

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 5:38 p.m., in a Regular Meeting.

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

ADOPTION OF MINUTES

- Regular Meetings of June 17th & July 8, 2009

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

Acting Police Chief of Daly City Police Department presented a Certificate of Commendation to Sergeants of the Gang Task Force and Ingleside Station.

Commissioner Marshall thanked the Chief for presenting the certificates to the officers.

Commissioner Mazzucco thanked the Chief for presenting the certificates and recognizing the officers.

PUBLIC COMMENT

Commissioner Lee introduced representatives from Self Help for the Elderly to address the Commission.

Amy Cheung, Self Help for the Elderly, introduced three seniors and went on to commend Chief Heather Fong for her help with the elderly and thanked the Chief for 32 years of helping with the elderly.

Jeanette Berger commended Department for National Night Out and commended Captain Chignell for his help with the community.

Daphny Kwok commended Chief Fong and thanked her for her leadership.

Mr. Richardson commended Chief Fong for her help in public housing in the Northbeach area and congratulated her on her retirement.

Unidentified discussed concerns.

Unidentified congratulated the Chief on her retirement and went on to discuss concerns about gang injunctions.

REPORTS TO THE COMMISSION

a. Chief's Report

- Update on significant policing efforts by Department members

Chief Fong introduced Captain O'Leary, Narcotics Division, who reported on the Department's marijuana policy. Captain O'Leary stated that when the Department gets these cases and an arrest is made, it is presented to the District Attorney's Office and prosecuted under 11366.5 of the Health and Safety Code which is a wobbler, it can go either felony or misdemeanor. Captain O'Leary stated that the DA's office has been going on felony with these charges. Captain O'Leary also stated that these cases are also being presented to the City Attorney's Office where they pursue these cases for code abatement.

Commissioner Sparks asked what the philosophy is in going after the growers of marijuana. Captain O'Leary stated that when the medical marijuana issue began in San Francisco, there was a lot of unanswered questions like who is the lead agency and who is responsible for regulating the

dispensaries. Captain O'Leary stated that in the neighborhoods, the people were shocked to find dispensaries in their neighborhood. They did not object to the dispensaries itself, they objected to the pedestrian and vehicular traffic it was causing, trash, and noise the dispensaries were creating. Captain O'Leary stated that the Department of Public Health became the lead agency. Captain O'Leary stated that a lot of marijuana grows presented to the Narcotics Division are in residences where there is a high fire danger and a dense neighborhood community. Captain O'Leary stated that the Department has a duty to follow up on tips whether it comes from the Fire Department, Utility Company, or a neighbor.

Commissioner Sparks suggested that the Commission should get involve in some of the dialogues around the city in regards to marijuana grows.

Commissioner Pan asked about resources used by the Department surrounding this issue. Captain O'Leary stated in the Narcotics Division, it usually starts with a tip or a complaint. Then there is the investigative work to make a determination if there is a grow. The next step is how to get in, then if there is marijuana involved, seize the marijuana, package it, and move it to the crime lab and then present the case. Captain O'Leary stated that it takes about 20 hours of police work. Commissioner Pan stated that it is important to let the public know that this is not the primary focus of the Narcotics Division and that it's only 10 percent of the time.

Commissioner Mazzucco asked if there is anybody living in the houses or are they just grow cites. Captain O'Leary stated that the larger grows are not being used as residences, the growers come and go, and sometimes they put everything on timers as far as electricity and water.

Chief Fong introduced Lt. Stephan Thorne to update the Commission in regards to transgender training. Lt. Thorne updated the Commission in regards to the Transgender Community Awareness Training.

Commissioner Sparks commended Lt. Thorne for what he has done and for his personal sacrifices for the Department and the community. She went on to thank Chief Fong for being an advocate for this training.

Chief Fong acknowledged Commander Harper for her help with the training.

Chief Fong introduced Lt. Jim Miller to discussed the Text-a-Tip Program. Lt. Miller described the Text-a-Tip Program which is basically texting a tip through cell phones. This program will be ready for implementation in a week or two.

Chief Fong made the following statement:

"I want to thank each of you for the privilege of serving as Chief of Police these last five years and for your guidance as well as for your support.

The list is so long, we would be here far too long if we started to identify all of the accomplishments of this Department. And, so, what I'd like to do is just highlight, kind of a framework ... it took a long time to try to think about what we truly, if we had to do a summary.

First of all we worked hard on building partnerships with our community throughout this city. The policies, whether it's the LEP policy, the increased efforts towards community engagement, all of those partnerships are key because the work of this department cannot happen without the partnership with the community. It's not just on a day-to-day basis, it's that partnership for the future, and with your approval of the studies, we brought the community to

the table along with us on all of those. And as these studies and recommendations are implemented the community will continue to be a part of that.

We work closely with city government. We are one of many departments in this city and in some cases other department didn't know of the work we did, but in many ways we found relationships could be developed where we were helping other departments and they were helping us, and many of the members of the department have now come very close to some of the other departments' city staff because we work together with DPW, with the school district, with Rec Park, with Public Health, with the Housing Authority. The list can go on and on and on, with the MTA, with the Human Rights Commission as Lt. Thorne mentioned. But we are working there all the time and we're a phone call away from each other. We can only be successful as a Police Department if we have those close relationships with out other city partners.

We've also worked very hard to look at what we could do to insure that the staffing, the resources of this Department is sufficient so that the members of this Department can fulfil the expectations of the public but also of city government and of ourselves. We worked very hard to fight for the budgets. You were there alongside with us. Not only for sworn members, as we recall from the graduation last Friday, 21 academy classes since 2004, over 700 officers. Civilians, non-sworn staff members who we know are just as important to this Department, not only at the line level but also at the manager level.

Is this enough? It's a great beginning but there is still much more work to be done. It's because of this staff that this Department has been able to do so many things that we felt challenged about taking on. For instance, foot patrols. We all know that foot patrols are the right thing to do but we were put in a difficult situation when we didn't have the resources. That's no longer the case. I hear so often, as I'm sure you do, from the community about how happy they are, about pleased they are to see such a great visible police presence.

Assignments in units. The creation of a Cold Case Unit, the creation of a Crime Analysis Unit, crime mapping, those are all key areas that a modern day police department can have and should have. And so, this is a start.

Also, we had a promotional celebration last week. You can't make promotions if you don't have line staff. And so, over the years because of this increase in staffing, we've been able to give more responsibility to members of this department who truly are, as I say to our officers, they are the future of this department but the supervisors and the managers are also the future of this department and there is a lot of talent in those ranks.

And, finally, I believe that we have to focus on the work for accountability and on accountability. We have put a number of mechanisms in place to insure that not only are we helping our members, that we are tracking areas to help each of our members perform better so that we can provide better training, better opportunities for rotating throughout the department, but also opportunities where we can work more efficiently and more effectively with the people that we have and the resources that we have.

A key area is how do we coordinate. I spoke of coordinating with the public, coordinating with city government, but we as the department must coordinate inside the department and some of the changes that have happened have resulted in environments where sometimes when we're discussion issues people who are in one chair are speaking about issues from another chair and they are truly working together to come up with the results that are needed and

the plans and initiatives that are so important for us in this city.

And so this is the framework that I think, as I leave, this is the framework for the future of this department. You have very talented police officers. I'm so proud of each and every member of this department. They work hard through difficult times and they are also proud to be San Francisco police officers. I have a great command staff. They have taken hits because people have chosen to attack me. They have continued to work hard and I'm truly grateful to them.

And, I as I move on, I thank you all for these opportunities. I will look to our Department and be very proud of them as a member of the San Francisco community, and they will always be in my heart. So, thank you for your support, your guidance, and for this great privilege."

Commissioner Pan commended Chief Fong and thanked the Chief for her service to the city.

Commissioner Mazzucco commended and thanked Chief Fong for being a role model, for her kindness, hard work and diligence.

Commissioner Marshall commended and thanked Chief Fong.

Commissioner Lee commended Chief Fong for her integrity, kindness, and compassion.

Commissioner Sparks commended and thanked Chief Fong for her integrity and her sense of honor.

Commissioner Marshall presented Chief Fong with a Certificate of Honor on behalf of the Commission.

b. OCC Director's Report

- Review of Recent Activities

Director Hicks acknowledged and commended Chief Fong. Director Hicks went on with her report. She introduced the OCC's new trial attorney, Mr. Manny Fortes. Director Hicks also reported that the OCC opened 590 cases and closed 609. As of July 31st, the OCC sustained 31 cases with 382 cases pending; 32 from 2008, 350 from 2009. As far as mediation, the OCC mediated 6 cases in July with a total of 45 cases mediated to date.

Director Hicks also reported on attending five National Night Out events sponsored by Ingleside, Northern, Mission, Tenderloin, and Bayview Stations.

c. Commission Reports

- Commission President's Report

- Commissioners' Reports

- Status Reports:

- Rules and procedures for Patrol Specials

- Commission Office staffing

Commissioner Marshall announced the Chief Gascón will start next week.

Commissioner Sparks announced that she might be accepting a position with the City of San Francisco and if that happens, next week will be her final Commission meeting and that she will resign from the Commission effective end of meeting next week.

PUBLIC COMMENT

None

DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS FOR APPROVAL TO ACCEPT AND EXPEND FUNDS DONATED BY THE SUPPORTERS OF THE SAN FRANCISCO POLICE DEPARTMENT'S WILDERNESS ADVENTURE YOUTH PROGRAM IN THE AMOUNT OF \$40,000.00 TO PURCHASE TWO NEW PASSENGER VANS TO USE ON YOUTH WILDERNESS TRIPS

Officer Mike Rivera presented the request for approval to accept funds from the Supporters of the San Francisco Police Department's Wilderness Adventure Youth Program.

PUBLIC COMMENT

None

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

RESOLUTION NO. 74-09

APPROVAL TO AUTHORIZE THE CHIEF OF POLICE TO ACCEPT AND EXPEND FUNDS DONATED BY THE SUPPORTERS OF THE SAN FRANCISCO POLICE DEPARTMENT'S WILDERNESS ADVENTURE YOUTH PROGRAM IN THE AMOUNT OF \$40,000.00 TO PURCHASE TWO NEW PASSENGER VANS TO USE ON YOUTH WILDERNESS TRIPS

RESOLVED, that the Police Commission hereby approves to authorize the Chief of Police to accept and expend funds donated by the Supporters of the San Francisco Police Department's Wilderness Adventure Youth Program in the amount of \$40,000.00 to purchase two new passenger vans to use on Youth Wilderness Trips.

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

ABSENT: Commissioners DeJesus, Onek

DISCUSSION AND POSSIBLE ACTION TO APPROVE A RESOLUTION THAT THE COMMISSION WILL SET INITIAL STATUS CONFERENCES WITHIN 15 DAYS OF FILING FOR ALL NEWLY-FILED DISCIPLINARY CASES

Commissioner Mazzucco explained the purpose of this resolution.

Lieutenant Reilly announced that he just gave out a new draft of the resolution.

Commissioner Mazzucco suggested that this item be continued for one more week to give the Commission, the OCC, and the POA an opportunity to review the new draft.

PUBLIC COMMENT

None

ROUTINE ADMINISTRATIVE BUSINESS

- a. **Commission Announcements**
- b. **Scheduling of items identified for consideration at future Commission meetings**

Commissioner Marshall asked about upcoming district meetings. Lt. Reilly stated he will check on the status of the Chinatown venue.

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Marshall to adjourn the meeting in honor of Chief Heather J. Fong, second by Commissioner Pan. Approved 5-0.

Thereafter, the meeting was adjourned at 7:27 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct