

MARCH 9, 2005

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 5:42 p.m., in a Regular Meeting.

PRESENT: Commissioners Orr-Smith, Chan, Marshall, Sparks, Veronese
ABSENT: Commissioners Renne, Keane

PUBLIC COMMENT

None

DISCUSSION AND POSSIBLE ACTION TO TAKE OFF CALENDAR INDEFINITELY THE DISCIPLINARY CHARGES FILED IN CASE NO. C03-362 EGF, WHO WAS APPROVED FOR DISABILITY RETIREMENT. SAID DISCIPLINARY CHARGES WILL BE PLACED BACK ON CALENDAR SHOULD THE OFFICER BE WITHIN THE JURISDICTION OF THE POLICE COMMISSION IN THE FUTURE
(Resolution No. 13-05)

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

DISCUSSION AND POSSIBLE ACTION TO ADOPT DECISION MOTION FOR DISMISSAL OF DISCIPLINARY CHARGES FILED IN CASE NO. C04-137 JWA
(Resolution No. 12-05)

Motion by Commissioner Chan, second by Commissioner Marshall to go into Closed Session. Approved 5-0.

(Reconvened to Open Session at 6:05 p.m.)

Motion by Commissioner Veronese, second by Commissioner Sparks for non disclosure of discussion held in Closed Session.

Commissioner Orr-Smith stated that the Commission voted in Closed Session to adopt the decision denying motion for dismissal of disciplinary charges filed against the officer.

DISCUSSION AND POSSIBLE ACTION TO ADOPT DECISION DENYING MOTION FOR DISMISSAL OF DISCIPLINARY CHARGES FILED IN CASE NOS. C04-123 JWF, C04-124 JWF, C04-120 JWF, C04-122 JWF, C04-119 JWF, C04-125 JWF, AND C04-122 JWF

Commissioner Orr-Smith announced that this item will be continued for one week.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Chief Fong stated that there are two update: (1) is regarding the limo and taxi concerns that were raised in the last several weeks; (2) is an update about press passes.

Sergeant Vince Simpson, Taxi Detail, presented a brief overview of the problems regarding illegal operations of limousines, out-of-town taxicabs, and unpermitted vehicles and a review of present and future enforcement strategies to abate these types unlawful activities. For the past several years, the Taxi Detail has stepped up their enforcement to deter these illegal activities. They

have conducted plainclothes operations utilizing both officers in the detail and in patrol targeting specific locations where these activities occur. Officers either posed as prospective taxi customers or concealed themselves in groups of people waiting for a cab, bus, or cable car, and when a ride is offered by a limousine driver or an unpermitted taxicab picks up the fare they move in and arrest the violator. The officers also patrolled the whole city in unmarked police vehicles looking for these illegal operations. They post their cell phone numbers with the taxi dispatch services so that on duty taxi drivers who observed a violation can immediately report the activity directly to the officers so they can respond to their location. All violators who unlawfully solicit transportation or operate vehicles without a permit are arrested and issued misdemeanor citations. In instances when a violator is arrested for the same offense within a year, the vehicle is impounded for evidentiary holds.

The Taxi Detail also forwards all arrest reports involving limousines to the State's PUC's Enforcement section which then issues the violator a formal notice to cease and desist their activity or face administrative penalties. Arrest reports, involving out of town taxicabs, are also faxed to the regulatory agencies that license the business operations. The Taxi Detail maintains an update and complete violators list and log all complaints regarding illegal activities to assist the Detail in their targeted enforcement. Reference cards were also created on taxicab and limousine regulations to assist officers in patrol to recognize and take action when these violations occur. Roll call training were conducted and the reference cards were distributed to line ups at selected downtown stations. The Taxi Detail also met with a number of major hotel operators to insure that arrangements for limousine services comply with the state and local regulations. They have also been investigating a number of complaints from cab drivers alleging that doormen are stirring their guests from taxicabs into the hotel's contracted limousine service. After review of these operations, the Detail found that most of those arrangements comply with the State's PUC regulations.

Commissioner Chan asked if the Department is still involve in issuing taxi medallions. Sergeant Simpson stated that the Police Commission does not issue taxi medallion permits anymore. They are now issued by the Taxi Commission.

Commissioner Sparks stated that when she was driving a cab she found that most of the illegal operators that she saw operated primarily at tourist locations and it made it problematic to educate San Francisco citizens when they were targeting primarily tourists. Commissioner Sparks asked if the Taxi Detail is responsible for enforcement at the Airport. Sergeant Simpson stated that they are not and that the Airport Bureau and their Ground Transportation Unit has that responsibility. Commissioner Sparks asked if there has been added education or discussion with the Deputy Chief at the Airport about illegal operators because this is a huge focus for limousine operators along the major terminals. Sergeant Simpson stated that he has talked with the officer in charge of the Ground Transportation Unit that handles a lot of that enforcement and they have two shifts of officers, swing & day shifts, that are out there focusing primarily, not only of Airport regulations, but also the limousines that are soliciting passengers that are coming off the airplanes. They are trying to educate more of the patrol in the rest of the Airport Bureau and they do have operations involving that.

Commander Craig responded to Commissioner Sparks' question. He stated that yesterday they met with the Assistant Deputy Director in charge of Ground Transportation at the Airport, along with Mr. Barry Toronto, to develop a plan on how the Airport is going to increase enforcement. Currently there are four plainclothes units to look at the illegal operations of both taxicabs as well as limousines. In terms of citations, the Airport is averaging as much as 140 citations a month to illegal limousines as well as taxicab

drivers. Commander Craig stated that a lot of the problem that the Airport is having is going into court in San Mateo County and there are numerous times where the judges are just dismissing the cases.

Commissioner Sparks stated that it is unfortunate that this item was not on the agenda because it would have been helpful if some of the taxicab operators who have appeared before the Commission could have been present. She asks that a transcript or a copy of the presentation be forwarded to the United Taxicab Workers and also some of the taxicab companies or that this presentation be recalendared so that the taxicab operators and the United Taxicab Workers could appear before the Commission and offer some suggestions.

Commissioner Veronese asked about duplication of medallion permits. Sergeant Simpson stated that actual medallion permits are displayed on the dashboards in front of their windshield to show that they are authorized permitted taxicabs. He stated that they have not come across any type of duplication. There have been instances in the past probably six or seven years ago but not at the present time. Commissioner Veronese also asked about costs and if they come out of the SFPD budget. Sergeant Simpson stated that the Taxi Commission has budgeted a taxicab/limousine enforcement fund for the purpose of enforcement of illegal operations and those funds are used when the Detail get officers from patrol and utilize that fund when assigning officers and doing enforcement operations.

Commissioner Marshall stated that this item should have been on the agenda and that a copy of the presentation should be given to taxicab workers.

Commissioner Orr-Smith asked if there has been any incident where the City was held liable. Sergeant Simpson stated that he is not aware of any such incident. He is aware where hotels are held liable when unlicensed limousine service were involved in an accident and the hotels are held liable.

Sergeant Neville Gittens, Public Affairs, gave a presentation in regards to issuance of press passes. In the past, there were no check and balances in terms of who gets press passes. All an individual had to do was to show up with some type of ID or some type of letterhead that stated that he was from a news organization and that press pass was issued to that person. When they started looking at the issue with the press passes, they realized that the situation was out of control. The numbers were just too high. There have been issues in terms of parking. The press pass entitles a person to get a parking permit. He stated that they have done enforcement in the Chinatown area and 80 percent of the parking spaces were occupied by people that displayed the Public Affairs parking permits. These problems have been ongoing and over the last two years, his unit have tightened up the criteria and have reduced the number of press passes from 1800 to just over 700. They has also established a good relationship with the judge at Department of Parking and Traffic. In the past, the judge have expressed issues and problems with people that have misused the parking permits continuously and at any time the judge recognizes some abuse the person is called in and a lot of times the permits were confiscated. The goal is to get the number down to a reasonable amount where they can reissue these parking permits and press passes yearly.

Commissioner Sparks stated that this is one issue that the Commission should have a public hearing on or at least the ability for the public to respond. She stated that she finds it distressing that the Department is trying to reduce press passes based on criteria that there is too many. She stated that the Department would be wanting to increase and to do a better job investigating who should be eligible for a press pass and issuing to qualified people and not just arbitrarily reducing the number. Commissioner Sparks stated that the Department needs to reevaluate how the press passes are issued, what the

criteria for issuing, and update the standards. Sergeant Gittens explained that the criteria that was used is for people that are covering breaking news that required to cross police and fire lines. He stated that that was the criteria that wasn't followed.

Commissioner Chan what information is required from the employer in order to credential the applicant. Sergeant Gittens stated that first they want to verify the employment. If it's a situation where the person is doing that, there is also the "stringers." The "stringers" cover the police beat, breaking news of police and fire issues.

Commissioner Orr-Smith stated that \$50 seems a scant fee for such a privileged credential. Commissioner Orr-Smith stated that when you consider that, as working press person, the cost of permits and pass are all tax deductible. She asked that the Department takes a look at raising the fee for the press credentials. Sergeant Gittens explained that currently the press passes are free. It's the parking permit that cost \$50.

Commissioner Sparks suggests a sliding scale might be more appropriate as far as charging. She stated that if the Department is able to charge more money, that might help to offset the costs of more detailed background investigation or more detailed evaluation of an individual applying.

Public Comment:
None.

OCC DIRECTOR'S REPORT

a. Review of recent activities

Director Allen gave an update regarding another break-in at the OCC offices. This time the alarm was activated. Southern Station was notified and responded. Director Allen stated that it didn't appear that somebody was in the building. There were no witnesses to the incident. When they returned in the morning, somebody had reported that a jacket was missing. They did a thorough check of the offices and it was realized that they took the digital cameras and the digital voice recorder. No computer equipment had been stolen and no files were stolen. Burglary responded and Crime Lab tested for prints on one of the light fixtures.

Director Allen stated that he talked to the building owner and after his first report, the owner had ordered bars for the back half of the building. There are seven to eight windows on the side of the building. Because gates were not ordered for the front side of the office, Director Allen posted a guard from 10 p.m. to 6 a.m. inside the OCC office in the front area. Southern has increased their passing calls. He stated that he will keep the guard there until all windows are barred.

Commissioner Orr-Smith asked how are items that were stolen replaced. Director Allen stated that they will go through supplies and if not in supplies, they will make a supplemental requisition. He also filed all the appropriate police reports and Burglary Unit was notified for them to check various pawn shops to see if somebody would turn the items in.

Commissioner Sparks asked for an update on the In-Custody Death general order. Director Allen stated that the Department had actually drafted a DGO and they have seen the draft version.

Public Comment:
None

**APPROVAL OF MINUTES FOR THE POLICE COMMISSION
MEETING OF DECEMBER 1, 2004**

Motion by Commissioner Marshall, second by Commissioner Sparks to approve the minutes. Approved 4-0.

COMMISSION ANNOUNCEMENTS

Commissioners Sparks congratulated Chief Fong and Deputy Chief Tabak for the arrest on the hate crime that occurred in the Castro on March 2nd. She thanked Deputy Chief Tabak and asked that he also congratulate the inspectors involved in the Hate Crime Unit.

Commissioner Marshall thanked Director Allen and Deputy Chief Suhr for their USF appearance on a Saturday.

Commissioner Veronese asked for an update on the shootings that have occurred during the tenure of this Commission as well as going back as early as January 2004.

Commissioner Chan asked about the utilization of Penal Code section 186.40. It provides for the opportunity for a creation of a gang registry and a duty for offenders to register with the Police Chief and specifically the provision for sentence enhancement if such registration obligation is violated under Penal Code section 186.33. Commissioner Chan stated he is interested in ascertaining the nature or the degree of discussions with the District Attorney's office as to whether this tool available to law enforcement agencies is being utilized within the City and County of San Francisco.

Commissioner Orr-Smith would like to acknowledge Captain Ashe and the Department for a very constructive and productive meeting regarding the juvenile general order.

Public Comment:
None

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

Commissioner Veronese would like to agendize a hearing on the use of cameras as presented by a vendor that's been using it in Chicago and the Commission should take a look at it as well. He asked Director Allen to put out a bulletin to the different community groups to come forward so that the Commission can get their opinions as well.

Commissioner Orr-Smith stated that that issue was raised and that the City Attorney had some concerns about whether or not the Commission can have a choice of vendors to make the presentation as opposed to one.

Commissioner Chan expressed concern that before the Commission talk about vendors and convene public hearings that the Commission inform itself sufficiently and have a full understanding of what the implications of going public in a premature manner would be. He stated that it is his understanding that the Mayor has designated Chris Cunnie to be the lead agency regarding that matter.

Commissioner Veronese stated that he will contact Chris Cunnie about this issue.

Commissioner Sparks asked for a status report regarding DGO 11.07. Commissioner Sparks also asked more specificity of items on the agenda so

that people who are interested in these items could come and comment on them.

Commissioner Orr-Smith asked about general orders dealing with juveniles. She requests that if there is a way to co-locate or cross-reference all those general orders. She asked if there is a way to flag down general orders that needs to be revisited and to be able to do that automatically.

Public Comment:

None

Motion by Commissioner Marshall, second by Commissioner Chan to adjourn the meeting. Approved 5-0.

Thereafter, the meeting was adjourned at 7:24 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

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