

SEPTEMBER 5, 2007

REGULAR MEETING

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, Campos, DeJesus, Lee,
Mazzucco

ABSENT: Commissioner Veronese

PUBLIC COMMENT

None

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Chief Fong updated the Commission regarding recent activities in the past week. Chief Fong also announced that on Saturday, September 9th, there will be a Public Safety Job Faire Expo at Treasure Island. Chief Fong also gave a brief update in regards to homicides in the city.

Commissioner Campos would like a brief follow up from the Chief in regards to landlord/tenant rights.

Commissioner Sparks asked if there is a spike in overall violent crimes that correspond with the homicide increase. Chief Fong stated that the homicide rate is increasing but all other part one crimes are decreasing and is down 23 percent since the beginning of January.

Commissioner Sparks asked if there is sufficient staffing in the Homicide Unit. Chief Fong stated that three additional inspectors were added to the Homicide Unit but two inspectors were move from Homicide into the Cold Case Unit plus three part time retired inspectors.

Commissioner Sparks asked if the Commission can get the same presentation that was done for the Public Safety Committee because it was a good description about what the solution rate of these crimes. Chief Fong stated that Captain Cashmand and Lt. Murphy worked closely with Direction Anderson from MOCJ and will be happy to make that presentation.

PUBLIC COMMENT

None

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Ms. Jean Field, Interim Director, gave a brief update on some of the things OCC is working on. She stated that they are working on things that they want to present to the Commission and one of those things is a number of policy recommendations. The OCC is also recruiting legal interns and doing a number of outreach. Ms. Field also stated that move date is around the 12th or 13th of October.

Commissioner Lee stated that the Department's website be made user friendly and to include major languages so that the different communities can get information and access the website easily.

PUBLIC COMMENT

None

COMMISSION REPORTS

- a. Commission President's Report**
- b. Commissioners' Reports**

Commissioner Sparks has no report this week but has asked Commissioners Marshall and DeJesus to talk about the subcommittee meeting on violent crimes which was held August 9th in the Southeast College.

Commissioners Marshall and DeJesus reported on the August 9th meeting of the Sub Committee Meeting on Violent Crime.

Commissioner Campos asked what is the expectation by the community from the Commission. Commissioner DeJesus stated that there are things that are important to the community and the Commission and relay that to the Chief and talk to the Chief about the concerns of the community and follow up on it.

Chief Fong stated that a lot of the things stated have been discussed and that the Department can come back and report on.

Commissioner Sparks would like Captain Pardini to get a copy of the minutes and for the Department to report back to the community.

Commissioner Sparks commended Captain Casciato for the way he handled the meeting last week and hopes that the Commission can establish that meeting as a format for future district meetings.

PUBLIC COMMENT

None

DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION REQUIRING THE CHIEF OF POLICE, OR HIS OR HER DESIGNEE, TO NOTIFY EACH POLICE COMMISSIONER, VIA TELEPHONE OR ELECTRONIC MESSAGING, WHEN CERTAIN EVENTS OCCUR

Commissioner Sparks stated that she went over this resolution with the Chief. Commissioner Sparks explained that this is not a call to action for Commissioners to start responding to critical incidents or responding to homicides, this is strictly a notification.

Chief Fong thanked Commissioner Sparks for the discussions before moving this item forward and stated that Commissioner Sparks have clearly expressed some of the Chief's concerns.

Commissioner Lee stated that she does agree that as a Commission that they need to know what's going on but stated that looking at the resolution, most of the incidents that the Commission needs to be notified, the Commission have already been notified. Commissioner Lee stated that she feels that this resolution may get in the way of the Chief or her command staff's day to day activity since there are seven commissioners to notify. Commissioner Lee offered an amendment that the Chief or her designee notify the Commission President and let it be the decision of the President to notify the other Commissioners.

Commissioner Campos stated that he thinks that the Commission should play the proper role and that there as some instances where he found out a major policy decision was made through the press. Commissioner Campos asked that the Commission be notified before it is announced.

Commissioner DeJesus stated that she thinks this is a good idea and that this is an important resolution.

Commissioner Sparks stated that something like this sets precedence for future Commissioners to be notified and that hopefully this will be received as in the spirit of communication.

Commissioner Campos asked that the phrase be added so that it says “Resolved, that, to the extent possible, the Chief of Police, or his or her designee, ...” be added.

Motion by commissioner Campos, second by Commissioner Mazzuco to approve resolution with amendment. Approved 5-1.

PUBLIC COMMENT

None

RESOLUTION NO. 81-07

RESOLUTION REQUIRING THE CHIEF OF POLICE, OR HIS OR HER DESIGNEE, TO NOTIFY EACH POLICE COMMISSIONER, VIA TELEPHONE OR ELECTRONIC MESSAGING, WHEN CERTAIN EVENTS OCCUR

WHEREAS, from time to time incidents occur within the City and County of San Francisco which involve members of the San Francisco Police Department about which individual Commissioners need to be informed; and,

WHEREAS, it is important that Commissioners be informed of these incidents in a timely manner; and,

WHEREAS, it is important the Commissioners have accurate and up-to-date information concerning these incidents; now, therefore be it

RESOLVED, that, to the extent possible, the Chief of Police, or his or her designee, notify each Commissioner, via telephone or electronic messaging, in a timely manner, when the following incidents occur:

<u>Type of Incident</u>	<u>Timing of Notification</u>
Officer Involved Shooting (as defined by DGO 8.11)	3 hours
Officer Involved Discharge (as defined by DGO 8.11)	24 hours
In-custody Death	3 hours
A critical incident (as defined by DGO 8.01)	3 hours
Homicides occurring within the City & County of San Francisco	3 hours
Unscheduled First Amendment activities, of which the Chief is notified or are high profile, political in nature or involve issues of immigration.	3 hours
Previously scheduled or permitted First Amendment activities	Upon issuance of permit
Any SFPD press release or media advisory	Prior to, or simultaneously with, the release of the media
Any press release issued by the Mayor or Board of Supervisors addressing issues within the jurisdiction of the SFPD	Upon receipt by the SFPD from the issuing authority
Any public meeting or press conference alone or with any	Upon scheduling or

elected official, or presentations to the Mayor, District Attorney, Office of Criminal Justice or Board of Supervisors notification of the event

The information provided shall be a basic summary and should include, at a minimum, time, type, location, and brief synopsis of incident, any injuries or fatalities that occurred and whether any arrests were made.

Each Commissioner may elect to opt out of the communications and/or choose the method of communications.

All notifications shall occur between the hours of 8 a.m. and 10 p.m., 7 days per week. After 10 p.m., notification shall be held until after 8 a.m. the following morning.

This resolution shall take effect within 72 hours of being approved by the Police Commission, may be amended from time to time, and shall remain in full force and effect until revocation by a subsequent vote of the Police Commission.

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

NAYS: Commissioner Lee

ABSENT: Commissioner Veronese

**PRESENTATION ON THE DEPARTMENT'S POLICY RE:
REFERRAL OF MATTERS TO STATE OR FEDERAL
JURISDICTIONS**

Captain Kevin Cashman, Investigations Bureau, presented the Department's policy regarding referral of matters to State and Federal jurisdictions.

Commissioner Sparks asked if the Department deals directly with Homeland Security Office or with various office under Homeland Security. Captain Cashman stated they deal with the Joint Terrorism Task Force through the inspectors and things are funneled through from a variety of sources including Homeland Security.

Commissioner Campos asked how does the Department approach the Federal Agency to make sure that whatever involvement or interaction the Department has with that agency is consistent with the policy choice of the City and County. Captain Cashman stated