

MARCH 3, 2010

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 5:05 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall Mazzucco, DeJesus, Lee, Hammer, Onek, Pan

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

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

CLOSED SESSION (5:06 p.m. to 6:51 p.m.)

- a. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case Nos. JCT C06-144; ALW C06-202, and ALW C08-128.**
(Resolution No: 20-10)

PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Hammer, Onek, Pan, Deputy District Attorney Blits, Chief Gascón, Lieutenant Reilly, and parties involved)

- b. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. C06-132** (Resolution No. 21-10)

PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Hammer, Onek, Pan, Deputy District Attorney Blits, Chief Gascón, Lieutenant Reilly, and parties involved)

- c. **PERSONNEL EXCEPTION: Status and calendaring of the following pending disciplinary matters:**

- **IVF C09-143**
- **RMW C08-110**
- **RMW C08-111**
- **ALW C08-074**
- **ALW C08-181**
- **ALW C09-062**
- **KMO C08-137**

PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Hammer, Onek, Pan, Deputy District Attorney Blits, Chief Gascón, Lieutenant Reilly, and parties involved)

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 7-0.

DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE CHIEF OF POLICE TO DEVELOP MODIFICATIONS OF DEPARTMENT GENERAL ORDERS 5.01, "USE OF FORCE," AND DEPARTMENT GENERAL ORDER 10.01, "EQUIPMENT," TO INCLUDE THE USE OF CONDUCTED ENERGY DEVICES (CED) ("TASER"), AND TO DEVELOP POLICIES, PRACTICES, TRAINING AND IMPLEMENTATION PROGRAMS CONSISTENT WITH

PROFESSIONAL BEST PRACTICES AND CONTEMPORARY TECHNOLOGY, RELYING UPON RECOMMENDATIONS FROM THE DEPARTMENT OF JUSTICE'S OFFICE OF COMMUNITY ORIENTED POLICING SERVICES AND THE POLICE EXECUTIVE RESEARCH FORUM, SUBJECT TO THE FINAL APPROVAL OF THE POLICE COMMISSION

Taken out of order.

Commissioner Lee introduced UCSF Dr. Byron Lee and Dr. Zian Tseng to present their independent study in regards to tasers.

Comments and questions by Commissioners Mazzucco, Pan, Lee, DeJesus, Hammer, and Marshall.

Commissioner DeJesus introduced Mr. John C. Burton, Plaintiffs Trial Lawyer, who talked about different incidents involving tasers and recommended that tasers should not be implemented at this time and that it should await actions by POST.

Comments and questions by Commissioners Mazzucco, DeJesus, Pan and Marshall.

Commissioner DeJesus introduced Mr. Aram James, retired Public Defender Santa Clara County, who talked about the use of tasers in different situations.

Questions and comments by Commissioners DeJesus, and Mazzucco.

Ms. Barbara Attard, NACOLE, talked about taser use and stated that if tasers are implement in San Francisco, it is important that proper guidelines are established, the number of tases and the duration of the tases, the circumstances when tasers should not be used. Tasers should not be used in verbal or passive resistors. The reporting should be documented in use of force reports. There should be an independent oversight of taser use by the Office of Citizen Complaints. There should be regular reporting on taser use to the Commission. She stated that it is important that there be full accountability and transparency in taser use.

Comments and questions by Commissioners Hammer and Pan.

Ms. Kelly Evans, Associate Director ACLU Northern California, recommended that the Commission rejects the motion that is before them tonight and explained the reason for the recommendation.

Questions and comments by Commissioners Hammer, DeJesus, Marshall, and Mazzucco.

The Commission recessed from 9:21 p.m. to 9:29 p.m.

PUBLIC COMMENT

Maxine Duggan, Erotic Service Union, discussed concerns regarding violence against prostitutes and concerns about not getting her phone calls returned.

Denise Story discussed concerns regarding gang activities against LGBT and cops that work with gangs.

Rhonda Mertz commended the police and stated that tasers will be welcomed in San Francisco.

Ernest Tachihara, Patrol Special Officer, discussed an incident that happened last week where he almost shot an individual and stated that tasers is a possible option and should be considered.

Frank Martin Del Campo, SEIU, discussed concerns about having an effective commission.

Jeanette Berger expressed support for tasers.

Steve Currier, Outer Mission Merchants Residents Association, expressed support for the taser program and expressed concern regarding testimony of Mr. Burton.

Don Tudell, West of Twin Peaks Council, interested in hearing more about tasers and asked the department for more information.

Tony Sioni discussed experience of being tazed by Palo Alto P.D.

Emile Lawrence discussed concerns regarding tasers.

Dennis Cunningham, Attorney at Law, discussed concerns regarding use of tasers and holding officers accountable for wrongful use of force.

John McArdle expressed support for tasers.

David Waggoner, Attorney Alameda Homeless Center, LGBT Harvey Milk Democratic Club, discussed concerns that there are no government entity regulating this weapon and urged the Commission to vote no on moving forward at this time.

Mark Peterson Perez discussed concerns regarding tasers and stated that at this point in time, there is not enough data to consider the implementation of tasers.

Gary Delagnes, POA President, discussed concerns regarding testimony presented regarding tasers and asked the Commission to do the right thing and asked the Commission to support the Chief of Police.

Lea Militello, President SF Pride Alliance, expressed support for tasers and asked the Commission to allow the Department to explore the use of tasers in San Francisco.

Nick Pascurello asked that community hearings be held in regards to tasers.

Comments by Commissioners Mazzucco, DeJesus, Lee, Pan, Hammer, Onek and Marshall.

Comments by Chief Gascón stating that he is looking for 90 days to go out and meet with stakeholders, come back to the Commission with a piece that will then be open for further discussions and that this will probably take 18 months to roll out.

Comments by Commissioners DeJesus, Mazzucco, and Hammer.

Motion by Commissioner Marshall, second by Commissioner Onek to authorize the Chief of Police to develop modifications of Department General Orders 5.01, "Use of Force," and Department General Order 10.02, "Equipment," to include the use of conducted energy devices (CED)("Tasers"), and to develop policies, practices, training, and implementation programs consistent with professional best practices and contemporary technology, relying upon recommendations from the Department of Justice's Office of Community Oriented Policing Services and the Police Executive Research Forum, subject to the final approval of the Police Commission.

AYES: Commissioners Marshall, Mazzucco, Onek

NAYS: Commissioners DeJesus, Lee, Hammer, Pan

RESOLUTION NO. 22-10

DENIAL OF MOTION AUTHORIZING THE CHIEF OF POLICE TO DEVELOP MODIFICATIONS OF DEPARTMENT GENERAL ORDERS 5.01, "USE OF FORCE" AND DEPARTMENT GENERAL ORDER 10.02, "EQUIPMENT," TO INCLUDE THE USE OF CONDUCTED ENERGY DEVICES (CED)("TASER"), AND TO DEVELOP POLICIES, PRACTICES, TRAINING AND IMPLEMENTATION PROGRAMS CONSISTENT WITH PROFESSIONAL BEST PRACTICES AND CONTEMPORARY TECHNOLOGY, RELYING UPON

**RECOMMENDATIONS FROM THE DEPARTMENT OF JUSTICE'S
OFFICE OF COMMUNITY ORIENTED POLICING SERVICES AND
THE POLICE EXECUTIVE RESEARCH FORUM, SUBJECT TO THE
FINAL APPROVAL OF THE POLICE COMMISSION**

RESOLVED, that the motion to authorize the Chief of Police to develop modifications of Department General Orders 5.01, "Use of Force," and Department General Order 10.02, "Equipment," to include the use of conducted energy devices (CED)("Taser"), and to develop policies, practices, training and implementation programs consistent with professional best practices and contemporary technology, relying upon recommendations from the Department of Justice's Office of Community Oriented Policing Services and the Police Executive Research Forum, subject to final approval of the Police Commission, has been denied.

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

**DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED POLICE
COMMISSION PROCEDURAL RULES GOVERNING TRIAL OF
DISCIPLINARY CASES**

Put over.

PUBLIC COMMENT

None

REPORTS TO THE COMMISSION

- a. Chief's Report
 - Update on significant policing efforts by Department members
- b. OCC Director's Report
 - Review of recent activities
- c. Commission Reports
 - Commission President's Report
 - Commissioners' Reports

None

ROUTINE ADMINISTRATIVE BUSINESS

- a. Commission Announcement
- b. Scheduling of items identified for consideration at future Commission Meetings

None

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Onek.
Approved 7-0.

Thereafter, the meeting was adjourned at 11:42 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

