

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 5:51 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, DeJesus, Lee, Mazzucco  
ABSENT: Commissioners Marshall, Onek

Commissioner Sparks requested a moment of silence for the members of the Oakland Police Department killed in the line of duty on Saturday, March 21, 2009. They were Sergeant Mark Dunakin, Sergeant Ervin Romans, Sergeant Daniel Sakai, and Officer John Hege.

**PUBLIC COMMENT**

Lieutenant Lea Militello, President Pride Alliance, expressed deep sympathy to members of the Oakland Police Department. Lt. Militello discussed concerns about being misquoted after sending a letter to the editor of Ken Garcia in regards to the search of Chief of Police. She went on to read the letter she wrote to the editor. She commended the Commission for the job the Commission is doing.

Frank Terry discussed concerns regarding the Broadway area and calling for service and noise in the neighborhood and requested a meeting with Deputy Chief Cashman and Captain Dudley.

Diana Greer would like an agenda item to discuss drug dealers in Potrero Hill. Commissioner Sparks requested that she meet with Captain Loftus.

Barbara Growth discussed concerns regarding recent shootings in Oakland.

**ROUTINE ADMINISTRATIVE BUSINESS** (taken out of order)

- a. **Commission Announcements**
- **Assignment of Disciplinary Charges filed in Case No. C09-044 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commission** (Resolution 27-09, Assigned to Commissioner Joe Marshall)

**PUBLIC COMMENT**

None

**REPORTS TO THE COMMISSION**

- a. **Chief's Report**
- **Update on significant policing efforts by Department members**
- **2008 Crime Trends and Homicide Overview**

Assistant Chief Lynch introduced Deputy Chief Shinn who presented the 2008 Crime Trends and Homicide Overview.

Commissioner Lee expressed concerns in regards to the increase in rapes in five districts and asked if the Department is doing anything proactive to address communities of color and juveniles. Deputy Shinn stated that the message that these incidents be reported to the police is sent out to all the advocacy groups. The Department has developed a Cold Case Unit that meets every Monday specifically on sexual assaults. The Department is also working with the District Attorney's Office to develop the first Joe Doe Warrants which is a warrant that is based on DNA evidence. Commissioner Lee asked for a break down as far as race and the immigrant status in the Asian and Latino population and if the acquaintance rapes apply to these groups.

Commissioner Sparks asked about arrests made for the homicide and rape incidents. Chief Shinn stated that he can come back with the information for the Commission but for the homicide incidents, Chief Shinn stated that for 2008, the Department is currently at 34 percent and for 2007 it is about 33 percent and for 2009 currently at 45 percent. Commissioner Sparks suggested that there should be plan to engage the community and try to change the relationship with the Department to get the community to step up in regards to homicides.

Commissioner Mazzucco asked if the Commission can be provided with the numbers of suspects arrested in rape cases that are currently registered sex offenders living in San Francisco.

Commissioner Sparks asked what to do to protect officers from assault weapons like an AK47. Chief Shinn stated that the Department have issued what is called Level III vests that will protect officers against weapons like the AK47 but it is very limited and only a certain amount is issued to district stations. Chief Shinn stated also that the vest are not flexible and uncomfortable for use on a daily basis. Commissioner Mazzucco asked if there is any new technology to make these vests more practical for everyday use by the officers. Chief Shinn stated that there are a number of companies out there that constantly come up with new products and that the Department do research. Commissioner Sparks asked that the Commission be updated on this issue.

Commissioner Sparks asked about staffing at the Investigations Bureau and asked if the overtime restrictions impeding the ability of Homicide and other units to investigate cases. Chief Shinn stated that Investigations Bureau is down about 20 percent based on the study and that the overtime restrictions does not impede on the ability of the units to investigate.

#### PUBLIC COMMENT

Unidentified discussed the number of auto thefts and the number of cars sold by the city.

Barbara Growth discussed concerns in the spike of homicides in the city and discussed concerns regarding the PERF study.

#### **b. OCC Director's Report** **- Review of recent activities**

Ms. Inez Fraenkel, for OCC Director, briefed the Commission on cases opened and closed, mediation, and outreach. Ms. Fraenkel stated that the OCC opened 67 cases in March and closed 60. Total opened cases since January 1<sup>st</sup> is 218 and 220 closed with four sustained cases. She also stated that OCC mediated 2 cases for the month of March with 4 still on the schedule making it a total of 6 cases. Ms. Fraenkel also talked about OCC's recent outreach.

Commissioner Lee asked about the number of complaints in regards to last week's public comments regarding racial profiling. Ms. Fraenkel stated that she does not have a total number but stated that a number of complainants have come forward.

#### PUBLIC COMMENT

None

#### **c. Commission Reports** **- Commission President's Report** **- Commissioners' Reports** **Status Reports:** **- Chief of Police executive search** **- Organizational and other contemporary studies**

- **Rules and procedures for Patrol Specials**
- **Commission Office staffing**

Commissioner DeJesus announced that on March 28<sup>th</sup>, there will be a community discussion, from 10 a.m. to 12 p.m., at the Bernal Heights Neighborhood Center, 515 Cortland Avenue, to discuss the new SFPD Police Chief.

Commissioner Sparks announced that there will be no community meeting this month and on April 1<sup>st</sup> the Commission will be discussed the First Phase of Implementation of PERF study.

#### PUBLIC COMMENT

None

#### **DISCUSSION AND POSSIBLE ACTION TO ADOPT SELECTION CRITERIA FOR CANDIDATES FOR CHIEF OF POLICE**

Commissioner Sparks stated that she just wants to discuss what was said by the community and the officers as far as criteria for the new Chief of Police.

Commissioner Mazzucco stated that what he is hearing from the community is that they want to feel safe but they also want a police chief that they can have a working relationship with and from the police officers, the officers want a strong leader with experience working in the streets and someone with investigative experience.

Commissioner Lee thanked the community for their input and hoped that the Commission have conveyed to the public and the officers that this is an open and transparent process and consideration will be given to qualified candidates.

Commissioner Sparks stated that the Commission is looking for candidates from outside the Department and from inside the Department and that the Commission will select the best candidate irrespective of inside or outside the Department.

Commissioner Sparks stated that the community wants a Chief that (1) can deal with diverse communities and be able to look at San Francisco neighborhoods as unique neighborhoods and deal with the different neighborhoods as opposed to San Francisco as a whole; (2) someone that can stand up to the political pressures of San Francisco; (3) someone who is a strong leader that can support the rank and file and the community at the same time; (4) someone that can stand up for the department from attacks from the media; (5) that the command staff be out with the rank and file; (6) someone who has experience dealing with neighborhood and community groups, tourist community, and business people; (7) someone who understands the various cultures in the city; (8) someone who is able to bring together neighborhood community and business groups; (9) someone who is comfortable outreaching to the community; (10) someone who has good people skills; (11) someone who is willing to develop a more comprehensive development program within the department; (12) someone who sees the civilian workforce as equivalent to the uniformed workforce as far as value; (13) someone who is familiar with immigration issues and the sanctuary laws; (14) someone who has a significant amount of experience on patrol; (15) someone who has experience dealing with seniors; (16) someone who looks beyond SFPD for ideas, solutions, and best practices.

Commissioner Sparks stated that this is a true process and that information gathered will be forwarded to the search firm and use as criteria in

looking at applications for the next Chief of Police.

Commissioner DeJesus reiterated some of the comments made by the community and the officers in regards to a new Chief of Police. Commissioner DeJesus mentioned open-minded, collaborative, committed to diversity, strong diplomacy skills, no micro-managing, community-oriented, somebody who understands technology, sensitive to disabled, understanding of international areas, fight for facilities, and have a review process from the bottom up.

Commissioner Sparks stated that the Commission believes that the San Francisco Police Department is one of the finest, if not the finest, urban police department in the United States and stated that with the PERF recommendations, the Department has a roadmap that will take this Department forward. Commissioner Sparks also commended Chief Fong and stated that Chief Fong was at the right place, at the right time and Chief Fong came in at a very difficult time and brought in a sense of calm, integrity, and trust. Commissioner Sparks stated that the Commission is looking for a leader that will make the whole Department a rock star and make every single officer in the department a rock star.

#### PUBLIC COMMENT

Winship Hillier discussed concerns regarding who has the bigger say as far as who would be the next Chief would be.

Steve Currier, President of the Outer Mission Residents & Merchants Association, commended Chief Fong and the officers of Ingleside Station. He further discussed a meeting with the Board of Supervisors and commended Commissioner Sparks for doing a great job in explaining the search for the new Chief.

Commissioner Sparks thanked the members of the public, the officers, and the POA for their input for the search for the new Chief.

#### **ROUTINE ADMINISTRATIVE BUSINESS** ) (continued)

##### **b. Scheduling of items identified for consideration at future Commission meetings**

Lieutenant Reilly announced that the Commission will meet at the Bernal Heights Neighborhood Center, from 10 a.m. to 12 p.m., on March 28<sup>th</sup>, for discussion regarding search of new Chief of Police.

Commissioner Sparks asked for a breakdown by various units in the Bureau some demographics, percentage of females, percentage of minorities, how long members have been part of that unit, also an explanation of selection criteria and rotation policy within those units.

Commissioner DeJesus asked for statistics citywide in regards to traffic stops: How many stops are being made in each community; what is the ethnic race; what is the duration of the stops; what's the purpose of the stop; what's the outcome of the stop; how many cars are towed; how many cars are confiscated; how many are returned; how many are kept; and an explanation of towing statute and 30-day hold.

Commissioner Lee would like a presentation in regards to recruitment and promotion policies. Commissioner Lee also asked for a joint meeting with the Juvenile Commission to talk about juvenile issues.

Commissioner Sparks stated that she spoke with Supervisor Campos and that the supervisor will ask for a resolution to have a joint meeting with the Board's Public Safety Committee and the Commission to address profiling and the city's sanctuary policy.

Commissioner Sparks stated that, in light of the Oakland tragedy, she contacted Senator Leno and Assemblyman Ammiano to ask both of them to consider having hearings on the state's parole policy and that both were in total agreement.

**PUBLIC COMMENT**

None

**PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION**

None

**VOTE ON WHETHER TO HOLD CLOSED SESSION**

Motion by Commissioner Mazzucco, second by Commissioner DeJesus. Approved 4-0.

**CLOSED SESSION** (From 8:09 p.m. to 8:55 p.m.)

- a. **Conference with Legal Counsel**  
**Daniel Alvarenga v. CCSF, et. al, USDC No. C07-02526**
- b. **Conference with Legal Counsel**  
**Fonseca v. Fong, California Court of Appeal Case No. A120206; SF Superior Court Case No. 507-227**

(Present: Commissioners Sparks, DeJesus, Lee, Mazzucco, Lieutenant Reilly, Deputy City Attorney Stump)

**VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION**

Motion by Commissioner Mazzucco, second by Commissioner DeJesus for non disclosure. Approved 4-0.

**APPROVAL OF CONSENT CALENDAR**

- a. **Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:**  
**Daniel Alvarenga v. CCSF, et. al, USDC No. C07-02526**

Motion by Commissioner Mazzucco, second by Commissioner DeJesus. Approved 4-0.

**RESOLUTION NO. 28-09**

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

RESOLVED, that the recommendation of the City Attorney for settlement in the litigation of "Daniel Alvarenga v. CCSF, et al.," in United States District Court No. C07-02526, be, and the same is hereby approved.

Date of Incident: May 12, 2005

AYES: Commissioners Sparks, DeJesus, Lee, Mazzucco  
ABSENT: Commissioners Marshall, Onek

**PUBLIC COMMENT**

None

**ADJOURNMENT**

Motion by Commissioner Mazzucco, second by Commissioner DeJesus. Approved 4-0.

Thereafter, the meeting was adjourned in memory of Oakland Police Department members Sergeant Mark Dunakin, Sergeant Ervin Romans, Sergeant Daniel Sakai, and Officer John Hege.

---

Lieutenant Joseph Reilly  
Secretary  
San Francisco Police Department

1497/rct