

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett, San Francisco, at 5:54 p.m., in a Regular Meeting.

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

SPECIAL AWARD PRESENTATION

Chief Fong introduced Captain Jimenez, Tenderloin, to present certificates of appreciation to Public Works employees, Mr. Donald Lewis and Mr. Gilbert Sudano.

Commissioner Sparks thanked Mr. Lewis and Mr. Sudano for their help in saving the life of an individual on February 8, 2009.

Director Ed Riskin, Department of Public Works, thanked the Chief and the Commission for recognizing Mr. Lewis and Mr. Sudano and commended both for their great work.

ADOPTION OF MINUTES

- **Regular meetings of February 18th and 25, 2009**

Motion by Commissioner Mazzucco, second by Commissioner Marshall. Approved 6-0.

PUBLIC COMMENT

Unidentified, San Francisco Immigrants Defense Committee, discussed concerns regarding racial profiling of immigrants at checkpoints.

Commissioner Sparks stated that she would like to calendar this for a hearing sometime in April to actually talk about what the issues are.

Hillary Ronnin, Attorney La Raza Central Legal, discussed concerns regarding fear for police and concerns regarding racial profiling.

Nora Calderon discussed concerns regarding racial profiling by the police.

Hanley Chan appeared to protest his suspension.

Juana Flores discussed concerns regarding juveniles being deported and families being separated.

Germina, La Raza Central Legal, discussed concerns regarding abuse against immigrants and racial profiling.

Rene Salcedo, La Raza Central Legal, discussed concerns regarding violation by the Department of the Sanctuary Laws and concerns regarding impounding vehicles and the 30-day law.

Abigail, Legal Services for Children, discussed concerns regarding change in the juvenile probation policy and reporting of juveniles to Immigration.

Commander Bok Pan, American Legion, commended the Chief and the Command Staff for keeping the city safe and expressed support for Patrol Special Hanley Chan.

Maria Rodriguez, St. Peter's Church, discussed concerns regarding a traffic stop by the police.

Thomas McCurry discussed concerns.

David Delgado discussed concerns regarding having his car impounded.

Michael Flynn, Attorney, National Lawyer's Guild, asked the police to stop racial profiling and checkpoints and stop cooperation with ICE.

Luis San Angelo discussed concerns regarding incident with a

motorcycle officer and confiscation of the car.

Conti Davis discussed concerns regarding gang injunctions in the Mission District and would like statistical information.

Rosabella Savant discussed concerns regarding what the city is doing to immigrants.

Laura Hernandez discussed concerns regarding a traffic incident involving her husband and the Fire Department and the police confiscating his car and his driver's license and concerns regarding the recovery of the license.

Jill, La Raza Central, discussed concerns regarding confiscation of vehicles and racial profiling.

Unidentified discussed concerns regarding her son who was stopped for running a red light and ticketed for being an unlicensed driver and the car impounded and having to pay a lot of money to get it out.

Barbara Lopez discussed concerns regarding people being stopped and ticketed for being unlicensed and being stopped for having a rosary hanging on their rearview mirror.

Angelica, Family Advocate for Mission Neighborhood, discussed an incident for being stopped for having an air freshner hanging on the rearview mirror and the family having to pay over \$800 to get their car out of impound.

Racquel Boteo discussed concerns regarding an incident of a husband being deported for a simple accident.

Theresa discussed concerns regarding racial profiling of Latinos and immigrant people and her daughter being stopped for having the wrong car seat and the car impounded and the officer taking the car keys home with her.

Juan Esteven discussed concerns regarding his son's truck being taken away for 30 days and having to pay \$1,500.

Raul Silva, Young Workers United, discussed concerns regarding the police and having to protect their client's rights.

Shoshana, Chinese Progressive Association, discussed concerns regarding a vote of no confidence for the Police Department and the violations of people's civil rights and stated that there are no OCC forms available to the public.

Unidentified discussed concerns regarding being stopped by undercover cops for having an open container and his I.D. being taken and still have not recovered his I.D.

Israel Martinez discussed concerns regarding being in the park and stopped by an officer for identification and concerns of being stopped while he was with his family and why he was stopped.

Elizabeth Alexander discussed concerns regarding Latinos being stopped, and only Latinos, being stopped at the Tenderloin as part of the Violence Reduction Traffic Enforcement and zone policing programs.

Maria stated that getting in a car if you're a Latino is dangerous because the police can stop you and would like a dialogue meeting and data regarding stops.

Raul Calderon discussed concerns regarding being seen as a suspect and being made to kneel on the ground the whole time while the report is being made and held his truck for 30 days.

Oscar discussed concerns about being stopped for having an air freshner hanging on the rearview mirror and cited for no insurance and the officer stating to just sign the form and to take him to court.

Commissioner Lee suggested that Director Hicks set up a time and place with some of the community organizations to have investigators take the complaints. Director Hicks stated that she will have her investigators work with the community organizations.

Commissioner Sparks stated that the SFPD officers are fair and as a whole does not racially profile but there maybe instances where this might have happened and in those instances the officers will be asked to respond as to the reasons why and also retrain.

Commissioner Sparks also suggested having a joint meeting with the Board of Supervisors' Public Safety Committee and the Commission and stated that she will arrange a meeting with Supervisor Campos to arrange the meeting.

Commissioner Sparks also asked why I.D.s are confiscated and what the process is to get identification documents back. Also, what is the process in confiscating vehicles and why there is a 30-day hold and why it happens. Commissioner Sparks also would like to see the records to see what percentage of automobiles are confiscated for minor violations by SFPD as opposed to parking controllers and statistics on racial makeup of those individuals.

Commissioner Sparks also would like a better understanding on violence prevention traffic enforcement actions by the Traffic Company and would like to know what the policy is, when it was instituted, how it's monitored, and what basis individuals are stopped.

Commissioner DeJesus would like more information on pedestrian checkpoints and would like statistics on traffic stops as to who are being stopped, how many people are being stopped for traffic enforcements, the race of individuals being stopped and is it out of proportion in terms of the population in that particular community. Commissioner DeJesus also would like how many juveniles have been arrested since the start of the enforcement and are they always arrested on felony charges which triggers the ICE or the immigration.

Commissioner DeJesus stated that it will be a good idea to have a joint meeting with the Board of Supervisors and to have the Immigrant Rights Commission make a presentation regarding how policies have changed and how adversely they are affecting the community.

Angela Chan stated there will be a joint meeting on April 13th of the Immigrant Rights Commission and the Human Rights Commission about the broader issue as to what's happening in San Francisco.

Commissioner Lee assured the public that the SFPD officers are professionals and well trained and asked for a report from the Chief as to the relationship of SFPD and ICE and under what circumstances is ICE contacted.

Commissioner Sparks explained that this item was put on the Commission agenda and then taken off because the Commission was waiting for other issues to resolve. Commissioner Sparks stated that it's time that it be put back on the agenda for a hearing on what the Police Department does.

Commissioner Onek stated that if there are allegations, it is crucial to file a complaint with the OCC. He also stated that a majority of the officers in the department do not practice racially biased policing. Commissioner Onek stated that the OCC has to go through all the individual cases and be investigated on its merits. Commissioner Onek further stated that regardless of the outcome of the individual cases, there clearly is a major problem when there's many community members having this problem with the Police Department, whether it's justified or not in each individual case. Commissioner Onek stated he looks forward to a properly noticed meeting so that the Commission can address the issues. Commissioner Onek reiterated that the vast majority of police officers in the Department are decent and practice fair and impartial policing and stated that he hopes that the community does not lose faith in the Department as a whole if they have issues with a handful of officers.

Commissioner Marshall stated that he would like to know what's the protocol for traffic stops or any stops. He stated that he would want to know

how it is supposed to be handled, how the people should react, what can be asked and what cannot be asked, how can the citizens respond, what can officers say or can't say, because people do not have any idea at all and they do not know what to expect. Commissioner Marshall suggested either a simulation or demonstration might help to answer these questions.

Commissioner Mazzucco expressed his support for the Department and for the officers. Commissioner Mazzucco would like to see some answers as to what happened. He would like an explanation as to what the STOP Program is about and how long is an out-of-state driver's license valid in California because there is a perception that the community is being harassed for those reasons.

Commissioner Sparks suggested forming a task force or a committee where there is continuous communication on a ongoing basis to keep the momentum going in this issue and that there is a formalized communication loop between the Commission and the community so that frustrations can be dealt with. Commissioner Sparks also suggested that the OCC have one investigator to deal with all these complaints so that the community can have one person to go to. Commissioner Sparks also talked about training community group members taking the complaint and forwarding it to OCC.

Ms. Lupe Ariola, Human Rights Commission, announced a joint meeting with the Immigrant Rights Commission and the Human Rights Commission titled Impact of Immigration Enforcement looking at how Federal Immigration Enforcement has impacted the local community. Commissioner Sparks requested a copy of any findings and recommendations and possibly a copy of the DVD of the hearing itself.

(The Commission recessed from 8:26 p.m. to 8:35 p.m.)

ROUTINE ADMINISTRATIVE BUSINESS (Taken out of order)

- a. Commission Announcements**
- **Assignment of disciplinary charges filed in Case No. ALW C08-189 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 25-09, Assigned to Commissioner Joe Marshall)
- **Assignment of disciplinary charges filed in Case No. JWA C09-039 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 26-09, Assigned to Commissioner Thomas Mazzucco)
- b. Scheduling of items identified for consideration at future Commission Meetings**

None

PUBLIC COMMENT

None

REPORTS TO THE COMMISSION

- b. OCC Director's Report**
- **Review of recent activities**
- **Presentation of the OCC's Annual Report for 2007 & 2008**
- **OCC Mediation Program presentation**
- **OCC Status Report regarding Department General Order 7.01, "Policies and Procedures for Juveniles Detention, Arrest, and Custody"**
- **Presentation of the OCC's 4th Quarter 2008 Early Intervention System ("EIS" Report)**

Director Hicks discussed complaints received. The OCC open 50 cases this month and closed 51. This year to date cases opened 201 cases and closed 211.

a. Chief's Report

- **Update on significant policing efforts by Department members**
- **SFPD 3rd Quarter 2008 Document Protocol Report**
- **2008 Crime Trends and Homicide Overview**

Chief Fong explained why she left the room during public comment. The Chief stated that she had stepped out to talk to some individuals who complained about missing I.D.s. Chief Fong stated that one I.D. for an individual was found and will be sending it to his attorney. She also talked to another individual whose I.D. was taken and the Chief stated that the Department is able to identify which case and which officer so the Department can follow up. The Chief stated that she mentioned to these individuals that this is separate from the OCC matter but if the Department is able to return proper forms of identification, the Department is committed to doing that. The Chief also said she heard some of the questions asked and will get that information to the Commission. Chief Fong stated that she spoke with Angela Chan along with other advocates to set up a meeting to discuss concerns and stated the Department will work together with the different advocates. She will also call Dr. Fridell to discuss this matter.

Commissioner Sparks asked the Chief to keep the Commission in the loop on all communications and stated that Commissioners Marshall, DeJesus, and Lee will be working on behalf of the Commission on this issue.

b. OCC Director's Report continued:

Director Hicks presented the OCC's 2008 Annual Report.

Commissioner Onek commended Director Hicks for her leadership and commended the OCC for eliminating the backlog, closing more cases than they opened, doubling the mediation program, developing performance plans for the entire staff, and filling vacant positions. Commissioner Onek also stated that the POA feels that the OCC is meeting its mission of being a fair arbitrator of justice more so than they felt in the past.

Commissioner DeJesus also commended Director Hicks for her leadership and accomplishments. Commissioner DeJesus asked about delays in the investigation. Director Hicks stated that she feels there might be delays due to budget and staffing cuts.

Commissioner Sparks asked about the relationship between the OCC and the Department in terms of getting stuff back from the Department. Director Hicks stated that Chief Fong has been very responsive to her requests. However, there are still delays from the Department staff mainly in the subject of criminal investigations even though there is a City Attorney's Opinion that states that the OCC is entitled to that information. Director Hicks stated that there are still members of the Department who have stalled and delayed and prevented the OCC from moving forward with their investigation. Chief Fong responded and stated that she was aware of the OCC request for documents to be released and she is aware of the standing City Attorney's Opinion about the Department's responsibilities. Chief Fong stated that when there is reluctance to provide documents, the Department has not only directed someone to copy the whole case file, but also to sit and go through page-by-page and identify what's necessary so that when there's a concern that this document is confidential, all of that is addressed. Chief Fong suggested having a policy to support further discussions with the OCC.

Commissioner Sparks asked Director Hicks to update the Commission on this matter and to bring any concerns to the Commission because this has to be a collaborative effort.

Ms. Inez Vargas Fraenkel, OCC Attorney, presented the OCC's Mediation Program report.

Commissioner Sparks commended Director Hicks, Ms. Fraenkel, and Ms. Salazar for amazing statistics. Commissioner Sparks also commended Director Hicks for her leadership.

Commissioner Onek thanked Ms. Fraenkel for the Mediation Report. Commissioner Onek also asked about the survey and making it mandatory. Ms. Salazar stated that the survey is about 75 percent. Director Hicks explained that, because of the voluntary nature of mediation, it is better to strongly encourage them to fill it out and not to force them to fill it out. He also read a paragraph from the Denver Citizen Police Complaint Mediation Program evaluation about racially biased policing.

Director Hicks thanked all her staff present for that hard work they have done all year long.

Commissioner Sparks suggested putting over the report in regards to the Early Intervention System since Commissioner DeJesus requested this report and she had to leave tonight.

Commissioner Sparks stated that in the Commission's visits to District Stations, the Commission heard a lot of comments from officers in regards to the practical application on the street of DGO 7.01 and stated that she would like to pull out the 7.01 report tonight and have a more detailed discussion in regards to this matter.

Mr. Steve Johnson, commented on the OCC's reports and commended Ms. Donna Salazar for her work in mediation. Commissioner Sparks asked Mr. Johnson to accompany Director Hicks and the Commission when they appear in front of the Board of Supervisors to talk about the OCC budget and staffing.

Ms. Elise Nicholson presented the status report regarding DGO 7.01.

Ms. Angela Chan, Asian Law Caucus, stated that they are going through the DGO where the officers have expressed their concerns to identify the problems and how they can be addressed.

Commissioner Marshall discussed the concerns of the officers and asked that the officers be heard and to listen to what the officers are saying about the application of this DGO.

Captain Ehrlich, Juvenile Division, stated that there are a lot of significant issues in regards to DGO 7.01 and stated that he will go out to the Ingleside to find out what their concerns are. He also stated that the Department is doing a lot of training in regards to this issue.

PUBLIC COMMENT

Doris Vincent, Bayview Hunter's Point, asked if there is a fee in order to file a complaint. Director Hicks stated that there is no fee.

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Onek.
Approved 4-0.

Thereafter, the meeting was adjourned at 10:56 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rtc