

**JUNE 1, 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 5:35 p.m.

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

(Commissioner DeJesus was excused at 6:00 p.m.)

**APPROVAL OF MINUTES**

- **For the following meetings:**  
**April 20<sup>th</sup> & 27, 2011**  
**May 4<sup>th</sup> & 18, 2011**

Commissioner Slaughter stated that the meeting is videotaped and asked if minutes are necessary. He asked that the minutes be discussed for next week's agenda.

Correction by Commissioner Chan on the April 20<sup>th</sup> minutes.

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

**PUBLIC COMMENT**

None

**PUBLIC COMMENT**

Daniel Paez expressed support for Public Defender Jeff Adachi and expressed concerns regarding Gary Delagnes.

Mr. Harrison spoke in regards to the homicide of his brother, Charles, and spoke of using a video to identify the suspect.

Clyde talked about officers being innocent until proven guilty.

Eric Cane discussed clarification on the OCC findings of his complaint.

Barry Taranto, cab driver, discussed Jane Warner and discussed concerns regarding Jeff Adachi and concerns regarding taxi operation by the MTA.

Steve Johnson, POA, asked for recourse regarding public slandering of officers during public comment.

**REPORTS AND ANNOUNCEMENTS**

- a. **Chief's Report**
  - **Report on crime statistics**
  - **Review of recent activities**
  - **Status update of activities since the HRC joint meeting**

Chief Suhr gave a brief report on crime statistics. Chief Suhr also talked about the video investigations. The Chief also talk about his recent meeting in regards to CIT.

Chief Suhr talked about his meeting in regards to JTTF and DGO 8.10.

Commissioner Slaughter asked about the video matter and asked about providing undercover officers with video cameras and would like the Department to consider it and then bring it before the commission with the decision. Chief Suhr stated that the Department vetted vendors but still needs to meet with the POA and the Uniform Safety Committee and is looking at three policies.

Dr. Marshall stated that he is glad that San Francisco is not on the list for most dangerous cities in the U.S. and credits the Department and the communities in the city.

Commissioner Kingsley would like more information as how San Francisco compares to other cities in regards to safety.

Commissioner Chan thanked the Chief for meeting with the CIT group.

- b. OCC Director's Report**
- **Review of recent activities**
  - **Presentation of OCC's Monthly Comprehensive Statistical Report for the periods January 1, 2011 through April 30, 2011, and January 1, 2010 through April 30, 2010**

Director Hicks presented the OCC's Monthly Comprehensive Statistical Report for the periods of January 1, 2011 through April 30, 2011.

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

Commissioner Mazzucco stated that he would like a report in regards to number of reserves in the Department and a report on Patrol Special compliance.

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

Commissioner Marshall would like the Chief to announce the new district station captains at next week's meeting.

#### PUBLIC COMMENT

Barbara Groth stated that the police department knows what it's doing and it doesn't need input from other cities.

Steve Johnson commended the OCC for its mediation program and suggested meeting with the OCC in regards to what should be included in OCC complaints. Director Hicks stated that she is open with meeting with the POA. Commissioner Kingsley stated that she would be happy to meet with the POA and the OCC.

#### **DISCUSSION AND POSSIBLE ACTION TO SUSTAIN OR NOT SUSTAIN DISCIPLINARY CHARGES FILED AGAINST PATROL SPECIAL OFFICER ROBERT BURNS (FILE NOS. ALW C09-220, ALW C10-094 & ALW C10-233), AND TO DECIDE PENALTY, IF NECESSARY**

Ms. Ashley Worsham, Attorney at Law, appeared on behalf of the Department. Patrol Special Robert Burns represented himself and went on with his closing argument.

Motion by Commissioner Slaughter, second by Commissioner Kingsley, to revoke the license of Patrol Special Burns. Approved 5-0.

(Taken in shorthand form by Mr. Lee Batara, CSR)

#### **HEARING OF PATROL SPECIAL OFFICER ROBERT BURNS (FILE NO. ALW C09-220, ALW C10-094, & ALW C10-233)**

The hearing of Patrol Special Officer Robert Burns, Star No. 2595, was called it having been set for this date. Patrol Special Officer Burns was charged, in a properly verified complaint by Chief George Gascón, former Chief of Police of the San Francisco Police Department, with violating the Rules and Procedures, as follows:

*File No. JWA C09-220*

##### **SPECIFICATION NO. 1**

Failure to wear required uniform while on duty (a violation of Rule 6.02(A) of the December 10, 2008, Interim Rules and Procedures for Patrol Special Officers and Their Assistants).

*File No. ALW C10-094*

##### **SPECIFICATION NO. 1**

Failure to Comply with the uniform provisions as required pursuant to the Interim Rules and Procedures for Patrol Specials and Their Assistants, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 4.08 and

Rules 602(A)(2) and 6.02(A)(3) of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants);

SPECIFICATION NO. 2

Failure to comply with the insurance requirements for Patrol Special Officers, conduct which undermines the good order, efficiency and discipline of the Department and which brings discredit on the Department (a violation of Rule 4.03 and Rule 3.03, subsection (l)(3) of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants).

*File No. ALW C10-233*

SPECIFICATION NO. 1

Failure to comply with orders of a police officer, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rules 4.03 and 3.05 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants);

SPECIFICATION NO. 2

Failure to comply with mandatory training requirements of the Rules and Procedures for Patrol Special Officers and their Assistants, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 3.05 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants);

SPECIFICATION NO. 3

Failure to comply with Orders of a Police Officer, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 4.03 of the Interim Rules and Procedures of Patrol Special Officers and their Assistants).

Ms. Ashley Worsham, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Patrol Special Officer Robert Burns appeared in person and represented himself.

The Commission took the matter under submission and the following resolution was adopted:

**RESOLUTION NO. 11-54**

**DECISION – HEARING OF PATROL SPECIAL OFFICER ROBER BURNS  
(FILE NO. ALW C09-220, ALW C10-094, & ALW C10-233)**

WHEREAS, on October 21, 2009, March 30, 2010, and October 28, 2010, Chief George Gascón, former Chief of Police of the San Francisco Police Department, made and served charges against Patrol Special Robert Burns, as follows:

*File No. JWA C09-220*

GENERAL ALLEGATIONS

- (1) At all times herein mentioned Robert Burns, Star Number 2595, hereinafter the Accused, was and is a Patrol Special Officer appointed by the Police Commission pursuant to Section 4.127 of Article IV of the City Charter, and assigned to a beat in the Central District.
- (2) As a Patrol Special Officer, the Accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department, including but not limited to the Interim Rules and Procedures for Patrol Special Officers and Their Assistants adopted on December 10, 2008.

SPECIFICATION NO. 1

Failure to wear required uniform while on duty (a violation of Rule 6.02(A) of the December 10, 2008, Interim Rules and Procedures for Patrol Special Officers and Their Assistants).

- (3) All of the General Allegations above are incorporated herein by reference.

- (4) From August 1 to September 30, 2009, the Accused reported on multiple occasions to Central Station while on duty. When he reported, Police Officers at Central Station would note the condition of his uniform. On many of those dates, he reported out of uniform, including but not limited to August 3, 8, 10, 18, 19, 24, 25, 26, 27, 28, 29, 30, and September 3, 4, 5, 6, 7, 10, 11, 12, 13, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 30.
- (5) The Accused's failure to report in uniform was due to, among other things, his failure to wear the blue soutache trouser stripes and shoulder epaulettes required by Interim Rule 6.02(A).
- (6) When interviewed by the Management Control Division about the issue of uniform requirements, the Accused stated that he understood that the blue soutache trouser stripes and shoulder epaulettes were required by the Interim Rules. However, he also stated that he intentionally refused to wear the required trouser stripes and shoulder epaulettes, and refused to do so in the future.
- (7) Any reasonable patrol special officer must know that such conduct violates the standards of the Department and is cause for discipline or dismissal from employment. Such conduct violates Rule 6.02(A) of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants adopted on December 10, 2008, which states, in relevant part:

"UNIFORM AND EQUIPMENT SPECIFICATIONS.

...

A. All uniform coats, trousers, cap, shirt, tie, shoes, rain cap cover, rain coat, and pants to be of similar material and style as that required and prescribed for regular patrol persons in the San Francisco Police Department with the following exceptions:

...

2. TROUSER STRIPES: BLUE SOUTACHE, one-half inch wide on outside seams.
3. SHIRTS AND JACKETS: BLUE SOUTACHE epaulettes on both shoulders."

PENALTIES

- (8) If the Specifications are sustained after trial by the Police Commission, the penalty is up to and including dismissal from Patrol Special status pursuant to Section 4.127 of Article IV of the City Charter.

*File No. ALW C10-094*

SPECIFICATION NO. 1

Failure to Comply with the uniform provisions as required pursuant to the Interim Rules and Procedures for Patrol Specials and Their Assistants, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 4.08 and Rules 602(A)(2) and 6.02(A)(3) of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants);

- (1) At all times herein mentioned Robert Burns, Star Number 2595, (Referred to as "the accused") was and is a Patrol Special Officer.
- (2) Patrol Special Officers are defined as "A private patrol person, appointed by the Police Commission, who contracts to perform security duties of a private nature for private persons or businesses within the geographical boundaries set forth by the Police Commission. A Patrol Special is the owner of a beat. A Patrol Special is responsible for knowing and obeying the rules and procedures of the Patrol Special Officers and Assistant Patrol Special Officers. " (See Interim Rules and Procedures for Patrol Special Officers and Their Assistants, Adopted by the San Francisco Police Commission December 10, 2008).

- (3) As a Patrol Special Officer, the accused is assigned to report in and out of Central Station. This requirement includes signing the Patrol Special Officer and Assistant Patrol Special Officer's Daily Reporting Log.
- (4) On February 3, 2010 at 0001 hours, Sgt. Edward Cheung, Star Number 960, was assigned as the Station Keeper for Central Station. On this date, he observed the accused wearing regular uniform pants that lacked the blue soutache stripe and wearing a foul weather jacket that lacked the blue soutache epaulets as well.
- (5) Upon noticing the accused was in non-compliance with uniform policy, Sgt. Cheung escorted the accused to the Lieutenant's office to report the violation.
- (6) While in the Lieutenant's Office, the accused maintained that there was a current injunction staying imposition of the Interim Rules and Regulations for Patrol Special Officers and Their Assistants as it relates to the uniform requirements, adopted by the San Francisco Police Commission, December 10, 2008.
- (7) The accused further maintained that the uniform standards should be based on the standard established in 1970 when he was first sworn in.
- (8) On February 19, 2010, during his administrative interview regarding his non-compliance with the uniform requirements, the accused stated that he would not comply with the uniform requirements until a decision was made by the Public Employee Relations Board (PERB) regarding the validity of the Interim Rules for Patrol Special Officers and their Assistants.
- (9) On February 3, 2010, following repeated violations of the uniform policy by the accused, Captain Anna Brown, Star number 976, instructed all swing watch supervisors to document the accused's violations of the uniform policy on a daily basis. Sworn members were instructed to document the violations on the sign-in-log as well as prepare a written memorandum.
- (10) The Central Station sign-in-logs, dated December 25, 2009 through January 31, 2010, revealed that the accused had been non-compliant with the Patrol Special Uniform requirement thirty-seven (37) times.
- (11) The accused, by wearing both pants and a jacket without the blue epaulettes visible and attached, engaged in conduct which violates Rule 4.08 and Rules 6.02(A)(2) and 6.02(A)(3) of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants. Any reasonable Patrol Special Officer must know that such conduct is cause for discipline or revocation of his appointment.

Rule 4.08 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants states:

**"UNIFORM AND EQUIPMENT.**

Patrol Specials and Assistant Patrol Specials shall at all times while performing services to their subscribers, wear only the uniform and equipment items prescribed by the Commission.

No person other than an approved Patrol Special or Assistant Patrol Special may wear the prescribed uniform. Patrol Specials and Assistants shall not facilitate or allow any employee, volunteer or other person to wear the prescribed uniform who has not been approved by the Police Commission as a Patrol Special or Assistant Patrol Special."

Rule 6.02(A)(2) and 6.02(A)(3) of the Interim Rules and Procedures for Patrol Special Officers and their Assistants states:

"A. All uniform coats, trousers, cap, shirt, tie, shoes, rain cap cover, rain coat and pants to be of similar material and style as that required and prescribed for

regular patrol persons in the San Francisco Police Department with the following exceptions:

2. TROUSER STRIPES.

BLUE SOUTACHE, one-half inch wide on outside seams.

3. SHIRTS AND JACKETS.

BLUE SOUTACHE, epaulettes on both shoulders.”

SPECIFICATION NO. 2

Failure to comply with the insurance requirements for Patrol Special Officers, conduct which undermines the good order, efficiency and discipline of the Department and which brings discredit on the Department (a violation of Rule 4.03 and Rule 3.03, subsection (I)(3) of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants).

- (12) The allegations incorporated in Specification No. 1, paragraphs (1) through (11) are incorporated by reference as though fully set forth herein:
- (13) On January 22, 2010, Sgt. Robert Yick, #1264, received the annual Patrol Special Officer Information form from the accused. However, the accused's form did not include copies of his proof of insurance.
- (14) The annual Patrol Special Officer Information form has a section designated for information regarding General Liability Insurance, Auto Insurance and Workers' Compensation Insurance.
- (15) In the section regarding General Liability Insurance and Auto Insurance, the accused wrote the letters, "N/A."
- (16) On January 22, 2010, Sgt. Yick mailed the accused a written letter ordering him to provide copies of his proof of insurance pursuant to Rule 3.03 of the Interim Rules for Patrol Special Officers and Their Assistants.
- (17) As of February 10, 2010, the accused had not provided proof of insurance as required by Rule 3.03 of the Interim Rules for Patrol Special Officers and Their Assistants.
- (18) On February 19, 2010, the accused was interviewed regarding his violations of the Interim Rules for Patrol Special Officers and Their Assistants. During that interview, the accused admitted that he did not send a copy of his Certificate of Liability Insurance information to the Department. The accused stated that he sent a copy of his Certificate of Liability Insurance information to the City Attorney's Office.
- (19) During his administrative interview, the accused provided a copy of the Certificate of Liability Insurance information that he sent to the City Attorney's Office. That form indicated that the accused only had "General Liability" Insurance.
- (20) There was no indication on the form that the accused had Automobile Liability Insurance despite the fact the accused has a Ford Crown Victoria listed as his duty vehicle.
- (21) The accused, by failing to respond to a valid order by Sgt. Yick to provide proof of insurance, engaged in conduct which violates Rules 4.03 and 3.03, subsection (I)(3) of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants. Any reasonable Patrol Special Officer must know that such conduct is cause for discipline and or revocation of his appointment.

Rule 4.03 of the Rules and Procedures for Patrol Special Officers and their Assistants states:

“ORDER OF POLICE OFFICERS.

Patrol Specials and Assistant Patrol Specials shall strictly obey and promptly execute the lawful orders of police officers.”

Rule 3.03, subsection (1)(3) of the Rules and Procedures for Patrol Special Officers and Their Assistants states:

“3.03 QUALIFICATIONS/REQUIREMENTS FOR PATROL SPECIAL OFFICERS:

- I. Present evidence of insurance in the following amount:
  3. Commercial Automobile Liability Insurance with limits not less than \$1,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage, including Owned, Non-Owned and Hired auto coverage, as applicable.”

*File No. ALW C10-233*

GENERAL ALLEGATIONS:

- (1) At all times herein mentioned Robert Burns, Star Number 2596, (hereinafter referred to as the “accused”) was and is a Patrol Special Officer.
- (2) Patrol Special Officers are defined as “A private patrol person, appointed by the Police Commission, who contracts to perform security duties of a private nature for private persons or businesses within the geographical boundaries set forth by the Police Commission.
- (3) A Patrol Special Officer is the owner of a “beat.” A Patrol Special Officer is responsible for knowing and obeying the rules and procedures of the Patrol Special Officers and Assistant Patrol Special Officers. (See the Interim Rules and Procedures for Patrol Special Officers and Their Assistants, Adopted by the San Francisco Police Commission, December 10, 2008).

SPECIFICATION NO. 1

Failure to comply with orders of a police officer, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rules 4.03 and 3.05 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants);

- (4) The allegations incorporated in paragraphs (1) through (3) are incorporated by reference as though fully set forth herein.
- (5) On or about March 25, 2010, Sgt. Robert Yick, Star Number 1264, mailed a certified letter to the accused notifying him of mandatory training. This mandatory annual training class was being held June 1, 2010 through June 3, 2010 and also included a mandatory First Aid/CPR training component. All Patrol Special Officers and Assistant Patrol Special Officers were required to attend the mandatory training.
- (6) On March 27, 2010, the accused received the certified letter informing him of the mandatory training and signed the U.S. Postal receipt accepting delivery of the letter.
- (7) The accused failed to attend the mandatory training held June 1, 2010 through June 3, 2010.
- (8) On Friday, June 11, 2010, Patrol Special Officer Sam Reyes (former President of the Patrol Specials and Assistant Patrol Specials) contacted Sgt. Yick and informed him that several of the Patrol Specials and Assistant Patrol Specials had elected to attend the First Aid/CPR training on July 22, 2010.
- (9) Patrol Special Reyes notified all Patrol Specials, including the accused, that the First Aid/CPR training was being held on July 22, 2010.

- (10) On Tuesday, July 6, 2010, Sgt. Yick sent a letter to the accused informing him of the training as well. On Monday, July 12, 2010, Sgt. Yick also left a voicemail for the accused regarding the training.
- (11) On Tuesday, July 13, 2010, Patrol Special Officer Alan Byard notified Sgt. Yick by email that he would contact the accused regarding the July 22, 2010 training session. On Wednesday, July 21, 2010, Patrol Special Byard sent another email to Sgt. Yick informing him that the accused told him that he would not be attending the mandatory First Aid/CPR training on July 22, 2010.
- (12) The accused did not attend the mandatory First Aid/CPR training class being taught on July 22, 2010.
- (13) The accused did not attend the mandatory training being conducted June 1, 2010 through June 3, 2010 and the accused did not attend the mandatory training held on July 22, 2010. Based upon the accused's repeated failures to follow the Rules and Procedures for Patrol Special Officers and Their Assistants as well as the direct orders of a police officer, Sgt. Yick sent the accused an interview notice regarding the accused's alleged violation of Rule 3.05 of the Rules and Procedures for Patrol Special Officers and Their Assistants.
- (14) The notice, dated August 19, 2010, was served on the accused by Captain Anna Brown, Star Number 975, on August 20, 2010. The notice said the following, "You are hereby notified and ordered to appear at the SFPD Operations Bureau, Hall of Justice, 850 Bryant Street, Room 535, on **Tuesday, September 7, 2010 at 1000 hours.**" The notice also stated that "Failure of any member to keep the scheduled interview time may result in disciplinary action."
- (15) On August 24, 2010, Sgt. Yick received confirmation from Captain Anna Brown that the accused had been served with his notice to appear.
- (16) On September 7, 2010, the accused failed to appear for the scheduled interview. Sgt. Yick attempted to contact the accused several times by telephone. He left the accused a voicemail and never received a return phone call. The only response he received from the accused was by way of written letter informing him that the scheduled interview time was not during the accused's work hours. Sgt. Yick did not hear anything further from the accused.
- (17) The accused, by refusing to attend mandatory training June 1, 2010 through June 3, 2010, as required by Rule 3.05 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants and by refusing to follow a direct order of Sgt. Yick, engaged in conduct which violates the rules and procedures for patrol special officers. Any reasonable patrol special officer must know that such conduct is cause for discipline and/or revocation of his appointment. Such conduct violates Rules 4.03 and 3.05, of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants, which state:

"Rule 4.03. ORDERS OF POLICE OFFICERS

Patrol Specials and Assistant Patrol Specials shall strictly obey and promptly execute the lawful orders of police officers.

Rule 3.05. TRAINING

Patrol Specials and Assistant Patrol Specials shall participate in additional training as required by the Chief of Police. Cost for training provided by the San Francisco Police Department shall be paid for by the Patrol Specials and Assistant Patrol Specials prior to receiving such training at a rate commensurate with rates charged to other private persons. Minimum annual training shall include:

A. Successful completion of the firearms qualifications course twice each year on dates set by the Range Master at the San Francisco Police Range.

B. Annual completion of twenty-four(24) hours of classroom instruction presented at the Police Academy, which may include general orders, bulletins

and procedures that apply to Patrol Special Police Officers and their Assistants and could affect the performance of their duties.

SPECIFICATION NO. 2

Failure to comply with mandatory training requirements of the Rules and Procedures for Patrol Special Officers and their Assistants, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 3.05 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants);

- (18) The allegations incorporated in paragraphs (1) through (17) are incorporated by reference as though fully set forth herein.
- (19) The accused was notified by Patrol Special Byard regarding mandatory First Aid/CPR training scheduled for July 22, 2010.
- (20) The accused was also notified by Sgt. Yick regarding this training as well.
- (21) The accused refused to attend the mandatory First Aid/CPR training as required by Rule 3.05 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants. The accused's repeated refusal to attend the mandatory training sessions is conduct that is cause for discipline and/or revocation of his appointment. Such conduct violates Rule 3.05, of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants, which states:

“Rule 3.05. TRAINING

Patrol Specials and Assistant Patrol Specials shall participate in additional training as required by the Chief of Police. Cost for training provided by the San Francisco Police Department shall be paid for by the Patrol Specials and Assistant Patrol Specials prior to receiving such training at a rate commensurate with rates charged to other private persons. Minimum annual training shall include:

- A. Successful completion of the firearms qualifications course twice each year on dates set by the Range Master at the San Francisco Police Range.
- B. Annual completion of twenty-four (24) hours of classroom instruction presented at the Police Academy, which may include general orders, bulletins and procedures that apply to Patrol Special Police Officers and their Assistants and could affect the performance of their duties.

SPECIFICATION NO. 3

Failure to comply with Orders of a Police Officer, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 4.03 of the Interim Rules and Procedures of Patrol Special Officers and their Assistants).

- (22) The allegations incorporated in paragraphs (1) through (21) are incorporated by reference as though fully set forth herein.
- (23) On or about August 20, 2010, the accused was served with a notice to appear for an interview regarding his failure to follow orders and attend mandatory training. That interview was scheduled for September 7, 2010 and the accused failed to appear.
- (24) The accused's willful refusal to obey the Rules and Procedures for Patrol Special Officers and their Assistants, as well as the direct orders of a police officer is cause for discipline and revocation of his appointment. Such conduct violates Rule 4.03, of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants, which states:

“Rule 4.03. ORDERS OF POLICE OFFICERS

Patrol Specials and Assistant Patrol Specials shall strictly obey and promptly execute the lawful orders of police officers.

PENALTIES:

- (25) If the Specifications are sustained after trial by the Police Commission, the Department will recommend that the Commission revoke the accused's appointment.

WHEREAS, a hearing on said charges were held before the Police Commission pursuant to section 8.343 of the Charter of the City and County of San Francisco on March 1, 2011, and on June 1, 2011 the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds the following:

**File No. JWA C09-220**

SPECIFICATION NO. 1 - Sustained

AYES: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter  
ABSENT: Commissioner DeJesus

**File No. ALW C10-094**

SPECIFICATION NO. 1 - Sustained

AYES: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter  
ABSENT: Commissioner DeJesus

SPECIFICATION NO. 2 - Sustained

AYES: Commissioners Mazzucco, Marshall, DeJesus, Kingsley, Slaughter  
NAYS: Commissioner Chan  
ABSENT: Commissioner DeJesus

**File No. ALW C10-233**

SPECIFICATION NO. 1 - Sustained

AYES: Commissioners Mazzucco, Marshall, DeJesus, Kingsley, Slaughter  
NAYS: Commissioner Chan  
ABSENT: Commissioner DeJesus

SPECIFICATION NO. 2 - Sustained

AYES: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter  
ABSENT: Commissioner DeJesus

SPECIFICATION NO. 3 - Sustained

AYES: Commissioners Mazzucco, Marshall, DeJesus, Kingsley, Slaughter  
NAYS: Commissioner Chan  
ABSENT: Commissioner DeJesus

RESOLVED, that consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders that the appointment of Patrol Special Officer Robert Burns be revoked effective immediately.

*(These proceedings were taken in shorthand form by Mr. Lee Batara, CSR, Star Reporting)*

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

Unidentified discussed the CPR program.

**VOTE ON WHETHER TO HOLD CLOSED SESSION**

Motion by Commissioner Marshall, second by Commissioner Slaughter.  
Approved 5-0.

**CLOSED SESSION** (7:00 p.m. - 7:45 p.m.)

- a. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. ALW C09-076**  
(Resolution No. 11-55)

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Lieutenant Dangerfield, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Gibson, Attorney Worsham, Attorney Gaines, member involved)

(Taken in shorthand form by Mr. Lee Batara, CSR)

- b. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**  
(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Lieutenant Dangerfield, Risa Tom, Chief Suhr, Commander Tomioka, City Attorney Gibson)

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

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Motion by Commissioner Kingsley, second by Commissioner Slaughter for non disclosure. Approved 5-0.

**ADJOURNMENT**

Motion by Commissioner Marshall, second by Commissioner Kingsley.  
Approved 5-0

Thereafter, the meeting was adjourned at 7:45 p.m..

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Lieutenant Timothy Falvey  
Secretary  
San Francisco Police Commission

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