUPPORTED DEPARTMENTS HAD FOR CLAIMS AND LITIGATION CASES OVER A THREE YEAR PERIOD.

As noted in Tables 7.1 and 7.2 below, Muni paid \$2,608,010 in claims settlement costs for FY 1997-1998 through FY 1998-1999, and \$14,073,870 in litigation case settlement and judgment costs for FY 1996-1997 through FY 1998-1999, totaling \$16,681,880. These costs only include claims settlement costs for a two-year period for Muni compared to claims settlement costs for a three-year period for the other three departments. Most of these claims and litigation cases were associated with the specific functions of Muni, and were filed under cause codes for vehicle-related causes or public transit-related causes.

SFPD's expenses for settling claims were \$2,300 and for litigation cases were \$1,152,449. Expenses included attorney costs.

Table 7.1: Cumulative number of claims filed against Muni for two-year period from FY 1997-1998 through FY 1998-1999, by cause codes which had total annual settlement amounts greater than \$10,000

Cause Code	Claims		Settlement Payments	Expenses*	Total Costs
	Filed	Paid			
CCSF Vehicle vs. Other Vehicle	1,467	811 (55%)	\$1,340,875	\$374,384	\$1,715,259
CCSF Vehicle vs. Other	438	178 (41%)	404,200	207,077	611,277
CCSF Vehicle vs. Pedestrian	15	4 (27%)	48,583	8,308	56,891
Fall while Getting On/off Vehicle	67	33 (49%)	70,177	30,396	100,573
Injury on Board Vehicle	681	264 (39%)	619,317	302,581	921,898
Total	2,668	1,290 (48%)	\$2,483,152	\$922,746	\$3,405,898

* Includes investigator hours and other expenses

In addition to the claims noted above, Muni paid \$124,858 for various claims settlements with total annual settlement payments of less than \$10,000, plus \$24,192 in associated expenses, for total additional claims settlement and expense costs of \$149,050 (\$124,858 plus \$24,192). Total Muni costs to settle claims were \$3,554,948 (\$149,050 plus \$3,405,898).

Table 7.2: Total number of litigation cases filed against Muni for three-year period from FY 1996-1997 through FY 1998-1999 by cause codes which had total cumulative three-year settlement amounts greater than \$10,000

Cause Code	Litigation cases		Settlement Payments	Expenses	Total Costs
	Filed	Paid			
Assault by Employee	3	3 (100%)	\$ 169,000	\$56,076	\$225,076
Cable Car Operation	20	15 (75%)	1,054,314	329,299	1,383,613
CCSF Vehicle vs. Bicycle	6	5 (83%)	1,516,131	143,420	1,659,551
CCSF Vehicle vs. Other	9	5 (55%)	466,250	115,853	582,103
CCSF Vehicle vs. Other Vehicle	110	64 (58%)	543,627	878,474	1,422,101
CCSF Vehicle vs. Pedestrian	16	14 (88%)	7,800,247	593,556	8,393,803
Failure to Carry Out Duties	1	1 (100%)	12,000	3,655	15,655
Fall While Getting On/off	20	14 (70%)	1,021,704	270,878	1,292,582
Injury on Board	102	60 (59%)	942,418	1,336,404	2,278,822
CCSF Vehicle-involved Accident	4	4 (100%)	269,197	50,562	319,759
Racial Discrimination	6	5 (83%)	56,000	249,357	305,357
Total	297	190 (64%)	\$13,850,888	\$4,027,534	\$17,878,422

In addition to the litigation cases noted above, Muni paid \$222,983 for various litigation settlements or judgments with cumulative three-year settlement or judgment amounts less than \$10,000, plus \$572,105 in associated expenses, for a total of \$795,088 (\$222,983 plus \$572,105). Total Muni costs were for litigation were \$18,450,527 (\$17,878,422 plus \$795,088).

SECTION 8. THE FOUR CITY DEPARTMENTS REVIEWED IN THIS REPORT HAVE EXISTING PROGRAMS TO REDUCE THE FREQUENCY AND EXPENSE OF CLAIMS AND LITIGATION CASES.

Of the four City departments discussed in this report, only SFPD has a designated risk manager. Muni, DPW, and DPT have safety officers who are responsible for driver and vehicle safety programs, as well as other safety programs. Additionally, all four departments have programs to reduce the number of department-specific claims that occur frequently.

SFPD Office of Risk Management

SFPD established an Office of Risk Management in 1996, to oversee the Police Department's Legal and Internal Affairs Divisions. The Legal Division is responsible for investigating claims filed against the Department and assisting in the preparation of litigation cases. The Police Commission's General Orders govern the policies and procedures for both the handling of claims filed against the SFPD and the handling of vehicle accidents. According to Captain Dennis O'Leary, the SFPD Risk Manager, the SFPD conducts an immediate investigation of a vehicle accident, and the SFPD Accident Board of Review evaluates all traffic accidents. Additionally, the SFPD Safety and Training Division conducts remedial drivers' training for drivers who have been involved in collisions or near-collisions, as well as on-going driver's training and safety programs for all drivers.

The SFPD also has a preventive maintenance program for Police Department vehicles. The station manager for the 10 district stations is responsible for maintenance and upkeep of the Department patrol vehicles. SFPD contracts with DPW for vehicle maintenance service and for monitoring the schedule for upcoming vehicle service. The officer in charge in the Investigation and Administration divisions of the Police Department is responsible for the safety and maintenance of vehicles assigned to those divisions.

The SFPD has a system of incident reporting for traffic accidents and incidents involving property damage. According to Captain O'Leary, the incident reporting system is an "anticipatory process". Vehicle accidents and property damage incidents are reported at the time of the accident or property damage and prior to the filing of a claim. The use of incident reports allows the SFPD to conduct an investigation of an incident prior to the claim being filed and to track vehicle accidents and property damage.

Muni's Driver and Vehicle Safety Programs

Muni has both a driver's training and safety program and a vehicle safety inspection program. Additionally, Muni participates in the State's Pull Notice program, in which the State notifies the Department when an employee's driving status changes, such as the suspension or revocation of a driver's license.

Muni has developed a Service Standard for providing driver's training and reducing accidents. The department is currently implementing the new program and the goal is to provide 100,000 hours of driver's training each year and to reduce accidents by 5 percent. Under the proposed Service Standard, Muni will track the number of training hours delivered each

month by the type of training provided, and will track reductions in the number of vehicle accidents as a result of more effective operator training and accident retraining. For the past 15 years, Muni has provided a 35-day new operator training course, which includes 22 days (5-hour days) of preliminary road training and 13 days (8-hour days) of actual in-service training with a line instructor. In August of 2000 Muni changed the program to 31 days (8-hour days). The new program includes 13 days of preliminary road training, 4 days of ride-along with an experienced operator, 4 days of classroom work, and 10 days of actual in-service training with a line operator. Muni also provides one- and two- day retraining following an accident; an operator follow-up program, in which an instructor rides with an operator on his/her regular run (once a month for new operators and once a year for senior operators); training for experienced operators working with new types of vehicles; and annual transit training, which includes passenger relations and other transit training.

Additionally, Muni has a program to inspect vehicles for safety. Operators are trained to inspect their vehicles for safety, which includes testing the brakes, doors, lights and other possible safety problems. Muni also has a regular preventive maintenance program, which is monitored by the Operations Division to assure compliance with the preventive maintenance schedule.

Muni has developed and maintained a computer database for the past 15 years (the Accident Reporting System or ARS) that compiles data on vehicle accidents, including the driver and vehicle involved, and the type and location of the accident. Muni uses ARS information to determine whether a particular operator is subject to accident-related discipline or retraining or is eligible for a safe driver's award. ARS information is also used to examine accident locations and implement corrective measures if locations are determined to have a high number of accidents, and examine accidents by type and vehicle. According to Muni, future fleet acquisitions are often dependent upon previous accident performance of vehicles. ARS generates various reports, including an annual report based on Muni's prior year accident performance and individual reports which compile accident data for specific periods of time. Muni has a statistician who archives and analyzes the data generated on Muni accidents.

DPW's Driver Safety Program and Sidewalk, Street, and Tree Preventive Maintenance Programs

DPW has separate programs for vehicle and driver safety and for managing sidewalk, street and tree maintenance, which are the primary causes of claims filed against the Department. DPW established the Motor Vehicle

Accident Prevention Program in 1989. The program consists of behind the wheel defensive driver training for new drivers and prevention workshops for employees who have had accidents; statistical analysis of accidents, including the measurement of the number of preventable motor accidents per 100 vehicles per year; and participation in the State's Pull Notice program. According to Ms. Nancy George of DPW, the Department's accident rate has decreased with the implementation of the training program. DPW also has a vehicle preventive maintenance program that includes a maintenance and problem checklist to be filled out by the vehicle operator. Ms. George states that DPW is considering implementation of a policy to specify regular vehicle inspection.

DPW also has programs to manage maintenance of streets, sidewalks, and trees. In an effort to reduce claims, the pavement management program evaluates City streets and rates them for future re-surfacing. Sidewalks and streets are inspected on a routine basis and when complaints are received. DPW inspects about 80 miles of sidewalks each year. Although private property owners are responsible for maintenance of sidewalks in front of their property, DPW estimates that the City is responsible for approximately 420,000 square feet of defective sidewalk adjacent to City-owned property, City-maintained trees, and bus stops. The City is also responsible for approximately 20,000 street trees. Trees are routinely surveyed, but according to DPW, some damage caused by trees, such as damage to sewers caused by tree roots, is not foreseeable. According to Ms. Tina Olson of DPW, DPW estimates that the backlog in public sidewalk projects is approximately \$3.5 million and the annual cost of inspecting and maintaining sidewalks is approximately \$600,000. Ms. Olson states that San Francisco Transportation Authority sales tax funding, which can be used for sidewalk repair projects adjacent to public buildings and trees, will contribute an estimated \$600,000 annually toward sidewalk maintenance and repair.

DPT's Safety Program

Currently, DPT is evaluating the type of vehicle and driver safety program to be provided within the Department. According to Ms. Valerie Le-Beaux of DPT, DPT considered the use of outside vendors to provide a driver safety program but found that the cost was too high. They are now looking at developing a program internally, such as a "train the trainer" program, but have no plan in place at this time.

For the past two years, DPT has maintained a computer database to track accidents involving DPT vehicles. The database includes the name of the DPT employee involved in the accident, the date, and information about the

vehicle, such as the VIN (vehicle identification number), cost of repairs, and correspondence with insurance companies. According to DPT, the Department plans to expand the database to include additional information, including the location of the accident. The Department is able to generate computer reports from this database, to track individuals or vehicles involved in accidents, costs and other information, and uses this information to determine if specific drivers or vehicles have patterns of accidents. DPT conducts on-site investigations of accidents and enters accident data into the database prior to claims being filed by an individual against the City or the Department. Vehicles that are involved in accidents are checked to determine if mechanical problems contributed to the accident. DPT also has a vehicle preventive maintenance program that includes a bumper-to-bumper vehicle inspection every 3,000 miles. The Parking Control Officers assigned to DPT vehicles are responsible for preventive maintenance of their vehicle. Additionally, the Department produces a quarterly mileage report to determine which vehicles are due or past due for preventive maintenance.

DPT also participates in the State's Pull Notice program, to notify the Department when an employee's driving status changes.

City Attorney's Office Monthly Reports to City Departments

The City Attorney's Office currently transmits monthly reports to City departments listing the department's claims activity for the prior month. The report includes the claimant name, a description of the incident leading to the claim, the incident date, the date the claim was filed, the date the claim was paid, the amount of the claim, and the amount of the settlement payment. The report also includes the total amount of claims settlement payments made by the department in the month.

SECTION 9. THE SAN FRANCISCO ADMINISTRATIVE CODE REQUIRES THE CITY ATTORNEY TO REPORT TO THE BOARD OF SUPERVISORS REGARDING CLAIMS AND LITIGATION SETTLEMENT OR JUDGMENT PAYMENTS.

Finding 1: The City Attorney's Office computer data system will soon have the capacity to provide monthly reports summarizing the claims and litigation experience of each City General Fund and General Fund supported department by the cause or type of claim or litigation case. Monthly summary reports provided to the Board of Supervisors that track the number of claims by type of claim or litigation case and by department would better allow the Board of Supervisors to track the trend in claims and litigation cases.

The Administrative Code requires the City Attorney to submit a quarterly confidential report to the Board of Supervisors listing all claims settled by the City Attorney's Office for an amount of \$25,000 or less. Claim settlement payments in excess of \$25,000 require separate Board of Supervisors approval. Under the Administrative Code, the quarterly report submitted by the City Attorney's Office to the Board of Supervisors should include a list of each claim by the amount demanded, the amount paid, the nature of the incident giving rise to the claim, and the City department involved.

The Administrative Code also requires the City Attorney to submit a monthly report to the Board of Supervisors listing litigation settled in that month for an amount up to \$25,000. Litigation settlements in excess of \$25,000 require separate Board of Supervisors approval. Under the Administrative Code, the monthly report submitted by the City Attorney's Office to the Board of Supervisors should include the amount demanded in the litigation, the amount paid, the nature of the incident giving rise to the litigation and the City department involved.

Currently, the City Attorney's Office submits three separate claims and judgment reports to the Board of Supervisors. The City Attorney's Office submits monthly reports to the Board of Supervisors, listing by department all claims activity for the month, including the claimant's name, the incident leading to the claim, the date the claim was filed, the date the claim was paid, the amount of the claim and the actual settlement payment amount. This report covers claims up to \$25,000 as well as those exceeding \$25,000. The City Attorney's Office also provides monthly settlement reports, summarizing settlements approved by the Board of Supervisors for which payment has been made. Additionally, the City Attorney's Office submits a quarterly litigation report to the Board of Supervisors, covering all matters involving the City that are litigated and disposed of in Court during the quarter. These litigation reports include jury verdicts, court dismissals, and other court-ordered dispositions, but do not include litigation cases that were settled prior to Court disposition.

The reports required by the Administrative Code to be submitted to the Board of Supervisors by the City Attorney's Office provide monthly and quarterly claims and litigation activity by department. Although these reports list the claims and litigation activity of City departments, they do not categorize the data to provide an overview of the departments' claims and litigation experience. The City Attorney's Office will soon have the capacity to develop and submit reports to the Board of Supervisors, summarizing the types and frequencies of claims by cause code and by department. The Budget Analyst recommends that the City Attorney's Office submit monthly

summary reports of the claims and litigation experience of the City's General Fund supported departments, categorizing claims and litigation cases by department and cause code. The proposed report would group claims and litigation cases by department and cause code, including the number of claims or litigation cases filed against the department under a specific cause code, the number settled, the settlement or judgment payment amount, and the number of claims or litigation cases that are still open. These monthly reports should include the monthly and the year-to-date claims and litigation experience of each department. Additionally, the annual summary claims and litigation report submitted to the Board of Supervisors should include summary data from prior years, to allow the Board of Supervisors to review the trend in claims and litigation cases filed against City General Fund supported departments.

Recommendation 1: The City Attorney's Office should submit monthly reports to the Board of Supervisors summarizing the claims and litigation experience of City General Fund and General Fund supported departments, by cause code and by department, for the month and cumulatively for the year.

SECTION 10. THE CITY SHOULD CONSIDER CITYWIDE AND DEPARTMENTAL-LEVEL POLICIES TO REDUCE THE NUMBER OF FREQUENTLY OCCURRING CLAIMS AND LITIGATION CASES.

This report has identified two categories of claims and litigation cases that are high in number and in costs: City vehicle-related claims, and department-specific claims. The City should consider some possible policies to reduce costs resulting from frequently occurring claims and litigation cases.

Finding 2: Claims and litigation cases involving City-owned vehicles were the most frequent and costliest of all claims and litigation cases for the three-year period.

Because claims and litigation cases involving City-owned vehicles were the most frequent and costliest of all claims and litigation cases for the three-year period, the City should implement citywide policies to reduce the number and cost of claims and litigation cases resulting from City vehicle-related incidents. Citywide policies to reduce the number and cost of City vehicle-related claims could include:

- Citywide participation in the State’s Pull Notice program.
- Citywide standards for investigating vehicle accidents, implementing driver safety programs, and inspecting and maintaining vehicles.

As noted in this report, City departments had high settlement or judgment costs for City vehicle-related claims and litigation cases. Establishing citywide policies to limit the number of claims is hampered by the decentralized structure of the City’s departments. Under the present City system, each City department has the policy-making and financial responsibility for safety programs. The individual department determines the type of safety program and pays the related expenditures from the department’s budget. The City Risk Manager is largely an advisory function, without the ability to enforce risk prevention or safety policies. However, some broad policies could be implemented on a citywide basis, with budgetary incentives provided to the departments to implement the policies at the department level.

A broad, citywide policy to limit the number of City vehicle-related claims and litigation costs could include participation in the State’s “Pull Notice” program. The Pull Notice program, which is provided free-of-charge to local government agencies by the California Department of Motor Vehicles, notifies the City Risk Manager when an employee’s driving status changes, such as the suspension or revocation of a driver’s license. Although the City Risk Manager does not have the ability to enforce the Pull Notice program at the departmental level, citywide participation in the Pull Notice program would assure that all City departments will receive the information for their employees who drive department vehicles.

Generally, City departments are responsible for implementing vehicle and driver safety programs on a departmental level. The City should develop standardized policies to insure that the departments are adhering to the best practices when implementing departmental programs. Such citywide policies would include standardized guidelines for reporting and investigating vehicle accidents, inspecting and maintaining City-owned vehicles, and implementing ongoing and remedial driver’s training programs for all City employees operating City vehicles.

Recommendation 2: The City should implement citywide policies to reduce the number and cost of claims and litigation cases resulting from City vehicle-related incidents, coordinated by the City Risk Manager.

Finding 3: Currently, the City does not have a citywide program to track and analyze City vehicle-related claims and litigation cases. The City Attorney's Office database has the capacity to generate detailed claims and litigation information for vehicle-related claims for the City General Fund and General Fund supported departments. Using this information to track and analyze vehicle-related claims and litigation cases on a citywide basis would allow the City to develop standardized policies and programs to reduce the occurrence and the costs of these claims.

The City does not currently have a program citywide to track and analyze City vehicle-related claims and litigation cases. As noted previously in this report, the City Attorney's Office transmits monthly reports to City departments, summarizing the claims experience of the department for the previous month. DPW generates its own report, that tracks claims against the department by cause code, departmental division, the number of claims filed and the amount of damages demanded, and the number of claims settled and the settlement payment amount. The City Attorney's Office database has the capacity to generate claims information for vehicle-related claims for the City General Fund and General Fund supported departments, which includes the name of the department, the type of vehicle, where the incident occurred, and the time and date of the incident. Computer-generated data could be used to analyze claims filed under a specific cause code to determine common causes of such claims, but a thorough analysis would require researching the actual claims files.

The City Risk Manager and those responsible for risk prevention programs in the departments could use computer-generated data and original claims files to detect patterns or trends in frequently occurring categories of claims. Knowledge of patterns or trends that lead to specific types of claims aids the City in designing policies and programs to reduce the number of frequently occurring claims. Because of the City's size and decentralized structure, tracking of vehicle accidents and other types of claims will probably continue to be the responsibility of each department. However, coordination of citywide data by the City Risk Manager and sharing of information among the departments would allow the City to determine if some types of claims, such as vehicle accidents, have common causes for all the departments. Tracking of these claims on a citywide basis would allow the City to develop standardized policies and programs to reduce the occurrence and the costs of these claims.

Recommendation 3: The City should develop a system to track City vehicle-related claims citywide, coordinated by the City Risk Manager, and to assist City departments in tracking department-specific claims on a departmental level.

Finding 4: The four City departments reviewed in this report (Muni, DPT, DPW, and SFPD) approach the risk management of claims and litigation cases in different ways. Only the SFPD has a designated risk manager, although the other departments had positions within the department responsible for safety and prevention programs. City departments should designate an existing position within the department with responsibility for implementing citywide risk management programs within the department and developing a department-specific risk management program.

Muni, DPW, DPT and SFPD experienced a high number of claims and litigation cases resulting from department-specific functions. Muni had the largest number of claims and litigation cases and paid the highest amount in total settlement and judgment costs. These claims and litigation cases were associated with public transportation functions, such as injuries to riders on-board transit vehicles, vehicle accidents involving buses or streetcars, and other related causes. DPW had frequent claims resulting from problems with street, sidewalk, tree and sewer maintenance. DPT had frequent claims regarding the wrongful tow of vehicles. SFPD had frequent claims associated with police functions, including excessive police force, property damage from “door kicks”, high-speed chase incidents, and unlawful seizure of property.

Of the four City departments reviewed, only SFPD has a designated risk manager. The other departments have safety officers and other individuals responsible for evaluating claims and developing safety or prevention programs. For example, DPW has a manager of health and safety to develop programs to improve safety within the department, and additionally, funds positions within the City Attorney’s Office to track claims filed against the department. Procedures for tracking claims and for providing safety programs vary within the departments. SFPD has an incident reporting system prior to a claim being filed. Both Muni and SFPD conduct early investigations of vehicle accidents at the scene of the accident. Muni has a computer database for analysis of accidents. Muni, SFPD, and DPW all reported that they track vehicle accidents in some manner, and all four departments reported a vehicle preventive maintenance program. A position within the department, designated to be responsible for risk management

functions, would be responsible for developing and implementing an incident reporting system within the department. According to the City Attorney's Office, a claim does not always provide all the necessary information to analyze an incident. The amount of information required by the courts for considering a claim is less than the amount of detailed information necessary to analyze a claim and determine common causes of incidents. An incident reporting system, which requires department employees to write an incident report fully describing an incident upon discovery of such incident, and prior to a claim being filed, would provide more comprehensive data to the department and the City Attorney. Designation of a departmental risk manager would formalize such functions as incident reporting and tracking of incidents or claims, allowing the department to more systematically review accidents and claims for determining common causes of similar accidents and claims and to develop policies to reduce such accidents and claims.

Designating a department risk manager should not substitute for department directors assuming final responsibility for department claims and litigation costs. Department level risk management and safety programs should report to department managers. Additionally, department heads should report directly to the Board of Supervisors regarding the claims and litigation experience of their departments, especially if the department experiences significant change in claims or litigation cases.

Recommendation 4: City Departments should designate an existing position within the department to be responsible for risk management functions, including tracking and analyzing claims, developing and implementing departmental policies to reduce claims and litigation cases costs, and implementing citywide policies.

SECTION 11. THE CITY SHOULD FURTHER EVALUATE THE PRESENT SYSTEM FOR PAYING CLAIMS AND LITIGATION COSTS.

Finding 5: The City pays claims and litigation cases for General Fund and General fund supported departments from the General Fund Litigation Reserve. Since individual departments budget for safety, prevention, and risk management programs in their own department budgets, the departments are responsible for the cost of safety, prevention, and risk management programs. However, individual departments are not responsible for budgeting for the settlement costs of claims and litigation cases. Therefore, individual departments do not have a financial incentive to reduce the costs of claims and litigation cases.

Claims and litigation settlement or judgment payments are paid from various funds, depending on which City department was the target of the claim or litigation. In general, the enterprise departments, such as the Airport, the Port, and the Water Department, pay their claims and litigation costs from their enterprise fund. The General Fund Litigation Reserve is the source of funds for paying the litigation and claims costs of General Fund supported departments. The Controller's Office tracks which City General Fund supported departments are incurring claims and litigation costs when the payments are recorded. Although Muni and SFPD are General Fund supported departments, they budget separately for claims and litigation costs, since it is known that they will have a certain level of claims and litigation costs in the fiscal year. Because payments for the City departments' claims and litigation costs come from the General Litigation Reserve Fund rather than from department budgets, the departments lack financial incentive to reduce the number of claims filed against the department. On the other hand, City departments must find funds within their own budgets to pay the cost of departmental risk management programs or safety training. The City should undertake a further evaluation of this policy, to determine if restructuring financial incentives would contribute to reductions in claims and litigation cases costs. Additionally, the City should examine the relative costs and benefits of funding departmental prevention and maintenance programs compared to the costs of claims and litigation.

Recommendation 5: The City should undertake an evaluation of its current policy of funding Departments' safety programs from departmental budgets and funding Departments' claims and litigation costs from the General Fund Litigation Reserve. As part of this evaluation, the City should determine if restructuring financial incentives and increasing funding for safety and prevention programs would reduce the number and costs of claims and litigation cases.

CONCLUSION

In recent years, the City has transferred departmental claim processing to the City Attorney's Office, which has contributed to more rigorous claims processing. However, the Budget Analyst's review of the City Attorney's Office data shows that the City continues to incur high costs for claims resulting from vehicle-related and other types of claims and litigation cases. This report only analyzed actual claims and litigation data provided by the City Attorney's Office, and did not compare San Francisco's experience with claims and litigation to other jurisdictions. Nor did this report contain an extensive review of City and department's risk management practices. In the three-year period from FY 1996-1997 through FY 1998-1999, the City paid \$30,045,520 in settlement or judgment payments for claims and litigation cases filed against City General Fund and General Fund supported departments. The City would benefit from further analysis of the City's risk management programs to reduce the number of claims and litigation cases filed against City departments, including incident reporting and analyses of common causes of incidents leading to claims and litigation. In addition, the City should analyze the City's financial incentive structure for paying claims and settlement costs. The City pays claims and litigation cases for General Fund and General fund supported departments from the General Fund Litigation Reserve. Since individual departments budget for safety, prevention, and risk management programs in their own department budgets, the departments are responsible for the cost of safety, prevention, and risk management programs. However, individual departments are not responsible for budgeting for the settlement costs of claims and litigation cases. Therefore, individual departments do not have a financial incentive to reduce the costs of claims and litigation cases.

SUMMARY OF RECOMMENDATIONS

Recommendation 1: The City Attorney's Office should submit monthly reports to the Board of Supervisors summarizing the claims and litigation experience of City General Fund and General Fund supported departments, by cause code and by department, for the month and cumulatively for the year.

Recommendation 2: The City should implement citywide policies to reduce the number and cost of claims and litigation cases resulting from City vehicle-related incidents, coordinated by the City Risk Manager.

Recommendation 3: The City should develop a system to track City vehicle-related claims citywide, coordinated by the City Risk Manager, and to assist

City departments in tracking department-specific claims on a departmental level.

Recommendation 4: City Departments should designate an existing position within the department to be responsible for risk management functions, including tracking and analyzing claims, developing and implementing departmental policies to reduce claims and litigation cases costs, and implementing citywide policies.

Recommendation 5: The City should undertake an evaluation of its current policy of funding Departments' safety programs from departmental budgets and funding Departments' claims and litigation costs from the General Fund Litigation Reserve. As part of this evaluation, the City should determine if restructuring financial incentives and increasing funding for safety and prevention programs would reduce the number and costs of claims and litigation cases.

APPENDIX A

Summary of Cumulative Claims and Litigation Data for FY1996-97, 1997-98, and 1998-99

Table A.1: Summary of Departments with Large Number of Claims
(Greater than 100 Claims in 3 Year Period) and
High Settlement Costs (Greater than \$100,000 in 3 Year Period)

Department	Total Claims	Total Claims Paid	Total Claims Open	Total Amount Paid	Average Amount per Claim Paid
Human Resources*	13	1	2	\$ 566,604	\$ 283,302
Mayor	105	53	19	57,230	1,080
Fire Dept	335	220	30	427,702	1,944
County Sheriff	387	41	49	24,816	605
Recreation & Parks	510	326	41	440,277	1,351
Public Health	542	155	72	167,157	1,078
PUC	696	263	126	640,016	2,434
Police	1126	309	66	665,040	2,152
Parking and Traffic	1322	370	199	680,694	1,840
Public Works	1847	1047	29	2,627,911	2,510
Muni	5424	1605	993	3,286,739	2,048

* Department has low frequency of claims but the cost of the claims is high.

**Table A.2: Summary of Departments with Large Number of Litigation Cases
(Greater than 100 Litigation Cases in 3 Year Period) and
High Settlement/Judgment Costs (Greater than \$100,000 in 3 Year Period)**

Department	Total Litigation	Total Litigation Paid	Total Litigation Open	Total Amount Paid	Average Amount per Litigation Paid
Tax Collector *	10	1	5	\$ 185,000	\$ 185,000
City Water *	13	1	5	250,000	250,000
Mayor *	21	2	11	171,250	85,625
County Sheriff *	66	6	47	556,138	92,690
PUC	104	18	69	2,112,757	117,375
Parking & Traffic	41	13	80	135,150	10,396
SFUSD	131	2	105	3,500	1,750
Fire Department	173	7	154	557,517	79,645
Public Health	184	15	131	673,197	44,880
Public Works	199	22	88	698,212	31,737
Police	367	35	275	557,479	15,928
Retirement System	431	1	405	8,000	8,000
Muni	704	195	412	14,245,879	73,056

* Department has low frequency of litigation but the cost of the litigation is high.

**Table A.3: Summary of General Categories of Causes of Claims by General Cause Codes with Frequent Claims *
(Greater than 100 Claims in 3 Year Period) and
High Costs (Greater than \$100,000 in 3 Year Period)**

Cause Code	Total Claims	Total Claims Paid	Total Claims Open	Total Amount Paid	Average Amount per Claims Paid
Professional Negligence	126	4	7	\$ 5,654	\$ 1,413
Employee Conduct	129	8	19	47,209	5,901
Jail (YGC) Conditions	371	49	44	14,867	303
Prop Dam/Injury due to 3 rd Party	501	298	55	156,167	524
Police Conduct	507	42	25	40,043	953
Cause Codes to be Changed	805	303	65	773,107	2,552
Unknown/unassigned	1360	216	347	495,397	2,294
Other	1474	341	195	1,228,400	3,602
Premises Liability	1995	909	146	2,123,292	2,336
CCSF Vehicle-involved Accident**	5782	2259	1039	4,811,145	2,130

* General cause codes are general categories of claims, grouping together similar cause codes, such as vehicle-related claims.

**The general cause code category "CCSF vehicle-involved accident" includes subcategories for City-owned vehicles in general and subcategories specific to public transit. The number of claims and litigation cases filed and the settlement amounts in this table differ from numbers included in the report, because this table includes all cause code subcategories under the general cause code category "CCSF vehicle-involved accident", and the report separates cause code subcategories for public transit from subcategories for City-owned vehicles in general.

**Table A.3(a): Summary of Major Subcategories of General Cause Codes
with Frequent Claims and High Costs**

Cause Code	Total Claims	Total Claims Paid	Total Claims Open	Total Amount Paid	Average Amount per Claims Paid
Professional Negligence					
Medical malpractice	79	3	4	\$ 4,654	\$ 1,551
All other	47	1	3	1,000	1,000
Total	126	4	7	5,654	1,413
Employee Conduct					
Assault by employee	25	1	2	200	200
All other	104	7	17	47,009	6,715
Total	129	8	19	47,209	5,901
Jail (YGC) Conditions					
Loss of property	258	48	27	12,367	259
All other	113	1	17	2,500	2,500
Total	371	49	44	14,867	303
Prop Dam/Injury 3rd Party					
Baseballs	105	102	2	43,376	425
Golf balls	93	69	6	15,685	227
Stolen property	156	71	25	41,982	591
All other	147	56	22	55,124	984
Total	501	298	55	156,167	524

Table A.3(a) (Continued)

Cause Code	Total Claims	Total Claims Paid	Total Claims Open	Total Amount Paid	Average Amount per Claims Paid
Police Conduct					
Excessive force	82	4	3	\$ 7,938	\$ 1,984
Unlawful arrest	47	1	5	250	250
All other	142	48	17	43,627	908
Total	271	53	25	51,815	977
Cause Codes to be Changed					
General injury damage	447	110	47	137,469	1,250
Sewer – property damage	244	142	8	570,995	4,021
All other	114	51	10	64,643	1,267
Total	805	303	65	773,107	2,552
Unknown/unassigned	1360	216	347	495,397	2,294
Other					
Breach of contract	25	5	2	584,275	116,855
Wrongful tow	1203	292	160	485,380	1,662
All other	246	44	33	143,835	3,269
Total	1474	341	195	1,213,500	3,558

Table A.3 (a) (Continued)

Cause Code	Total Claims	Total Claims Paid	Total Claims Open	Total Amount Paid	Average Amount per Claims Paid
Premises Liability					
Sidewalk maintenance	305	116	5	\$440,649	\$3,798
Street maintenance	438	238	17	597,935	2,512
Curb maintenance	124	106	0	83,284	786
Tree maintenance	140	117	1	317,493	2,713
All other	768	235	123	462,591	1,968
Total	1775	812	146	1,901,952	2,342
CCSF Vehicle-involved Accident					
Injury on board CCSF vehicle	681	264	282	619317	2,346
Fall while getting on/off	67	33	28	70,177	2,126
CCSF vehicle vs. pedestrian	82	14	3	134,813	9,630
CCSF vehicle vs. other vehicle	3481	1631	465	3,275,654	2,008
All other	916	283	261	566,340	2,001
Total	5227	2225	1039	4,666,301	2,097

**Table A.4: Summary of General Cause Codes with Frequent Litigation Cases
(Greater than 100 Litigation Cases in 3 Year Period) and High Settlement/Judgment Costs
(Greater than \$100,000 in 3 Year Period)**

Cause Code	Total Litigation	Total Litigation Paid	Total Litigation Open	Total Amount Paid	Average Amount per Litigation Paid
Construction	103	3	57	\$ 897,202	\$ 299,067
Other	113	11	63	231,176	21,016
Police Conduct	135	42	83	858,657	35,777
Cause Codes to be Changed	191	10	110	116,589	11,686
Premises Liability	282	35	117	508,888	14,540
CCSF Vehicle-involved accident	569	209	259	14,166,853	67,785
Employee Benefits	1336	1	1286	8,000	8,000

Table A.4(a): Summary of Major Subcategories of General Cause Codes with Frequent Litigation Cases and High Costs

Cause Code	Total Litigation	Total Litigation Paid	Total Litigation Open	Total Amount Paid	Average Amount per Litigation Paid
Construction					
Breach of contract	53	3	32	\$ 897,202	\$ 299,067
All other	50	0	25	0	0
Total	103	3	57	897,202	299,067
Other					
American with Disabilities	21	3	13	23,023	7,674
Breach of contract (not construction)	21	3	14	11,404	3,801
Wrongful tow	24	4	18	1,347	673
Tax refund	7	1	2	185,000	185,000
All other	40	3	16	11,300	3,766
Total	113	14	63	232,074	16,577

Table A.4(a) (Continued)

Cause Code	Total Litigation	Total Litigation Paid	Total Litigation Open	Total Amount Paid	Average Amount per Litigation Paid
Police Conduct					
Excessive force	15	5	2	\$ 57,789	\$ 11,588
Unlawful arrest	24	10	7	125,225	12,523
Failure to get medical attention	2	1	1	90,000	90,000
All other	9	2	0	26,522	13,261
Total	50	20	10	299,539	14,977
Cause Codes to be Changed					
General injury damage	35	0	24	0	0
Sewer, property damage	12	4	7	53,798	13,449
Injunctions	109	4	61	42,561	10,640
All other	35	2	18	0	0
Total	191	10	110	116,589	11,686
Premises Liability					
Sidewalk maintenance	45	5	31	122,922	24,584
Street maintenance	31	10	19	220,000	22,000
Building maintenance	47	4	16	21,525	5,381
Park/open space maintenance	27	1	16	8,000	8,000
All other	74	10	35	110,447	1,044
Total	224	30	117	482,894	13,797

Table A.4(a) (Continued)

Cause Code	Total Litigation	Total Litigation Paid	Total Litigation Open	Total Amount Paid	Average Amount per Litigation Paid
CCSF Vehicle-involved accident					
Injury on board	102	60	104	942,418	\$15,707
Fall while getting on/off	20	14	13	1,021,704	72,978
Cable car operation	20	15	12	1,054,314	70,287
CCSF vehicle vs. pedestrian	34	15	15	8,010,247	534,016
CCSF vehicle vs. bicycle	12	6	5	1,525,020	254,170
CCSF vehicle vs. other vehicle	237	92	95	750,508	8,158
All other	37	12	15	1,097,909	91,492
Total	462	214	259	14,402,120	67,300
Employee Benefits					
Retirement	436	1	407	8,000	8,000
Worker's compensation	896	0	875	0	0
All other	4	0	4	0	0
Total	1336	1	1286	8,000	8,000

APPENDIX B

**City Vehicle-related Claims and Litigation Cases,
by Cause Code* and Department, for FY 1996-1997 through FY 1998-1999**

**Table B.1: City Vehicle-Related Claims by Cause Code and Department, For
FY 1996-1997 through FY 1998-1999**

Cause Code and Department	Claims		Settlement Amount
	Filed	Settled	
<i>CCSF Vehicle vs. Other Vehicle</i>			
DPT	84	53 (63%)	\$102,610
DPW	238	186 (78%)	421,071
Muni**	1,467	811 (55%)	1,340,875
SFPD	<u>279</u>	<u>183 (66%)</u>	<u>517,327</u>
Total	2,068	1,233 (60%)	\$2,381,883
<i>CCSF Vehicle vs. Other Muni</i>			
Muni	<u>438</u>	<u>173 (41%)</u>	<u>\$404,200</u>
Total	438	173 (41%)	\$404,200
<i>CCSF Vehicle vs. Pedestrian</i>			
DPW	4	3 (75%)	\$59,101
Muni	15	4 (27%)	48,583
SFPD	<u>9</u>	<u>2 (22%)</u>	<u>7,597</u>
Total	28	9 (32%)	\$115,281
<i>CCSF Vehicle vs. Motorcycle</i>			
Muni	11	7 (64%)	\$10,704
SFPD	<u>2</u>	<u>2 (100%)</u>	<u>2,281</u>
Total	13	9 (69%)	\$12,985
<i>CCSF Vehicle vs. Bicycle</i>			
DPW	4	4 (100%)	\$7,369
Muni	<u>5</u>	<u>3 (60%)</u>	<u>3,091</u>
Total	9	7 (78%)	\$10,460
<i>CCSF Vehicle Involved Accident</i>			
DPT	3	2 (75%)	\$3,770
DPW	8	5(62%)	2,917
SFPD	<u>4</u>	<u>2 (50%)</u>	<u>2,912</u>
Total	13	8 (61%)	\$9,599
<i>CCSF Vehicle vs. Fixed Object</i>			
Muni	14	6 (43%)	\$6,136
SFPD	<u>1</u>	<u>1 (100%)</u>	<u>5,563</u>
Total	15	7 (47%)	\$11,699
Total	2,584	1,446 (56%)	\$2,946,107

*Cause codes are the category of claim (such as a City vehicle involved in an accident) assigned by the City Attorney's Office.

**Claims data for the Muni is for FY 1997-1998 through FY 1998-1999

Table B.2: City Vehicle-Related Litigation Cases by Cause Code and Department, For FY 1996-1997 through FY 1998-1999

Cause Code and Department	Litigation Cases		Settlement/ Judgment Amount
	Filed	Settled	
<i>CCSF Vehicle vs. Other Vehicle</i>			
DPT	10	9 (90%)	\$103,804
DPW	4	2 (50%)	28,152
Muni	110	64 (58%)	543,627
SFPD	<u>14</u>	<u>8 (57%)</u>	<u>69,356</u>
Total	138	83 (60%)	\$641,135
<i>CCSF Vehicle vs. Other</i>			
DPT	1	0 (0%)	\$0
Muni	9	5 (55%)	466,250
SFPD	<u>1</u>	<u>1 (100%)</u>	<u>15,000</u>
Total	11	6 (54%)	\$481,250
<i>CCSF Vehicle vs. Bicycle</i>			
DPT	1	0 (0%)	\$0
Muni	<u>6</u>	<u>5 (83%)</u>	<u>1,516,020</u>
Total	7	5 (71%)	\$1,516,020
<i>CCSF Vehicle vs. Motorcycle</i>			
DPT	1	0 (0%)	\$0
Muni	1	0 (0%)	0
SFPD	<u>1</u>	<u>1 (100%)</u>	<u>63,262</u>
Total	3	1 (33%)	\$63,262
<i>CCSF Vehicle vs. Pedestrian</i>			
Muni	16	14 (87%)	\$7,800,247
SFPD	<u>2</u>	<u>1 (50%)</u>	<u>210,000</u>
Total	18	15 (83%)	\$8,010,247
<i>CCSF Vehicle-involved Accident</i>			
Muni	<u>4</u>	<u>4 (100%)</u>	<u>\$269,197</u>
Total	4	4 (100%)	\$269,197
<i>CCSF Vehicle vs. Fixed Object</i>			
Muni	<u>1</u>	<u>0 (0%)</u>	<u>\$0</u>
Total	1	0 (0%)	\$0
Total	182	114 (63%)	\$10,981,222

APPENDIX C

Data Limitations

The data reviewed for this report was cumulative for three fiscal years (1996-97, 1997-98, and 1998-99). Trends over that time were not analyzed because the three-year period is a short time frame to provide conclusions about trends in claims and litigation cases filed against the City. The City Attorney's Office began compiling comprehensive computerized claims and litigation cases data in July of 1996, and data prior to that time is insufficient for use in this analysis.

Furthermore, the data represents the date in which the claim or litigation cases was filed, rather than the date of the payment. Therefore, no claims or litigation cases filed prior to July 1, 1996 are included in the data. If the City made payments in any of the three fiscal years for claims and litigation cases filed in prior years, those payments are not included in the data.

Claims data for Muni is included in FY 1997-98 and 1998-99 only. Claims made prior to July 1, 1997, were processed by the department and were not incorporated into the City Attorney's Office database. Litigation cases files and settlements for FY 1996-97 are included in the data. The data reviewed here, therefore, under-reports the claims experience of Muni.

Only claims and litigation cases processed by the City Attorney's Office are included in the data. Some claims filed in the Controller's Office may have been handled directly by the Department, such as the Department of Parking and Traffic and the Police Commission, and may not be included in the City Attorney's Office files. If the Controller paid such claims from the Claims and Judgment Fund, the Controller would report these claims but the City Attorney would not. Currently, claims that include back pay awards are not included in the City Attorney's data although these claims will be incorporated into future data. School district claims and tax collector payments are also not included in the data.

Finally, some cause codes, such as "injunctions" or "general injury damage" are broad. Although they result in settlement payments to the City (\$42,561 and \$137,469 respectively), the actual nature of the complaint is difficult to determine.