

**OCTOBER 6, 2004**

**CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in Room 491, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:00 p.m., in Closed Session.

PRESENT: Commissioners Renne, Chan, Marshall, Sparks, Veronese  
ABSENT: Commissioners Orr-Smith, Keane

**VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER WITH LEGAL COUNSEL. (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d))**

Motion by Commissioner Chan to hold Closed Session. Second by Commissioner Veronese. Approved 5-0.

**CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d)**

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

a. Kalinin, et al., v. City and County of San Francisco, District Court Case No. C-03-4928 MHP

**OCTOBER 6, 2004**

**REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:38 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Chan, Keane, Marshall, Sparks, Veronese  
ABSENT: Commissioner Orr-Smith

**VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12(a))**

Motion by Commissioner Keane for non disclosure. Second by Commissioner Veronese. Approved 6-0.

**APPROVAL OF THE CONSENT CALENDAR**

Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:

a. Kalinin, et al., v. City and County of San Francisco, District Court Case No. C-03-4928 MHP

Motion by Commissioner Marshall to approve the Consent Calendar. Second by Commissioner Keane. Approved 6-0.

**RESOLUTION NO. 90-04**

**KALININ, et al. v. CITY AND COUNTY OF SAN FRANCISCO**

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Kalinin, et al. v. City and County of San Francisco," in San Francisco District Court No. C-03-4928 MHP, be, and the same is hereby approved.

Date of Incident: November 2000 to the present

AYES: Commissioners Renne, Chan, Keane, Marshall, Sparks,  
Veronese

ABSENT: Commissioner Orr-Smith

### **PUBLIC COMMENT**

Daniel Paez, No Police State, discussed concerns regarding last week's meeting in the Mission District.

Frank Martin Del Campo, SEIU 790, discussed concerns regarding discriminatory treatment between sworn and non sworn personnel.

Malaika Parker, Bay Area Police Watch, discussed concerns regarding last week's Commission meeting. She thanked the Commission and Commissioner Keane for his comments and all the worked that he has done.

Shannon stated that she was there at last week's meeting and discussed concerns regarding that meeting. She asked the Commission to schedule another meeting in the Mission District.

Aoka Turner, SF resident, discussed concerns regarding the Thurgood Marshall hearing and the Commission meeting in the Mission District. She stated that she was very disappointed with the Department and that she supports Commissioner Keane.

Evan discussed concerns regarding the OCC and an investigator who tried to get him to change his story regarding an incident which involved officers.

Kevin Martin, POA Secretary, requested that a member of the Commission be designated to act as a liaison between the POA and the OCC.

### **CHIEF'S REPORT**

**a. Review of Recent Activities**

**b. Discussion regarding the 911 system**

Chief Fong gave an overview of the activities in the past week. She stated that the Department has been very busy due to the hotel labor dispute. This coming weekend is Fleet Week in San Francisco and the city will be welcoming 11 ships from different nations and there will be an air show on Saturday and Sunday. Chief Fong also highlighted some of the things that the officers have been involved in in the last several weeks.

Commissioner Keane asked about an article regarding the release of departmental information. Chief Fong stated that there were two changes that were made. One had to do with the emails that are sent out by the District Station Captains and also the Big 19, a daily recap of serious incidents from the Operations Center. Chief Fong stated that in reviewing those documents, it was found that there was information in those documents that potentially violate Government Code sections as well as appropriate information for release. So after conferring with Legal and the City Attorney's office, the format was changed so that the information is still being given out absent the information that potentially could be violating a policy. With regards to the emails, nothing in the emails have changed except for the identification of specific names of individuals to insure it doesn't compromise an on-going investigation.

Commissioner Chan asked about an article regarding Asians targeted in strong armed robberies. Chief Fong explained that Captains at District Stations are encouraged to look at things as to when and where things happen so that the Department can appropriately respond and that she will follow up with Captain Bruce and Deputy Chief Suhr to make sure that the Department look at the analysis that's put out. Chief Fong stated that the goal is to solve the crime, identify what the trends are, and then to appropriate solve crime, not only through the enforcement side but also to bring the community together and do the proactive piece to help with crime prevention.

Commissioner Marshall thanked Captain Hettrich for helping him during his radio broadcast regarding the effects of the drug Ecstasy. He stated that the Captain was very helpful.

**b. Discussion regarding the 911 system**

Chris Cunnie, Executive Director of the ECD of San Francisco, talked about the 911 Wireless Project. He explained that 80 percent of the 84,000 calls that ECD gets a month are police calls. He stated that the majority of their work is police related.

Commissioner Veronese stated that his concern was people being placed on hold when dialing 911 and asked Director Cunnie if ECD has conducted any study as to what the hold time is from a 911 call. Director Cunnie stated that in San Francisco there is no hold time and that 82 percent of 911 calls are answered within 10 seconds or less. He also stated that for non-emergency call the number is 553-0123. Chief Fong also stated that the number for the confidential tip line is 575-4444 and that is answered 24-hours a day. Commissioner Veronese asked if it is possible to come up with a number that is easier for the public to remember.

Commissioner Chan asked about the ECD office and its facilities. Director Cunnie stated the building is about four years old. The building houses OES and BOC which is where city government will stand up if there is an emergency, for example, if the Mayor and other government leaders had to leave City Hall, they will convene there. Director Cunnie stated that he feels good about the infrastructure and about the technology and its stability and security.

Commissioner Marshall stated that he had no idea that there are so many emergency calls made during the year which was close to a million a year. Commissioner Marshall asked what the percentage of calls made from cell phones. Director Cunnie stated that 10,000 a month out of 84,000.

Public Comment:

None

**OCC DIRECTOR'S REPORT**

**a. Review of Recent Activities**

Director Allen reported that he just got back from a trip to Russia with the SFPD. The reason for going to Russia is five years ago SFPD was contacted by the Russian police force in regards to hate crimes and the Russian PD did not have anything in the books that addressed hate crime issues. The SFPD invited a group of Russian officials to come over to learn and to observe on how they would handle hate crime incidents. Subsequently, a group from SFPD went over to Russia to go to various cities and work on establishing hate crime tolerance centers. Because of the work done, Russia invited a group from SFPD to go back to Russia. OCC made a presentation in regards to civilian oversight.

Commissioner Veronese asked Director Allen if, during his trip to Russia, noticed anything that the Russian were doing that maybe the Commission and the Department should take a look at. Director Allen stated that in their academy, they have a 40-hour training course on just hate crime, the investigation of hate crimes.

Commissioner Sparks asked if Director Allen was able to look at the

list of protected classes that they look at relative to potential hate crimes as opposed to our list of protected classes. Director Allen stated that because they do not have hate crimes on the record books, he stated that off hand there were temples, Jewish Temples being defaced, an African student beat to death, a 7-year old Chechnian girl beat to death, the co-founder of the Tolerance Symposium, who was Jewish, who was shot and killed. Commissioner Sparks also asked about OCC intake using non profit organizations or community-based organizations around the city. Director Allen stated that they are trying to identify community groups that reach a largest number of citizens. Idriss Stelley Foundation would be one, LaRaza Central would be one of the sites. He stated that the OCC is trying to come up with a training program so that a group of people can be brought to the OCC office and train.

Commissioner Keane stated that the whole Commission is liaison to the OCC and he doesn't think that the Commission needs an ambassador to the OCC.

Commissioner Chan asked Director Allen how he would characterized the status of his meetings with the POA with respect to the scheduling issues about interviewing officers coming off of midnight shifts. Director Allen stated "stalled." He stated that it's an issue that came up near the beginning of his tenure at the OCC and it's an issue that's been going on for years. He stated that the budget has great influence on what's going on. Commissioner Chan asked if there is a timetable on what may be or may not be an issue. Director Allen stated that he will be talking with the POA about this issue again as soon as possible.

Public Comment:

Steve Johnson, POA, stated that the POA is not stalling the talks in regards to the interviews and stated that the POA has asked for some help because officers, who are sometimes up over 24 hours, being asked to come in for interviews at OCC. Mr. Johnson asked the Commission to help the POA and the OCC make it more appropriate for the officers when they can come in.

Commissioner Renne asked Sergeant Reilly to call items 9 to 13 and she recommends that the Commission go into Closed Session with respect to all those matters.

Motion by Commissioner Chan to go into Closed Session in regards to items 9 to 13. Second by Commissioner Marshall.

**DISCUSSION AND POSSIBLE ACTION REGARDING  
DISCIPLINARY CHARGES IN CASE NOS. C00-281 JWA, C02-214  
JWA, AND C02-213 JWA IN LIGHT OF THE OFFICER'S  
RETIREMENT**

**DISCUSSION AND POSSIBLE ACTION TO APPROVE THE CHIEF'S  
RECOMMENDATION FOR STIPULATED DISPOSITION OF THE  
DISCIPLINARY CHARGES FILED IN CASE NO. C04-062 JWA  
WITHOUT TRIAL**

**DISCUSSION AND POSSIBLE ACTION TO APPROVE THE CHIEF'S  
RECOMMENDATION FOR STIPULATED DISPOSITION OF THE  
DISCIPLINARY CHARGES FILED IN CASE NO. C04-074 EGJ  
WITHOUT TRIAL**

**DISCUSSION AND POSSIBLE ACTION TO APPROVE THE CHIEF'S**

**RECOMMENDATION FOR STIPULATED DISPOSITION OF THE DISCIPLINARY CHARGES FILED IN CASE NO. C03-190 JWA WITHOUT TRIAL**

**DISCUSSION AND POSSIBLE ACTION TO APPROVE THE CHIEF'S RECOMMENDATION FOR STIPULATED DISPOSITION OF THE DISCIPLINARY CHARGES FILED IN CASE NO. C03-119 JWA WITHOUT TRIAL**

**a. Public Comment on all matters pertaining to closed session**

Leslie Levy, Attorney for Ms. Vacarezza who is the complainant against Officer Nelson. She asked the Commission to watch footage that was sent to them in regards to the actions of Officer Nelson.

Unidentified asked that video footage be shown and asked that the Commission see the prior records of Officer Nelson.

Tim Silard spoke in regards to the matter of Officer Celis. He stated that Officer Celis shot and killed his partner.

Commissioner Renne stated that this is not a good time to show the footage.

Closed session at 7:17 p.m.

Reconvened to Open Session at 9:12 p.m.

**b. Reconvene to open session**

**i. Possible report on action taken in closed session, pursuant to Government Code Section 54757.1 and S.F. Administrative Code Section 67.12(b).**

**ii. Vote whether to disclose any or all of the discussion held in closed session pursuant to S.F. Administrative Code Section 67.12(a).**

Commissioner Renne, on behalf of the Commission, reported that of the five items with regard to item #9, case nos. C00-281 JWA, C02-214 JWA, and C02-213 JWA, that is being assigned back to Commissioner Marshall. With regard to item #10, case no. C04-062 JWA, and item #12, case no. C03-190 JWA, they are continued and the Commission requested the Department to make sure that these matters get back to the Commission on a date certain. With regard to the item #11, case no. C04-074 EGJ, and item #13, case no. c03-119 JWA, these are continued because the Commission just received new drafts of settlement and will be continued for at least one week. Commissioner Renne stated that the Commission wants settlements at sufficient time that they can be considered in a professional way and stated that getting drafts of settlements on the date of the Commission consideration is not professional.

Motion by Commissioner Chan to decline disclosure as to all other items discussed in Closed Session. Second by Commissioner Marshall. Approved 7-0.

**COMMISSION ANNOUNCEMENTS**

No public comment.

No Commission announcements.

**SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS**

Commissioner Renne stated that the Commission is considering another meeting at Mission district.

Commissioner Keane would like to schedule for discussion as to the subject of public information and information to the press.

Commissioner Renne stated that for the 13<sup>th</sup>, tentatively scheduled is General Order 8.11, on the 20<sup>th</sup> is Commissioner Keane's resolution, and on November 3<sup>rd</sup>, the OCC policy recommendations for discussion.

Thereafter the meeting was adjourned at 9:19 p.m.

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Sergeant Joseph Reilly  
Secretary  
San Francisco Police Commission

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