

OCTOBER 2, 2010

SPECIAL MEETING

The Police Commission of the City and County of San Francisco met at the Embarcadero #4 Conference Center, Promenade Level, San Francisco, at 10:00 a.m., in a Special Meeting.

PRESENT: Commissioners Marshall Mazzucco, DeJesus, Chan, Hammer, Kingsley

(Also present were former Commissioner Peter Keane, as facilitator, Ms. Katie Porter, Deputy City Attorney, Lieutenant Joseph Reilly, and Lieutenant Timothy Falvey)

There were no members of the public present.

GROUP AGREEMENTS AND OVERVIEW OF THE DAY

Commissioner Keane quickly went over the ground rules for the day.

POLICE COMMISSION MISSION STATEMENT

Discussion regarding whether the Commission's Mission Statement and Rules of Order are current and match Commission objectives; possible action to update each accordingly

Commissioners Chan and DeJesus were appointed as a subcommittee to rewrite the Commission's Mission Statement.

Commissioner Chan suggested just adding one sentence that would referenced Charter Section 4.102 and add specific things that the Commission really care about such as the power of inquiry.

Commissioner DeJesus suggested amending the Rules of Order when it comes to the Election of Commission Officers.

Ms. Porter suggested that the Rules of Order be agendized for discussion at a regular meeting and once the Commission has a consensus, she can change the Rules of Order for posting 10 days before taking action for approval.

PUBLIC COMMENT

None

RESPONSIBILITIES OF THE POLICE COMMISSION

Discuss individual perceptions, find commonalities, and develop a working vision for strengthening relationships. Discussion regarding the following topics; possible action to set individual responsibilities for Commission members.

- a. Role of the Commissioner (individual and group)**
- b. Relationship with the San Francisco community**
- c. Relationship with Police Department and Chief**
- d. Relationship with OCC and Executive Director**
- e. Communication and Protocol**
- f. Relationship with Media**

Commissioner Keane asked each of the Commissioners as to their thoughts in regards to Items a through d.

Commissioner Marshall: For the Commission to have some civility, some priority instead of being driven by newspaper articles or issues of individual commissioners or public comment. He would also like to see some kind of protocol as a group and figure out how to work with the Chief.

Commissioner Mazzucco: The Commission comes from different areas in life which makes it a strong body, however, the Commission, as a whole, must represent the entire community as a liaison to the Police Department and the

OCC. He stated that the Commission needs to be more cognizant that it is not a single-issue commission and shouldn't be driven by news stories.

Commissioner Chan: The Commission should have a united front and if there is disagreement, it should not be done in front of the public unless it is something that cannot be resolved behind closed doors. The Commission's relationship with the public is key and it is the job of the Commission to hear their concerns. During public comment, the Commission definitely have to listen. The Commission shouldn't just respond to the comments, the Commission should go out there and actively seek the questions and concerns from the community because the Commission represents all community members. As for the Police Chief, Commissioner Chan stated that he is someone who has the expertise in public safety and law enforcement and it is the role of the Commission to help him to become the best chief he can be and to make sure he knows how to work with a civilian oversight body and the public.

Commissioner Kingsley: Described it from a corporate standpoint as the Department and the OCC being sort of a brother-sister corporation with an overlap of stakeholders or shareholders and those being the people who live, work, and visits San Francisco. Those are the clients. The Commission being essentially the Board of Directors and the stakeholders, shareholders, and the community are the clients and the Commission needs as much input from the community and that there should be collaboration with all members of the community, the Department and the OCC. The community should have confidence that the Commission is working with the Department and the OCC to set policies that reflect the general community.

Commissioner Hammer: The Commission should find a way together to more effectively discharge its duties of inquiry; to ask good questions to help the department do better. There should be some balance in dealing with issues that emerge without responding to every person in public comment. The Commission should also think of how to effectively work with the Chief.

Commissioner DeJesus: The Commission should respond to public comment and concerns specially those of under-represented communities. The Commission should not just get along, go along, and not disturb the Chief because that makes it complacent and complacency has no place in an oversight committee. The Commission also has obstacles like the MOU and the Copley where the Commission cannot have open hearings.

Relationship with Police Department and Chief

CONCERNS:

- Press conference without notification to the Commission and background information concerning what is happening in the Department
- Going to the press to attack or ridicule a City Commissioner or the decision by the Commission
- Communication with the Commissioner

OUTCOME: What can the Commission do to improve its relationship with the Chief?

SUGGESTIONS:

- Develop a simple protocol laying out ground rules in working with the Chief to include the Commission's expectations and incorporating that with what the Chief expects from the Commission.
- A five to 10 minute call each week from the Chief to each Commissioner to touch base and say here's what's going on and to communicate to the

Chief as to what the Commission is hearing from the community that might be helpful to him.

- Strengthen the notification resolution passed by the Commission
- Pre-communicating to the Commission a little more depth about press briefings
- Going over the role of the Commission through the Charter with the Chief and figure out what his thoughts are
- Per the Charter, the Commission, as a body, can inquire under its power of inquiry to require that a certain person be brought before them or certain records be made available

Communication & Protocol Relationship with the media

Suggestions:

- Have one commissioner communicate to the press, based on the gravity of the situation
- Have unity amongst the commission and not look fragmented in front of the public and in disciplinary hearings
- The commissioner assigned the discipline case should be the person to control it, and all questions and concerns should be deferred to that person
- If talking to the press, keep in mind that you're speaking on behalf of the full Commission
- Form a committee to write a protocol that talk about decorum during public meetings
- No food during the open session; take frequent breaks

Concern re: Responding during public comment

Suggestions:

- Have the President make a statement about time limit and about the Commission cannot engage in discussion and argument during public comment but that the Commission hears what the public is saying and will consider it as a future agenda item

PUBLIC COMMENT

None

DEVELOP OBJECTIVES OF THE COMMISSION (TO SERVE AS GUIDE IN SETTING PRIORITIES)

- To schedule, hear and decide discipline cases with maximum efficiency and fairness
- Systematic review of all aspects of the department
 - General Orders
 - Establish policies and take action that represent the interest of all people in the San Francisco community
 - Training (to make sure the Department is up to date)
- To address the particular needs of special populations that may have challenges due to culture or language differences, disability or age, that

impact public safety and to insure accessibility to and the protection of the police system

- To foster confidence, trust, and respect in the Police Department, the peace officers, and the OCC

DISCUSS COMMUNICATION AND PROTOCOL WITH THE CHIEF OF POLICE AND OCC DIRECTOR

Topics to discuss with the Chief:

- Communication
- Press
- Roles & responsibilities
- Policy and major changes
- Major press announcements

Suggestions:

- Five minute phone calls each week to each individual commissioners
- Provide information (background information) to the Commission before a major press announcement
- That public statements by the Commission and any individual commissioners should not be in any way adversarial about either the Chief or about the Department and vice versa

Chief Gascón addressed the Commission and discussed his concerns. He stated that he agrees with the five-minute phone calls, press releases, and reduction of adversarial relationship.

Suggestions (by the Chief):

- Create an annual work plan
 - crime reduction strategy
 - training
 - discipline
 - to have an honest discussion about discipline

Director Hicks addressed the Commission and discussed her concerns.

Concerns:

- getting legal opinions from the City Attorney's Office
- getting materials for the Police Commission meetings
- relationship with the City Attorney's Office
- asked for the Commission's support in the area of budget
- size of OCC staff (especially attorneys & investigators)
- policy issues:
 - Juvenile protocols
 - language access
 - how the Department interacts with mentally ill individuals

Suggestions (by Director Hicks)

- handed the Commissioners her performance plan
 - case management
 - complaint investigation
 - policy analysis
 - outreach
 - mediations
 - reports

PUBLIC COMMENT

No member of the public present

PRIORITIZE AREAS OF CONCERN & DEVELOP PROGRES PLAN

Discussion and possible action to:

- a. Develop criteria for determining Commission priorities**
- b. Develop understanding of how to address unexpected, urgent matters**
- c. Prioritize and establish Commission goals**
- d. Develop measurement for determining if Commission is advancing its goals**

Criteria for priorities:

1. Should meet at least one objective
2. Urgency
3. Length of meeting
4. Planned ahead of time
5. High priority to the Chief and the OCC
6. Public Safety

The Commission then discussed their individual priorities: Mental health issues; Patrol specials; racial profiling; cannabis; DNA & sexual assault cases; domestic violence; undocumented crime victims; Chief's review; breach of confidentiality; nightclub violence & meeting with the Entertainment Commission; language access; commission staffing; DGO regarding shooting at moving vehicles; and, Brady.

After discussion and a vote, the Commission agreed on their list of priorities & committees to do the prep work to prepare the item before it is agendized before the full Commission:

Top tier priorities:

- Mental health issues (Mazzucco, DeJesus, Chan)
- Patrol Specials (Hammer, Mazzucco)
- Undocumented crime victims (Hammer, Chan, DeJesus)
- Nightclub violence & meeting with the Entertainment Commission (Mazzucco, DeJesus)
- Language access (Chan (as attorney from Asian Law Caucus), DeJesus)

Second tier priorities:

- DNA & sexual assault cases (Hammer)
- Domestic violence (Hammer)
- Brady (DeJesus, Mazzucco)

Deputy City Attorney Katie Porter suggested that the Commission advise the Chief of the different working groups and ask the Chief to assign someone to partner with the Commission.

The Commission then thanked former Commissioner Peter Keane for his help in facilitating the meeting.

Thereafter, the meeting was adjourned.

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission