

JANUARY 19, 2005

CLOSED SESSION

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 5:06 p.m., in Closed Session.

PRESENT: Commissioners Renne, Chan, Keane, Sparks

ABSENT: Commissioners Orr-Smith, Marshall, Veronese

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER WITH LEGAL COUNSEL (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d)(1))

Motion by Commissioner Chan to hold Closed Session, second by Commissioner Keane. Approved 4-0.

CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a) AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d)(1)

CONFERENCE WITH LEGAL COUNSEL: Pending Litigation

Schiff v. CCSF et al., U.S. D.C. N.D. Cal, Case No. C03-04345 JCS
Stockwell v. CCSF et al., San Francisco Superior Court, Case No. 04-436254

ANTICIPATED LITIGATION: AS DEFENDANT

JANUARY 19, 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 5:28 p.m., in Regular Meeting.

PRESENT: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall, Sparks, 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 Orr-Smith for non disclosure, second by Commissioner Keane. Approved 7-0.

PUBLIC COMMENT

Otis Harris discussed concerns regarding being beaten by San Francisco police officers.

Marylon Boyd, Campaign for Justice for Cammerin Boyd, discussed concerns regarding witnesses being intimidated and abused and beaten up.

Ace Washington discussed concerns regarding incident involving Otis Harris.

Unidentified discussed concerns regarding being beaten by the police.

Rochelle Harris, Otis Harris' wife, stated she witnessed her husband being kicked and beaten.

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE CHIEF'S RECOMMENDATION FOR STIPULATED DISPOSITION OF THE DISCIPLINARY CHARGES FILED IN CASE NO. C03-190 JWA WITHOUT TRIAL

Motion by Commissioner Marshall to go into Closed Session, second by Commissioner Orr-Smith. Approved 7-0.

PUBLIC COMMENT

None

Motion by Commissioner Orr-Smith for non disclosure of discussion, second by Commissioner Keane. Approved 7-0.

Commissioner Renne announced that the Commission, by unanimous vote, decided to reject the settlement and that there will be a hearing on this matter.

CHIEF'S REPORT

- a. Report regarding Department's Staffing, including a discussion of the diversity within the Department.**
- b. Update on significant policing efforts by Department members.**

Deputy Chief Parra reported on the Department's staffing. He gave historical hiring trends, a snapshot of today's staffing level, diversity of the workforce, projected attrition rate, and a three-year staffing plan. He also discussed the additional duties and responsibilities of San Francisco Police Officers.

Chief Parra showed a graph going back to 1993 to show that Prop D, in the election of June 1994, was passed giving the minimum staffing level of full duty officers of 1,971. In 1994 there were 1,794. After Prop D and new regulations that the Department had to adhere to, from 1994 to 1995, there was a huge increase in Academy classes: five in 1994 and seven in 1995 bringing the total officers to 2,094 in 1996. Chief Parra stated that 2001 there were five Academy classes, 2002 there were two academy classes, and then decreased accordingly in 2003 and 2004 to one academy class each. The number now is down to 1,977.

As of today, the total is 2,143 officers: 157 assigned to the Airport, 53 for ADA accommodations, 41 on disability that are assigned to the Medical Liaison Unit (longer than 30 days), 58 on disability that are assigned to their home unit (on disability for less than 30 days), 101 on temporary modified duty, and the remainders are leaves, FMLA, family care leave, sick leave, personal leave, and military leave. Chief Parra explained that all the officers on disability are under doctor's care.

Commissioner Sparks asked about the difference in 1,977 to 2,143. Chief Parra stated that the 2,143 includes the Airport and those on disability.

Chief Parra reported on diversity in the Police Department. White officers at 56.60 percent; Hispanic officers at 14.75 percent; Asian at 14.33 percent; African American officers at 9.52 percent; Filipino officers at 4.53 percent; and Native Americans at .28 percent. Genders, there are 83.48 percent male, and 16.52 percent female.

On the latest recruitment drive there were an increase in African Americans to over 12 percent; Hispanic 20 percent, Asian 20 percent, Filipino 9.73 percent. He stated that this recruitment drive, with the participation of police employee group members did a very very good job.

Commissioner Sparks stated that she had an opportunity to talk to some of the people with the Pride Alliance and stated that on the lesbian, gay, and transgender communities it seems that the Department is substantially under represented relative to a couple of those communities. She stated that the demographics suggests that there's about 10.5 percent or 220 lesbian officers and currently there are 201. The demographics would also suggest that the Department would need 220 gay officers and currently the Department has 24 gay officers and demographics would also suggest that the Department should have between 38 and 42 transgender officers and currently there two which would suggest 480 lesbian, gay, transgender officers and currently there are 227. Commissioner Sparks also stated that there's a number of officers that are afraid to disclose which is problematic from Department's perspective. She would like to know what the Department's intent to try and correct the gay and transgender population.

Deputy Chief Parra stated the Department has an excellent open relationship with Pride Alliance and stated that they were one of the most active groups in aggressively recruiting from the Castro District and some of the other areas in the City and he will continue to encourage this type of recruitment and planning and try to figure out the best way to approach this.

Chief Parra then talked about the projected attrition rate for the SFPD. Chief Parra stated that what is proposed is continuous hiring for the next three years of three academy classes each year. Each class maxing out at 50 candidates. That is a total of 450 candidates over a three-year period.

Commissioner Orr-Smith asked about genders of African American officers. Chief Parra stated that there's 2.47 percent or 53 females and 7.05 percent or 151 male officers.

Commissioner Sparks asked how this plan would fit with the budget. Chief Parra stated that the Department is looking at the budget and stated that the budget is not set up and is not giving true accurate suggestions for funding and Captain Lynch in the Fiscal Department is looking at that and will be in further discussions with the Mayor's office. He stated that the Mayor's office is aware that this is what the Department would like to do.

Commissioner Sparks asked if the Department has a goal of numbers of uniformed officers that it hopes to hire over a three or four-year period of time. Chief Parra explained that it would be nice to hire 450 at the end of the three-year period but how many is retained from that number is the true question. He stated that his goal is to hire as many as he can and to have them to successfully pass through the entire training process.

Commissioner Sparks stated that 13 days for recruiting is a very short time and makes it difficult to get the best candidates and possibly problematic when addressing diversity. Chief Parra explained that, with this type of plan, it will be continuous. As far as the application period, it can be held open longer. He also stated that 13 days is a short period of time, the Department received the highest number in response out of previous recruitment drives.

Commissioner Marshall asked if there is a set number of officers that is needed to staff the Department. Chief Parra stated that there is an optimum number out there but the Department has not reached it yet because the needs of the City continue to grow.

Commissioner Chan asked about the number of Asian American officers in the Department. Chief Parra stated that the National Asian Peace Officers Association is extremely active in recruitment drives but the Department needs to be higher in numbers as far as Asian American officers. Chief Parra stated that there were public service announcements in Spanish

and Cantonese and the were on a number of bilingual channels to announce the recruitment drive.

Commissioner Chan asked, out of the 1, 977 officers, how many are full duty. Chief Parra stated 1,719 officers are full duty within the City limits. He explained that there is 72 percent of members assigned to FOB.

Captain Lynch explained that salary and fringe for 50 officers runs around \$3.4 million based on the first step of Q-2 rate. In addition to a class, as far as personnel costs of students in the class, the support cost to go with the background, academy instruction, uniform and equipment, that runs about \$561,000 per class. For three classes it will run about \$1.7 million in the support area. Captain Lynch stated that for three academy classes between background costs and uniform, training, the total would run around \$2.4 million and each class would run about \$3.4 million. What the Department is looking for on the short term this year going on to next fiscal year would be one class is general fund supported that would come in at the end of the fiscal year. A universal hiring grant will be use for the academy classes coming up and a second grant coming up for use in the next fiscal year in addition to general fund support. Captain Lynch stated that about 86 percent of the budget relates to personnel costs.

Captain Tacchini explained the DROP Program. This program is a retention program to keep officers on the Department. The cost savings is significant. It saves on training costs and it retains experienced officers. The plan is designed to invest money that the officers have contributed in which the City can defer future costs. Captain Tacchini explained that the program can keep most of the officers that are eligible for retirement. Everybody would be eligible from the Chief on down. He explained that the program is in effect in Los Angeles and Fresno and they've retained people for not more than five years. So you keep a level of expertise. You keep institutional knowledge. The big savings to the City is that the money in the DROP Program, the officer would get their regular salary, although they're officially retired, and their retirement payment would go into a special fund. It's a tax-deferred annuity and the City would manage that annuity during that period of time that the officer is in this program. For every 100 officers in this program, there is approximately \$10 million in this fund. Historically, the City has earned in excess of 10 percent on this money and this is money that would go back into the retirement fund to be utilized for different purposes. As the number of retirees grow, about 2008 - 2009, there can be approximately 500 to 600 eligible people to retire and there will be anywhere from \$10 to \$100 million in this fund and so at 10 percent on a \$100 million, compounded, the City will make a significant amount of money that could be then put back to the general fund for a number of programs.

Captain Tacchini stated that the phase that they're in now with the program is the implementation of this program. He stated that he thinks that City officials are in favor of it but they have to look at the costs to implement it. He also stated that there is also a concern as to whether or not it has to go to the electorate as to whether or not it's a pension or benefit change or whether or not it's included in one of the propositions that were approved by the voters. He stated that within the next couple of months he hopes to have an answer, either though the City Attorney's office as to whether or not this measure has to be taken to the voters or whether or not it can be implemented as is.

PUBLIC COMMENT:

Unidentified discussed cameras in police cars
Abdul asked for more police officers to protect the citizens of the City.
Steve Johnson, POA, thanked Deputy Chief Parra and talked about the

DROP Program and its benefits for the Department.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Director Allen stated that his office is losing a Chief Investigator and one of their investigators. He stated that he has an acting Chief Investigator. Director Allen stated that he cannot get an exam right now to get a full time permanent civil service person but he can hire provisionally until a test can be administered. He also stated that he hired a new policy analyst, Kendall Go.

Commissioner Sparks asked about demographics of the OCC and asked Director Allen for a report regarding same. Commissioner Sparks also asked about complaints logged, in the form of letters, from officers and individuals who are being investigated. She stated that she is unclear of the process and stated that there is 9 to 12 inquiries as to potential misconduct by investigators in their investigations of officers and asked Director Allen for a presentation on what the process is and what his personal attitude is toward those investigations, towards resolving these claims, and how he deals with those claims and she asked for a status of what the overall claims are.

Director Allen stated he received seven complaints in the past and all of which he has investigated and have been addressed. He also stated that the OCC is working on the "Notice to Appear" letters. He explained that officers are entitled to representation and it's the officer's duty to get representation.

PUBLIC COMMENT:

Mr. Wechter thanked the Commission for their support for the OCC and thanked Chief Fong and the Command Staff. He stated that the decision to leave the OCC was difficult but he is thankful to have had the opportunity to work in the OCC.

Unidentified discussed the database system and thanked Chief Fong and Director Allen.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE
MODIFICATION OF THE CURRENT 28-DAY WORK PERIOD
UNDER THE FAIR LABOR STANDARDS ACT FOR SWORN
MEMBERS OF THE DEPARTMENT, SO THAT THE WORK PERIOD
BEGINS ON SATURDAY, FEBRUARY 12, 2005 AT 0001 HOURS, AND
CONCLUDES ON FRIDAY, MARCH 11, 2005 AT 2400 HOURS, AND
CONTINUES TO REPORT IN 28-DAY PERIODS**

PUBLIC COMMENT

None

Motion by Commissioner Chan, second by Commissioner Keane.
Approved 7-0.

RESOLUTION NO. 6-05

**MODIFICATION OF POLICE COMMISSION RESOLUTION NO. 414-
86 IN REGARDS TO THE CURRENT 28-DAY WORK PERIOD
UNDER THE FAIR LABOR STANDARDS ACT FOR SWORN
MEMBERS OF THE DEPARTMENT, SO THAT THE WORK PERIOD
BEGINS ON SATURDAY, FEBRUARY 12, 2005 AT 0001 HOURS, AND
CONCLUDES ON FRIDAY, MARCH 11, 2005 AT 2400 HOURS, AND
CONTINUES TO REPORT IN 28-DAY PERIODS**

WHEREAS, in 1986 the San Francisco Police Commission approved Resolution No. 414-86, which among other things set a repeating 28-day work period under the Fair Labor Standards Act ("FLSA") for all sworn members of

the Police Department, and

WHEREAS, the cycle of 28-day work periods set in 1986 was not aligned with the cycle of 14-day pay periods used by the City and County of San Francisco (“City”), and

WHEREAS, for administrative convenience, the San Francisco Police Commission wishes to align the Police Department’s 28-day work period for sworn members with the City’s 14-day pay period cycle; therefore, be it

RESOLVED, that pursuant to the FLSA, 29 U.S.C. Section 207(k), the San Francisco Police Commission hereby modifies the existing 28-day work period under the FLSA, so that the work period for all sworn members of the Police Department shall be a 28-day period beginning at 0001 hours on Saturday, February 12, 2005, and concluding at 2400 hours on Friday, March 11, 2005, and repeating in 28-day periods thereafter. This 28-day work period is for purposes of calculating FLSA overtime, and need not coincide with the duty cycle of sworn members.

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

COMMISSION ANNOUNCEMENTS

Commissioner Renne announced that she received a letter from the Mayor’s office that indicates that because of the failure of Propositions J and K in last year’s election has resulted in \$97 million in revenue that there are a number of items that are going to be cut, reduce spending. One of them is that the City is suspending all telecasts of general fund Commission hearings, including the Police Commission, as of January 15, 2005.

PUBLIC COMMENT

None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Renne stated that the next meeting will be a community meeting in the Mission District, Sanchez Elementary School, 325 Sanchez Street.

Commissioner Chan stated that there is a typographical error on the resolution regarding the Police Commission rule change. The word “enduring” should be changed to “ending.” Sergeant Reilly announced that the change have already been made.

Commissioner Sparks stated that on October 13th a member of the Pride Alliance requested a public hearing on issues relative to LGBT officers in the SFPD. Commissioner Sparks requested that the meeting be rescheduled specifically on discrimination against LGBT officers in the SFPD based on issues during the process of promotions specifically to that a lieutenant; transfers, whether or not they are used as a punitive measure or used for discipline; on hiring policy, whether 13 days over a two to three year period is enough; and on the screening, whether or not the evaluations test currently used by the SFPD inappropriately calls out an individual who is LGBT. Commissioner Sparks requested, pursuant to General Order 2.01, that the Commission schedules a hearing within the next 30 days.

Commissioner Sparks would like an update from the Chief regarding General Order 11.07, which is the discrimination order.

Commissioner Sparks also asked for a mid year budget update from the SFPD and the OCC.

Commissioner Sparks also asked if the office needs a part time help to assist in catching up with the minutes.

PUBLIC COMMENT:

None

Thereafter, the meeting was adjourned at 8:58 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

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