

**MARCH 21, 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 5:18 p.m., in a Regular Meeting.

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

*(Commissioner Veronese arrived at 5:22 p.m.)*

**PUBLIC COMMENT AN ALL MATTERS PERTAINING TO CLOSED SESSION**

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None.

**VOTE ON WHETHER TO HOLD CLOSED SESSION**

Motion by Commissioner Marshall, second by Commissioner Lee to hold Closed Session. Approved 6-0.

**CLOSED SESSION**

- a. **PERSONNEL EXCEPTION: Taking of Evidence on Disciplinary Charges filed in Case Nos. C04-124 JWF and C04-119 JWF**  
(Resolution 31-07 and 32-07)
- b. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police**  
**Review of findings and decision to return officers to duty following an officer-involved shooting (OIS Case No. 07-002)**
- c. **PERSONNEL EXCEPTION: Public Employee appointment: Policy Analyst**

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

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

**COMMISSION ANNOUNCEMENTS**

Taken out of order.

Commissioner Renne stated that there is a representative from the Controller's Office present tonight and explained that the Commission has been trying to get a study going of the Department that will go into Departmental organization, district boundary lines, and beat patrols and MOCJ had earlier put out an RFQ and in the interim it was determined that it should be a bit more complete and it is now under the Controller's Office. Ms. Peg Stevenson is present from the Controller's Office.

Commissioner Renne stated that part of the process will be a selection process and she has asked Commissioner DeJesus to participate on that. There will be an advisory committee's part of the process and she has asked Commissioners Sparks, Marshall, and Lee to participate in that.

Ms. Peg Stevenson, Controller's Office, stated there is an RFQ issued previously and there is also opportunity to bundle together with this sort of broad organizational and strategic development type of analysis that's been requested by various parties. Ms. Stevenson stated that the Controller's Office

is soliciting a broad pool of firms with expertise in public safety, consulting particularly, management consulting generally, and some of the types of demographic and practical analysis that would be helpful in those projects. The RFQ is posted on March 7<sup>th</sup> and the deadline for advance questions came last Friday. Ms. Stevenson stated that they got a lot of good interest from multiple firms and they will post a response document with some clarifying questions that were asked for all parties on the Controller's website. The deadline for the responses is April 9<sup>th</sup> and then there will be a selection process that proceeds after that.

Commissioner Sparks asked how much of the overall evaluation will be done by the outside consultant as opposed to the Controller's Office and will the Controller's Office be doing additional analysis after referral is received from the consultant. Ms. Stevenson stated that it depends from what the Controller's Office gets back from the firms. She stated that the great majority for the organizational and strategic development part will be done by outside experts and the other two projects have shorter time lines and may depend on how much can be done with consultants. The time lines will be a year for the analysis of the first project, the deadline on the second project which is the district station boundary analysis comes sooner on November 30<sup>th</sup> for a consultant report since the report is due to the Commission in January 2008 and there's a June 30<sup>th</sup> deadline and a December 31<sup>st</sup> deadline in the legislation for the foot patrol effectiveness study.

Commissioner Renne announced that the Commission will be meeting with the Housing Authority Commission next week at the African American Art and Cultural Complex at 762 Fulton Street.

#### **PUBLIC COMMENT**

None

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Shari discussed concerns regarding Marty Halloran.

#### **CHIEF'S REPORT**

##### **a. Update on significant policing efforts by Department members**

Chief Fong updated the Commission on events like the St. Patrick's Day Parade and anti-war demos that occurred during the weekend. The Chief also talked about road rage incidents in the city. She talked about two incidents that involved road rage that turned violent.

Deputy Chief Tabak talked about recent incidents including a fire that occurred in the city. Deputy Chief Tabak made the following statement:

"Thank you, Chief. Good evening, Commissioners. As the Chief mentioned, we've had a busy week or so with some tragic incidences and I'll just kind of capture and synopsize some of the events. I like to start though by informing all of you if you have not seen it or read it. On the press release of this Monday there was a multi unit structural fire on the 50 block of Page Street near Market. It engulfed the entire structure. It displaced over a dozen residents and caused the injury of one of the fire fighters trying to suppress that fire. Inspectors from our Arson Task Force along with our counterparts from the Fire Department were able to identify the suspect, get a warrant issued, and a witness identified the suspect last night at UC Hospital. We were able to take him into custody without incident. This could have easily resulted in a number of deaths including that of the fire fighters so that's quick work done by our Arson Task Force and the Fire Department. So we thank everyone that was involved.

I take you back to October of 2005. October 14<sup>th</sup> on Turner Terrace late in the evening, approximately 8:00 o'clock, a mother and a father along with their infant child in the backseat strapped into a car seat was shot at by a suspect. The father died. The infant died. As a result of quick work by our Homicide investigators, with the help of a willing witness in the community coming forward, the suspect was identified. Our Special Investigations Division set up surveillance and took the suspect into custody several days later in Redwood City. I'm happy to report that this afternoon a jury returned a unanimous first degree murder conviction on two counts on the suspect. We can only hope that he serves a long time in State Prison and is not able to hurt anyone else. So, again, that was a lot of work done only with the help of the community and I can only stress that with the community's help, a lot of the homicides out there can resolve in exactly this manner.

Last Friday, about 5:00 o'clock in the morning, a little by 5:30, there was a body found in the area of Marine and Indiana. Unfortunately, the body was that of a member of the LGBT community and what died ... we did not know at that time the cause of death and it became a Medical Examiner's case. Within a day, it was rendered at the hands of another, and, therefore, Homicide began an immediate investigation. That afternoon, though, after finding the body, trying to identify the dissident, we reached out immediately to CUAV, who was our partner in the community, for their assistance in trying to identify the victim. We are glad to say that this afternoon we are able to identify the victim through a combination of community work and also fingerprints. So flyers will be going out tomorrow. I will not mention the victim's name only because the family has not been notified out of respect. So that will proceed. We're not sure of the motive in this case. Tragic as it is, I am sure we will find the motive once members will come forward with additional information from the community.

And then tragically, that same evening, around 8:00 o'clock, 8:30 actually, 17-year old young lady was shot and killed in the area of 3<sup>rd</sup> and Quesada. She was an unintended victim of an absolutely senseless act of violence that escalated from a stupid dispute among juveniles. And to underscore what the Chief said, we are seeing a troubling trend where people out there, juveniles and adults, do not fear the consequence of carrying a gun. They fear the consequence of being found without a gun by their adversaries and they quickly result disputes in this manner. They were going from a verbal to a shooting. It's an unfortunate sign of our times and again only speaks to the leniency of dispositions with respect to firearms violations.

I am happy to say also that as a result of community involvement, we believe we've identified the suspects in this case and I can only hope that resolution will be equally as just as the one I described from the incident back in 2005. Again, with the help of a community member, we quickly identify who the suspects are, and I will report on any future arrests.

Also, I'd like to just quickly mention and capture, we have seen also a kind of unusual trend this year with respect to homicides. Out of the 24 we've had year-to-date, 5 have involved domestic violence, family disputes, or murder/suicide. Every single one of those occurred indoors. Every single one of those were relatively spontaneous, and every single one of those would have occurred in any like city throughout the United States. However, it's still 5 homicides carried as far as statistics. Seven on those homicides this year have been result of drug disputes. These are either turf sales disputes, attempted robbery of narcotics or the money, or retaliation for not being sold appropriate amount of narcotics. Three of the disputes are others. The one I've just described. Two are lover's triangles. One is road rage as the Chief just described. Two are classified as unknown including the body found in Indiana and Marine, and four were gang related.

The reason why I describe this to you is numbers don't tell the story. Over half of these, no amount of proactive work could have prevented them and I would be bold enough to say that at least, in my opinion, seven of these, based on the criminal histories of the individuals involved, could have been prevented had consequences for the prior criminal actions, arrests, and

dispositions been a little bit more astringent. So, I just – I'll leave it at that. If you have any questions, I'll be more than happy to answer them for you.

COMMISSIONER CAMPOS: Thank you, President Renne. Thank you, Deputy Chief, for your presentation. I'd like to know a little bit more about any kind of outreach that you're doing with the LGBT community, especially the transgender community, with respect to the body that was found.

DEPUTY CHIEF TABAK: Well, as I mentioned, I've spoken with both (Unintelligible) Ross, the Director of CUAV, and Tina Gallia, the Executive Director for Hate Violence Survivors, along with out Lieutenant from Homicide and Captain of Investigations. We are joining forces and having them disperse the information that we're putting together. We work with them constantly on many levels, not just on hate violence, domestic violence issues, LGBT issues. We have no information right now to even suggest that this homicide, if it, you know, does turn out to be this way, based on the information from the M.E. is anything involving hate motivation. It just happens to be a member of the LGBT community, but we're sensitive to the issues and also request their help, as we do in many of these cases, so a lot of it is phone work, outreach community work by them, by us, flyers that will be disseminated by us and by them, and we meet and we talk on a regular basis and we community both in person, by phone, and verbally. So that's essentially it for now, and once we're able to provide the name, I think we will have a little bit more of the story. There is a twist in this because there's another individual that was seen in the area that we're also trying to identify, potentially a witness.

COMMISSIONER CAMPOS: Thank you for that. What I would say is that without prejudging what happened, I think that there's always a concern when something like this happens, a concern within the community, that members of that community are being targeted. I think it's important to reach out to the community just to (unintelligible), you know, let them know everything you're doing. I think that provides a level of comfort and I know that Commissioner Sparks and I, you know, have talked about this case and we'd be happy to help in any way in terms of reaching out to the community because I do think that's important and I know that I've gotten questions.

DEPUTY CHIEF TABAK: And I appreciate those comments and that's the reason why we immediately reached out to CUAV knowing those concerns and knowing how valuable the community outreach is and that's exactly what we're doing. We want to dispel any misinformation, misconceptions. Once we have a little bit more as to the motive, I think it will go a long way to kind of alleviate concerns out there but we don't want to leave anything undone in case it turns out to be something with hate motivation.

COMMISSIONER CAMPOS: Thank you.

DEPUTY CHIEF TABAK: You're welcome

COMMISSIONER LEE: Thank you, Madame President. First, I want to commend Chief Fong. I understand the City Attorney has just add a hate crime charge to the Japantown killing. That was really police good work by this Department. So, thank you.

I also have a question for the Deputy Chief. You mentioned the five killings involving domestic violence. Of the five, how many of them had previous contact with the SFPD? Do you know.

DEPUTY CHIEF TABAK: I don't have that information in front of me. When I say domestic violence, I mean – I don't necessarily mean a domestic violence event meaning that it's domestic in nature where a father, a mother, a son, an uncle, a cousin are involved. It's a familiar environment and two of the homicides included are familial in nature where the murder/suicide where a spouse killed the other spouse for, you know, medical issues and then turn the gun or knife on themselves. So that's what I'm referring to as domestic or family-type homicides. These people had almost no criminal history and I think at one case a minor history.

COMMISSIONER LEE: I'd be interested to get some data from you whether it's for the last year or the last two years of murders involving family situations. Of that, how many cases had a history of contact with the SFPD.

DEPUTY CHIEF TABAK: Of all homicides or just these types of homicides?

COMMISSIONER LEE: No, homicides involving families in domestic situations for some of those whether many of them had had previous contact with the SFPD, what has been done, had there been interventions.

DEPUTY CHIEF TABAK: Certainly.

COMMISSIONER LEE: Is that possible?

DEPUTY CHIEF TABAK: Certainly.

COMMISSIONER VERONESE: Chief, thanks for your presentation. It's good to hear that you're getting the community involvement in resolving these crimes. To kind of change the subject on to the U.S. Attorney issue that's been written about recently. I know that the Police Department had a fairly good relationship with the prior U.S. Attorney, with Mr. Ryan who is no longer there, how is that relationship, if at all, changed? Is there a new U.S. Attorney that's in place? Is Mr. Ryan still there at the time and what's going on with that?

DEPUTY CHIEF TABAK: Mr. Ryan left office I want to say approximately three maybe four weeks ago. I'm happy to report that his replacement interim U.S. Attorney for the Northern District, Scott Scruls has already taken the helm. I've met with Mr. Scruls recently and I expect absolutely no departure from the past practice and trend on being aggressive on gun violence, homicides, drug, reco-trafficking issues and that so he is on the same page with respect to the needs of San Francisco. So, I'm hopeful that we will continue that relationship.

COMMISSIONER VERONESE: That's certainly good news and if you could keep us updated on that, that particular relationship.

DEPUTY CHIEF TABAK: Certainly.

COMMISSIONER VERONESE: Thank you.

COMMISSIONER SPARKS: Thank you, Madame President. Chief, as you know I've been concerned about some of the transgender incidents over the last couple of years and being a very small community in San Francisco, this is the third transgender homicide that has happened over the last, I want to say, three years, which is a little unusual I think for such a small community and as you are aware, and I think you're aware of statistics involving the transgender community nationwide where there's at least one or two transgender people involved or murdered monthly in the United States and has been that statistics for many years. So I will also appreciate, and I appreciate you working with CUAV. They're an excellent organization and I think they've been involved in many of the issues of the transgender population and communities through the last, over the last several years but there are some transgender specific organizations that you might be aware of or if not I could certainly put you in touch with that deals specifically with the community, the transgender community. One is the UCSF Trans Project, the other one is Transgender Law Center. You may or may not be aware of these and I would appreciate it if there could be some effort to be made to contact these directly as well, and I know my discussions this afternoon they were very very anxious to be as helpful as they can and they will circulate and talk to people and do whatever they can to assist the investigation. You know this is very very difficult for the community particularly of the three that have happened in the last two or three years, not one has been solved. At least the two previous ones, there's been no arrests, I'll put it that way. So I would appreciate it if as this proceeds I – obviously I wouldn't want you to violate any confidence but if you could give me and possibly Commissioner Campos kind of an up-to-date on any of the things that occur as the investigation proceeds. And, again, I would urge you to contact either myself or Commissioner Campos or any of these other trans specific organizations because my conversations and meetings this afternoon with a couple of them have suggested that again, the community will do whatever is necessary and whatever is possible to assist you and the officers in the investigation.

DEPUTY CHIEF TABAK: Thank you, Commissioner, for the offer of help, and we'll gladly take you up on that offer. If one of the three homicides

you referred to involves the 2004 killing of Tony Green on 3<sup>rd</sup> Street, actually there was an arrest as you're well aware in that case and unfortunately, the District Attorney chose not to proceed in the matter. We're still working hopefully for some resolution in the very near future. So we'll keep you apprise on that one also. Thank you.

COMMISSIONER MARSHALL: I just want to say I'm encourage to hear – staff snitching is a such a big thing on the streets so to hear that somebody is coming forward in the case and you got closure on the 2005 case and that someone – looks like someone's coming forward on the killing of the young girl, which I know about, it's just really great to hear. So I'm hoping that keeps up. You've always say you can't prosecute these people without witnesses but the fact that folks are coming forward in the face of all the campaign not to makes me feel really good.

DEPUTY CHIEF TABAK: Thank you.”

Commissioner Campos asked to get more information on medical cannabis issue from the Department and also from the OCC about the kind of efforts to reach out to that community. Commissioner Campos also asked about the Department's policy about drug testing.

Commissioner Renne would like to know what actions, if any, the Department took with regard to the OCC's 4<sup>th</sup> Quarter Early Warning System Report.

#### PUBLIC COMMENT

Unidentified discussed concerns regarding kidnaping and attempts on her life.

#### **OCC DIRECTOR'S REPORT**

- a. **Review of Recent Activities**
- b. **Presentation of the Fourth Quarter Early Warning System Report**

Ms. Jean Field, Interim OCC Director, reported on the move to 25 Van Ness which has been delayed to the first week of July. Ms. Field also reported on cases opened and closed by the OCC. Ms. Field also presented the 4<sup>th</sup> Quarter Early Warning System Report.

#### PUBLIC COMMENT

None

#### **REPORT AND DISCUSSION ON PROCEDURES TO IMPLEMENT THE USE OF HEARING OFFICERS FOR COMMISSION DISCIPLINARY CASES**

Commissioner DeJesus reported that the City Attorney's office have made some modifications and is hopeful that next week a draft can be presented to the Commission for review.

Commissioner Sparks asked what form will it take as far a implementation. Ms. Stump, Deputy City Attorney, stated that these will be supplemental rules that describe specifically how a hearing officer would be used and what procedures would apply. This will need to be adopted by the Commission.

#### **APPROVAL OF THE MINUTES FOR THE MEETINGS OF FEBRUARY 14, 2007**

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

**SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT  
FUTURE COMMISSION MEETINGS**

Commissioner Campos would like the issue of patrol specials on the agenda. Commissioner Campos would like resolutions regarding the Copley matter and journalist Josh Wolf.

Commissioner Marshall would like an update on the Commission's priority list.

**PUBLIC COMMENT**

None

**ADJOURNMENT**

Motion by Commissioner Marshall, second by Commissioner Marshall to adjourn the meeting. Approved 7-0.

Thereafter, the meeting was adjourned at 7:16 p.m.

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Sergeant Joseph Reilly  
Secretary  
San Francisco Police Commission

1497/rct