

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 5:50 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek, Pan
(Commissioner Lee arrived at 5:58 p.m.)

Commissioner Sparks welcomed new Commissioner Vincent Pan. Commissioner Pan introduced himself and gave a brief bio.

ADOPTION OF MINUTES

- Regular meetings of March 4th, and 11, 2009

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

Motion by Commissioner Marshall, second by Commissioner One to approve the minutes. Approved 5-0.

PUBLIC COMMENT

Steven Robert Morse, reporter Public Press, investigating translation services and language difficulties within emergency response and 911 calls and stated that he has contacted the Department and have not received a response.

Frank Martin Del Campo, SEIU 1021, thanked the Commission for meeting with the civilian members of the Department. He also gave a brief report regarding the payroll clerks.

Hellene Delanini with Annette Lee discussed concerns regarding Chief Fong and the demotion of Gregory Shr.

Unidentified commended the Chief and the members of the Department discussed concerns regarding restraining order.

CONSENT CALENDAR

- **Police Commission's 1st Quarter 2009 Report of Closed Session Disciplinary Actions (Varanasi Resolution)**
- **OCC's 1st Quarter 2009 Statistical Report**

Director Hicks asked that the 1st Quarter OCC 2009 Statistical Report be severed from the Consent Calendar to be discussed under the OCC Director's Report.

PUBLIC COMMENT

None

REPORTS TO THE COMMISSION

- a. **Chief's Report**
 - **Update on significant policing efforts by Department members**
 - **Presentation of the 1st Quarter 2009 FDRB Findings & Recommendations**
 - **Presentation of the Officer-Involved Shooting Investigation Status Summary**

Chief Fong introduced Director Richard Nichleman of Support Services. Director Nichleman addressed the Commission and gave a brief bio.

Chief Fong also talked about the Vehicle Theft Award Ceremony, sponsored by the California Highway Patrol and AAA, 10A51 Award, in which 612 recovered vehicles and 176 arrests were made by officers that were

honored. Members of the Department honored were Pat Zapponi, Judith Solis, Ronald Choy, Jason Kirchner, Matthew McKenzie, Aaron Fisher, Michael Ellis, Jamie Campbell, Justin Herb, Amy Irwitz, Raymond Cane, Dan O'Brien, Brian Rodriguez, Richard Yick, Kirk Yin, Matthew Kenny, Louise Olivia, Jennifer Streegan, Raul Elias, John Keesor, Eric Altofer, Steven Coleman, Raymond Cruz, Duane Elzey, Giuseppe Festa, Gregory Pak, Marvin Perventola, Jose Guardado, Carla Lee, Eddie Martinez, Joseph Mediola, and Matthew Ashby.

Sergeant Mike Nevin, MCD, presented the 1st Quarter 2009 FDRB Findings & Recommendations and the OIS Status Summary Reports.

Chief Fong announced that Dr. Fridell held a meeting with Commissioners Marshall and DeJesus, members of the Department, and representatives from some of the immigrant rights groups and the Department will be looking at how to clarify policies, issues, reminding bulletins, and also looking at making some recommendations for general orders and stated that probably in the next week or two the Department will be able to make a presentation.

Commissioner DeJesus stated that it was a very positive meeting and talked about towing of the cars as discretionary and stated that the Department should look at this to see if a more humane approach can be taken in this particular issue.

Commissioner Marshall stated that he thought that they made great progress.

Commissioner Sparks asked for a more detailed report in regards to the meeting and hopes to get specific answers to questions asked during the public hearing. Chief Fong stated that she will bring that information back.

PUBLIC COMMENT

None

- b. OCC Director's Report**
- **Review of recent events**
- **OCC's 1st Quarter 2009 Statistical Report**

Director Hicks presented the OCC's 1st Quarter 2009 Statistical Report.

Commissioner DeJesus asked if the OCC would consider furloughs instead of laying people off. Director Hicks stated that the OCC employees are represented unions and it would be up to their unions to determine.

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 Sparks announced that she and Chief Fong attended the joint meeting with the Board of Supervisors and the Human Rights Commission. Commissioner Sparks stated that the meeting was held to talk about federal enforcement of immigration laws in San Francisco and that

transcripts will be sent to the Commission as soon as they are received from the Human Rights Commission.

Commissioner Sparks also announced that the Commission will have a special meeting on Monday, April 20th, in room 505, at the Hall of Justice. This meeting will be open which will then go into closed for the Commissioners to review resumes of applicants and is hoping to have interviews sometime in May and have something for the May prior to the end of May.

PUBLIC COMMENT

None

STATUS REPORT REGARDING THE COMMUNITY SAFETY CAMERA PROGRAM

Lieutenant Neville Gittens presented the Community Safety Camera Program report.

Commissioner Pan asked about cost for cameras versus additional officers on the streets. Lieutenant Gittens stated that the cameras are additional tools for the Department. Chief Fong explained it cost about \$1 million for seven or eight officers. Chief Fong stated that hiring officers and having cameras are two different things and that the cameras are additional tools for the officers. She also stated that the Department is committed to working with its community partners in evaluating whether the camera should be retained or not.

Mr. Rich Robinson, Chief Operations Officer Department of Technology, stated that in this year's budget, \$200,000 have been placed for maintenance of approximately 70 cameras in 20 locations.

Commissioner Lee stated that the community should be aware that the camera, unless there is a camera in every block, is not a solution to public safety and that in addition to mapping of camera locations that statistics outside the camera range be included so that the public is informed that crime may increase outside of the camera range.

Commissioner Sparks stated that the CITRIS report was very clear that the cameras did not address the issue of violent crime up to 250 feet of the camera location. Commissioner Sparks stated that what the Commission needs is a recommendation from the Department so that the Commission, as a policy making body, can make a decision whether or not the cameras are effective or not effective and whether or not the system warrant further use. Commissioner Sparks stated that what the Commission is looking for is a recommendation from the Department on what it is going to do; what is the Department recommending the use to be; how much it's going to cost; what time frame; and, what is the expectation as to what it is going to do. Commissioner Sparks asked when will the Department be going back to the Commission with a recommendation as to what the Department believes is the future of the camera system and the use of other systems.

Commissioner Mazzucco stated that the Commission needs more statistical evidence and new statistical evidence since the cameras have been in place.

Commissioner Onek stated that how is the camera program going to be integrated into the overall vision of the Department and all the changes that are coming through from all the different reports and is there a fit for the camera program with all the other things the Department will be doing.

Commissioner Marshall stated that it is really important to him to know what the Department really thinks of the cameras.

Commissioner DeJesus stated that Department might consider putting more lighting if the cameras are not working as a crime deterrent.

PUBLIC COMMENT

Steve Currier, OMMRA, spoke in support of the safety cameras.

Richard Robinson showed a graph showing change in property crime within 100 feet of the cameras.

Commissioner Mazzucco asked for statistics in regards to how many crimes have been solved by the cameras and how many cases have been dismissed because of the cameras.

PRESENTATION OF THE QUARTERLY REPORT BY THE DEPARTMENT AND THE OFFICE OF CITIZEN COMPLAINTS REGARDING POLICY PROPOSALS

Lieutenant Rob O'Sullivan presented the quarterly report by the Department regarding policy proposals.

Ms. Elise Nicholson, OCC, addressed the Commission in regards to the accomplishments made by the Department and the OCC.

Commissioner Sparks asked about DGO 3.16 and 8.09 dealing with media relations and release of police reports. Lt. O'Sullivan stated that 3.16 is with the city attorney's office and 8.09, a copy of the draft was sent to the OCC last week. Lt. O'Sullivan also stated that in regards to release of homicide investigations the Department has issued a Department bulletin #09-053.

Commissioner Sparks asked about 7.01 and Ms. Nicholson stated that they are meeting with the different agencies and Captain Ehrlich in regards to this DGO. Commissioner Sparks asked Ms. Nicholson if they can have one of their meetings at the Ingleside to get feedback from the rank and file.

Commissioner DeJesus stated that DGO 9.06 might be modified very quickly.

PUBLIC COMMENT

None

DISCUSSION AND POSSIBLE ACTION TO TAKE OFF CALENDAR INDEFINITELY THE DISCIPLINARY CHARGES FILED IN DISCIPLINARY CASE NO. ALW C09-044 WHO RETIRED FROM THE DEPARTMENT. SAID DISCIPLINARY CHARGES WILL BE PLACED BACK ON CALENDAR SHOULD THE OFFICER BE WITHIN THE JURISDICTION OF THE POLICE COMMISSION IN THE FUTURE

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 7-0. (Resolution No. 30-09)

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

- **Assignment of an appeal of the Chief's Suspension filed in Case No. ALW D08-126, MCD #A 087-08 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (Resolution No. 31-09, Assigned to Commissioner Mazzucco)**
- **Assignment of disciplinary charges filed in Case No. ALW C08-023**

- to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 32-09, Assigned to Commissioner Marshall)
- b. Scheduling of items identified for consideration at future Commission Meetings**
None
- c. Discussion and possible action to set the locations of future District Commission Meetings**

RESOLUTION NO. 33-09

SETTING THE LOCATIONS OF FUTURE DISTRICT COMMISSION MEETINGS

RESOLVED, that the following District Meetings will be held in the following Districts:

May 27, 2009 - Richmond

June 24, 2009 - Central (preferably in the Chinatown area)

July 29, 2009 - Ingleside

August 26, 2009 - Southern (Treasure Island)

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

HEARING AND POSSIBLE ACTION ON DISCIPLINARY CHARGES FILED AGAINST LIEUTENANT JERRY LANKFORD, FILE NO. KMO C06-119

Lieutenant Lankford addressed the Commission and stated that he did know the officer and had no reason to intimidate him.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION

Ms. Eileen Burke, Attorney at Law representing Lt. Lankford, addressed the Commission and asked if the Commission had received the written motion to dismiss.

Ms. Ashley Worsham, Attorney at Law, addressed the Commission on behalf of the Department.

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 7-0.

CLOSED SESSION (8:30 p.m.)

(Present: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek, Pan, Lt. Reilly, City Attorney Blits, Chief Fong)

Reconvene to Open Session (9:45 p.m.)

POSSIBLE REPORT ON ACTION TAKEN IN CLOSED SESSION

Commissioner Sparks announced that the Commission voted unanimously to excuse Commissioner Pan from voting.

Commissioner Sparks announced that all the Commissioners read the motion to dismiss and denied the motion to dismiss the case unanimously.

Commissioner Sparks announced that all Commissioners affirmed that they read the transcripts.

Commissioners Sparks also announced that the Commission unanimously voted not to sustain the charges against Lt. Jerry Lankford.

VOTE WHETHER TO DISCLOSE ANY OR ALL OF THE DISCUSSIONS HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco for non disclosure, second by Commissioner DeJesus. Approved 7-0.

PUBLIC COMMENT

None

HEARING AND POSSIBLE ACTION ON DISCIPLINARY CHARGES FILED AGAINST LIEUTENANT JERRY LANKFORD, FILE NO. KMO C06-119

The hearing in the disciplinary charges filed against Lieutenant Jerry Lankford, Support Services, was called it having been set for this date. Lieutenant Lankford was charged, in a properly verified complaint by Chief Heather J. Fong, Chief of Police of the San Francisco Police Department, with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Intimidating a witness is conduct which undermines the good order, efficiency and discipline of the Department, and which brings discredit upon the Department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department).

Ms. Ashley Worsham, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Lieutenant Jerry Lankford appeared in person and was represented by Ms. Eileen Burke, Attorney at Law.

The Commission took the matter under submission, deliberated, and returned, after which the following resolution was adopted:

RESOLUTION NO. 34-09

DECISION - HEARING OF LIEUTENANT JERRY LANKFORD, STAR NO. 1707, SUPPORT SERVICES

WHEREAS, on August 7, 2006, Chief Heather J. Fong, Chief of Police, made and served charges against Lieutenant Jerry Lankford, as follows:

SPECIFICATION NO. 1

Intimidating a witness is conduct which undermines the good order, efficiency and discipline of the Department, and which brings discredit upon the Department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department).

- (1) At all times herein mentioned, Jerry Lankford, Star Number 1707, (hereinafter referred to as "the accused") was and is a police lieutenant, employed by the San Francisco Police Department, currently assigned to the Planning Division.

- (2) As a member of the Department, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.
- (3) As a superior officer, the accused was and is obligated to set an example of efficiency, sobriety, discretion, industry and promptness, and was and is required not to use abusive language or act arbitrarily in dealing with subordinates (San Francisco Department General Order 1.06(I)(A)(1)).
- (4) On August 8, 2005, at approximately 1145 hours, the accused was walking in the lobby of the Hall of Justice, 850 Bryant Street, in San Francisco.
- (5) On August 8, 2005, at approximately 1145 hours, Officer John Doe #1 and Officer John Doe #2 were walking in the lobby of the Hall of Justice, 850 Bryant Street, in San Francisco. The officers were walking side by side as they approached the snack bar located on the east side of the building. There was not significant pedestrian traffic in the hallway.
- (6) The two officers observed Lieutenant Lankford walking in their direction on the opposite side of the hall. Lieutenant Lankford looked in the direction of both officers and crossed the hall toward the officers. Lieutenant Lankford appeared to the officers to be “puffing out his chest” in an intimidating manner. Lieutenant Lankford started on the opposite side of the hallway and had now moved direction in front of Officer John Doe #1. Officer John Doe #1 moved aside, so not to collide with Lieutenant Lankford. Lieutenant Lankford kept his focus on Officer John Doe #1, as he passed between the two officers. Officer John Doe #1 said, “Excuse me” to Lieutenant Lankford. Lieutenant Lankford looked over his shoulder, in a fixed stare directed at Officer John Doe #1.
- (7) Officer John Doe #1 is a witness officer in the Police Commission case number JWA C04-126, in the matter of Lieutenant Jerry Lankford, Star No. 1707.
- (8) Officer John Doe #1 wrote a San Francisco police report of an incident involved in the Police Commission charges.
- (9) The accused, by intimidating a witness, has engaged in conduct which is cause for discipline or dismissal from employment, and such conduct violates Rule 9 of Department General Order 2.01, which states:

“MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to undermine the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.”

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on August 16, 2007, December 15, 2008, December 18, 2008, and on April 15, 2009 where the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Lieutenant Jerry Lankford as contained in Specification No. 1 are not sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that said charges contained in Specification No. 1 filed against Lieutenant Jerry Lankford, be, and the same are hereby dismissed.

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

RECUSE: Commissioner Pan

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Onek.
Approved 7-0.

Thereafter, the meeting was adjourned at 9:49 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

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