

NOVEMBER 16, 2005

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 5:37 p.m., in a Regular Meeting.

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

**CONSIDERATION AND POSSIBLE ACTION REGARDING THE
REQUEST OF THE CHIEF OF POLICE TO WITHDRAW
DISCIPLINARY CHARGES FILED IN CASE NOS. C04-160 JWA AND
C04-161 JWA**

Motion by Commissioner Chan, second by Commissioner Orr-Smith to continue this item. Approved 6-0.

**DISCUSSION AND POSSIBLE ACTION TO AMEND RULE 3.03(I) OF
THE RULES AND PROCEDURES FOR PATROL SPECIAL
OFFICERS AND THEIR ASSISTANTS** \

Taken out of order.

Motion by Commissioner Chan, second by Commissioner Orr-Smith to continue this item. Approved 6-0.

PUBLIC COMMENT

Thomas Ellerbee recently utilized the process of mediation through OCC and stated that it was very positive and it is an effective tool to use in trying to determine whether an officer used misconduct.

Reuben Goodman discussed concerns regarding violence in the communities.

Patricia Tulloch, Police Observers Working to Effect Reform, discussed concerns regarding police using excessive force and discussed accountability.

Barbara Growth discussed concerns regarding video tape.

Elvira Pollard discussed concerns regarding the Commission moving forward.

Unidentified discussed concerns regarding police officers' accountability.

Meesha Irizarry, in support of Elvira Pollard, discussed concerns regarding officer-involved shootings.

Shannon Altamarano discussed concerns regarding court-ordered stay in the Detoy case.

**DISCUSSION AND POSSIBLE ACTION TO ADOPT DECISION
DENYING MOTION FOR DISMISSAL OF DISCIPLINARY CHARGES
FILED IN CASE NOS. C05-056, C05-57, C05-058, AND C05-059 UNDER
GOVERNMENT CODE 3304(d)**

PUBLIC COMMENT

None

VOTE ON WHETHER TO CONVENE TO CLOSED SESSION (5:56 p.m.)

Motion by Commissioner Orr-Smith, second by Commissioner Marshall to convene to Closed Session. Approved 6-0.

RECONVENE TO OPEN SESSION (6:13 p.m.)

Commissioner Renne stated that the Commission has adopted a statement of decision denying the motion to dismiss under Charter Section 4.127.

VOTE WHETHER TO DISCLOSE ANY OR ALL OF THE DISCUSSIONS HELD IN CLOSED SESSION

Motion by Commissioner Orr-Smith, second by Commissioner Chan for non disclosure. Approved 6-0.

CHIEF'S REPORT

- a. Update on significant policing efforts by Department members**
- b. Update on the Department's Staffing**

Chief Fong introduced Deputy Chief Tabak to provide an update regarding a burglary series in the city, and Deputy Chief Parra along with the Chief will make the presentation on the staffing issue.

Deputy Chief Tabak, Investigations Bureau, reported on recent burglaries happening in the City. Chief Tabak stated that the two main burglars and the main fence in the series have been arrested and several hundred pieces of jewelry were recovered, over a dozen firearms were recovered. Chief Tabak stated that well over 100 burglaries will be cleared by the arrest of these suspects. Chief Tabak commended Inspectors Bronfeld and Fabri and Officers Quon and Chan from Taraval Station.

Deputy Chief Parra, Administration Bureau, reported on the Department's staffing. Chief Parra stated the following:

Total Sworn (including Academy recruits)		2,190
Airport (excluded from minimum staffing)	-	148
Subtotal		2,042
ADA Accommodated	-	84
Disability (assigned to Med Liaison)	-	55
Disability (assigned to Home Unit)	-	49
Modified Duty	-	33
FMLA	-	8
Family Care Leave	-	3
Sick Leave	-	4
Personal Leave	-	2
Military Leave	-	3
Other City Employment	-	1
ADA Leaves	-	2
Catastrophic Illness Leaves	-	4
Catastrophic Illness Leaves - Family	-	1
Subtotal		249
Total full duty Sworn (including recruits)		1,793
Recruits now in the Academy	-	86
Available full duty officers in SFPD		1,707
Prop D Minimum Staffing Level		1,971
Officers need to return to max level		264

Commissioner Sparks asked how many in modified duty are due to discipline. Chief Parra stated that temporary modified duty solely applies to medical issues and can only work in for 365 days.

Commissioner Veronese asked which category will cover the officers placed on modified duty due to discipline. Chief Parra explained that because

the officers are still considered full duty but in administrative capacity, this report only address those with medical issues.

Commissioner Renne asked about the number of officers at the Airport. Deputy Chief Parra stated that the numbers have fluctuated and through the MOU and Federal Mandate regarding security, there is a certain number of officers that should be maintained at the Airport.

Commissioner Renne asked what would be the nature of the complaint to require accommodation. Deputy Chief Parra stated that they are usually severe injuries that prevent the officers from returning to a full-duty position.

Chief Fong talked about the budget and the plans the Department has in order to come to the minimum staffing level as well as address the retirement concerns that have been presented. Chief Fong stated that there four bureaus within the SFPD. The Airport Bureau has 148 officers. When it merged with SFPD in 1997, there were closed to 180 sworn members. The Airport is about 7 percent of the Department. The Administration Bureau currently has 182 people, 8 percent of the Department. The Investigations Bureau has 332 sworn members, 15 percent. Field Operations has 1,441 members, which is roughly 66 percent. Chief Fong stated that the number not included is the number of recruits currently in the Academy undergoing training. In the two classes, there are 86 recruit officers and that's 4 percent of the entire Department. Chief Fong stated that in addition to the above positions, the Department has a shortage of about 272 officers. In addition to the police officer vacancies within the Department, there are four captains requisitions that are open and unapproved at this time. There are five lieutenants requisitions that are open and unapproved and 59 inspectors requisitions that are open, vacant, and unapproved.

Chief Fong stated the number of 1,971 full duty officers in the Department, that number was adopted in 1994. The Chief stated that she's been trying to find out the formula that was used to come up with 1,971 number. Chief Fong stated that a number of things have changed since 1994. Chief Fong stated, "We are in a post 911 era. Since September of 2001 there had been a number of responsibilities in terms of homeland security responsibilities and vigilance. The South of Market area, since 1994, has changed significantly. We all remember the days when everyone would go home at 5:00 o'clock. It was a warehouse district and in the morning people would come in. We now know the South of Market to be a 24-hour district where it never goes to sleep. We have the Bus Inspection Program that puts additional duties on our officers as you heard last week about riding the Muni buses. We have the Airport Bureau that merged into the San Francisco Police Department in 1997. We have Tenderloin Police Station that first started as a Task Force but then officially became our 10th district police station. We started the Domestic Violence Response Unit. We expanded the Gang Task Force. We instituted School Resource Officers in the San Francisco Police Department. We have a Sexual Predator Unit that addressed the 290, the sexual registrant unit or sexual resident, excuse me, sexual registrant individuals that have to be monitored on a daily, monthly, and annual basis. We have what are called the Park Units, the 66 cars. These are officers who are assigned to duties within the many parks all throughout San Francisco. We have the Quality of Life and Operation Outreach Officers, known as our 70 units. We have a rotating traffic solo motorcycle entity in that last year we started two solo motorcycle officers assigned for five-year rotations to our 10 district stations. That's the assignment of resources to new duties. In addition to our centralized Traffic Company: The Stop Program, the San Francisco Traffic Offender Program is newly implemented and grows in terms of apprehending individuals who are driving with unlicensed, unlicensed drivers and unregistered in the City. We have a Marine Unit that has to be staffed not only in terms of the responsibilities on the bay but in terms of homeland

security. We have community policing officers that are dedicated to the San Francisco Housing Authority properties that we started last year based on the MOU with the Housing Authority to the tune of 16 officers. We have bicycle officers. We work actively on code enforcement issues at all the district stations. We have standby responsibilities with the Department of Public Works on a daily basis in terms of their responsibilities to maintain the streets of the city, and we have the 10-8 foot patrol that we've talked about that is required of all of our officers in Field Operations.

Those are the things that are in place post 1994 when the 1,971 number was put in place.

Moving forward, however, I think it's important to look at what is the situation. What is the city evolving into in terms of the expectations of not only the police department but other city services. The residential population has increased by 50,000 since the 2000 census and the 1,971 number came under the 1990 census. Treasure Island is now a responsibility of the City and County of San Francisco that is a part of Southern Police Station, and we know that there is a proposed addition of at least 6,000 housing units, increased commercialization, and also we know that there will be residential units, mixed affordable and market rate units, and there will be planned hotels approximately 1500. SBC Park and Pac Bell, not only is it a sports stadium, it is now a stadium that hosts a number of other special events. The international terminal at the Airport, that, we're not sure what will happen. We know there is a new terminal but there's an old terminal that hasn't been, undergone construction at the current time. Hunter's Point shipyard is just in its infancy in terms of the number of units that will go there.

Several years ago we met with the Mayor's Office of Economic Development and for one radio car just to look at the beginning stages, it was \$1.2 million to staff a radio car sector there 24/7 in terms of all of the rotations. So that's additional duties, additional resources. In terms of the prisoner transports, several years ago the Sheriff's Department picked up the prisoners that were arrested. They took them from the district stations to the hospital or to the county jail. That duty was returned to the San Francisco Police Department two years ago without additional resources, without additional funding.

Mission Bay. We know that part of Mission Bay is under the jurisdiction of the University of California and that police jurisdiction will cover the Mission Bay proper. However, we know that there are approximately 6,000 residential units, if not more, that will be built around the UCSF property. That will be the responsibility of the City and County of San Francisco to police. We know about secondary units, in-law units, to the tune of potentially over 20,000. The Third Street light rail which we anticipate will begin in 2006 will bring along that 5.4 mile route people from all throughout the peninsula to CalTrains and they will be transported along that Third Street light rail both to the southern parts of the city as well as the northern part and then that will be followed in 2007/2009 with the extension that will go into the downtown area of the city. The Port of San Francisco is changing. There is a lot of activity that is going into reconstructed piers. The Rincon Hill development is also being built: 4,000 residential units, 800 hotel rooms. The Transbay Project: 3200 residential housing units. The Midmarket Development: 3500 residential units, 1200 affordable units, 1000 hotels rooms planned. And so the list goes on and on. So it's not just looking at what we have facing us today but what we have facing us as we move forward.

So what I'd like to share with you – Deputy Chief Parra spoke about the academy classes a few minutes ago and he spoke about the cycle, the peaks and the valleys, up and down, up and down. This has been the pattern based on budgeting, based on potentially the number of applicants, based on the

ability to support training. Training is not an inexpensive prospect in that you have to dedicate officers at the training academy to make sure that they are monitoring and guiding the recruit officers but at the same time we have physical fitness training, we bring in officers to teach every block of instruction that is up there and that's an addition to the continued professional training that we have for all of our veteran officers.

So this is the pattern that you've seen. It goes from 1948 to 2005. I'd like to look more at the more recent times in terms of '93 until this current fiscal year. And the reason we broken down the process by fiscal year is that this is how our budget gives us the funding to be able to hire the classes. In 1993/94 this is when Proposition D implementing the 1971 full duty staffing measure went into being. We see the following year, we hired nine classes of recruit classes. And then we started going to two classes, no classes, four classes, and up and down, up and down, to the point where in 1997 we merged with the Airport Bureau. They had existing resources there, approximately 170 - 180 sworn personnel but since that merger, it's now the responsibility of the entire department to send resources to the Airport as well as for the Airport to send resources to us. Prior to the merger, they had a separate recruitment unit. All the hiring was done there. So we've sent roughly 80 officers to the Airport and 40 have come into the city and we encourage that rotation. We encourage the opportunity to move around throughout the city. So that is there.

And as we come to 2003/2004, 2004/2005, and 2005/2006, we had one class in 03/04. In 04/05 as we started speaking about the concerns of what was facing the department in terms of not only activity, but in terms of personnel retirements, we have two classes. Fortunately one class was funded through a federal grant that we received, Universal Hiring Grant. And then this fiscal year, we were fortunate to receive funding for three classes, one of which is a grant class that started in October and then the other two classes are funded to start towards the end of the fiscal year, at the end of May and at the end of June.

So this is what we're facing but we know that we have to have a strategy in place to move forward. What I have requested, and I have met with the Mayor's Budget Staff and talked about this quite a few times, most recently, I asked that the classes scheduled for the 05/06 fiscal year, the class for May and the class for June that's currently budgeted for 40, be increased by 10 so that we have 50 in each of those classes. I've also recommended that we move one of those classes earlier to potentially February or March so that we know that as soon as somebody starts, the sooner they start that 11-month training process, the sooner they'll graduate. So the sooner we can go, the better.

The other thing that I've requested is additional funding for another class of 50 officers within this fiscal year. Now the requests are made, however, ultimately it's difficult to move forward unless the funding is available. It may require that we approach, if there's funding identified, approach the Board for a supplemental, however, that is the plan that we will be working out with the Mayor's Budget Staff. But these recommendations and requests have been made.

Secondly is, the first and second wave of civilianization, as Deputy Chief Parra mentioned, will actually go into effect this year. But I want to assure you that we haven't waited for these positions to actually become available before we civilianize. We have worked diligently to move people out to the field and based on the 2004/2005 numbers that was delayed from last year's budget to the end of this year to June 2006, there were 37 positions that were identified. We've already civilianized six positions and moved six people to field duties. Once we're able to implement this, 20 who are already

assigned in district stations to station duty functions will be able to be deployed to the field because they will be replaced by police service aides. Five people in this total of 37 have retired so their positions are vacant for future hiring.

In terms of the 2005/2006 fiscal year budget, which will be implemented in January of 2006, there are 34 total positions. Five of those we've already civilianized and when we hire the police service aides and the automotive service workers, we will be able to reassign 20 officers, full duty officers, who are currently in the district stations but fulfilling station duty and/or vehicle maintenance officer duties to patrol. Seven officers have already been moved to field or investigative units. One has retired and one I do not believe we will be able to civilianize because the candidate that we selected for Chief Financial Officer has declined the offer. So, we, for the third time, have to do another search for a Chief Financial Officer. So that civilianization is moving forward but that's what we have in place today.

As far as moving forward to the future, each bureau chief will be given a list of their personnel, broken down by unit, so that they can identify all of the positions within their bureau that they believe can be civilianized and it is based on that information as well as a 1998 budget analyst report, excuse me, legislative analyst report from the Board of Supervisors that we will identify the next groups of individuals or positions that can be civilianized to free up full duty officers to go out to the field. And that is something that I think not only beneficial in terms of redeployment of sworn personnel but also in terms of bringing some professional technical skills into some of the areas of the Department that we truly truly need.

In addition to that, we have projected and recommended, and in the budget process we will have to fight for this again, we have recommended that for the next three to four fiscal years that each fiscal year we be budgeted for six classes, six police academy classes at 50 per class. And the reason I say this is because we have to look at the potential retirements and based on the charts that were shown, there are approximately 500/550 between now and 2007 who are eligible, not to say that everyone will leave. Generally, there are between 60 to 80 that retire each year. In terms of attrition, when we hire new officers in the academy we know there's a 15 to 20 percent attrition rate. So looking at total separations, including retirement and separations, we believe that if there are five classes, or excuse me, 50, six classes of 50, 300, that we will probably lose about 135 officers based on those 300 and so slowly we would start moving up. If we take the numbers of the current fiscal year, 2005/2006 fiscal year, and we bring them into the academy, we can increase those numbers to 50 instead of 40, then we would have 1,816 officers hired by the end of this fiscal year. If we can get that additional class, or excuse me, it will bring us to the level of 1,816 officers not 1,816 hired. If we were fortunate to be funded for an additional academy class this year, that number in terms of the full staffing number will go up to 1,866. So let's say we are given that extra class. By 2007, based on the recommended numbers, we would then be at 1,971, if we have those six classes of 50. By 2008, we would have 2,076 officers. That's best case scenario. If we don't have that academy class added in this year's fiscal year budget, then we would be at 1,816 in 2006, in 2007 we would be at 1,921 and it will take us until 2008 to get to 2,026 officers. So it's incumbent upon us being able to fight for and we will fight for the funding. Not just looking at general fund dollars but in the past there had been federal dollars. We need to look to see what opportunities are there. I also think we need to look at what funding can come from some of the other city agencies. Whether it's the Muni services that we provide to on the muni transit systems. Are there certain funds that can come from the MTA? In terms of the Airport Bureau, I know that Deputy Chief Pengel has been working with Director Martin to try to figure out how much Airport funding can come to the training academy. These are all areas that have to be looked at because the dollars are

what will drive the ability to hire the resources and this gets us to a number that was designated in 1994. I think beyond that, we need to request that the city look at what is the actual number of officers that is necessary within the San Francisco Police Department given all the items that I shared with you recently. Not just the duties that have been taken on by the officers and continued to be done but in terms of the expansion and the growth that is incurring in the city because we know that for every unit there's probably two to four people who are living in that unit. It's not one person.

So these are the concerns that we have. These are the discussions that we have been having with the Mayor's Budget Office and every year at the budget we resurrect these conversations but we've had had conversations quite early this year because I believe that we all realize that people want community policing, they want beat officers, but we cannot take people out of the radio cars and risk 911 calls. We can't rob Peter to pay Paul and every bureau is low so we need to be able to raise the numbers so that we can make those appropriate appointments and ensure that we provide the best service, the highest level of service possible at the higher level of staffing."

Commissioner Orr-Smith who decides when new stations are needed. Chief Fong stated that in terms of funding, it's a conversation with different entities.

Commissioner Sparks asked how many members in each specialized units. Chief Fong stated in the Tenderloin, 80 to 90, Domestic Violence, 14 to 15, Gang Task Force, 26, SRO, 42, Sexual Predator, 3, Park Cars, 30 officers but they are at the station otherwise, Traffic Offender, 10 to 12, and the Marine Unit, 6 members, Housing Authority Community Housing Officers, 16 officers.

Commissioner Sparks asked about the number of inspectors in the Investigations Bureau. Chief Fong stated the budgeted number of inspectors is 302 and there are currently 207 inspectors between assistant inspectors and inspectors in the Investigations Bureau. There are 34 inspectors who are not assigned to the Investigations Bureau at the current time. Commissioner Sparks stated that she would like a public hearing in regards to policing and community policing to get input from the community.

Commissioner Renne stated that the Chief made a very good case and stated that the number of dollars needed is so significant that the Department needs to show best possible use of resources.

Chief Fong announced that the Department is recruiting through the month of November.

PUBLIC COMMENT

Steve Johnson, POA, thanked the Chief for her report and recommended hearing officers for the Commission. Mr. Johnson discussed concerns regarding staffing.

Lea Millitello, LGBT Police Alliance, commended the Chief for her presentation and thanked the Commission for beginning this dialogue.

Unidentified discussed concerns in staffing.

OCC DIRECTOR'S REPORT

- a. Review of Recent Activities**
- b. Update on the OCC's Mediation Program**

Ms. Susan Leff, OCC, introduced Mr. Mark Scafidi to talk about the OCC's Mediation Program.

Mr. Mark Scafidi talked about the OCC's Mediation Program. Mr.

Scafidi stated that the mediation program provides both parties a chance to explain their situations and there will be an understanding of the other's perspective.

Commissioner Veronese asked how does it work. Mr. Scafidi stated that the initial criteria is case type and officer criteria and once eligibility level is established, the complainant is contacted.

Commissioner Sparks if mediation is binding. Mr. Scafidi stated that the outcome of the mediation is binding.

PUBLIC COMMENT

None

COMMISSION ANNOUNCEMENTS

No meeting next week due to the Thanksgiving Holiday.

Sergeant Reilly announced that the next meeting will be in the Richmond District, Jewish Community Center, 3200 California Street, on November 30th at 6:00 p.m.

Commissioner Orr-Smith wanted to say goodbye to the Commission and that it's been a tremendous honor to serve in this Commission.

Commissioner Veronese thanked Commissioner Orr-Smith for her service with the Commission.

Commissioner Sparks also thanked Commissioner Orr-Smith for her work with the Commission.

Commissioner Renne thanked Commissioner Orr-Smith for her work with the Commission.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

None

ADJOURNMENT

Commissioner Renne, on behalf of the Commission, wished everybody a Happy Thanksgiving.

Motion by Commissioner Chan, second by Commissioner Sparks to adjourn the meeting in honor of Commissioner Orr-Smith.

Thereafter, the meeting was adjourned at 9:00 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission