

JUNE 22, 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, Sparks, Marshall, Veronese
ABSENT: Commissioners Renne, Keane

PUBLIC COMMENT

Shannon Altamirano discussed the court's decision denying the officers' petition in regard to the Detoy matter and asked the Commission to set a hearing as soon as possible.

Roger Basely would like a response regarding his project on safety.

Lieutenant Kitt Crenshaw, Traffic, spoke on behalf of Officer Lozada in regards to a lawsuit filed by Officer Lozada.

Charlie Walker discussed concerns regarding actions of the police in stopping a U-haul truck that was thought to be stolen.

Lorraine Altamirano would like to hear from Captain Keohane regarding the Department not following the general orders.

David Coony read a prepared statement in regards to a series of sexual assaults against him.

CHIEF'S REPORT

- a. Update on significant policing efforts by Department members**
- b. Update on Summer 2005 Policing Efforts**

Chief Fong talked about a press conference at Northern Station with the Mayor in regards to the plan the Department and the Mayor's Office have in place to increase the number of officers out in the field. It was announced that over the next 12 months to 18 months there will be 196 officers deployed to the field.

The Chief also talked about the budget and the recommendation of the budget analyst is that there be a reduction of \$1,923,432 and this is broken down into a number of categories. The Chief stated that looking at the attrition, savings, and salary savings for both miscellaneous employees as well as for sworn employees, the Chief would have to have further conversations with the budget analyst before the Department could agree to the reduction.

Commissioner Sparks asked about the general fund requirement for the increase in uniformed staffing. Chief Fong stated that that has not been a point of discussion and stated that this has to do with the staffing that is already in place.

Chief Fong introduced Deputy Chief Tabak to report on an enforcement activity that occurred today.

Chief Tabak reported that this morning, members of the Police Department were involved in an enforcement action that took place at approximately 7:00 a.m. This enforcement involved numerous locations throughout the Bay Area and involved numerous search and arrest warrants. This is part of a long term federal investigation and although several of the locations were medical marijuana clubs, the SFPD was not a participant in any of those locations assisting DEA or any other federal agencies. The indictments are still under federal seal and there will be a press conference by U.S. Attorney Kevin Ryan and DEA tomorrow at 11:30 a.m. at the Federal Building where more details about this investigation will be revealed.

Commissioner Veronese asked about comments by Captain Hettrich in

SF Gate and asked why the Captain is commenting and not the Public Affairs Unit. Deputy Chief Tabak stated he will speak to Captain Hettrich about that.

Commissioner Chan asked who is the Department's liaison with the other city agencies charged with overseeing the marijuana club moratorium. Deputy Chief Tabak stated that right now, the SFPD Narcotics Division is the lead agency within the SFPD to be liaison with any narcotics-related matters specifically the clubs. The Department is still in discussion with members of the committee with Supervisor Mirkirimi and other organizations to draft and come to some sort of agreement as to how best governed marijuana clubs and Captain Hettrich would be the person.

Chief Fong announced that last week Captain Keohane gave a presentation regarding the early indicator system. Chief Fong stated that she had follow-up conversations, as did Captain Keohane, with Mark Schlosberg of the ACLU. She introduced Captain Keohane to update the Commission.

Captain Keohane stated that after further discussions with Mr. Schlosberg and the Chief, the schedule will be amended in order to provide the Commission with information on the Early Intervention System. Captain Keohane stated that on the next Commission meeting at City Hall the Department will provide the draft order that Mr. Schlosberg talks to in his document. There is also a meeting with OCC on Friday at 10:30 a.m., so that past concerns may be addressed. Captain Keohane stated that it appears that approximately 18 months that the order has not been followed but in the mean time the order has not been ignored. He stated that Deputy Chief Suhr has informed him that he does review the daily OCC complaints that come in on a weekly basis and it has been addressed and that Chief Suhr has a number of officers that, through the FOB, have been placed on performance improvement plans.

Commissioner Sparks asked how an order like this is stopped being followed. Captain Keohane stated he can't speak in this specific circumstance and stated that he believes Director Allen stated to the Commission that he was informed by the individuals working on the new general order that perhaps to stop providing these documents to the police department and to send out those letters as the new order will be implemented shortly. That did not happen.

Director Allen explained that he knows that there were discussions that a new order is being created and the OCC continues to send the morning reports and they have all the General Order back information that will be turned over to the Department.

Commissioner Orr-Smith stated that there is no absence of guidance and it is the old order that's in effect until rescinded or otherwise a new order takes place.

Commissioner Chan suggested that there should be a more clear set of guidelines so that everyone knows what is required of him/herself in terms of effectuating the purposes of the document.

Captain Keohane stated that at the Commission's request from last meeting, the Chief has separated all the general orders between the four bureaus within the department. Each bureau will be reviewing those orders which most affect that specific bureau. The due date back to the Chief is in two weeks and a report to the Commission by the specified due date.

Chief Fong introduced Sergeant Bill Herndon to make a presentation in regards to the Canine Response Working Group. Sergeant Herndon explained that the group is focused to see what can be done to change or enhance the existing laws in the city to make it safer for people. The Mayor gave them 10

days to come up with the report. He briefly went through the Special Report on the Policy Response Options Canine Response Working Group.

Commissioner Veronese how can there be an effective tracking system when less than 10 percent of dogs in the city are actually licensed. Sergeant Herndon stated that the numbers vary from about 12,600 to 13,200 and that's because the licenses expire in three years.

Commissioner Sparks asked about the Diane Whipple case and asked if the dogs were licensed. Sergeant Herndon stated that the dogs in the most recent case were licensed and microchipped but he does not recall about the Diane Whipple case. Sergeant Herndon also explained that under the Health Code, the Department conducts a vicious and dangerous dog hearings. He stated that any dog can be declared vicious and dangerous, not because of the breed or the size, but because of the actions of the dog.

Commissioner Chan thanked Sergeant Herndon for his professionalism and patience to the citizens of the City. Commissioner Chan asked about a requirement in Washington, D.C., that rottweilers and pitbulls be muzzled. Sergeant Herndon explained that if a dog is muzzled, he can't bite you. As far as requiring it on all of the dogs, Sergeant Herndon stated that one problem with the pitts is it is very difficult to place a muzzle on them that properly fits. He explained that the real problem with dog court, whatever regulations are put forth, they don't apply in residences.

Commissioner Sparks asked about the officer-involved discharged. Captain Keohane explained that the shooting occurred on the 3rd and the officer did not come back to work until the 11th.

Deputy Chief Suhr explained that the officer did have a hard time with this shooting. He has kids of the same age and he did go to a CIRT debriefing where he worked through some things.

Commissioner Orr-Smith stated that she wants to make sure that the Department is doing everything to educate the families about the potential risks, not to alarm them, but for them to do the due diligence to make their homes safe as well as educating the kids to recognize and to speak up when something is wrong and to recognize when there is a potential danger.

Commissioner Chan asked about Commander Puccinelli and wished him a speedy recovery. Deputy Chief Suhr stated that he is fine and his wife has been released. Chief Suhr thanked Commissioner Veronese for visiting Commander Puccinelli. Chief Suhr stated that the commander has a compound fracture to his left knee. He had surgery to clean the knee and will have another surgery tomorrow or Friday to actually fix it. Julie, his wife, has two broken wrists and a broken clavicle. They were thrown over the top of the car that hit them that had traveled onto the wrong side of the road. Captain Tacchini will be taking his place during his absence.

Commissioner Marshall asked about the officers who were involved with alcohol and juveniles. Deputy Chief Parra stated that the officers were immediately suspended that evening and then there will be a hearing to review the suspension.

Commissioner Veronese asked for some incentives to have officers who work in the city, live in the city. Chief Fong stated that the Department will put something together to be presented to the Commission.

Chief Fong introduced Deputy Chief Suhr to talk about what the Department is doing to have activities for young people. Deputy Chief Suhr stated that at the end of school, all the Captains submit a program as to how

they were going to address the last week of school. More police presence along the transit hubs and corridors. Parent pick up are encouraged. The cease fire program are back in place in the Bayview and in the Southern end of the City. Mission Station is having their 8th year of the Clean Team. Bayview is in the last three weeks of their late night basketball. Personnel that have been loaned to the Gang Task Force are going to stay at the Gang Task Force through the summer. There will also be a Junior Giants Program out in the Bayview where 40 to 80 kids will play baseball through the Giants Program. He stated that the Captains are doing a lot of proactive stuff to get in front of anything that might present a problem.

Lieutenant Colleen Fatooh gave an overview of the Youth Services Unit. Currently there are officers in six high schools and in three high schools there are two officers. There are also 8 middle schools that have officers assigned to them for the summer. Lieutenant Fatooh talked about the Wilderness Activities. She also talked about the Clean Team. There are 4 SRO's that work everyday with a group of 40 youths in the Mission District. She also talked about the SCORE Program and the GREAT Program.

Officer Julie Lazar talked about the Police Activities League Law Enforcement Cadet Program. The mission of the PAL program is to assist cadets in becoming good citizens and to develop leadership abilities. One of the main focus of the program is community involvement which helps cadets become better citizens by providing community service while working at police-related events as well as PAL fund raising events.

Commissioner Sparks thanked Lt. Fatooh and Chief Fong for their report. She also went on to commend two officers, Officer Mary Godfrey and Officer Kim Koltzoff, who saved 14 tenants in Chinatown. She asked that the officers be recognized with a Medal of Valor as soon as possible.

PUBLIC COMMENT:

Lorraine Altamirano stated that she enjoyed the report and that it sounds very positive. She also commented on Captain Keohane's statement regarding the general order.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Director Allen stated that he attended the budget hearing and stated that he did get an increase in the training budget. They also got \$23,000 in the equipment budget that allows an upgrade in their computer system. He stated that that might be the only area that needs to be discussed next week but so far it looks like everybody agreed with the OCC budget.

Director Allen stated that last Wednesday, he attended a Sexual and Workplace Harassment seminar put on by the City Attorney's Office. Director Allen stated that the training really opened the eyes of some of the people in his office and went on to thank the City Attorney's office for doing the seminar.

Commissioner Chan asked about charging by the OCC and asked if there are any guidelines that are in writing. Director Allen stated that allegations are set out in the Department General Orders. Director Allen explained that the intake team assigns the allegations to the complaint after reading the narrative and then the supervisor reviews and determines whether they are appropriate or not.

Director Allen announced that his law school is having their annual alumni funding campaign kickoff and they had asked him to speak. Director

Allen asked the Commission if he could be excused to attend the event. Commissioner Orr-Smith stated yes.

PUBLIC COMMENT:

None

APPROVAL OF MINUTES FOR THE POLICE COMMISSION MEETING OF MARCH 2, 2005

Motion by Commissioner Marshall, second by Commissioner Sparks to approve the minutes. Approved 5-0.

COMMISSION ANNOUNCEMENTS

Sergeant Reilly announced that the Commission will be holding a special meeting at a location other than City Hall. On June 29th, the community meeting will be held in the Taraval District, West Portal Elementary School, #5 Lenox Way, San Francisco, at 6 p.m.

Sergeant Reilly also announced that the Commission received notice in the Gregory Breslin, et al., in which the petition of the plaintiffs was denied. As a result of that, Commissioner Chan has asked the Commission staff to set this matter expeditiously for prehearing motions and hearing on motions in August. Commissioner Chan stated that he will move forward with this matter unless and until stayed by lawful order by the court with competent jurisdiction.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Chan asked for an update to the progress of the awards committee that had been convened. Commissioner Chan also asked for an update for a possibility of a potential of establishing a rank of corporal within the Department.

Motion by Commissioner Marshall, second by Commissioner Sparks to adjourn the meeting.

Thereafter, the meeting was adjourned at 7:45 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission