

NOVEMBER 3, 2004

CLOSED SESSION

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 5:25 p.m., in Closed Session.

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

ABSENT: Commissioner Renne

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 Marshall. Approved 6-0.

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. Andrew King v. City and County of San Francisco, USDC No. C03-4879

NOVEMBER 3, 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 6:05 p.m., in a Regular Meeting.

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

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 not to disclose any or all discussion held in Closed Session. Second by Commissioner Orr-Smith. Approved 7-0.

Public Comment:

Patty Mae Robinson discussed concerns regarding information requested and never received.

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Orr-Smith to approve the Consent Calendar. Second by Commissioner Marshall. Approved 7-0.

RESOLUTION NO. 93-04

ANDREW KING v. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Andrew King v. City and County of San Francisco," in U.S. District Court No. C03-4879, be, and the same is hereby approved.

Date of Incident: December 18, 2002

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

PUBLIC COMMENT

Unidentified commended the Department for improvements on the Department website. He also thanked the Department on behalf of the PTA when the department went to school sites to make sure that there are outreach to parents to do the correct thing and that the children are safe during drop off and pick up times.

Shannon Altamorenno, friend of Sheila Detoy, reminded the Commission and the Command Staff that tomorrow would have been Sheila's 24th birthday. She discussed concerns regarding the Sheila Detoy case and that in the last 6 ½ years nothing has happened to the case.

Mesha Irizarry, Idriss Stelley Foundation, discussed concerns regarding names of sex offenders not being released.

Unidentified discussed concerns regarding officers working too many hours.

CHIEF'S REPORT

a. Review of Recent Activities

Chief Fong reported on some of the good work done by officers in the different districts.

Chief Fong also discussed the Department's budget. She stated that the Mayor had a meeting with all Department heads to advise them that, because of lack of passage of two propositions, that over the next 18 months, the city as a whole would have to come up with additional funding because the budget was balanced based on revenues that were going to be brought in to the budget. As a result, as of tomorrow at 5:00 o'clock, the Department is responsible for giving a list of \$3 million in cuts to the Mayor's Budget office. Every Department has been given a certain allotment and the Department will be working to see what cuts it can come up with without impacting service to the public.

Lieutenant Denise Schmitt, Staff Services, reported on recruitment efforts by the Department to make sure that the Department will have candidates that will represent the diversity of the City.

Commissioner Sparks asked about members that are detailed to the recruitment drive. Lieutenant Schmitt stated that the names of members are recommendations from the various employee groups. Commissioner Sparks asked about the process. Lt. Schmitt stated that the application process is the first step in testing for the next Civil Service eligibility list. Once the application process closes, the Examination Unit will set test dates for written, oral, and physical agility tests. The candidates will proceed through those steps and a certified list is created by the Civil Service Commission. From that list, it goes back to the Background Unit and the background process is began. Commissioner Sparks asked why only six days to accept applications. Lt. Schmitt stated that she can't really answer as to why but the recruitment effort has been going on since October.

Deputy Chief Parra explained that before there was only a one day application period as to the rules set by the Department of Human Resources and it was very successful. He stated that there was huge responses to those one day applications. At the present, it has been extended to seven days. Chief Parra stated that it's only seven days because he doesn't want to be caught without an active list. He stated that he thinks that there will be response and if not, he will look into extending the application period.

Commissioner Veronese asked if there is a concern that there will be too many applications. Deputy Chief Parra stated that yes there is a concern because there is only a certain amount of actual applications. He also stated that the Department can only test approximately 2,000 at a time.

Commissioner Orr-Smith asked if the various police employee groups are working, do they have a plan of outreach that they are operating under. Lt. Schmitt stated that what was relied on from the employee groups was to identify specific events within their communities that they thought are important or that would be effective in reaching potential candidates. Commissioner Orr-Smith recommended community groups and organizations that may be effective in doing outreach.

Commissioner Veronese hopes that the Department is doing outreach to the different communities in the City. Lt. Schmitt stated that the Bayview officers were very responsive when Department bulletins went up.

Commissioner Sparks asked that in about two weeks if the Commission can get an update from the Lieutenant in regards to the recruitment drive.

Commissioner Marshall stated that OFJ has contacted him and they will be going on his radio program to let the community know about the application drive.

Commissioner Chan asked about the \$3 million budget cut. Chief Fong stated that every Department was given a specific number and some were lower and some were higher. The SFPD is assigned \$3 million preliminary and that hopefully it will not increase. Chief Fong stated that every department has to submit their cut plan by close of business tomorrow to the Mayor's Budget Office.

Commissioner Renne stated that because the two propositions did not pass, the City is \$97 million behind this budget year.

Commissioner Sparks stated three to five percent of non-mandated discretionary spending is a significant amount. Chief Fong stated that it is extremely significant. Chief Fong also stated that the Mayor's Office has not mentioned that each Department would go back to the Board at this time. Commissioner Sparks asked if the Mayor's Office has approached the POA on looking at the contracts, MOUs and benefits. Chief Fong stated she will follow up on that and will keep the Commission apprised.

Public Comment:

Mesha Irizarry, Idriss Stelley Foundation, expressed concern regarding the budget cut specifically in regards to mental health training.

Patty Robinson discussed concerns regarding budget cut.

Leroy Moore expressed concern regarding mental health training for the officers.

George, Northbeach resident, stated that peace is important in the world.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Director Allen introduced Attorney Samara Marion who will be handling the policy recommendations for the OCC and new Attorney Susan Leff.

Director Allen also stated that the OCC will be monitoring a Bay Area Police Watch march on Friday afternoon. Investigators will be present to pass out brochures and information cards to the people.

REVIEW OF OCC POLICY RECOMMENDATIONS PRESENTED TO THE POLICE DEPARTMENT FROM 1999 TO PRESENT

Captain Keohane, Risk Management, reported on the status of OCC policy recommendations. He stated that 25 policy recommendations have been identified and been provided to the Commission. Captain Keohane went

through the different policy recommendations. Captain Keohane reported that the policies that OCC and the Department have agreed upon are 03-03, the policy concerning SFPD interaction with transgender individuals; 03-04, the protocol concerning guidelines to maintain incident report attachments; 00-01, questioning of transgender individuals; 99-01, reporting of prejudice-based incidents; 99-03, transporting persons who use mobility aids; 99-08, bicycle riding in lanes of traffic; 99-10, medical marijuana enforcement of health and safety code 11362.5; 99-12, distribution of written communications. Captain Keohane stated that those are the policies that the Department and the OCC have reached consensus.

Commissioner Marshall asked about policy recommendation 03-09. Captain Keohane stated that the Department have entered into dialogue with OCC to address their concerns. Captain Keohane stated that the eight that he read out are completely resolved. As far as the other ones, the OCC brought out other concerns which the Department and OCC are meeting on and discussing at this time.

Commissioner Sparks stated that there is nine that still need work, 16 that the Department believed were done but only eight had concurrence with the OCC. Captain Keohane stated that is correct. There is eight that are completely done, eight that is still being conferred with OCC, and nine that is still being worked on.

Director Allen explained that the book of policy recommendations were put together so that the Commission would have all the policy recommendations from the OCC; if they have been implemented, all the General Orders that have been done. What the Commission have is all the original policy recommendations and the work that had been done up to date which does not mean that there's agreement between the OCC and the Department on all of them.

Commissioner Keane stated that the Commission needs guidance because of the amount of materials involved. He asked a list from Director Allen as far as prioritizing which policy needs immediate attention and as to what's important and what's not important.

Commissioner Renne requested that, by next Monday, a memo be given to Sergeant Reilly for the Commission, of all policy recommendations and the status of each and which policies are considered a priority. Director Allen stated that can be arranged.

Commissioner Keane requested that, in prioritizing the policies, if there is an impasse, please include that in the list.

Commissioner Sparks commended the Department and the OCC for the amount of work that has been done.

Public Comment:

Leroy Moore discussed concerns regarding policy recommendations.

COMMISSION ANNOUNCEMENTS

- a. Assignment of disciplinary charges filed in Case No. C04-096 JWA to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner Gayle Orr-Smith, Resolution No. 94-04)

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

Public Comment:

None

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

Commissioner Renne announced that on November 8th, there will be a swearing in ceremony for Chief Fong and other members of the Department. Commissioner Orr-Smith will be present to represent the Commission.

Commissioner Keane stated that he teaches a class on Monday nights and will not be able to be at the ceremony and congratulated Chief Fong.

Commissioner Renne stated that discussion regarding diversity in the Department be on the agenda for December 1st.

Commissioner Veronese discussed concerns regarding backlog of OIS cases and stated that it should be a priority of the Commission to get resolution to the pending OIS cases.

Public Comment:

Unidentified discussed concerns regarding the police stopping his son and searching him.

Thereafter the meeting was adjourned at 7:50 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

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