

FEBRUARY 28, 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 5:38 p.m., in a Regular Meeting.

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

ABSENT: Commissioner Lee

(Commissioner DeJesus arrived at 6:10 p.m. Commissioner Sparks arrived at 5:53 p.m. Commissioner Campos was excused at 6:55 p.m. Commissioner Renne was excused at 8:04 p.m.)

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 5.10, "FALSE ALARMS"

Taken out of order.

Motion by Commissioner Marshall, second by Commissioner Campos to adopt revised General Order 5.10.

RESOLUTION NO. 27-07

ADOPTION OF REVISED DEPARTMENT GENERAL ORDER 5.10, "FALSE ALARMS"

RESOLVED, that the Police Commission hereby adopts revised Department General Order 5.10, "False Alarms," as stated below:

FALSE ALARMS

This order describes the procedures for responding to commercial, residential, and vehicle alarms, and officers' responsibilities for making the appropriate CAD disposition entry. Under the City's False Alarm Ordinance Program, the Emergency Communications Department (ECD) and the Tax Collector are now responsible for the billing of false alarms. The ordinance only applies to police alarms handled by the police department.

I. PROCEDURES

- A. After arriving at the scene and determining that the alarm is false, ~~try~~ to identify the cause of activation, e.g., power failure, vibrations, employees on the premises, mechanical or system malfunction, advise ECD and make the following appropriate CAD disposition entry:

Type Code	Definition	Dispo code	Disposition
211S Activation	Silent Holdup Alarm	NCR	Non-Criminal (i.e. employee on premise no merit to robbery)
100A Secure	Audible Burglar Alarm	PAS or NCR	Premise Appears (i.e. unknown cause, weather, animals, etc.)

100S Silent Burglar Alarm PAS or NCR Non-Criminal
Activation
(i.e. employee on
premise no merit to
burglary)

100P Panic Alarm NCR Non-Criminal
Activation
(i.e employee on
premise
no merit to panic
incident)

B. Members shall not enter dispositions such as "NOM, HAN, ADV, or UTL," for false alarms as these dispositions do not accurately indicate that an alarm was in fact false.

C. Members shall no longer complete the alarm response cards, as this information is recorded in CAD and monitored by ECD.

D. ALARM RESPONSE CAD disposition code entries: The appropriate CAD disposition code entry shall be made under the following conditions:

1. Criminally activated alarms.

- a. REP-report made: 459,211, etc.
- b. ARR-arrest made
- c. CRM-criminal activation

2. Alarms that are canceled prior to your arrival at the scene.

a. NCR

E. ALARM CODE TYPE shall continue to be used by officers when it is necessary to enter the appropriate code:

1. Vehicle alarms:

a. 100V

2. Muni Buses or Street Cars

a. 100M

F. VEHICLE ALARMS

1. CITATION. Issue a citation on a vehicle that is emitting an audible alarm in violation of the Municipal Police Code Section 3703(a) when:

a. The alarm signal with a variable tone, is similar to that of an emergency vehicle, or

b. The duration of the audible alarm exceeds 5 minutes.

2. INCIDENT REPORT. The citation does not require an incident report, signature of the offender or an incident number.

3. DEACTIVATING A VEHICLE ALARM. Instead of towing the vehicle, officers may attempt to deactivate a vehicle alarm that is in violation of the Municipal Police Code 3703(a) by applying 3703(b).
 - a. Entry, search, and damage must be confined to that which is reasonable and necessary to locate and deactivate the alarm mechanism.
 - b. The officer shall attempt to contact the vehicle's owner, by telephone or otherwise, before disconnecting the alarm.
 - c. If it appears that damage may be incurred while deactivating the alarm, notify your supervisor and get his/her approval before proceeding.
 1. If damage occurs while deactivating the alarm, complete a memorandum describing the damage and forward it to your commanding officer.

4. TOWING (Also see DGO 9.06, Vehicle Tows). California Vehicle Code Section 22651.5 allows an officer to tow a vehicle emitting an audible alarm when ALL of the following conditions exist:
 - a. The vehicle is parked in a residential or business district either on public or private property.
 - b. The alarm cannot be deactivated.
 - c. The owner of the vehicle cannot be located within 20 minutes.

DGO 1.06, Duties of Patrol Officers

DGO 9.06, Vehicle Tows

AYES: Commissioners Renne, Campos, DeJesus, Marshall,
Sparks, Veronese
 ABSENT: Commissioner Lee

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

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

CLOSED SESSION

- a. **PERSONNEL EXCEPTION: Discussion and possible action to accept stipulated dispositions in the matter of File No. C06-193 ALW (Resolution No. 25-07)**

- b. **PERSONNEL EXCEPTION: Discussion and possible action to accept stipulated dispositions in the matter of File No. C06-227 ALW (Resolution No. 26-07)**

- c. **EMPLOYEE PERSONNEL EVALUATION: Interim OCC**

Director

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

Motion by Commissioner Veronese, second by Commissioner Campos to disclose discussion pursuant to item “c” without naming specific individual names. Approved 6-0.

Miss Jean Field, OCC, commented regarding the OCC Controller’s Audit. Regarding the allegation of falsifying time and attendance records, Ms. Field stated that these were allegations that individuals essentially had been mismarking their time sheets by increment of 10 minutes to half an hour on somewhat of a routine basis. Ms. Field stated that she, along with management staff, met with a labor attorney who was assigned to the OCC for this purpose, and discussed with her the role and ability of management in terms of investigating these types of issues. Ms. Field stated that it was their intention to look proactively to stop any kind of practice of unethical conduct. Ms. Field stated that they have reissued a notice to all employees emphasizing their duty to sign in accurately and correctly. Ms. Field also stated that they are in the process of sending all senior supervisory staff to two DHR trainings: One on personnel evaluations and the other on progressive discipline.

Regarding the allegation of the use of city cars for non city business, Ms. Field stated that this involved an allegation against a single employee where the employee took the car to a non authorized community event that had nothing to do with his work place. Ms. Field stated that this happened several years ago and was investigated by the management and the employee received retraining and admonishment regarding the proper use of city cars. Ms. Field also issued a policy that all employees who are responsible for garaging cars at night must sign in the mileage when they leave the office and when they arrive at home and when they leave home and arrive at the office.

Regarding the allegation of outside employment activities using time and resources, Ms. Field stated that this is an area that is under investigation and she is working with the City Attorney regarding the OCC’s Statement of Incompatible Activity and also applicable Civil Service Rules that govern what kind of work employees can do and what kind of notice they need to get to their supervisors. Commissioner Renne stated that there shouldn’t be any outside work because of the time problems.

Regarding the allegation of harassment and use of inappropriate language, Ms. Field stated that she has investigated what has happened with this and as a result of findings made by the Controller’s Office, those were provided to the Department of Human Resources for investigation and because the complaints are anonymous, there was no formal complaint opened at DHR. Instead a DHR representative met with senior OCC management and insured that any employees who were suspected or had been overheard using profane language were counseled about proper workplace decorum in the office and the entire staff was given a training by DHR regarding the city’s policy on a harassment-free workplace, they were counseled as to their rights to make complaints about individuals in the workplace free of retribution and they were counseled on their ability to do so.

Commissioner Veronese asked the City Attorney if the members of the OCC would come before the Commission for some kind of disciplinary action. Ms. Molly Stump stated that the employees of the OCC are under the authority of the OCC Director for all types of discipline. Ms. Stump also stated that the Commission can set policies for the OCC. Commissioner Veronese stated that he asked for the OCC General Orders and have not received said rules.

DISCUSSION RE: THE CONTROLLER'S AUDIT OF THE OFFICE OF CITIZEN COMPLAINTS

and

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Commissioner DeJesus asked about tracking of cases for the OCC. Ms. Field stated that the OCC's database does have a file location field in it. She also stated that the OCC is re-evaluating what they have and they hope to work with the Controller's Office because they know what is available and how to more successfully implement it.

Commissioner Sparks asked about a case where the Chief was not given sufficient time to return comments to the OCC. Ms. Joanne Held, Controller's Office, stated that there are specific circumstances where the Director of the OCC can take the case directly to the Commission to avoid losing the case to the statute of limitations.

Commissioner Sparks asked about case delays and asked if further investigation as to why delays occurred and whether there is disciplinary action pending or what the situation is of the two investigators. Ms. Held stated that those two investigators that had 39 percent of delays for no stated reason but the Controller's Office did not specifically investigate those two individuals further. Ms. Field stated that she has instructed seniors to evaluate each investigators' caseloads to identify particular strengths and weaknesses in terms of case handling for each investigator because some of the investigators have particular stopping points or particular blockages and they are hoping to prioritize the reviews so that they can be helped to move forward.

Commissioner Sparks asked about recommendation #22. Ms. Held explained that this recommendation was influenced by the fact that the current director was resigning and there was no appointed director at that time so this was to insure accountability that it will be addressed but ultimately the director is responsible for the organization.

Commissioner Sparks asked about recommendation #29 regarding officer notifications and interviews. Ms. Field stated the OCC needs to revised their notification process, come up with a report and present it to the Commission and show the Commission exactly how the OCC are notifying officers, how other jurisdictions do it, and then codify that into a policy that the OCC will issue and discuss with the member organization. Commissioner Sparks stated that it would be beneficial to the Commission if the OCC have a discussion with the POA before it is brought to the Commission so that the Commission will be aware of any differences of opinion that the POA might have as opposed to hearing it after the policy has already been presented.

Commissioner Sparks asked about outreach plan. Ms. Field stated that one of their investigators have come up with a draft outreach plan and another employee is doing best practices in other community agencies and other civilian oversight agencies to see what their outreach plans are. Ms. Field stated that the next step will be to approach community based organizations.

Commissioner Sparks asked about staffing and the increased workload on individuals. Ms. Field stated that the overview and statistical reporting have been done by management staff as well as the attorneys and investigators have volunteered for specific projects but they are also held to their primary mission of accomplishing case closure.

Commissioner Marshall asked about how much help is needed to clean house. Ms. Field stated that the OCC staff have been a great help.

Commissioner DeJesus wants to emphasize outreach and is looking forward to seeing the plan and asked about amending resolution 27-06 and asked that 97-04 be also amended.

PUBLIC COMMENT

Kevin Martin, POA Vice President, discussed concerns regarding the audit especially issues of lack of ethics by the OCC and asked if there is a time limitation as to when reforms will be made.

Steve Johnson, POA, discussed concerns regarding the audit and no accountability by the OCC.

Gary Delagnes, POA President, discussed concerns regarding the OCC audit and discussed summit convened by two former Chiefs of Police and that no one took action on those recommendations and asked Mr. Schlossberg to work on an early warning system for the OCC.

APPROVAL OF THE MINUTES FOR THE MEETINGS OF JANUARY 17TH AND 24, 2007

Motion by Commissioner Marshall, second by Commissioner DeJesus. Minutes approved 6-0.

COMMISSION ANNOUNCEMENTS

a. Status of Police Services Review Study

Commissioner Renne announced that she met with the Controller and will have an ability to make some selections with regard to who can do the independent review and reform that the Commission needs. Commissioner Renne stated that she hopes to have more information on that in the coming week.

Commissioner Sparks asked how can the Commission be more involved in this process. Commissioner Renne stated that what is anticipated is in some ways it will be like the OCC audit, there will be an advisory committee, and any reports and recommendations would have to come to the Commission for review.

Commissioner Renne stated that the MOCJ is putting together an advisory committee and would like some members of the Commission to be on it. Commissioners Sparks, Veronese, and Marshall volunteered.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Commissioner Sparks asked about recruiting facilities. Commander Harper stated that they are given a great deal of importance and that the Academy is a great place for them to be.

Commissioner Veronese asked about how the meeting went as far as input from officers that had attended. Deputy Chief Tabak stated that a group of officers, sergeants, inspectors, lieutenants and captains were chosen to be part of this committee. The ranks were separated so that everyone could speak freely. The facilitator of these meetings was very open and across the board there were favorable reports from all ranks.

Commissioner Marshall asked about the confidential study by the administrative office of the court. Deputy Chief Tabak stated that what this report asked for by the court highlights some of the difficulties that he has spoken to in the past relative to the criminal justice components. Chief Tabak

stated he has not seen the report but that is just one of the many studies dealing with criminal justice issues.

PUBLIC COMMENT

None

PUBLIC COMMENT

None

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

Commissioner Veronese asked about joint meeting with the Housing Authority and asked about voting in public regarding the Copley decision.

Commissioner Sparks asked about a report on violent crime trends city wide 2005 vs. 2006 as opposed to just the homicide trends and divide it by neighborhoods and would like to schedule it as quickly as possible.

ADJOURNMENT

Motion by Commissioner DeJesus, second by Commissioner Marshall to adjourn the meeting. Approved 4-0.

Thereafter, the meeting was adjourned at 8:14 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct