

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 5:48 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, Veronese, Campos, DeJesus, Lee, Mazzucco

(Commissioner Marshall arrived at 5:52 p.m. Commissioner DeJesus arrived at 6:15 p.m. Commissioner Lee was excused at 7:30 p.m.)

ADOPTION OF MINUTES**- Meeting of January 23, 2008**

Motion by Commissioner Marshall, second by Commissioner Lee.
Approved 7-0.

PUBLIC COMMENT

Barry Tarranto, cab driver, thanked Officers O'Leary and Cruz for arrest of an illegal taxi cab.

HEARING AND DISCUSSION REGARDING THE CURRENT STATUS OF THE COMMUNITY SAFETY CAMERA PROJECT

Taken out of order.

Commissioner Sparks explained that she put this item on the agenda because there appear to be some technical issues with the program.

Mr. Ed Lee, City Administrator, explained that the delay in the report to the Board and the Commission was delayed due to different date of the ordinance and the installation of the cameras. Mr. Lee stated that he went by the date of the installation of the cameras and stated that the UC Berkeley Center of Technology is assisting them to understand the efficacy and the effectiveness of the cameras by helping them look at all the crime data in and around the cameras and stated that he anticipates that report will come out March 20th which will be a full year since the cameras were installed and in action.

Commissioner Sparks stated that the first issue that was brought up last week was the issue of the frame speed; (2) was the ability to store data once collected; and (3) the report on the pilot program but is the analysis only on the cameras placed subsequent to the ordinance or on all cameras. Mr. Lee stated it will be on all the cameras. Commissioner Sparks also discussed confidentiality of the data and that during all first amendment activities that the cameras be turned off. Commissioner Sparks expressed concern regarding the Chronicle article and that an entire hour of the film is on the Chronicle website.

Mr. Lee stated that he is very sure that every protective step, from the Department of Emergency Management, to DTIS, to the Police Department have all been followed in protecting the footage. Mr. Lee stated that how the Chronicle obtained a copy is a question except that there is one area where evidence has to be given up and that is pursuant to court order. He stated that whoever got a hold of the footage, it was done pursuant to court order.

Mr. Lee introduced Mr. Richard Robinson, Chief Operations Officer DTIS, to respond to the technical question of frame speed.

Mr. Robinson gave a brief overview on the cameras and the

involvement of DTIS. Mr. Robinson explained that this is a pilot program. He stated that they have deployed 74 cameras in 25 locations and in that 74 cameras, some of those are replacement cameras. Mr. Robinson stated that to address the Chronicle article, he stated that the cameras in question were installed before the ordinances came into place and that these cameras, they knew that there were some issues with the band but they were put on as a matter of expedience. He stated that when they met with the Chronicle, they had showed them that they had actually replaced that wifi connection to a higher bandwidth.

Commissioner Sparks asked if the 74 cameras are checked to see how they are working. Mr. Robinson stated that DTIS is just the technical custodian and that since this is a pilot program, a lot of this is learning and fine-tuning the system and figuring out what is the optimal way to deploy it.

Commissioner Campos asked as how the study that was supposed to be done is not done and expressed concern as to why the study is not done. Mr. Lee stated that he will take responsibility in that and that he looked at what kind of data will be studied and turned to UC Berkeley to help with the study and that they had agreed at that time to have a full year's worth of data in order to study and to present properly the efficacy of the cameras. He stated that it was not their intent to delay the study and he wanted to make sure that the study was done by experts that the city does not have. Mr. Lee also stated that it would not be of great service to turn the cameras off before having the report before the Commission because with outside expertise help, they can identify those factors that are contributing to the successes or non-successes of the cameras.

Commissioner Campos asked how the Chronicle obtained film footage. Mr. Lee explained that he has interviewed everyone in the chain of command on any release of information pursuant to either Sunshine, Freedom of Information, and others and there is no knowledge from anyone in the city that it was released outside of a court order which is the only way beyond the Police Department's use for investigative purposes could have obtained that.

Commissioner Campos stated that he would like to put this item as an action item so that it can be discussed further.

Commissioner Sparks asked if there is one agency who can take the responsibility for the whole program, from beginning to end. Judge Kevin Ryan, MOCJ, stated that he will discuss that issue with Mr. Lee tomorrow because there are a number of agencies involved. He further discussed the loopholes in the ordinance.

Commissioner Veronese asked about the costs of cameras. Mr. Robinson stated that on average, the cameras run about \$16,000 per camera which include maintenance. Commissioner Veronese stated that the end users of the product should be asked if it is working. He stated that it should be the Department or the District Attorney's Office who should be asked because they are the ones who can answer if the cameras are solving crimes or not.

Chief Fong stated that there has been two incidents where footage has been pulled and used effectively. She stated that the Department has pulled 78 different footage to look and see whether there were something useful. Lt. Ferrando explained that the Department has pulled footage 78 times and two times it has actually helped one with homicide and one with Gang Task Force. He further explained that although the images hasn't always been as clear as they would like it to be, it has cut down on a lot of man power and investigative hours and it has cut down of crime scene and stated that it has been a good investigative tool.

Commissioner Sparks asked if the cameras are doing what is intended to do as far as providing useful information to help solve crimes. Lt. Ferrando stated that it is providing useful information but a system can always be better.

Commissioner Veronese asked the Lieutenant as to what the system needs to be useful. Lieutenant Ferrando stated that perfect pictures would be useful.

Commissioner Lee stated that she hopes that the report will include feedback from the community and in terms of turning off the cameras during events or first amendment events, then maybe the cameras' focus can be redirected and focused somewhere else. Mr. Lee stated that they are recommending a process in which the Police Department can communicate directly with the Telecommunications/Technology Department for permitted, pre-planned events so that cameras will be turned off on all known events.

Commissioner Mazzucco stated that part of the end users are the juries in San Francisco and the expectation is clear footage. If the goal is to capture violent crimes, then the camera should work. Commissioner Mazzucco also stated that with reference to the discoverability of the tapes, there are loop holes and he suggested that there be a protective order in terms of the discoverability of the tapes.

Commissioner DeJesus expressed concern that the cameras were not turned off duty during demonstrations. She also asked that the legislation be amended in order to protect the information so that there is a protective order and also to turn off cameras around areas of demonstrations.

Commissioner Sparks asked why results from the 2005 cameras reported on. Mr. Lee stated that the study will begin with higher crime areas but will also look at functions of the other cameras.

Commissioner Campos asked if there is anything else the Commission can do about creating safeguards in regards to the loophole about releasing of the footage without a court order. Mr. Lee stated that he can request, on behalf of the Mayor, his office, and the Commission, the DEM not issue any copies of any sort without being assured that not only a court order but a protective order as a condition of that release.

Judge Ryan stated that there is a legislation that is being introduced by Supervisor Sandoval that is actually going the other way as far as who gets discovery and how it is maintained. Judge Ryan stated this legislation will allow criminal defense attorneys access to the material in a fashion that it's easier for them to get than the Police Department. He stated that that is on next Tuesday. Judge Ryan stated that his whole thought is to somehow get this to the criminal justice system and under the criminal discovery rules that apply in criminal cases because there are tested rules in place that protect witnesses and victims. Judge Ryan stated that there should be a way to get this issue into the criminal justice system and have the District Attorney's Office and the Public Defender's Office talking to the courts about how the information is going to be discovered and under what circumstances and what the rules and procedures are going to be for violations on either side.

Commissioner Campos asked about the study. Mr. Lee stated that part of the study is to look at what other things are happening that may contribute to the crime data going up or down and they want to compare that with the full schedule of foot patrols, to any increase lighting that may have occurred prior to the camera being there and compare that to that statistic and that condition and other significant environmental conditions that may have contributed to the statistics being what they might be. Mr. Lee also stated that community input will be placed on Phase Two of the study.

PUBLIC COMMENT

Steve Currier, President Outer Mission Association, discussed concerns regarding release of footage to the Chronicle. He also stated that the cameras on Mission and Geneva are working and that the community around Mission and Silver wants cameras installed and stated that the community is very happy with the cameras.

Selma Johnson discussed concerns.

Unidentified stated that it is a great idea to have cameras.

Commissioner Sparks stated that the Commission needs to make sure that if this system is in place that it is effective and helping solve crime because the Department needs every tool to help reduce homicides and violent crimes in the city.

ADOPTION OF MINUTES

- **Meeting of January 23, 2008**

Motion by Commissioner Marshall, second by Commissioner Lee.
Approved 7-0.

REPORTS TO THE COMMISSION

a. **Chief's Report**

- **Update on significant policing efforts by Department members**
- **Department's Budget Update**

Chief Fong introduced Mr. Bukowski, Fiscal, to present the Department's budget update.

Mr. Bukowski presented the budget update.

Commissioner Campos stated that the Department should have a facilities plan and that it be presented to the Commission.

Commissioner Sparks asked about a new Hall of Justice. Chief Fong stated that it is a long term plan and have had discussions with tenants in the Hall of Justice and are putting specific space needs in place, calculating approximate costs and the goal is to put a bond measure on the general ballot.

Commissioner Sparks asked about the EIS system. Mr. Bukowski stated that there is a contract for the system that is included for the budget next year and there are two civilian positions requested for the EIS Unit. Mr. Bukowski stated that he will follow up with Mr. Rinkel as far as IT needs for the Department.

Commissioner Sparks asked about the 10B program. Mr. Bukowski stated that 10B is a self contained program that is based on the actual overtime cost worked for each specific project and that outside entity is billed for the actual cost salary and fringe related to the officer's overtime cost plus administrative fee which goes back into the department's budget general fund.

Commissioner Sparks asked if there is additional funds that can be earmarked to help reduce violence and homicides in the city. The Chief stated that yes that there is funding earmarked for violence reduction.

Commissioner Campos requested that Mr. Bukowski identify specific changes on the budget to address the issue of rising homicides and how that is reflected in the budget.

Chief Fong highlighted some great work by officers. Chief Fong also

announced the graduation of the 217th recruit class. Chief Fong also talked about the Drop Program.

Chief Fong also stated that in terms of turning off the cameras during demonstrations it can be done absent change to legislation. She stated that in every permitted event, there is an operations order and notifications made and the Chief stated that the person who needs to be contacted so that cameras will be turned off will be notified and that she will make sure that it is included in the operations order.

Commissioner Sparks asked the Chief to talk about a planned retreat for the command staff. Chief Fong stated that the command staff have been discussing violence and how it can be addressed and have already discussed strategies and stated that the goal is to make sure that everyone is aware of their responsibilities and that she wants to bring everyone together so that everyone is aware of their responsibilities.

Assistant Chief Lynch stated that they have been working together with all the bureaus to come up with different strategies to address homicides. Chief Lynch also stated that with the help of PERF, there will be a strategic planning meeting to get all the officers and key managers in the department to put ideas together so that the Department has a comprehensive plan in place even before the PERF study is done.

Commissioner Sparks asked that the Commission be briefed after the planning is done. Commissioner Sparks also asked that Judge Ryan, MOCJ, be invited back to discuss citywide strategies. Commissioner Sparks also asked if Commissioner Marshall can be part of the strategy meetings.

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

OCC budget put over for one week.

Director Hicks talked about the OCC's community outreach plan. Director Hicks also discussed personnel vacancies and stated that she is working with the Department of Human Resources to bring two prosecuting attorneys in quickly.

- c. Commission Reports**
- **Commission President's Report**
- **Commissioners' Report**
- **Status of Commission's current budget**

Commissioner Sparks reported that she attended the steering committee for PERF and talked about the foot patrols and boundary studies and attended the meeting of community panel which will be reviewing the PERF recommendations.

Commissioner Marshall discussed a meeting with Judge Ryan in regards to Violence Prevention Activities, Call In Program.

PUBLIC COMMENT

Sylvia Johnson discussed concerns.

Unidentified discussed concerns in regards to violence and actions by police.

DISCUSSION RE: COMMISSION STAFFING

Commissioner Sparks discussed the Commission budget.

Commissioner Sparks discussed the need for hearing officers. Commissioner Sparks also discussed meetings that need to be attended by Commissioners that are not attended. Commissioner Sparks asked that an executive director be added in addition to an administrative law judge. Commissioner Sparks asked that the Commission's budget be approximately \$735,000 and asked that the Department's budget be amended to reflect these changes. Commissioner Sparks also stated that the Commission Secretary will still be a uniformed officer who will continue to be liaison with the Department and also stated that she has discussed with the Chief as to whether the liaison to the Patrol Specials be included in the job description of Commission Secretary.

Commissioner Campos stated that resources need to be in place to move the disciplinary process and also asked for another clerical personnel.

Commissioner Marshall asked that hearing officers is a must and also a director is very important.

PUBLIC COMMENT

None

DISCUSSION RE: THE COMMISSION'S PRIORITIES AND ITEMS IDENTIFIED FOR FUTURE COMMISSION MEETINGS

Continued at a future meeting.

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Sylvia Johnson discussed concerns.

VOTE ON WHETHER TO HOLD CLOSED SESSION

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

CLOSED SESSION

- a. CONFERENCE WITH LEGAL COUNSEL - Anticipated Litigation
City as Defendant (Number of potential cases: 1)**
- b. PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police**
- c. PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police; Review of findings and decision to return officer to duty following officer involved shooting (OIS Case No. 08-001)**

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

_____ Motion by Commissioner Veronese, second by Commissioner Campos for non disclosure. Approved 5-0.

ADJOURNMENT

Motion by Commissioner Veronese, second by Commissioner Campos. Approved 5-0.

Thereafter, the meeting was adjourned at 11:37 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

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