

SEPTEMBER 7, 2004

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 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Orr-Smith, Chan, Keane, Sparks,
Veronese

ABSENT: Commissioner Marshall

CHIEF'S REPORT

- a. **Update on the Quarter Report of Provision of Documents to the OCC (April-June 2004)**
- b. **Update on rotational plan for assignment of officers to Traffic Company Motorcycle Unit**
- c. **Update on policing of Muni Transit Lines**
- d. **Review of Recent Activities**

Captain Charles Keohane, Risk Management, presented the update on the Quarter Report of Provision of Documents to the OCC (April - June 2004).

Deputy Chief Greg Suhr, FOB, explained the rotational plan for assignment of officers to Traffic Company Motorcycle Unit.

Deputy Chief Greg Suhr, FOB, also updated the Commission on crimes on Muni. Chief Suhr explained that over 87 percent of the crimes that occurred on Muni were thefts and not of a violent nature. Chief Suhr stated that, after speaking with Robert Hortan who is the Security Director for the MTA, that crime in general is down 5 percent on Muni and incidents on Muni are down 22 percent.

Commissioner Orr-Smith asked about the message boards. Deputy Chief Suhr stated that the message boards are used to remind people to be aware and to be careful of their belongings while riding Muni.

Commissioner Chan asked if there is some way in which additional emphasis is given to particular lines on which there appears to be a higher incidents of robbery, for example. Deputy Chief Suhr stated that the Department works closely with the Director of the MTA Security and he delineates the lines that he liked to have the riders on the most and the Department do focus x amount of officers, specially from the Muni Response Team. Commissioner Chan asked if the data in which the Department based the allocation of resources provided by Muni Security Personnel in terms of their tracking of incidents. Chief Suhr stated that yes, that is part of it, but the Department also gets information from Gang Task Force or the merchants or the SRO program.

Deputy Chief Mindy Pengel, for Chief Fong, reported that today was the kick off for the joint training between the SFFD and the SFPD for four hours of Weapons and Mass Destruction. Chief Suhr stated that there will be 90 classes over the next six weeks. The entire Police and Fire Department are to be trained in 4-hour blocks and it's largely response training, perimeter training, capabilities of different devices that may or may not be found and then pre-incident, real time incident, and then post incident training at to how to interact with one another. Training is paid for out of a Federal Grant.

OCC DIRECTOR'S REPORT

- a. **Review of Recent Activities**

Director Kevin Allen reported on recent activities of the OCC. He stated that Donna Medley attended a Defense Training Seminar to talk about

ethics in the work place. He also stated that the OCC's Senior Investigator Shari Toney, Senior Investigator, was called to be in a panel to talk about Crowd Control at the National Association of Civilian Oversight of Law Enforcement Conference which will be held in Chicago in mid October.

Commissioner Sparks asked about a demonstration on Union Square on Labor Day and asked if any OCC observers were present during the demonstration. Director Allen stated that he didn't hear that the demonstration was going to take place and because of the 3-day holiday, he didn't have anybody at that demonstration.

Commissioner Veronese asked how the OCC is notified of demonstrations. Director Allen stated that the Department notifies the OCC and that anytime that the Department know something in advance, the Department notifies and alerts the OCC.

COMMISSION ANNOUNCEMENTS

- a. Assignment of disciplinary charges filed in Case No. C04-160 JWA to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner.** (Assigned to Commissioner Louise Renne, Resolution No. 84-04)
- b. Assignment of disciplinary charges filed in Case No. C04-161 JW) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner.** (Assigned to Commissioner Louise Renne, Resolution No. 85-04)
- c. Assignment of disciplinary charges filed in Case No. C04-159 JWA to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner.** (Assigned to Commissioner Louise Renne, Resolution No. 86-04)

Commissioner Renne explained that these three cases, because they are so closely related to the Union Street cases, in light of the action taken by the Commission to have those cases assigned to the entire Commission, all three of these cases should be assigned as well to the entire Commission to hear.

Commissioner Keane stated that although these cases are tied to the Union Street case, these particular cases have no factual relationship to the incidents relating to the Union Street incident and that he does not find any necessity to recuse himself and that he will be part of the Commission that would be hearing it.

Commissioner Veronese stated that he might ask to be recused from hearing these cases and will consult with the City Attorney regarding assignment of these cases.

PUBLIC COMMENT:

Scott Barrell, Attorney with firm that represents Sgt. Rapagnani and Sgt. Dawydiak, spoke on the issue of discovery. He stated that his firm has asked several times for discovery and that they have not received anything and was informed by the Department that discovery may not be provided until 30 days before a hearing. He asked the Commission for help to expedite this process.

Commissioner Renne stated that she will get together with counsel very quickly to discuss motions and discovery requests.

David Pilpel stated that he is interested in this issue and is interested in how the Commission is proceeding on this matter and asked where rules of procedures on these types of matters can be found.

Commissioner Renne asked Mr. Pilpel to consult with the City

Attorney since the Commission cannot engage in dialogue during public comment.

Kathleen Silk, Bay Area Police Watch & Justice for Cammerin Boyd, wanted to address the double standard that's been brought by this agenda item.

**APPROVAL OF MINUTES OF THE POLICE COMMISSION
MEETINGS OF JULY 21, 2004, JULY 28, 2004, AND AUGUST 4, 2004**

Motion by Commissioner Chan to approve the Police Commission minutes of July 21, 28, and August 4, 2004 with amendment to the July 21st minutes. Second by Commissioner Sparks. Approved 6-0.

PUBLIC COMMENT

David Pilpel expressed concerns regarding posting of agendas and requested that agendas be posted at the different district stations.

Al Lewis presented letters to the Commission from the Ocean Avenue merchants regarding bicycle patrol in the Ocean Avenue area and asked for beat patrol officers for the area.

Unidentified, SF resident, works for Amnesty International, invited the Commission to a community discussion regarding racial profiling in the US after 9-11.

**SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT
FUTURE COMMISSION MEETINGS**

Commissioner Chan asked for a report regarding the function of the Legal Division and its duties and obligations. Commissioner Chan also asked for a report from the Graffiti Unit and how information flows from the Graffiti Unit to Gang Task Force.

Commissioner Keane would like to know how the Legal Department makes its determination whether something should or should not be released.

Commissioner Sparks asked about the Cammerin Boyd incident and would like an update from the Chief as to whether or not there's been further communication with the District Attorney and if there is any anticipated time in which the District Attorney will allow the Police Department to release the case files.

Commissioner Veronese asked to be put on the fax distribution list of the daily incident recap reports.

Commissioner Renne, on behalf of the entire Commission as well as previous Commission, presented Lt. Geeter with a Certificate of Appreciation for his upcoming retirement and thanked Lt. Geeter for his service.

Thereafter the meeting was adjourned at 6:43 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission