

\_\_\_\_\_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 5:58 p.m., in a Regular Meeting.

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

ABSENT: Commissioner DeJesus

*(Commissioner Campos arrived at 6:33 p.m.)*

**PUBLIC COMMENT**

Luisa, SF resident, street performer, discussed concerns regarding actions of Officer Cunnane.

Francisco Dacosta discussed concerns regarding MLK incident and incident on Thanksgiving Day.

Alicia Schwartz, People Organized to Employment Rights, discussed concerns regarding house invasion incident by the police on Thanksgiving Day and discussed concerns regarding the Gang Task Force.

Joanne Abernathy, victim and 40-year resident of Bayview, discussed concerns regarding actions of police officers on Thanksgiving Day.

Larry Lattimore, SF resident, discussed concerns regarding gang injunctions.

Laura Calderon, POWER, (through interpreter) expressed support for Ms. Abernathy and discussed concerns regarding police brutality.

Malachi Garza discussed concerns regarding Thanksgiving Day incident.

Steve Williams, Executive Director POWER, discussed concerns regarding Thanksgiving Day incident and implementation of gang injunctions.

Crea Gomez appeared in support of family who was victimized on Thanksgiving Day and discussed concerns regarding gang injunctions.

Meesha Irizary discussed concerns regarding gang injunctions.

Chrissie, POWER Youth Organizer, expressed support for Ms. Abernathy and discussed concerns regarding gang injunctions.

Christopher Mohammed, President African-American Community Police Relations Board, expressed support for POWER and expressed concern regarding Thanksgiving Day incident and the Gang Task Force.

Maria, Acorn member, expressed support for POWER, and expressed concern regarding Thanksgiving Day incident.

Jim McQueen, President of Juvenile Probation Commission and founding member of African American Community Police Relations Board, asked that officers involved be taken off the streets.

Daniel Muhammed, African American Community Police Relations Board, discussed concerns regarding gang injunctions.

Darren Brown (POWER) discussed concerns regarding Thanksgiving Day incident and asked that officers be taken out of the community.

Unidentified discussed actions of police.

Daniel, POWER, discussed concerns regarding Thanksgiving Day incident and stated that he was a witness to the incident.

Tanisha Wall, niece of Ms. Abernathy, discussed concerns regarding family being harassed by the police and asked that officers be taken off the street.

Gloria Esteva (POWER) (through interpreter) stated that that is not how to treat a woman in her own home and stated that things need to be done and things need to change.

Unidentified (through interpreter) discussed concerns regarding the children being afraid of the police.

Emma, POWER, discussed concerns and anger regarding Thanksgiving Day incident.

Damone Hale expressed anger and discussed concerns regarding gang injunctions and asked that something must be done.

Jess Tello asked that this incident be investigated.

Laticia Anderson, victim's daughter, discussed actions of police and stated that her cousin was beat up by police.

Chantelle, mother of child of arrested person, discussed concerns regarding Thanksgiving incident.

Sara discussed concerns and stated she is disgusted by police.

Unknown expressed support for Joanne Abernathy and asked that an investigation be started.

Selma Johnson discussed concerns.

Unknown, native Californian, discussed concerns regarding actions of police.

Commissioner Sparks asked that the Chief report to the Commission, in Closed Session, to update the Commission in regards to this incident. Commissioner Sparks also asked the Chief to report to the Commission in regards to the Gang Task Force.

Commissioner Veronese stated that there should be a way to monitor such matters.

Commissioner Campos asked if there is a formal investigation about this incident. Ms. Hicks, OCC Director, stated that there is a formal investigation that is on the way and that this incident has been given the highest priority.

Commissioner Sparks announced that the Board of Supervisor's Public Safety Committee is holding a hearing on Monday in regards to Gang Injunctions.

### **CHIEF'S REPORT**

- a. Update on significant policing efforts by Department members**
- b. Budget Update**

Chief Fong introduced Mr. Ken Bukowski of the Fiscal Division. Mr. Bukowsky presented the budget update.

Commissioner Lee requested that a letter be sent to the Mayor and the Board of Supervisors regarding the budget.

Commissioner Sparks agreed with Commission Lee and hopes that the OCC budget will reflect the staffing required by the Controller's audit.

Commissioner Campos asked Mr. Bukowski as to when in the process should the Commission discuss its own budget. Mr. Bukowski stated that the Commission should begin having discussions from this point and be prepared by mid January to have a discussion with him.

Commissioner Campos also asked about funding for things like cultural competency training, recruitment funding, the issue of foot patrols, and budget impact as a result of the new language access DGO. Mr. Bukowski stated that part of what the new budget process asks is that each of the experts within each bureau of the Department to provide to the Fiscal Office what the budget requests are for their unit.

Commissioner Veronese asked what component of the budget is dealing directly with fixing relationships with certain parts of the community where relationship has been strained. Chief Fong stated that when it comes to cultural sensitivity and competency, the language abilities to improve communication, that is one piece of it but in terms of interacting with the

community it is hard to say the x amount of dollars because officers are expected to do it daily.

Commissioner Veronese suggested a specific budget item that will address bonding relationship with certain communities in the city. Chief Fong stated she would like more conversations with the Commissioner in regards to what he wants done.

Chief Fong introduced Mr. Mark Rinkel the new Chief Information Officer for the Department.

Chief Fong also reported on Supervisor Sandoval's proposed legislation in regards to towing vehicle and on Supervisor McGoldrick's proposed legislation on directing the Department to low level enforcement of prostitution laws. Commissioner Veronese expressed concern regarding the Board legislating law enforcement and stated that some of the ideas should be coming from the Department.

Commissioner Sparks also talked about Supervisor Dufty's request on a study in tracking handguns and stated that the study is done and that the Commission will review and have a public hearing in the near future.

Commissioner Campos thanked Captain Corriea and the Academy staff for meeting regarding tenant rights.

#### **PUBLIC COMMENT**

Unidentified discussed concerns regarding trusting the police.  
Jeanette Berger discussed concerns regarding driver's license.  
Sylvia Johnson discussed concerns.

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

##### **a. Review of Recent Activities**

Director Hicks reported that she's in the process of conducting one-on-one interviews with the staff to determine how their duties align with the mission of the OCC to conduct timely, unbiased and effective investigations. Director Hicks also updated the Commission on the OCC budget and stated that she will aggressively advocate for the OCC budget.

Commissioner Campos suggested that a letter be sent to the Mayor and the Board of Supervisors in regards to the OCC budget.

#### **PUBLIC COMMENT**

Unidentified discussed concerns and asked for free phone calls to the OCC.  
Sylvia Johnson discussed concerns.

#### **COMMISSION REPORTS**

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

Commissioner Sparks reported that she met with the Chief on items that will be discussed with the Commission. One is a technology overview on the justice system and EIS. In addition to the Supervisors requests, she asked the Chief for a report on how the Department handles 5150s and how that procedures relates to procedures under Laura's Law and whether there's a correlation between 5150s are handled now and how Laura's Law has been written under state law and whether or not a similar procedure could be adopted to enforce that. Commissioner Sparks also stated that the Commission will be presenting a resolution in regards to Commission Bulletins. Another resolution is directing civil complaints to the OCC for investigation.

Commissioner Sparks also stated that she met with Mr. Delagnes to start biweekly meetings starting in January.

Commissioner Sparks also asked for volunteers to consider two different items in the Commission. One is taking responsibility for case management for cases pending and keeping track of time frames and different hearings and assisting Sgt. Reilly in getting the various lawyers together. The other is to oversee the overall Department budget.

Commissioner Sparks also stated that she asked the Chief to report on the DTIS Safety Cameras and a report from the City Attorney on public access to film footage.

Commissioner Marshall talked about the transcripts from the last subcommittee meeting. Commissioner Sparks asked that a copy be sent to the Chief and the station captain. Chief Fong stated she will take a look at it and will talk to the Captain and maybe in a week or two will report back to the Commission.

Commissioner Sparks asked that once responses from the Chief and the Captain is received to forward copies of responses and the transcripts to MOCJ and the Board's Committee on Public Safety.

#### PUBLIC COMMENT

Unidentified discussed concerns regarding help for the community.  
Sylvia Johnson discussed concerns.

#### **DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION IN SUPPORT OF THE BOARD OF SUPERVISORS' RESOLUTION URGING THE ATTORNEY GENERAL TO CLARIFY HOW PENAL CODE 3003 AND THE TRANSIENT PROVISION IN PENAL CODE 290 APPLY TO JESSICA'S LAW (PROPOSITION 83)**

Commissioner Veronese presented the resolution.

Commissioner Lee expressed concerns regarding if individuals cannot register as transients, where do these individuals go. Commissioner Veronese stated that all the resolution is saying is that for these individuals to tell the Department where they leave and that they are not hiding under the transient policy.

Commissioner Campos stated there are larger policy issues and this approach is just shifting problems to other jurisdictions and that's why there is a delegation in Sacramento that can make this happen and stated that he does not see the need for the Police Commission to get involve in this matter.

Commissioner Mazzucco stated that the Department needs to track sex offenders because not having them in a place where the 290 Unit can go look see if these people are reoffending is a very dangerous proposition.

Commissioner Sparks stated that from a practical matter, there are about 1300 sex offenders in San Francisco and the Department are not arresting them nor are they being forced to move out of the county. Commissioner Sparks stated that the Department is not enforcing the law as it stands now but the Department do know where they live and the Department's able to keep track of them. Commissioner Sparks stated that all the resolution is saying let's continue that policy of not enforcing the law but at least give the Department the ability to track as many as possible until such time the laws are clarified or the law has made its way to the courts.

Chief Fong clarified that the Department is not enforcing the law in

terms of the Jessica's Law but the Department is enforcing violations of non registration whether it's 30-day or one year. Approved 4-2.

Motion by Commissioner Veronese to adopt resolution with amendments. Second by Commissioner Mazzucco.

AYES: Commissioners Marshall, Mazzucco, Sparks, Veronese  
NAYS: Commissioners Campos, Lee

**RESOLUTION NO. 93-07**

**RESOLUTION REQUESTING THE RESCISSION OF CALIFORNIA DEPARTMENT OF CORRECTIONS POLICY 07-48**

WHEREAS, the San Francisco Police Commission and the San Francisco Police Department are 100 percent committed to maintaining the safety of all children and families in our City; and

WHEREAS, in 2004, Assembly Bill 488 (Megan's Law) passed the California legislature and was signed into law by the Governor. Megan's Law requires sex offenders to register their true address with local law enforcement agencies; and

WHEREAS, the California Department of Corrections (CDC) issued policy 07-48 notifying parolees (released after November 8, 2006) who are unable to secure housing compliant with Jessica's Law (Prop. 83) to declare themselves transient in order to avoid incarceration; and

WHEREAS, following the issuance of policy 07-48, San Francisco has seen a spike of parolees registering as "transient;"

WHEREAS, knowing the *true* address of residence and location of parolees subject to such registration is in the interest of protecting California children and further assists the San Francisco Police Department to this end; and

BE IT THEREFORE RESOLVED, that the San Francisco Police Commission shall, with permission of the Mayor, issue a letter to the California Department of Corrections requesting a rescission of policy 07-48 as it relates to registering as "transient." The letter shall also request that the CDC enforce *the reporting requirements* of California Penal Code Section 3003, and Section 290;

BE IT THEREFORE RESOLVED, that, with permission of the Mayor, the San Francisco Police Commission forward a copy of said letter and this resolution to the San Francisco County Probation Department, Mayor Newsom, Attorney General Brown, Governor Schwarzenegger, and the San Francisco Delegates to the State Assembly and the Senate;

BE IT FINALLY RESOLVED, that the Chief of Police and any staff directly involved in this important effort report the result back to the Police Commission monthly during the Chief's Report to the Police Commission.

AYES: Commissioners Sparks, Marshall, Mazzucco, Veronese  
NAYS: Commissioners Campos, Lee

**PUBLIC COMMENT**

Unidentified discussed concerns.  
Sylvia Johnson discussed concerns.

**APPROVAL OF THE MINUTES FOR THE MEETINGS OF  
NOVEMBER 7<sup>TH</sup> AND 14, 2007**

Motion by Commissioner Campos, second by Commissioner Lee.  
Approved 6-0.

**COMMISSION ANNOUNCEMENTS**

- a. **Assignment of an Appeal of the Chief's Suspension in case no. D07-012 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner.** (Assigned to Commissioner Marshall, Resolution No. 94-07)

**PUBLIC COMMENT**

None

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

- a. **Discussion re: The Commission's Priority List**\_\_

\_\_\_\_ Commissioner Sparks asked the Commissioners to give their priorities to Sergeant Reilly in three weeks.

\_\_\_\_ Commissioner Lee asked that the Richmond meeting be in the inner Richmond.

**PUBLIC COMMENT**

Unidentified asked what's going to be discussed as far as the agenda is concerned.

Sylvia Johnson discussed concerns.

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

None

**VOTE ON WHETHER TO HOLD CLOSED SESSION**

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 6-0.

**CLOSED SESSION** (9:50 p.m. - 10:24 p.m.)

- a. **CONFERENCE WITH LEGAL COUNSEL**  
**Frederick Schiff, et al. v. CCSF, et al., USDC No. C03-4345**

(Present: Commissioners Sparks, Marshall, Campos, Lee, Mazzucco, Veronese, Chief Fong, Deputy City Attorney Stump, Deputy City Attorney Guerrero, Sergeant Reilly)

- b. **Discussion and possible action to grant or deny Motion for Dismissal of Disciplinary Charges filed in Disciplinary Case No. C03-190 JWA, and adopt Written Findings**

(Present: Commissioners Sparks, Marshall, Campos, Lee, Mazzucco, Veronese, Deputy City Attorney Stump, Attorney A. Worhsam, Attorney W. McCoy, Sergeant Reilly)

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

Motion by Commissioner Lee, second by Commissioner Campos for

non disclosure. Approved 6-0.

**POSSIBLE REPORT ON ACTION TAKEN IN CLOSED SESSION**

\_\_\_\_\_Motion by Commissioner Campos, second by Commissioner Lee for no report on action taken. Approved 6-0.

**APPROVAL OF CONSENT CALENDAR**

- a. **Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:**  
**Frederick Schiff, et al. v. CCSF, et al., USDC No. C03-4345**

\_\_\_\_\_Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 4-0.

**RESOLUTION NO. 95-07**

**FREDERICK SCHIFF, et al., v. CCSF**

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of “Schiff v. City and County of San Francisco, et al.; Gillespie , et al. v. City and County of San Francisco, et al.; Osuna v. City and County of San Francisco, et al.,” in U.S. District Court Case Nos. C-03-4345, C-04-2261, C-04-2262, be, and the same is hereby approved.

Date of Incident: May and August 2003

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

**ADJOURNMENT**

\_\_\_\_\_Motion by Commissioner Campos, second by Commissioner Lee. Approved 6-0.

There meeting was then adjourned at 10:50 p.m.

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Sergeant Joseph Reilly  
Secretary  
San Francisco Police Commission

1497/rct