

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 5:40 p.m., in a Regular Meeting.

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

APPROVAL OF THE MINUTES

- **For the meeting of March 18, 2009**

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

PUBLIC COMMENT

Connie Ramirez Webber discussed concerns regarding the demotion of Captain Greg Suhr.

REPORTS TO THE COMMISSION

a. **Chief's Report**

- **Update on significant policing efforts by Department members**

Chief Fong reported on two items. Chief Fong announced that the Lyons Club honored law enforcement officers and firefighters. Members of the Department honored were Lt. Kitt Crenshaw, Officer Christina Frankel, Officer William Garcia, Officer Julian Herмосura, Inspector Valerie Matthews, Officer Cesar Perez, Officer John Ruggiero, Inspector David Tambara, Sergeant Paul Yip, and Sergeant Dominic Yin.

Chief Fong also reported on funding regarding officers assigned to MRT and introduced Deputy Chief Parra to talk about the budget and the Traffic Company.

Deputy Chief Parra, SFMTA, talked about discussions regarding Traffic Company and the MTA. Deputy Chief Parra stated that discussions are about how the Captain of the Traffic Company will report to him on a daily basis, possible special events unplanned and planned, but the majority of the time, they will be looking at creating safer streets for pedestrians, traffic, and transits. Chief Parra explained that it would still be a work order format where funding will be coming from the SFMTA but the SFMTA would have a higher level of influence in the daily assignments in regards to traffic enforcement.

Commissioner Sparks stated that she would like a better understanding on how this is going to work and stated that she would be against transferring the Traffic Company such that it would be working under the SFMTA and stated that it would be ill advised for the SFPD to do that.

Commissioner Mazzucco stated that he heard about this in the newspaper and the officers in Traffic heard about this in the newspaper and stated that officers involved should have known that this process is going on and stated that there is a need for clarification. Commissioner Mazzucco stated that the Commission needs to know the reason for this and if it is budgetary and it works well for the Department then that's a good thing but those involved should be informed and there should be a clear path.

Commissioner Sparks asked that she would like to see this as an agenda item before any decisions are made. Chief Fong asked that it be calendared next week.

Commissioner Marshall commended the officers involved in the arrest of a burglary suspect in the Taraval District.

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

Director Hicks reported on three items: First, complaints received and stated that the OCC has opened 317 cases since January 1st, and closed 299. In April, 73 cases opened and closed 43. Second, mediation, Director Hicks stated that the OCC has mediated 21 cases since January 1st. Director Hicks further talked about outreach by the OCC.

Commissioner Sparks stated that she was contacted by the Deputy Director of BART and was asked if Director Hicks, Commissioner Marshall, and herself might be available to participate in a public outreach sessions on BART's police oversight concept. Director Hicks stated that she and her staff will be happy to participate.

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

None

PUBLIC COMMENT

Sharon Hewitt commended the Department in regards to Housing and talked about concerns regarding the homicide of a 17-year old.

PRESENTATION REGARD THE SAFE PATH OF TRAVEL ("SPOT") PROGRAM

Lieutenant Nicole Greely, FOB, presented the Safe Path of Travel ("SPOT") Report.

Commissioner Sparks asked if the officers working this program operation under the 10B program. Lt. Greely stated that no, it operates under a work order program.

PUBLIC COMMENT

Sean Whalen discussed concerns about an incident involving Officer John Nevin and a \$600 fine and talked about a hearing with Sgt. Tobin and a mediator.

Grace Shanahan, Residential Builders' Association (RBA) addressed the Commission and discussed concerns regarding the SPOT Program.

Richie Hart, RBA, discussed concerns regarding SPOT Program.

Noreen Byrne discussed concerns regarding having the police department handle the SPOT Program and recommended the following: (1) double parking should be enforced as double parking; (2) construction specific variables such as scaffolding should be left to be reinforced by the respective jurisdictions; (3) the SPOT Program needs to follow a specific and clear and public interpretation of 194.3 and the rules of the special traffic permit; and (4) there should be a graduated penalty for 194.3 violations that begin with verbal and written warnings and focuses on education. Ms. Byrne went on to thank Lt. Greely on behalf of all the RBA members present tonight.

Charles Brodiger, builder, discussed concerns that SPOT Program

officers are not sufficiently trained with the American with Disabilities Act.

David Sternberg, architect, talked about code interpretations.

Jim LeVec, contractor, discussed concerns regarding double parking in front of a job site getting fined \$699 and the fine going to the contractors and not the driver of the vehicle.

Paul Driscoll, general contractor, discussed concerns regarding mediation program.

Steve Magliore discussed concerns regarding SPOT officers issuing tickets without any explanations.

Mark Brennan, RBA, discussed concerns regarding selective enforcement by SPOT officers and talked about statistics showing majority of tickets are issued to private contractors.

Dennis O'Donnel, general contractor, discussed ticket received from Officer Pat Tobin with no explanation or warning.

Roger Davis, Delancy Street Foundation, discussed concerns regarding fines for double parking.

Kiran Buckley, small general contractor, showed photos of Diamond Street and discussed concerns regarding requirement for 10 officers to work the job.

Joe Cassidy discussed concerns regarding Pierce and Lombard job site and selective enforcement and tickets for \$620.

Tony Martinez, Granite Excavation safety officer, discussed concerns regarding SPOT officers recognizing unsafe hazards.

Glenn Wilson, Granite Excavation, discussed concerns regarding Scott Brody and Pat Tobin.

Leo Cassidy, contractor, discussed concerns regarding Scott Brody, DPT, and Pat Tobin of the Department.

Jeff Rocca discussed concerns regarding ticket from SPOT program issued with no explanation and concerns regarding pre-requisite of having two checks in order to show up for mediation.

Daniel Curley, residential contractor, discussed concerns regarding citations and public's perception and impact on their business.

John Curley, residential contractor, discussed concerns regarding Sgt. Pat Tobin.

Redmond Lyons, RBA and contractor, discussed concerns regarding double parking tickets on a street where nobody drives on for 15 years.

Brian Magee discussed concerns that PG&E trucks do not get tickets as compared to \$640 tickets issued to contractors for double parking.

John McConnor, residential builder, discussed concerns regarding vague enforcement of 194.3 code, selective enforcement, revenue driven, and denied due process.

Bob Planto discussed concerns regarding blocked sidewalks and stated there needs to be enforcement.

John Pollard, SF Garage Company, showed pictures of blocked public sidewalks by DPW and discussed concerns regarding SPOT officers threatening workers.

Shawn Cabrin, RBA, discussed concerns and expressed frustration regarding the SPOT program.

Commissioner Sparks thanked everyone for coming and asked the City Attorney which jurisdiction does this come under. Ms. Stump stated that she will have to do research on this issue.

Commissioner Sparks asked for a detailed report as to citations issued between 2003 and 2008, who were they issued to, who issued them, amount of money, selective enforcement private vs. public, interpretation of 194 and 194.3, due process issue, for the Commission to get a better understanding. Commissioner Sparks also asked the City Attorney to look into this particularly the due process and appeal process and what kind of recourse can be taken.

Assistant Chief Lynch stated that the Department have received

complaints from the RBA and have forwarded those to the OCC.

Commissioner Pan agreed with Commissioner Sparks and encouraged contractors to file complaints with the OCC and suggested that other issues like double parking be remedied with special traffic permits allowing for double parking in those legitimate purposes to avoid \$700 citations.

Commissioner Mazzucco stated that the Commission needs more information and that this issue falls in the area of discretion.

Commissioner Sparks would like the detailed report from the Department by May 6th.

Chief Fong explained that the SPOT Program will be moved back to MTA/DPT and stated that MTA will be the lead agency.

Commissioner Sparks asked Chief Parra to have MTA present for the next meeting. Chief Parra stated that Mr. Bond Yee is in charge of the program at the SFMTA and will be in constant meeting with the Department.

Commissioner Onek stated that it is a good idea to have the SFMTA for the meeting in two weeks to insure a smooth transition.

PUBLIC COMMENT

None

Commissioner Sparks addressed the RBA and asked that if there is any intimidation or perception of intimidation or extra enforcement because of this process or because of contractors coming to the Commission meeting, to notify the Commission and Lt. Greely as soon as possible.

DISCUSSION AND POSSIBLE ACTION TO ACCEPT THE DEPARTMENT'S RECOMMENDATION DENYING APPOINTMENT OF TROY EUGENE COLEMAN AS ASSISTANT PATROL SPECIAL OFFICER

Commissioner Sparks asked Commander Tong if the Patrol Special in charge of the beat been notified of the denial or this hearing so that they can represent themselves. Commander Tong stated that in January the individual was notified of the status of the background investigation and that she does not know if they were notified for tonight's meeting.

Commissioner Sparks asked that this item be continued to notify Mr. Coleman in writing as to the recommendation of the Department to the Commission to deny his appointment with reasons as to why and to insure that Mr. Coleman and Ms. Warner are notified that the Commission intends to hear the item.

PUBLIC COMMENT

None.

ROUTINE ADMINISTRATIVE BUSINESS

- a. Commission Announcements**
- **Assignment of disciplinary charges filed in Case No. KMO C09-073 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 35-09, assigned to Commissioner Sparks)
 - **Assignment of disciplinary charges filed in Case No. ALW C09-070 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 36-09,

assigned to Commissioner Mazzucco)

b. Scheduling of items identified for consideration at future Commissioner meetings

Lieutenant Reilly announced that on May 6th, the EIS presentation and the SPOT Program presentation will be on the agenda. On May 13th, the Corrales matter will be heard.

Commissioner Lee would like to calendar DGO on Domestic Violence. Commissioner Mazzucco asked for the MTA Budget.

Lieutenant Reilly announced a special meeting on Monday, May 11th.

PUBLIC COMMENT

None

ADJOURNMENT

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

Thereafter, the meeting was adjourned at 8:25 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

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