

**MARCH 23, 2005**

**CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in Room 40, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:00 p.m., in Closed Session.

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

ABSENT: Commissioner Veronese

**PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE  
CLOSED SESSIONS**

None

**VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER  
WITH LEGAL COUNSEL (SAN FRANCISCO ADMINISTRATIVE  
CODE SECTION 67.10(d))**

Motion by Commissioner Chan to hold Closed Session. Second by Commissioner Keane. Approved 5-0.

- a. **Closed Session pursuant to Government Code Section 54956.9 and San Francisco Administrative Code Section 67.10(d)  
CONFERENCE WITH LEGAL COUNSEL  
Ketron v. City and County of San Francisco, San Francisco Superior Court No. 417-357, City Attorney File No. 030767  
Consolidated with:  
Vincent v. City and County of San Francisco, San Francisco Superior Court No. 418-577, City Attorney File No. 031667**
- b. **Closed Session Pursuant to Government Code Section 54957 and S.F. Administrative Code Section 67(b)**
  - I. **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, C04-121 JWF, C04-119 JWF, C04-125 JWF, and C04-122 JWF**

Motion by Commissioner Orr-Smith to adopt decision, second by Commissioner Marshall. Approved 5-0. (Resolution No. 16-05)

- ii. **Discussion and possible action to rescind the Commission's March 16, 2005 action approving the stipulated disposition of the disciplinary charges against Officer Reynaldo C. Vargas (File No. C03-302 EGF) in light of new information.**

No action taken.

**MARCH 23, 2005**

**REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 40, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:45 p.m., in a Regular Meeting..

PRESENT: Commissioners Orr-Smith, Chan, Keane, Marshall, Sparks

ABSENT: Commissioner Renne, Veronese

**VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL**

**DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12(a))**

Motion by Commissioner Marshall for non disclosure. Second by Commissioner Chan. Approved 6-0.

**APPROVAL OF CONSENT CALENDAR**

Motion by Commissioner Chan to approve the Consent Calendar, second by Commissioner Keane. Approved 6-0.

**RESOLUTION NO. 15-05**

**KETRON v. CITY AND COUNTY OF SAN FRANCISCO**  
**Consolidated with:**  
**VINCENT v. CITY AND COUNTY OF SAN FRANCISCO**

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Ketron v. City and County of San Francisco" in San Francisco Superior Court No. 414-357 and "Vincent v. City and County of San Francisco" in San Francisco Superior Court No. 418-577, be, and the same are hereby approved.

Date of Incident: March 16, 2002

AYES: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall,  
Sparks

ABSENT: Commissioner Veronese

**PUBLIC COMMENT**

Elizabeth Prantes talked about medical marijuana.  
Taxicab driver discussed concerns regarding illegal taxicabs and limousines.  
Shannon Altamirano discussed concerns regarding the Sheila Detoy matter and the hearing being rescheduled last minute.  
Ms. Altamirano, mother of Shannon, discussed concerns regarding the Sheila Detoy matter and asked the POA to do what is right.

**CHIEF'S REPORT**

- a. **Update on significant policing efforts by Department members**
- b. **Report regarding Gang registration and validation procedures**

Deputy Chief Tabak for Chief Fong who's in training and will be back by the end of the week. Deputy Chief Tabak introduced Lieutenant Murphy and Sergeant Ali to make the presentation regarding Gang Registration and validation procedures.

Lieutenant Murphy explained that when an individual is convicted of a gang-related crime, the court orders them to register as a gang offender much like a sex offender or a narcotics offender. They are directed to go to Gang Task Force and register as a gang member. The individual has to appear within 10 days of their conviction or release from jail. Juveniles must bring a parent with them so that everything can be fully explained to the parent. They are put on notice that gang that they are associated with is officially a gang and has been validated, that they're required to register for five years. If they move residences within the SFPD jurisdiction, they have to re-register with their new address. If they move to another jurisdiction, they would have to register in that county. If they change their name, they have to notify the SFPD within 10 days. Upon release from jail and are paroled to the San Francisco area, they have to register within 10 days. They must provide proof of

registration to their parole agent and their probation officer within ten days of their release. They are required to submit to fingerprinting and photographing and also photographing of their tattoos. This is to insure that the individual who is being registered as a gang member is in fact the person who was convicted of that crime.

Commissioner Marshall asked how long are individuals registered. Lt. Murphy stated they are registered for five years and names are taken off after five years or the individual can petition the court to change the order and have their name removed. Lt. Murphy explained that it is the same process for juveniles except their parents are present during the registration.

Commissioner Chan asked, in terms of the registration, how many organizations are considered gangs. Lt. Murphy stated there's an estimate of 30 number of gangs. Lt. Murphy stated that registry is available to the public.

Lieutenant Murphy explained the process. He stated that the police do not deem the individuals gang members. The courts do and that is done through the court hearing and through the court process.

Commissioner Orr-Smith asked what do gang members do as a gang. Lieutenant Murphy stated that much of it is drugs, crack cocaine, marijuana and most are violence, aggression between the red and the blue. There's a lot of weapons violations, assaults, firearms violations, burglaries, robberies, stealing cars and stripping them.

Sergeant Ali, Gang Task Force, explained what experts testify to. He stated that experts testify to the history of the gang, the primary purpose of the gang. What the department has seen is that the primary purpose of gangs have been narcotics trade; have been the cloak of protection afforded to its members within the area; have been robberies, homicides, aggravated assaults, and more of the gangs involved in violent crimes.

Some of the experts can also testify to whether an individual is in fact a gang member, the size of the gang, the manner in which the gang members obtain status within the organization itself, is there a gang hierarchy, the importance of turf and territory. Sergeant Ali stated that there are gangs that operate without any territories but for the most part, what is seen in San Francisco, are the gangs that are bound by geographic locations.

Experts can also testify to the significance of graffiti. Graffiti speaks volumes in terms of identifying individuals within the gang itself as well as identifying a foreseeable crime.

Experts can also testify to common tattoos. Tattoos can speak of great significance. Their absence in some cases doesn't necessarily mean that an individual is not a gang member. The expert's responsibility is to look at the total picture on whether or not a particular crime was committed for the benefit and furtherance of the gang itself. Monikers and clothing are infamous in Southern California. You see that primarily with the Latin gangs in San Francisco and not with the African-American gangs.

Commissioner Chan asked, in terms of the validation process, to what extent is information obtained by the FBI or other sources like the National Drug Intelligence Center used in the course of working up the profile of these organizations and the individuals affiliated with them. Sergeant Ali stated that what you typically find is an individual comes to

your attention by way of a serious violent crime and you're basically working backwards. You're looking at the dynamics of that crime, looking at the people involved. All investigators assigned at GTF are very knowledgeable about particular areas. With that knowledge base, you can look at an incident and if they know the individual, their history is known and for the most part you rely on incidents that occurred in San Francisco as documented in incident reports and as illustrated with the individual's criminal convictions.

Lieutenant Murphy stated that just recently Officer Molina has met with the FBI and apparently nationwide information is being developed regarding the MS-13 and some of the individuals arrested in San Francisco have the MS-13 and upon interviewing them, the Department finds out where they are from. Lieutenant Murphy stated that they're at the genesis of developing that data right now and a lot of that comes out of the intelligence information from the federal government.

Deputy Chief Tabak stated that when we look at the same period last year from January 1<sup>st</sup> to the present at 2004 and compare the same period of time from January 1<sup>st</sup> to the present at 2005 there is a 40 percent reduction in the Black on Black gang-related homicides.

Commissioner Orr-Smith asked if there is an increase in Latino gang violence. Deputy Chief Tabak stated that it tends to ebb and flow with recent immigrants that come into the City, relocation in the neighborhoods, as youngsters come on into the gangs and some of the older ones leave the gangs or move out of the area. Most of them do not result in homicides, most are stabbings or personal attacks.

Commissioner Chan asked Deputy Chief Tabak if he thought that the gang registry mechanism is underutilized. Chief Tabak stated that he thinks that it is a tool that should be utilized in every case if the evidence is there. However, he also sees, in the best interest of the evidence and time of the courts, the expended energy and monies that go into putting one of these cases together if the outcome would be a conviction of say three, four, five, six years, and it is the determination of the District Attorney not to charge that enhancement, he could see some of the justification. But he also stated that, in his opinion, when there is an enhancement, he would like to see that enhancement charged and added to every case that's applicable.

Commissioner Orr-Smith congratulated the Department for making San Francisco a safe city. Commissioner Orr-Smith also asked for a report regarding teleserve and on-line reporting.

#### PUBLIC COMMENT

None

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

- a. Review of Recent Activities**
- b. Report regarding current staffing and anticipated hiring**

Director Allen stated that in January his office lost one investigator and a chief investigator. They've been trying to fill the spot of investigator and stated that they've received 31 applications and interviewed 21 of those candidates and four names were submitted to him for final consideration. Director Allen stated he is just waiting for the paperwork from the Controller's Office.

Commissioner Chan stated there has been concern expressed by the public in the past regarding the quality of the investigative staff of the

OCC and asked Director Allen, from his point of view, who or what type of profile would he deemed to be an ideal one in terms of providing the OCC with the caliber of investigators that would be able to work the cases up in a proper manner and to provide confidence to the public as well as to the rank and file of the Department that they're comporting themselves in a professional manner. Director Allen stated that the people have seven to ten years of experience as an investigator and it seems that people that have come from an investigative background do well, they're not being taught to be investigators, they're taught to investigate the issues of misconduct so they have great investigative skills. They're just learning a new type of investigation and that's generally what the teams are looking for.

#### PUBLIC COMMENT

None

#### **APPROVAL OF POLICE COMMISSION MINUTES FOR THE MEETING OF DECEMBER 8, 2004**

Motion by Commissioner Marshall to approve the minutes, second by Commissioner Chan. Commissioner Orr-Smith excused. Approved 4-0.

#### **COMMISSION ANNOUNCEMENTS**

Sergeant Reilly announced that on March 30, 2005, the Commission will hold its district meeting at the Tenderloin District Community Meeting Room at 201 Turk Street, at 6:00 p.m.

Commissioner Orr-Smith announced that the Board of Supervisors has posted a vacancy on the Commission which would be her seat and stated that anyone who is interested in applying for the Commission can download the information from the Clerk of the Board's website and proceed to follow the application process. Commissioner Orr-Smith stated that it is her intention to seek reappointment.

Commissioner Keane stated that he is pleased that Commissioner Orr-Smith is seeking reappointment and hope that she gets reappointed because it would be in the best interest of the Commission and the Department and the City and County and hopes that the Board of Supervisors sees the wisdom and reappoint Commissioner Orr-Smith.

Commissioner Keane commented that the Commission has seen Ms. Shannon Altamirano and have been hearing about the Deto case and how it's coming up on seven years. Commissioner Keane stated that he doesn't think that it's in anybody's interest for this case to just keep getting drawn out. He doesn't think it's in the interest of the officers involved who carries the cloud of the accusations in the complaints. He doesn't think it's in the interest of the family or any of the Commission. He stated that he thinks it is really disgraceful for the City to have this kind of experience hanging over San Francisco and to have it hanging over its criminal justice system and its Police Department. Commissioner Keane stated that the idea that it would take seven years, and still nowhere near figuring out what was involved in that, should make us all feel very much ashamed and it is a disgrace to the City.

Commissioner Chan stated that Deto case is assigned to him and he was informed last month that further action by the Commission has been stayed by order of the court and asked Sergeant Reilly when that order was received by the Commission Officer. Sergeant Reilly stated that order was received on the 18<sup>th</sup> of February.

Commissioner Marshall stated that the Cammerin Boyd case is coming up to one year also and would like a status report on the case.

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

Commissioner Chan stated that Commissioner Keane had asked for a briefing as to the operations of the Legal Division and he asked that this be revisited since there will be changes with the retirement of Mr. Jerry Akins.

Motion by Commissioner Keane to adjourn, second by Commissioner Marshall. Approved 5-0.

Thereafter, the meeting was adjourned at 7:10 p.m.

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Sergeant Joseph Reilly  
Secretary  
San Francisco Police Commission

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