

**OCTOBER 28, 2009**

**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 a Regular Meeting.

PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan  
(*Commissioner DeJesus arrived at 5:58 p.m.*)

**ADOPTION OF THE MINUTES**

- **Regular Meeting of September 16, 2009**

Motion by Commissioner Onek, second by Commissioner Mazzucco.  
Approved 5-0.

**PUBLIC COMMENT**

Jeanette Burger discussed concerns regarding Tasers and unlicensed drivers.

Roberta Toomer and Beverly Upton, Domestic Violence Consortium, announced that this month is Violence Awareness month.

Michael Petrallis thanked the Chief for issuing more press passes and commended the Chief for enforcement in the Tenderloin.

Doug Malar discussed concerns regarding a Michael Aquino and the torture of children and asked that the investigation continues as it was started with the administration of Chief Fong.

Christine Harris discussed concerns regarding Sgt. Raymond Beazley and the use of microwave weapons and being stalked.

Peter Alexander Chernoff discussed concerns regarding drug dealing within law enforcement and discussed concerns regarding harassment of Christine Harris.

Craig Gold discussed mobile catering and denial of permits.

**REPORTS TO THE COMMISSION**

- a. **Chief's Report**
- **Update on significant policing efforts by Department members**

Chief Gascón announced that the Department is preparing for Halloween and that next Wednesday is the second Compstat meeting. Chief Gascón also stated that process to amend the discipline process is on the way with the first meeting coming up fast.

- b. **OCC Director's Report**
- **Review of recent activities**

Director Hicks talked about two items. The first, cases opened. The OCC opened 846 cases to date; closed 862 cases with 43 cases sustained. Director Hicks stated that the OCC has no pending cases from 2008 with 379 pending cases for 2009. As far as mediation, the OCC mediated 5 cases in October for a total of 66 cases to date.

Director Hicks also announced that she will be attending the NACOLE Conference to talk about the OCC's Mediation Program.

- c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Onek commended the Omega Boys Club for its recent event honoring 150 graduates.

**PUBLIC COMMENT**

None

**ROUTINE ADMINISTRATIVE BUSINESS**

**a. Commission Announcements**

- **Assignment of disciplinary charges filed against Patrol Special Officer Hanley Chan, File No. ALW C09-221, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (Assigned to Commissioner Mazzucco, Resolution 104-09)**

**b. Scheduling of items identified for consideration at future Commission meetings**

Commissioner DeJesus would like a status update as to the issue going on regarding the payroll clerks. Assistant Chief Lynch stated that the grievance is at the Department of Human Resources' level and is out of the Department's hands for right now.

Commissioner Lee would like a presentation in regards to elder abuse. Chief Gascón stated it can be done next week.

Commissioner Mazzucco would like a report in regards to police reserves and what the status of the program is.

**PUBLIC COMMENT**

None

**PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION**

Barbara Growth discussed concerns.

**VOTE ON WHETHER TO HOLD CLOSED SESSION**

Motion by Commissioner Mazzucco, second by Commissioner DeJesus. Approved 6-0.

**CLOSED SESSION** (6:30 p.m. to 7:35 p.m.)

**a. CONFERENCE WITH LEGAL COUNSEL**

**Marco Maestrini v. CCSF, et al., USDC No. C07-2941**

(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan, Chief Gascón, Lieutenant Reilly)

**b. PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charges file din case No. KMO C09-073 to the Department pursuant to stipulation of the parties, for referral to the Chief of Police for evaluation and potential discipline of up to 10 days suspension**

(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan, Chief Gascón, Lieutenant Reilly, Deputy City Attorney Blits, Attorney K. O'Haire, Attorney J. Lassart)

**c. PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charges file din case No. ALW C08-120 to the Department pursuant to stipulation of the parties, for referral to the Chief of Police for evaluation and potential discipline of up to 10 days suspension**

(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan, Chief Gascón, Lieutenant Reilly, Deputy City Attorney Blits, Attorney K. O'Haire, Mr. S. Johnson)

**d. PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charges file din case No. ALW C08-177 to the Department pursuant to stipulation of the parties, for referral to the Chief of Police for evaluation and potential discipline of up to 10 days suspension**

(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan, Chief Gascón, Lieutenant Reilly, Deputy City Attorney Blits, Attorney K. O’Haire, Mr. S. Johnson)

**e. PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charges file din case No. RMW C08-190 to the Department pursuant to stipulation of the parties, for referral to the Chief of Police for evaluation and potential discipline of up to 10 days suspension**

(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan, Chief Gascón, Lieutenant Reilly, Deputy City Attorney Blits, Attorney K. O’Haire, Mr. S. Johnson)

**f. PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary matters filed in Case Nos. ALW C07-073 and ALW C09-004**

(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan, Chief Gascón, Lieutenant Reilly, Deputy City Attorney Blits)

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

Motion by Commissioner Mazzucco, second by Commissioner Onek for non disclosure. Approved 6-0.

**APPROVAL OF CONSENT CALENDAR**

**a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney**

**Marco Maestrini v. CCSF, et al, USDC No. C07-2941**

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 6-0.

**b. Approval to accept donation from Mr. John York, owner of the San Francisco 49ers, of four hats and eight tickets to the October 11<sup>th</sup> 49er Football Game to the officers of Ingleside Station**

Motion by Commissioner DeJesus, second by Commissioner Onek. Approved 6-0.

**RESOLUTION NO. 105-09**

**MARCO MAESTRINI v. CITY AND COUNTY OF SAN FRANCISCO, et al.**

RESOLVED, that the recommendation of the City Attorney for settlement in the litigation of “Marco Maestrini v. City and County of San Francisco, et al.,” in USDC No. C07-02941 PJH, be, and the same is hereby approved.

Date of Incident: October 29, 2006

AYES: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan

**RESOLUTION NO. 110-09**

**APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO  
ACCEPT DONATION FROM MR. JOHN YORK, OWNER OF THE  
SAN FRANCISCO 49ERS, OF FOUR HATS AND EIGHT TICKETS TO  
THE OCTOBER 11, 2009 49ERS FOOTBALL GAME, TO THE  
OFFICERS OF INGLESIDE STATION**

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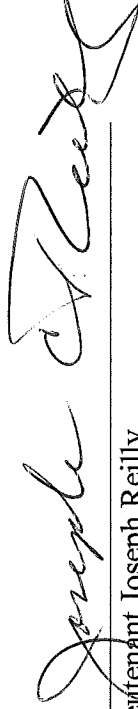
RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation from r. John York, owner of the San Francisco 49ers, of four hats and eight tickets to the October 11<sup>th</sup> 49ers football game, to the officers of the Ingleside Station.

AYES: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan

**ADJOURNMENT**

Motion by Commissioner Onek, second by Commissioner Pan.  
Approved 6-0.

Thereafter, the meeting was adjourned at 7:39 p.m.



Lieutenant Joseph Reilly  
Secretary  
San Francisco Police Commission