

APRIL 18, 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 5:43 p.m., in Closed Session.

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

(Commissioners Campos and Marshall were excused at 7:10 p.m.)

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Veronese, second by Commissioner Marshall. Approved 5-0.

CLOSED SESSION

- a. **CONFERENCE WITH LEGAL COUNSEL: Anticipated litigation: Speilbauer v. County of Santa Clara (2007) 146 cal.App.4th914**
- b. **LABOR NEGOTIATIONS: Consultation with the City Labor Negotiation Team: Status of MOU negotiations with the San Francisco Police Officers Association**
- c. **PERSONNEL EXCEPTION: Request for back-pay of suspension dates in Disciplinary Case No. C03-347 JWA (Resolution 42-07)**

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

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

APPROVAL OF THE CONSENT CALENDAR

- a. **Request of Sergeant Frank A. Palma, FOB, for approval to accept tickets, valued at approximately \$370.00, from Major League Baseball to attend events to observe on behalf of the Police Department in his role as a planner for the 2007 All Star Game.**
- b. **Request of Commander Stephen Tacchini, FOB, for approval to accept tickets, valued at \$370.00, from Major League Baseball to attend events to observe on behalf of the Police Department in his role as a planner for the 2007 All Star Game.**
- c. **Request of Captain Denis O'Leary, Southern, for approval to accept the following gifts from Major League Baseball, in order to prepare for the 2007 All Star Game in San Francisco:**
 - **Airfare from San Francisco to Pittsburgh, PA (valued at \$408.90)**
 - **Lodging at the Pittsburgh, PA Hilton Hotel (valued at \$876.00)**
 - **Tickets for All-Star Sunday, All-Star Workout Day, and All-Star Game (valued \$370.00)**

Motion by Commissioner DeJesus, second by Commissioner Veronese to approve the Consent Calendar. Approved 4-0.

RESOLUTION 43-07

APPROVAL OF THE REQUEST OF SERGEANT FRANK A. PALMA, FOB,

TO ACCEPT TICKETS, VALUED AT APPROXIMATELY \$370.00, FROM MAJOR LEAGUE BASEBALL, TO ATTEND EVENTS TO OBSERVE ON BEHALF OF THE POLICE DEPARTMENT IN HIS ROLE AS A PLANNER FOR THE 2007 ALL STAR GAME

RESOLVED, that the Police Commission hereby approves the request of Sergeant Frank A. Palma, FOB, to accept tickets, valued at approximately \$370.00, from Major League Baseball, to attend events to observe on behalf of the Police Department in his role as a planner for the 2007 All Star Game.

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

RESOLUTION NO. 44-07

APPROVAL OF THE REQUEST OF COMMANDER STEPHEN TACCHINI, FOB, TO ACCEPT TICKETS, VALUED AT APPROXIMATELY \$370.00, FROM MAJOR LEAGUE BASEBALL, TO ATTEND EVENTS TO OBSERVE ON BEHALF OF THE POLICE DEPARTMENT IN HIS ROLE AS A PLANNER FOR THE 2007 ALL STAR GAME

RESOLVED, that the Police Commission hereby approves the request of Commander Stephen Tacchini, FOB, to accept tickets, valued at approximately \$370.00, from Major League Baseball, to attend events to observe on behalf of the Police Department in his role as a planner for the 2007 All Star Game.

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

RESOLUTION 45-07

APPROVAL OF THE REQUEST OF CAPTAIN DENIS O'LEARY, SOUTHERN, TO ACCEPT THE FOLLOWING GIFTS FROM MAJOR LEAGUE BASEBALL, IN ORDER TO PREPARE FOR THE 2007 ALL STAR GAME IN SAN FRANCISCO: AIRFARE FROM SAN FRANCISCO TO PITTSBURGH, PA (VALUED AT \$408.90); LODGING AT THE PITTSBURGH, PA, HILTON HOTEL (VALUED AT \$876.00); TICKETS FOR ALL STAR SUNDAY, ALL STAR WORKOUT DAY, AND ALL STAR GAME (VALUED AT \$370.00)

RESOLVED, that the Police Commission hereby approves the request of Captain Denis O'Leary, Southern, to accept to accept the following gifts from Major League Baseball in order to prepare for the 2007 All Star Game in San Francisco:

- Airfare from San Francisco to Pittsburgh, PA (valued at \$408.90)
- Lodging at the Pittsburgh, PA Hilton Hotel (valued at \$876.00)
- Tickets for All-Star Sunday, All-Star Workout Day, and All-Star Game (valued \$370.00)

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

PUBLIC COMMENT

John Nulty discussed concerns regarding Michael Nulty and the use of the Tenderloin Community Room.

CHIEF'S REPORT

- a. Update on significant policing efforts by Department members
- b. Update on Officer-Involved Shooting (OIS) Case Nos. 06-006,06-007,06-008,07-001 per Department General Order 8.11, Rule II.I.1(a)

Chief Fong reported about a number of incidents over the weekend. Chief Fong talked about a young man who was shot on Friday. The suspect was apprehended the following day. Another incident where five people were

injured, one fatal. The suspect was apprehended on this incident. Another incident on 24th and Noe where a suspect hit and struck a vehicle and killed the driver of that vehicle. The suspect was also apprehended.

Commissioner Veronese would like an update next week on those homicide suspects and whether or not they have been charged by the district attorney.

Commissioner Sparks thanked the officers for the good work done over the weekend.

Chief Fong talked about various comments raised by the medical cannabis group at last week's meeting. Chief Fong stated that she had a conversation with the representative and had a subsequent phone call with her and they've identified a number of questions. The Department will do research and then get back to her as well as other representatives of the community. There is a meeting set up in two weeks to meet a group that she will be assembling. Chief Fong stated that just having the conversation was very positive in that some of the representations that were made, the Chief believes that there are some information that needs to be clarified because there are certain statements that are out there that are not base in facts. Chief Fong stated that she just wants to make sure that everyone is on the same page, understanding that the enforcement of marijuana laws is the lowest priority in the Department and at the same time, the Department wants to clarify the whole issue of cross-designation and insure that the community understands what the Department's responsibility is as well as its responsibility in terms of the legislation for the medical cannabis dispensaries. Chief Fong stated that she will report back to the Commission after meeting with the representative.

Commissioner DeJesus asked about Sgt. Halloran and his role in issuing permits. Chief Fong stated that the information that Sgt. Halloran is the only person who has the authority to make that decision is not accurate. Chief Fong stated that there are so many responsibilities in the legislation and some of the responsibilities are with the Department, some are of the Health Department and some are of the community. Chief Fong stated that the person who signs off on those permits as required by the legislation is not Inspector Halloran.

Commissioner Veronese asked that if marijuana enforcement is not a high priority, how much crime is not made a priority by that policy. Chief Fong stated that that is the policy of the city and the Department is required to comply with that. Chief Fong stated that to give a comprehensive respond, it would be more appropriate, for the evening of her presentation on this issue, she can have Chief Tabak make a presentation with specific information.

Chief Fong reported on the recent recruitment of applicants. She stated that this year there will be two additional classes of 50, one in May and one in June, and depending on the numbers, the Chief is hopeful to hire not only those but also some laterals from other police departments.

(The Commission took a break at 7:43 p.m.)

Lieutenant Murphy, Homicide updated the Commission on OIS Case Nos. 06-006, 06-007, 06-008, 07-001 per Department General Order 8.11, Rule II.I.1(a). Lieutenant Murphy stated as follows:

“Good evening, Commissioners, Command Staff: I've been asked to just to update you on the officer-involved shootings that's gone before the 45-day deadline reporting period. The four at 06-006, 06-007, 06-008, and 07-001. The first two, 06-006 and 06-007, they are complete and they've been forwarded to MCD, the Management Control Division. They now have them.

The letters have come back from the District Attorney's Office. The latter two, 06-008 --

COMMISSIONER SPARKS: So do you have a date to completion of those that they'll be ready for submission to summaries.

LT. MURPHY: MCD takes -- once they get them, they review them, and it goes to the Firearm Review Board so I believe that they have to do it within 120 days?

COMMISSIONER SPARKS: So do you have a projection, Chief, on --

DEPUTY CHIEF KEOHANE: I haven't seen those reports yet, Commissioner, but from they would -- from the date they came to the MCD, we have 15 days to review them and provide a -- schedule them for the Firearm Discharge Review Board. And if they aren't scheduled by that time, the commanding officer of the MCD will come before the Commission and state the reason why.

COMMISSIONER SPARKS: Okay. And these are shootings not discharges, right?

DEPUTY CHIEF KEOHANE: That is correct.

COMMISSIONER SPARKS: Okay.

LT. MURPHY: Four minutes.

COMMISSIONER DeJESUS: Okay.

LT. MURPHY: 06-008 is the shooting that happened on 25th Avenue. The Homicide Detail's investigation is complete. We're waiting for two final reports: one from the Medical Examiner's Office and one from the District Attorney's Office. And the last one is from Geneva and Mission Street. Again, the Homicide Detail's investigation is complete. We're waiting for the one letter from the District Attorney's Office with, you know, that indicates that they've reviewed it and what their findings and conclusions. That's pretty much it."

Commissioner Sparks asked that Lt. Murphy's report be included in the minutes with the specific case numbers and reasons for each one.

PUBLIC COMMENT

None

APPROVAL OF THE MINUTES FOR THE MEETING OF MARCH 7, 2007

Taken out of order.

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

OCC DIRECTOR' REPORT

a. Review of Recent Activities

Ms. Jean Field, Interim OCC Director, reported that she has had discussions with the representative from the Mayor's Office who is working with the OCC's budget and stated that the Mayor's Office has not come with a position on the OCC's budget and she will know in about a week on the budget. Ms. Field also stated that the most recent date on the move is July 1st

but that is looking less likely.

PUBLIC COMMENT

None

REPORT AND DISCUSSION ON PROCEDURES IMPLEMENTING THE USE OF HEARING OFFICERS FOR COMMISSION DISCIPLINARY CASES

Commissioner DeJesus stated that she has been working very hard with the Deputy City Attorney with the hearing officer rules. Commissioner DeJesus explained that at the time of the charging document, a notice will go out to the accused member that he has a right to request a hearing from a hearing officer and if that comes in, the President of the Commission will decide whether or not this is a case that should go to a hearing officer and if it does, then the rules are set pretty straight forward about how the case should proceed and how the hearing officer will be selected. The hearing officer will not rule on dispositive motions but will rule on non dispositive motions and there are rules set so they can bring in any issues they have or appeals to the Commission. Commissioner DeJesus stated that after the case is concluded, the hearing officer will write a detailed report which would include assessing credibility of the witnesses and his findings which will come before the Commission.

PUBLIC COMMENT

None

COMMISSION ANNOUNCEMENTS

Sergeant Reilly announced that the next meeting will be in the Ingleside District, Visitation Valley Elementary School, 450 Raymond Street, on Wednesday, April 25th.

PUBLIC COMMENT

None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Sparks would like a report from the Chief regarding collaboration between resource officers at the school and the administration as far as identifying potential incidents like the one at Virginia Tech and also response.

Chief Fong stated that at the time when the Columbine incident happened, the Department put together a program with the schools and with other businesses and provided training and a manual and put all the officers through an active-shooter program. The Chief stated that the Department will provide information to the Commission.

Commissioner Sparks asked that this item be agendaized and put notice to the SROs and schools.

Commissioner Sparks would also like the Chief to identify the items she believes that should be reported to the Commission immediately upon them happening such as homicides, officer-involved shootings, press conference, et cetera, and give the Commission a list.

Commissioner Sparks also would like a report on citywide crime trends by neighborhoods. Commissioner Sparks would like to make a resolution at the Commission as opposed to a citywide ordinance requiring that kind of

report every 90 days.

Deputy Chief Keohane explained that the crime mapping software does break the city up into neighborhoods.

Commissioner Sparks would like the whole violent crime citywide by district and those districts broken down by neighborhood.

Chief Keohane stated that he will have the person from the Crime Analysis Unit come and present to the Commission how many neighborhoods is broken down into and perhaps put a plan together where information can be given to the Commission in a relevant time for whatever neighborhood is being addressed.

Commissioner Lee asked about the language access DGO. Chief Keohane stated that it went to the City Attorney's Office and was in contact with the Language Coalition. The Department received it back on Monday and final editing is being done and once that is done it will go to Command Staff for final review then to the POA for a meet and discuss then it will be ready for presentation to the Commission.

Commissioner Sparks asked that election of officers for the Commission be calendared for May 2nd or May 9th. Commissioner Sparks announced that it is her intent to run for President of the Commission.

ADJOURNMENT

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

Thereafter, the meeting was adjourned at 8:00 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

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