

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 5:49 p.m., in a Regular Meeting.

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

(Commissioner Onek was excused at 7:20 p.m.)

ADOPTION OF MINUTES

- **Regular meetings of May 6th & 13, 2009**
- **Special meetings of May 23rd, 28th, 29th, and 30, 2009**

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

CHIEF'S REPORT (taken out of order)

Chief Fong introduced Lt. Canning of the Robbery Detail and introduced Mr. John Patrick, ETS, who then presented certificates of recognition to members of the department. Members recognized were Phillip Wong, Marty Lalor, Adriano Castro, Anthony Holder, Patrick Griffin, Steven Spagnuolo, Shawn Jackson, and Robert Byrne.

PUBLIC COMMENT

Paulette Brown, mother of homicide victim, discussed concerns regarding posters to be posted on Muni buses. Chief Fong stated that she has talked to Deputy Chief Parra and stated that postings on Muni are through specific contracts and that Chief Parra is in discussion with external affairs and that he will report back to the Commission. Commissioner Sparks thanked Ms. Brown for her persistence and for continuing to represent all the mothers of homicide victims.

Champagne Williams, sister of homicide victim, discussed concerns regarding her brother's killer still walking around.

Serena Bridges, sister of homicide victim, discussed concerns regarding her brother's homicide.

Benjamin Castaneda discussed concerns regarding his brother being beat up by officers in the Mission and talked about NAMI, National Alliance Mental Illness.

Unidentified suggested better customer service by police.

Alan White stated that a local TV station heard about the posters and that they are ready to do public service announcements featuring many of the mothers of homicide victims.

Barbara Growth discussed concerns.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

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

Commissioner Sparks stated that she would like to discuss Item a first and then come out with an announcement and then go back to Closed Session to handled Item b.

CLOSED SESSION (6:29 p.m. to 6:56 p.m. on Item a)

**a. PERSONNEL EXCEPTION: Public Employee appointment:
Nomination of applicant(s) for Chief of Police**

(Present: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek,
Deputy City Attorney Stump, and Lt. Reilly)

(7:07 p.m. to 7:20 p.m. on Item b)

**b. Discussion and possible action to accept or reject Stipulated
Disposition of disciplinary charges filed in Case No. C08-120 ALW**

(Present: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek,
Deputy City Attorney Stump, Attorney Worsham, and Lt. Reilly)

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

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

Commissioner Sparks announced that Item b of the Closed Session is
continued because the assigned Commissioner have not seen the stipulated
disposition and that from now on, all stipulated dispositions will not be
calendared until the assigned Commissioner have seen said stipulated disposition
agreement. Matter will be continued to the call of Commissioner Mazzucco.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE THE
MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN
FRANCISCO MUNICIPAL TRANSPORTATION AGENCY AND THE
SAN FRANCISCO POLICE DEPARTMENT**

Director Ken Bukowski, Fiscal Division, presented the MOU between the
SF Municipal Transportation Agency and the SF Police Department.

Deputy Chief Parra described some of the changes made to the MOU.

Commissioner Sparks asked about §8.1 of the MOU in regards to
assignment of SFPD Traffic Company Officers to Address Surface Transportation
Traffic Issues and asked if 100 percent of Traffic Company's function would be
on transit-related issues as opposed to all traffic issues. Director Bukowski stated
that the Traffic Company's functions are dedicated to address surface
transportation issues primarily and stated that the \$8.99 million gives a lot more
leeway if the SFMTA is only covering about 50 percent of the cost to be able to
use the Traffic Company in other ways within the Department as needed.

Commissioner Mazzucco asked what is the reason for entering into an
MOU with SFMTA. Director Bukowski stated that basically it is to substantiate
what historically been done for a number of years without an MOU and this is
needed to get funding from the MTA to cover these services.

Commissioner Sparks stated that it is important that the SFPD maintain
pedestrian safety and traffic safety elsewhere in the city other than in specific
MTA routes as it relate to traffic lanes, as it relate to bus lanes and that it is
important to recognize that there are other traffic issues that Solos are used for
other than just keeping the traffic lanes clear for MTA and the MOU language
should reflect that.

Deputy Chief Parra, SFMTA, described the operation components of the
MOU agreement.

Commissioner Sparks asked that the Commission be added to the list to
receive quarterly reports. Commissioner Sparks stated that as long as a detailed
MOU is being developed, then it should be developed to truly reflect what we're

trying to achieve.

Public Comment:

None

Commissioner Sparks asked the Chief to maybe prepare a memo to the SFMTA Director memorializing some of the concerns brought up by the Commission.

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 5-0.

RESOLUTION NO. 51-09

APPROVAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY AND THE SAN FRANCISCO POLICE DEPARTMENT

RESOLVED, that the Police Commission hereby approves the Memorandum of Understanding between the San Francisco Municipal Transportation Agency and the San Francisco Police Department.

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

ABSENT: Commissioners Onek, Pan

REPORTS TO THE COMMISSION

- a. Chief's Report (continued)**
- **Update on significant policing efforts by Department members**
- **Recruitment and Retention Program Update**
- **Department 2009/2010 Budget Update**

Chief Fong introduced Director Villagomez, Mr. Houston, and Lieutenant Geraty of the Staff Services Division to present the Recruitment and Retention Program update.

Commissioner Lee asked how SFPD's attrition rate compares to other academies. Commissioner Lee also asked about the demographics and percentage that drop out at each step of training.

Public Comment

Officer Nick Borthne, SFPD, discussed some concerns of applicants about joining the SFPD and some of the nature of being a police officer.

CFO Ken Bukowski, Fiscal Division, presented the 2009/2010 budget update.

Commissioner Sparks asked that the Commission be updated after every budget meeting with the Board of Supervisors. She also asked to look at the different studies to find ways to save jobs and maybe to consolidate some district stations in order to avoid layoffs.

Commissioner Mazzucco asked about using retired officers to work one or two times a week to cover for some of the work that needs to be done.

Public Comment

None

Chief Fong read a letter to the President of the Board of Supervisors in regards to the murder of Sergeant John V. Yong of the Ingleside Police Station. Chief Fong stated as follows:

“Dear President Chiu, I am writing this letter to you and the members of the Board of Supervisors on behalf of the men and women of the San Francisco Police Department urging you to carefully consider the passing of any resolution or decree regarding the ongoing San Francisco Superior Court criminal proceedings involving those accused of the August 29, 1971 murder of San Francisco Police Sergeant John V. Young at Ingleside Police Station.

Sergeant John V. Young was getting up from a desk to offer his assistance to a member of the public when he was gunned down and killed inside the police station. A civilian female typist was also shot and wounded during the attack.

The San Francisco Police Department, Federal Bureau of Investigation, and the California Department of Justice have worked for many years in the related ongoing murder investigation. The findings of this investigation have led to the arrests of the accused. The appropriate venue for evaluating the evidence and the testimony in this case is in a court of law.

Those individuals in our community who resort to violence and murder must be held accountable for their actions. This incident exemplifies the dangers that peace officers face on a daily basis, to ensure the safety of the community. When officers make the ultimate sacrifice because of their dedication, the community owes it to these officers and their families to pursue justice. Budgetary constraints should not impact this commitment.

We urge you to respect the judicial process by not moving this item forward.”

Commissioner Mazzucco supports the Chief and asked the Board of Supervisors to let the judicial system do what it needs to do and let the court hear the case.

Commissioner Sparks supports the Chief and hopes that the Board will let the judicial process go forward.

Commissioner Sparks asked if the POA has any comments in regards to the budget and asked if there is any provisions in the MOU in regards to layoffs. Mr. Steve Johnson, POA, stated that the POA cannot negotiate that and discussed concerns regarding the budget and resources being cut from the Department. Commissioner Sparks stated that she is hoping that the POA will be present with the Commission when the budget comes before the Board of Supervisors.

b. OCC Director’s Report
- Review of Recent Activities

Director Hicks gave a brief update in regards to the OCC’s budget.

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**
- Subcommittee on Violent Crime**

Chief Fong stated that the fifth lieutenant for Ingleside will be assigned effective on Saturday, Lt. Dan Perea, and a crime analyst will also be assigned to

Ingleside effective Saturday.

Commissioner Mazzucco reported on the rules and procedures for Patrol Specials and stated that Commander Tong has sent out a letter to all the watch commanders in regards to the new rules and regulations for Patrol Specials. Commissioner Sparks also stated that certified letters went out to all Patrol Special officers and those letters undeliverable will be given to their watch commanders for presentation as they check in for their shifts.

Public Comment

Charles Bonner, attorney for Patrol Special Officers organization, discussed concerns regarding revisions of rules and procedures for patrol specials and disclosure of private information of clients.

Commissioner Sparks stated that the Commission will forward Mr. Bonner's request to the City Attorney's Office for review but until such time when changes are made, his clients should fully comply with the interim rules and regulations as adopted by the Commission and that if there is no compliance, they will be subjected to disciplinary procedures as defined in the rules and regulations.

Commissioner Mazzucco explained that the information is asked to be turned in to the San Francisco Police Commission as the regulatory body for the patrol specials and the information will not be disseminated. Commissioner Mazzucco stated that the information will be use to set standards for fairness and so the information will remain confidential.

Routine Administrative Business

a. Commission Announcements

- **Assignment of an Appeal of the Chief's Suspension filed in Case No. JCT D06-179, MCD A 151-05 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 52-09, Assigned to Commissioner Sparks)
- **Assignment of of an Appeal of the Chief's Suspension filed in Case No. JCT D06-180, MCD A151-05 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 53-09, Assigned to Commissioner Sparks)
- **Assignment of of an Appeal of the Chief's Suspension filed in Case No. JCT D06-173, MCD A151-05 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 54-09, Assigned to Commissioner Sparks)

b. Nominations for Commission President and Vice President

Continued to the call of the Chair until such time that a Police Chief is appointed.

c. Scheduling of items identified for consideration at future Commission Meetings

None

Public Comment

None

ADJOURNMENT

Motion by Commissioner Mazzucco to adjourn the meeting in memory of Sergeant John V. Young, Ingleside Station, second by Commissioner Marshall. Approved 5-0.

Thereafter, the meeting was adjourned at 10:21 p.m. in memory of
Sergeant John V. Young, Ingleside Station.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct