

**APRIL 27 2011**

**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 5:45 p.m.

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

Commissioner Mazzucco introduced newly appointed Chief of Police Greg Suhr. Commissioners Marshall, Hammer, Kingsley, DeJesus, Chan, Slaughter, and Director Hicks said a few words welcoming and congratulating Chief Suhr.

Chief Suhr thanked the Commissioners.

**CONSENT CALENDAR**

- **Quarterly report by the Department and the OCC regarding Policy Proposals**

Motion by Commissioner Marshall, second by Commissioner Slaughter.  
Approved by 7-0

PUBLIC COMMENT  
None

**PUBLIC COMMENT**

Lieutenant Lea Militello, Pride Alliance, congratulated Chief Suhr and expressed her support for Chief Suhr. Lt. Militello also discussed the issue of a patrol special and how Officer Evans was not treated fairly by the media in regards to this matter.

Commissioner Hammer explained that nothing that was said in regards to this matter was meant to discredit Officer Evans.

Emil Harrison congratulated Chief Suhr and discussed concerns regarding the homicide of his brother.

Unidentified congratulated Chief Suhr and discussed concerns regarding patrol specials.

Eric King discussed concerns regarding his complaint filed with the OCC and how he is being harassed by officers and would like an explanation from the OCC as to the findings of the investigation.

Ray Hartz, SF Open Government, discussed concerns regarding how the meeting was conducted.

Unidentified congratulated Chief Suhr.

Emil Lawrence welcomed Chief Suhr and discussed concerns regarding the DROP program and concerns about former Chief Gascón. (Provided copies of Bay Guardian and SF Weekly magazines)

Barry Taranto, cab driver, welcomed Chief Suhr and would like to nominate Commissioner Chan as Commissioner of the Year for her work with the CIT members.

George Shipman, Northbeach, advised Chief Suhr to make a choice between the people and the police union.

Clyde commended Chief Suhr.

**REPORTS AND ANNOUNCEMENTS**

- a. **Chief's Report**
- **Report on crime statistics**
- **Review of recent activities**
- **Report regarding Patrol Special Officers' compliance**
  - **Proof of insurance, uniform compliance, and total number of Patrol Special Officers**

Chief Suhr gave a brief report on crime statistics.

Lieutenant Henry Parra presented report regarding Patrol Specials. He reported that there was a release of a Department Bulletin in regards to Patrol Specials. Lt. Parra reported that there are 42 patrol specials, 15 inactive, 27 active patrol specials. Out of

the 27 patrol specials, 9 are beat owners. There are 67 beats in SF in which 28 are actively worked and the rest abandoned. Insurance compliance: As of this date 3 of the 9 patrol specials are not in compliance. Information sheet: 10 failed to provide information sheets and three are not in compliance with the range. There is one file in Backgrounds that was received 2/12/11 with the turnaround time in backgrounds of 1 month. MCD complaints: 2006, 9 complaints; 2007, 5 complaints; 2008, 3 complaints; 2009, 25 complaints; 2010, 9 complaints. Lt. Parra also thanked PSO Byard for his help in helping with this report.

Commissioner Slaughter stated that the work done by Lt. Parra needs to continue and expressed the importance of compliance by the patrol special officers. Commissioner Slaughter asked about the abandoned beats and asked Lt. Parra to keep monitoring Patrol Specials Officers and their compliance with the rules.

Commissioner Hammer thanked Lt. Parra for his work and suggested that on the most serious violations (insurance, range qualifications) he would like a report as to who is in violation and bring those back to the Commission for action in a week or two. Commissioner Hammer urged the patrol specials to turn over their client lists.

Commissioner Kingsley asked about what options does the Commission have in terms of addressing non compliance by the patrol specials. Deputy City Attorney Porter stated that the Chief can suspend patrol specials immediately.

Commissioner Mazzucco stated that he would feel more comfortable that those patrol specials that are not in compliance in regards to insurance and range qualifications are not on the street.

Commissioner DeJesus thanked PSO Byard for working with Lt. Parra and also stated that it is important that patrol specials follow the rules.

Chief Suhr asked Lt. Parra to call the three patrol specials to stand down until they are in compliance.

Commissioner Mazzucco asked that those three officers in non compliance not be working tonight.

Lt. Parra commended Chief Suhr and thanked the Commission for picking him.

- b. OCC Director's Report**
- **Review of recent activities**
- **Presentation of the 1<sup>st</sup> Quarter 2011 Statistical Report & Monthly Comprehensive Statistical Report for the periods January 1, 2011 through March 31, 2011, and January 1, 2010 through March 31, 2010**

Director Hicks reported on recent activities and budget issues and presented the OCC's statistical reports.

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

Commissioner Mazzucco reported that he met with the Human Rights Commission, ALCU, Asian Law Caucus, HRC, in regards to the MOU with the FBI in regards to the joint terrorism taskforce and discussed his concerns in regards to an article by the Bay Guardian and stated that from what he has seen he feels that the officers are in complete compliance.

Commissioner DeJesus expressed some concerns in regards to some ambiguity in the language of the MOU and that officers should not be put in the position of violating DGOs.

- d. Commission Announcements, scheduling of items identified for consideration at future Commission meetings**

Commissioner Mazzucco asked the availability of the Commission for a joint meeting with the Human Rights Commission on May 18<sup>th</sup>.

Commissioner Kingsley would like the Commission to recognize Acting Chief Godown.

#### PUBLIC COMMENT

Ray Hartz, SF Open Government, discussed concerns regarding Patrol Special Rules adopted in 2008 and the non compliance by patrol special officers. He further went on to discuss the OCC report.

Emil Lawrence discussed concerns regarding the OCC report.

Unidentified thanked the Commission for doing something about patrol specials and stated that it is not enough and stated that the report said that they should be out of business for not following the rules.

Steve Johnson, POA, discussed concerns regarding the OCC investigation of traffic stops and that it should not be a citizen's complaint and should be dealt with by the Department.

PSO Byard congratulated Chief Suhr and discussed range qualifications for patrol special officers. PSO Byard also handed Lt. Falvey his clients' list.

Ann Grogan congratulated Chief Suhr. She went on to state that she agrees with Chief Suhr in taking the three patrol special officers off the street for their non compliance with the range. She went on to talk about two application packets for patrol special officers.

Michael Denny expressed his support for patrol special officers and talked about the relationship between the patrol specials and the department.

Commissioner Mazzucco asked for a status report in regards to patrol specials.

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

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Commissioner Hammer gave a brief background as to the revision of the Police Commission procedural rules governing trial of disciplinary cases and went on to go over some of the major changes.

Commissioner Kingsley thanked Commissioner Hammer and Deputy City Attorney Blits for their hard work.

Commissioner Chan thanked Commissioner Hammer for his hard work with the rules.

Commissioner Slaughter thanked Commissioner Hammer for his work and talked about mandating an early face-to-face meeting is a great idea and talked about open versus closed hearings and deliberations in closed sessions.

Motion by Commissioner Hammer to amend (page 8) B.2.e: Conduct an Early Case Resolution Conference. At an Early Case Resolution Conference the accused Member and his or her Representative must attend in person, and the Chief or his or her designee must also attend in person. Commissioner Hammer also talked about the Chief meeting with the officer before charges are filed to discuss penalty and having a stipulated agreement filed with the charges to save time.

Chief Suhr thanked Commissioner Hammer for the work done.

Commissioner Mazzucco thanked Commissioner Hammer for his tremendous work with the rules.

Commissioner Marshall asked that there be an in-service study guide for commissioners in regards to the rules.

Commissioner Kingsley requested developing a "dummy's bible" or a CD of the in-service training for each new commissioners coming in.

Motion by Commissioner DeJesus to adopted proposed rules with amendment from Commissioner Hammer, second by Commissioner Slaughter. Ayes 7-0

Commissioner Hammer read the following statement for the record: "The amended proposed Procedural Rules Governing Trials of Disciplinary Cases incorporate and amend and supersede Resolution 52-07, adopted May 23, 2007, which were the Police Commission's Supplemental Rules Governing Assignment of Police Commission Cases to a Hearing Officer."

Comments by Ms. Blits in regards to amendment by Commissioner Hammer.

#### PUBLIC COMMENT

Mr. Steve Johnson, POA, would like all the updated amendments. Mr. Johnson also stated that discovery is very important and that the designee for the Chief should have settlement authority. Mr. Johnson also suggested that the captains be part of settlement recommendations to the Chief as far as penalty is concern.

Ray Hartz, SF Open Government, discussed concerns regarding rules and concerns about hearing being held in closed session.

Chief Suhr stated that he will commit to be present in all of these prehearings and if he is unavailable, it would not be a designee, it would be the acting chief at that time that will attend.

#### **CONFERENCE WITH LEGAL COUNSEL – Anticipated litigation as defendant**

None

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

None

#### **VOTE ON WHETHER TO HOLD CLOSED SESSION**

None. Closed Session put over at a later date.

#### **CLOSED SESSION**

- a. **PERSONNEL EXCEPTION: Discussion and possible action to adopt proposed Findings of Fact regarding the Commission's December 1, 2010 decision sustaining the Chief's suspension in Case No. JCT D06-173**
- b. **PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case no. IVF C09-087, and to decide penalty, if necessary**
- c. **PERSONNEL EXCPETION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. IVF C9-088, and to decide penalty, if necessary**
- d. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**

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

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None

#### **ADJOURNMENT**

Motion by Commissioner Hammer, second by Commissioner Kingsley. Approved 7-0

Thereafter, the meeting was adjourned at 8:36 p.m.

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Lieutenant Timothy Falvey  
Secretary  
San Francisco Police Commission

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