

**JUNE 6, 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 5:32 p.m. in Closed Session.

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

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

None

**VOTE ON WHETHER TO HOLD CLOSED SESSION**

Motion by Commissioner Lee, second by Commissioner Marshall to hold Closed Session. Approved 4-0.

**CLOSED SESSION** (5:35 p.m.)

- a. **PERSONNEL EXCEPTION: Approval of the Awards Committee Recommendation**  
Motion by Commissioner Lee, second by Commissioner Veronese.  
Approved 4-0. (Resolution No. 57-07)
- b. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police**
- c. **PERSONNEL EXCEPTION: Public Employee appointment: Policy Analyst**

**OPEN SESSION** (6:03 p.m.)

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

Motion by Commissioner Lee, second by Commissioner Veronese for non disclosure. Approved 4-0.

Commissioner Sparks made a brief statement before Public Comment. Commissioner Sparks stated:

“Before public comment is made out, I actually just like to make a brief statement, very brief, actually. But, number one, I want to thank people, friends, and other people who’ve approached on the street and wished me well in this new position. I really appreciate it and I think it’s going to be an interesting time for me and for the Commission going forward. Also, I wanted to thank my predecessor, Louise Renne. I have deep respect for Louise and thank her for her service on the Commission, but also for her long commitment and service to the City and County of San Francisco. I think her record speaks for itself and I think we should all be grateful to Louise for everything she’s done.

Also, I want to talk a little bit about, a statement about the Department. This Commission and I personally believe this is one of the finest police departments in the United States. I don’t want anyone to misunderstand that being the case, or at least in our opinions. That said, there are obviously issues within this Department, as there are in any major organization, bureaucracy in any urban area that civilian oversights and commissions like ours need to address. My intent and this Commission’s intent are to address those issues

but without disrespecting the Department and without disrespecting the individuals who work within the Department.

I think if we start with that as a base of premise, I think we'll all go forward with the understanding that we have the same intent as others, as the Department, but we also agree that in some cases we'll be disagreeing. So that would be my intent going forward.

I also think if there is a difference now as compared to before is I would like to see more open dialogue and more transparency with everything that happens within the Department other than those items which are protected by law and have to remain confidential relative to the personnel issues or private issues that need to be held confidential. That said, other than that, it's my intent to bring everything to the public in front of this Commission in open session and open dialogue with the Commissioners and also with the ability for the public to also give their input.

In addition, to that end, where I'm going to ask the Sergeant to schedule a retreat of the Commissioners over the next four to six weeks whenever all Commissioners can get together. Hopefully, the new Commissioner will be appointed before then and approved by the Board and that Commission will be an open session. The public will be invited. We will discuss issues openly, on television, in open session, and the public will be invited to comment on those positions as we go forward as opposed to the previous retreats we've had where there'd been a question-answer period, kind of period, with the Department, this will be a discussion among ourselves and, hopefully, the Chief will be willing to join us and we can discuss the issues, these critical issues facing the Department and facing the City and also get input from the public.

I'm also asking the Commission Secretary to check in to and see what it would take to videotape the monthly community meetings or have those meetings videotaped. Those are the only meetings that do not appear on SFGTV and, interestingly enough, those are the meetings in which many many citizens come forward to applaud the Department and to talk about the good deeds that the officers and the Department do accomplish within their neighborhoods, and I think it is important for the public to see that.

We're also going to do some other – just housekeeping items, agenda items, such as keeping a running list of major items to be agendaized in subsequent months and subsequent meetings. Maintain and publish a complete schedule of recurring reports that happen month after month or quarter after quarter so that everyone is convinced and is knowledgeable on when those reports should be presented and there'll be no surprise to anyone. And I'm also asking the Commission Secretary to keep a running list of items under consideration by others such as the Deputy City Attorney so that we make sure these items are continuing to move forward.

Final item. I've asked the Chief of Police to join us up here at the podium. I think that will and in future sessions, hopefully, continue to be up here. I think that shows – to me indicates a mutual respect that I and this Commission has for the Chief of Police and for the Department itself. I also think it allows us to open the dialogue more as we discuss important issues with the Chief so that she has input on these issues as we go forward and also gives the opportunity for people in public comment period to be addressing the Commission and the Chief simultaneously keeping in mind that neither the Commissioners or the Chief of Police can in fact respond or enter into dialogue during public comment because public comment items normally are not agendaized. So I wouldn't want people to misconstrued that the Chief of Police will be able to enter into ongoing dialogue with people in public session but I do believe it's important for her to be up here with us so that we move together

in concert in addressing the very very difficult issues facing this Department.”

**STATUS REPORT FROM THE DEPARTMENT OF HUMAN RESOURCES RE: THE MEMORANDUM OF UNDERSTANDING WITH THE SAN FRANCISCO POLICE OFFICERS' ASSOCIATION**

Taken out of order.

Ms. Miki Callaghan, Employee Relations Director, presented the status report regarding the MOU with the San Francisco Police Officers' Association.

**PUBLIC COMMENT**

Frank Martin Del Campo, Seiu 1021, discussed concerns regarding assignment of sworn officers to administrative jobs.

Jeanette Berger discussed concerns regarding providing housing incentives for officers to move back to San Francisco.

**PUBLIC COMMENT**

Maxine Duggan, Erotic Service Provider, handed the Commission a public record request.

Terry Fry, Harvey Milk LGBT, welcomed Commissioner Sparks and congratulated her.

Hank Wilson discussed concerns regarding article about an officer in the Northbeach area.

Jeanette Berger discussed concerns.

Reuben Goodman discussed concerns regarding homicides in the city.

Barbara Growth discussed concerns regarding officers moving back into the city.

**APPROVAL OF THE CONSENT CALENDAR**

- a. **Request of Lieutenant Larry Minasian for approval to accept, as a gift from the National Football League, the expenses that will be incurred to attend a training seminar in Chicago, IL, that focuses on security issues at major venues, valued at approximately \$800.00**

Motion by Commissioner Marshall, second by Commissioner Lee.  
Approved 4-0.

**CHIEF'S REPORT**

- a. **Status Report re: Department Budget FY 07/08**
- b. **Update on significant policing efforts by Department members**
- c. **Review of Recent Activities**

Mr. Ken Bukowski, CFO, presented the status report regarding the Department's budget for fiscal year 2007/2008. Mr. Bukowski stated that currently the Department is working with the Budget Analyst for the Board of Supervisors and the report will be considered at the first budget hearing on June 20<sup>th</sup>.

Commissioner Sparks asked about the cadet program. Chief Fong explained the program. Chief Fong stated that in the past the Department had a Civil Service Cadet Program which was an opportunity for young people, age 18 to 21, who had an interest in policing to sign up, take the police exam, work in a 20-hour basis within an assignment in the Department and go to school at the same time. At the end of that period, when they did turned 21, if they were interested in coming into the Department, the process was already completed and they could come right into the Department. One of the goals is to recruit young people from the communities.

Commissioner Sparks asked about the size of the recruit class. Chief Fong stated that the room size at the academy is constraint. Chief Fong stated that the problem is the size of the Academy.

Commissioner Sparks asked about the Gartner study. Chief Fong stated that the last copy she saw was a draft and will be completed in its final form and at that time presented to Commission.

Commissioner Sparks asked where is the EIS in the I.T. budget and going forward as far as the I.T. requirements of the new EIS system. Mr. Bukowski stated that the EIS is a separate project in the budget that continually to be funded for next year as a continuing budget. There is the \$575,000 in this year's budget and the majority of that is waiting for the contract to finalized and there's another \$533,000 in next year's budget and the estimation that he got is that that's more than sufficient for both the contract, the data conversion costs and the equipment required for the system. Chief Keohane stated that it is the Department goal to have the EIS operation by the end of this calendar year. Chief Keohane stated that the department has entered into through a purchase order to have all the computers out to the station and that's in the process now also.

Commissioner Sparks asked about the Commission's budget. Mr. Bukowski stated that the Commission's budget in the coming year includes the current sergeant, an upgrade of the secretary's position to executive secretary as requested. It does not include the new 1426 position as no funding was provided for any positions that weren't civilianization of officers. It includes the funding for the hearing officer, \$75,000. It includes new funding for SFGTV to record and broadcast offsite meetings. The 1822 policy analyst is also still in there.

#### PUBLIC COMMENT

Mr. Martin del Campo discussed concerns regarding having sworn members working in civilian positions.

Chief Fong continued with her report and stated that Thursday, the Mental Health Board awarded the Police Department an award of recognition for the Crisis Intervention Response. This is the training provided to the officers and allows the officers to have a better perspective of how to interact when responding to an incident involving someone with mental illness challenges. Chief Fong also introduced Officer Kelly Dunn and commended her for being a valuable resource for the Department as well as for the mental health community. Chief Fong also commended Sergeant Michael Sullivan for his help in the training program.

Chief Fong brief the Commission regarding the POST audit of the Training Division. The POST team felt that the Academy is doing a tremendous job and Academy passed with flying colors for the next three years. Chief Fong stated that POST mentioned two key areas: (1) is that the Academy should have a greater staff to recruit ratio. (2) is the size and space constraints of the Academy.

Chief Fong also talked about the 213<sup>th</sup> recruit class graduation and also the graduation of 32 members of the 19<sup>th</sup> community police academy. In July there will be another community policing academy.

Commissioner Marshall stated that a presentation regarding the Community Policing Academy would be great.

Commissioner Sparks congratulated Officer Dunn for her award.

## PUBLIC COMMENT

None

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

- a. **Status Report on Implementation of recommendations contained in the Controller's Audit of the OCC**
- b. **Review of Recent Activities**

Ms. Jean Field, Interim OCC Director, presented the status report on implementation of recommendations contained in the Controller's Audit of the OCC. Ms. Field stated that the OCC has complied or has taken initiated steps to comply with 23 of the 40 recommendations that were specifically directed to the OCC and some of the recommendations are ongoing in nature. Ms. Field also talked about the OCC's budget.

Commissioner Marshall would like a written report as to the Director's efforts to meet the Controller's recommendations.

Commissioner Sparks stated that a preliminary report sometime in July to give the Commission on where the OCC is at.

Ms. Field stated that the OCC is continuing to look for more outreach activities to educated the public about the OCC's process and to also hear feedback from the public.

## PUBLIC COMMENT

None

### **COMMISSION REPORTS**

- a. **Commission President's Report**
- b. **Commissioners' Reports**
- c. **Preliminary presentation of anticipated Commission Resolutions**

Commissioner Sparks reported on her meeting with the representatives of the POA along with members of various police employee groups to discuss relationship between the POA and the Commission. Commissioner Sparks stated that it was a good meeting and have established a baseline understanding and hopes to move forward on a closer relationship. Commissioner Sparks stated that she has asked President Delagnes to schedule monthly meetings to discuss various issues that the POA might have or might want to address.

Commissioner Sparks stated that she has asked both the POA and the ACLU for written recommendations to the Commission for items they would like the Commission to consider.

Commissioner Sparks also stated that she met with the Mayor and the Mayor has expressed his willingness and intent to work in cooperation with the Commission and other policy makers. Commissioner Sparks also stated that she has scheduled bi-weekly meetings with the Chief and the OCC Director and hopes that will give closer coordination between the Department and the Commission.

Commissioner Sparks stated that she met with the Controller to go over the various reports/studies that are being held on behalf of the Department and the Controller gave her status update on all the reports and she has asked the Controller to attend the Commission meeting around the first or second meeting in July to make a full report to the Commission on all those reports. Reports include the foot patrol report, boundary study, organization cultural

review and the fair and impartial policing and also the report regarding feasibility of the cameras.

Commissioner Sparks also stated that both her and Commissioner Marshall attended the Mayor's Office of Community Policing Task Force. She stated that it was a very good meeting and will be an ongoing meeting.

Commissioner Sparks also stated that she had a meeting with the City Attorney to go over items relative to patrol specials and looking at re-evaluating and writing new policies and procedures relative to patrol specials.

Commissioner Sparks gave out a copy of a list that have been discussed by the Commission over the preceding two years. Commissioner Sparks stated that the Commission will re-prioritize items on the list and will move forward with these items. Commissioner Sparks stated the first item will be a resolution endorsing Supervisor Elsbernd's Charter amendment which is the proposal to extend the disciplinary powers or authority of the Chief of Police from 10 days suspension to 45 days suspension; another item is DGO 5.20, Language Access Services for people with limited English proficiency; next is DGO 7.01, Juvenile Policies & Procedures; also, DGO 8.09 and 8.10, Media Relations and First Amendment Reporting; Resolution to support new media being covered within the definition of Freedom of the Press. Commissioner Sparks stated that this is not the Josh Wolf amendment that Commissioner Campos recommended but it is a more general resolution relative to overall items of Freedom of the Press. Commissioner Sparks also stated that she has talked to the Chief regarding quarterly reporting of all Part 1 crimes citywide and these crimes will be reported by neighborhoods so that the public can understand not only what's happening in the neighborhood but what the Department is doing about those particular crimes. Also, quarterly reporting of all officer-involved shootings and officer-involved discharge investigations in addition to the firearm discharge review board report. Commissioner Sparks also stated that the Commission will readdress the Copley resolution and talk about requiring stipulated dispositions and suspension over 45 days or more severe negotiated settlements to be held in open session. The Commission will also re-discuss DGO 3.19, Early Intervention System, to discuss in open session the overall idea of whether or not 3.19 associated factors should or could be used for disciplinary purposes. Commissioner Sparks also talked about addressing the ability of the OCC to institute immediate investigations on allegations, lawsuit, claims, or actions against the city or the Department on allegations of officers' misconduct. Commissioner Sparks stated that this will not require formal complaints to be filed with the OCC but in instances of either claims or lawsuits filed or allegations and hopes to move this forward very quickly. Commissioner Sparks also talked about a resolution to endorse SB1019, authored by Senator Romero, to essentially overturn the Copley Supreme Court decision. Commissioner Sparks stated that Commissioner Veronese asked to prepare or discuss a resolution the possibility of defining all homicides as critical incidents pursuant to DGO 8.01 as opposed to just the incidents defined in 8.01 now. Commissioner Sparks also talked about reopening DGO 3.10 in creating a citizen's firearm discharge review board to work with the current firearm discharge review board staff primarily with department members to review firearm discharges and make recommendations to the Chief as far as what should happen after discharges have occurred. Commissioner Sparks also talked about a resolution for the ability of two commissioners at any time to put any item on the agenda with at least the concurrence of one other commissioners. Also, continued follow up reports and studies on the various issues and reports that are happening right now by the Controller's Office and other individuals and agencies in the city.

Commissioner Lee suggested a joint meeting with the Immigrant Rights Commission and the Health Commission in regards to Language Access. Also, in regards to Juvenile Policy issues to have a joint meeting with

the Youth Commission.

Commissioner Veronese talked about the report of Closed Session activities and would like to have it on next week's agenda.

Commissioner Marshall would like to talk about benefit of joint meetings and to have an agenda with an outcome.

#### **PUBLIC COMMENT**

Mr. Steve Johnson, POA, stated that number on the list should be a Medal of Valor ceremony.

#### **PRESENTATION OF QUARTERLY REPORT (OCTOBER THROUGH DECEMBER 2006) OF PROVISION OF DOCUMENTS TO THE OFFICE OF CITIZEN COMPLAINTS**

Lieutenant Stasko, Legal Division, presented the quarterly report of Provision of Documents to the OCC from October through December 2006.

#### **DISCUSSION AND POSSIBLE ACTION TO TAKE OFF CALENDAR INDEFINITELY THE DISCIPLINARY CHARGES FILED IN DISCIPLINARY CASE NO. C05-008 JWA WHO RESIGNED FROM THE DEPARTMENT. SAID DISCIPLINARY CHARGES WILL BE PLACED BACK ON THE CALENDAR SHOULD THE OFFICER BE WITHIN THE JURISDICTION OF THE POLICE COMMISSION IN THE FUTURE (Resolution no. 59-07)**

Motion by Commissioner Marshall, second by Commissioner Lee. Approved 4-0.

#### **COMMISSION ANNOUNCEMENTS**

The Community meeting will be in the Northern, Rosa Parks Elementary School, on June 27<sup>th</sup>.

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

None

(The Commission will return to Closed Session at 8:23 p.m.)

Motion by Commissioner Marshall, second by Commissioner Veronese. Approved 4-0.

#### **CLOSED SESSION** (8:23 p.m.)

- b. PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police**
- c. PERSONNEL EXCEPTION: Public Employee appointment: Policy Analyst**

#### **OPEN SESSION** (9:19 p.m.)

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

Motion by Commissioner Lee for non disclosure, second by Commissioner Marshall. Approved 4-0.

**ADJOURNMENT**

Motion by Commissioner Lee, second by Commissioner Marshall.  
Approved 4-0.

Thereafter, the meeting was adjourned at 9:22 p.m.

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Sergeant Joseph Reilly  
Secretary  
San Francisco Police Commission

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