

SEPTEMBER 22, 2004

SPECIAL MEETING

The San Francisco Police Commission met in Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 3:00 p.m., in a Special Meeting.

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

Demonstration by the Department of the Taser Weapon.

SEPTEMBER 22, 2004

REGULAR MEETING

The San Francisco Police Commission met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:30 p.m., in a Regular Meeting

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

Commissioner Orr-Smith announced that the Commission did not take public comment on the Taser Demonstration held earlier at the Hall of Justice and that public comment regarding Taser will be heard now during the Regular Meeting.

PUBLIC COMMENT re: Taser Demonstration

Mr. Mark Schlosberg, ACLU, discussed concerns regarding the use of Tasers. He stated that he submitted a letter to the Commission outlining the ACLU's concerns regarding Taser use. He stated that the ACLU does not advocate for an outright ban on Tasers but feel that they should be limited to circumstances where it's a true alternative to deadly force or where there is an imminent threat to human life and urged the Commission to consider the materials submitted to them.

David Grace discussed concerns regarding POST fraudulently using their non-profit status.

Mesha Irizarry, Idriss Stelly Foundation, discussed concerns regarding the use of Tasers. She stated that the foundation feels that it is in excellent alternative against deadly force. However, they also feel that it should be used exactly within that framework, instead of deadly force and not just for containment.

Mona Cadena, Amnesty International, stated that Amnesty International would like to stand in solidarity with the ACLU and the questions that they have put forth. She also stated that Amnesty International would like to recognize that international law, human rights standards, also recognize that under certain circumstances police officers do face situations where they have to use force but when confronted with those situations, international law and human rights standards say that force should not result in death and should not cause permanent injury to the suspect. She further discussed three main concerns of Amnesty International. They are concerned about a pattern they have been documenting in Taser-related deaths in which the medical examiners consistently list the cause of death as heart failure and disease, drug overdose, or positional asphyxia. They asked that Taser use be suspended until there is a comprehensive, independent medical study that can be conducted into the use of Tasers. She also ask, that if law enforcement agencies are going to use the Taser, that public information be provided about the training the officers are receiving for use of Tasers and also the reporting requirements and data-collection procedures for all Taser shootings.

CHIEF'S REPORT

a. **Update regarding time line of the Cammerin Boyd investigation**

Captain Tim Hettrich, Investigations, reported on the Cammerin Boyd investigation. Captain Hettrich stated that in order to give a time line on this particular investigation, an explanation has to be given about what happens with these investigations. He compared the investigation to a puzzle. He stated that there are four parts to the puzzle and each one of this part is a puzzle. One part of the puzzle is the OCC investigation, the other the MCD investigation, one part is the Homicide investigation, and the other part is the District Attorney's investigation. He stated that there is a sharing of information between the four agencies. He stated that the Police Department's part of the puzzle is about 95 percent complete but two weeks ago, another witness came forward. He stated that the puzzle can't be completed as long as witnesses appear. The part that isn't complete for the Police Department is the part that comes from the District Attorney's office. He stated that it's the District Attorney's conclusion whether this shooting was justifiable or not justifiable. That would complete the Police Department's part of the puzzle. Once that is received from the District Attorney's office, it is referred to Deputy Chief Tabak who refers to Chief Fong who then refers it to Management Control. He stated that he assumes that the OCC should be at least 80 or 90 percent done with their investigation.

Commissioner Sparks asked if it is typical for this puzzle to take six or nine months. Captain Hettrich explained that when you have multiple witnesses, some parts of the puzzle are sometimes never completed because a witness may come forward at the end of five years or six years. He explained that there is a lot of witnesses in this case. He stated that the Department's part of the puzzle are complete and ready in draft form and that the Department is just waiting for the District Attorney to produce their findings and that he had spoken to Lt. Hennessy, Homicide Unit, and that Lt. Hennessy hopes that within three to six weeks the District Attorney's office will have their findings back to the Department.

b. Review of recent events

Chief Fong gave a brief update regarding activities that the Department has been involved in.

Chief Fong talked about the Air Crash Exercise that the Department was involved in. She stated that this is an annual drill that's held at SF International Airport and is also required by the FAA. She stated that this is an opportunity for the SFPD to prepare for a potential air crash situation.

Chief Fong further discussed the certification of the SFPD Crime Lab. Chief Fong stated that the last week the American Society of Crime Laboratory accreditation staff were out at the Crime Lab. They conducted an exhaustive audit for over four days and there were 121 separate compliance issues that had to be addressed. The Department and the Crime Lab came through the process with a 92 percent rating. There are a few minor procedural modifications that have to be addressed prior to October and then the Crime Lab will be accredited for the first time in a number of years.

Chief Fong further discussed activities in the Investigations and Field Operations Bureau that happened during the past week.

Commissioner Veronese asked about calls put on hold by 911 specifically in regard to an incident that happened at Pac Bell Park. He asked if the 911 calls from a cell phone go to CHP. Chief Fong stated that it no longer does and that cell phone 911 calls will go to the ECD dispatch center on Turk Street. Chief Fong stated that in regards to that particular incident, she had reviewed the CAD report and stated that response was there within two minutes. Chief Fong also stated that she will have Director Cunnie or a representative from ECD make a presentation to the Commission.

Commissioner Marshall commended the Department for the good work done in the past weeks specially in drug and gun seizures.

Commissioner Orr-Smith asked about identity theft incidents. Chief Fong explained that identity theft is more frequent now and stated that when the Department knows about these matters the Department will follow-up immediately.

Commissioner Veronese asked about Chief Sanders' legal fees. Deputy City Attorney Morley stated that she'll talk to Commissioner Veronese about that issue.

PUBLIC COMMENT:

Marylon Boyd, Justice for Cammerin Boyd, discussed concerns regarding the Captain's report and asked where is the independent investigation and why is it that the District Attorney's decision to determine whether or not it is justified and stated that she is entitled to a more complete information.

Malaika Parker, Bay Area Police Watch, discussed Tasers and the Cammerin Boyd case and asked the Commissioners to look at the letter she just handed them.

OCC DIRECTOR'S REPORT

a. Review of recent activities

Director Allen thanked the Commission and the presenters of the Tasers for allowing the OCC to be present for the demonstration. He stated that his office has been tracking Taser use and asked that if the Department will have a training on Tasers that the OCC be invited and if the Commission would like to the OCC to make a proposal, his office would do a proposal and a policy recommendation as well.

Director Allen stated that the OCC was invited to travel to Russia to speak about Civilian Oversight. He explained that the Russian Police Department has had an on-going program where they work with the judges and prosecutors and the Department on how to handle hate crimes and they've asked the OCC to speak on Civilian Oversight and the effects it's had in the City and across the United States. He stated that a representative from his office will be leaving on Friday for a week's trip to St. Petersburg.

Commissioner Keane congratulated Director Allen for the invitation.

Commissioner Sparks asked Director Allen if the OCC would develop a policy recommendation on the use of a new weapon considered by the Police Department. Director Allen stated this is something that his office has been tracking, and if the Commission would like his office to develop a recommendation, this is something that his office has been tracking because of all the incidents that has been happening across the United States.

PUBLIC COMMENT:

None

DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, AND TO ACCEPT AND EXPEND FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY ORIENTED POLICING TO IMPLEMENT THE "COPS-UNIVERSAL HIRING PROGRAM"

Captain Lynch, Fiscal Division, explained the grant.

Commissioner Marshall asked how many offices will be hired under this grant. Captain Lynch stated that 50 officers will be hired.

Commissioner Sparks asked how this grant will be handled in the budget and would it just become part of the general cost of the budget. Captain Lynch stated that there are two options and the Department is looking at the first option and that there is no impact on the current fiscal year and that the majority of the impact in the second fiscal year will be absorbed by the grant with a small amount of matching by the general fund and then on the third and fourth year, it will be 100 percent on the general fund.

PUBLIC COMMENT:

Peter, San Francisco Youth Commission, discussed concerns regarding the SRO program.

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

RESOLUTION NO. 88-04

APPROVAL TO AUTHORIZE THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, AND TO ACCEPT AND EXPEND FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY ORIENTED POLICING TO IMPLEMENT THE “COPS-UNIVERSAL HIRING PROGRAM”

RESOLVED, that the Police Commission hereby approves to authorize the Chief of Police to retroactively apply for and to accept and expend funds from the U.S. Department of Justice Office of Community Oriented Policing to implement the “Cops-Universal Hiring Program,” including any augmentations, extensions, and modifications.

AYES: Commissioners Orr-Smith, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioners Renne, Chan

DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, AND TO ACCEPT AND EXPEND FUNDS FROM THE U.S. BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE PROGRAMS, TO IMPLEMENT THE “GANG RESISTANCE EDUCATION AND TRAINING (G.R.E.A.T.) PROGRAM”

Lieutenant Fatooh, School Resource Program, explained the grant program.

PUBLIC COMMENT:

Unidentified, Youth Commission, asked the Commission to postpone this action item so that the Youth Commission can review this grant program.

Marylon Boyd asked that more constructive activities be done towards alternatives to violence.

Alison, teacher, discussed concerns with police officers acting as teachers and counselors teaching about gang resistance.

Anthony Peebles stated that he didn't know about this and that is sounds out of the norm and stated that the grant should be to get more teachers into the classroom.

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

RESOLUTION NO. 89-04

APPROVAL TO AUTHORIZE THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, AND TO ACCEPT AND EXPEND FUNDS FROM THE U.S. BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE PROGRAMS TO IMPLEMENT THE “GANG RESISTANCE EDUCATION AND TRAINING (G.R.E.A.T.) PROGRAM”

RESOLVED, that the Police Commission hereby approves to authorize the Chief of Police to retroactively apply for and to accept and expend funds from the U.S. Bureau of Justice Assistance, Office of Justice Programs to implement the “Gang Resistance Education and Training (G.R.E.A.T.) Program,” including any augmentations, extensions, and modifications.

AYES: Commissioners Orr-Smith, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioners Renne, Chan

DISCUSSION OF THE POLICE DEPARTMENT’S RESPONSE TO THE INCIDENT AT THURGOOD MARSHALL ACADEMY HIGH SCHOOL ON OCTOBER 11, 2002

Commissioner Orr-Smith explained that this is a continuation item from the previous hearing. She stated that the first hearing was held during the summer and it was brought to the Commission’s attention that people may have been on vacation. She stated that after public testimony is concluded, the Commission requested that a video tape be shown and reviewed by the Commission.

Commissioner Marshall asked to be excused as he was part of the Task Force that investigated this incident.

Motion by Commissioner Keane, second by Commissioner Veronese.
Approved 4-0.

PUBLIC COMMENT:

Francesca Moeffis, attended Thurgood Marshall when the incident occurred, stated that this incident happened in her sophomore year. She stated that she doesn’t go to school expecting an incident like that to happen. She stated that she saw a lot of police brutality towards other students.

Anthony Peebles stated that what happened that day still affects him as an educator. He read a letter that was written by him and a student.

Marcella Garcia stated that she was a senior at Thurgood Marshall when this incident occurred. She stated that images that happened on October 11th are hard to erase.

Nadeen Zeltser, parent, thanked the Commission for hearing the issue and stated that changes needs to be done. She stated that what happened was excessive and unacceptable. She asked that somebody look at the situation in the schools so that this doesn’t happen again.

Jeff Adachi, Public Defender of San Francisco, thanked the Commission for the opportunity to address this issue. He commended all the people and organizations who stayed with this issue for two years. He stated that this hearing is two years too late. He stated that he received a phone call from a group of teachers asking him to represent Anthony Peeples, a teacher who has been arrested in the incident. He stated that he interviewed teachers, parents, students, and other people who are connected with this incident. He stated that he became convinced that this incident was outrageous and that there was racism involved. He stated that an MOU is needed between the school district and the Police Department. He stated that the only solution is

that everyone should come to grips with the reality that calling the police should be the last alternative and that a subcommittee be formed to make recommendations to the Commission to insure that what happened does not happen again.

Jodie Zappas, worked at Thurgood Marshall, stated that she's never seen anything like what she saw that day at Thurgood Marshall. She stated that she saw a police officer with a gun pointed at a student with his back against the lockers. She stated she rushed to the student and was told to back off. She stated students were handcuffed, arrested in the office, in the hallways, and several students were taken away and detained but not charged. She stated that around 11:00 o'clock there was a directive from the School District to release all the students and have them go home. She stated that students were terrified and scared and there were over 80 officers there and helicopters overhead and there were people in SWAT uniforms, helmets and batons, brutalizing the students. She stated that parents were trying to help because parents could not find their kids and kids could not get home. She stated that what happened that day was excessive.

Jeremiah Jeffries, representing Teachers for Change, stated that there is a criminal and youth predatory element in the San Francisco Police Department. He discussed concerns about the incompetence of the OCC. He stated that it is the Commission's job to hold the officers accountable.

Derreck Toliver, Thurgood Marshall School Safety Committee, stated that they have not received a police report regarding this incident. He stated that there was no communication with the teachers in order for the teachers to know what to do with the students. He discussed concerns about an honor student having a gun pulled to his head and stated that they have not heard an explanation from the Department why that was done.

Ruth, teacher at Thurgood Marshall, talked about an incident that happened after the October 11th and how the attitude of officers toward Thurgood Marshall students may have been the reason why this incident happened. She stated that students at Thurgood Marshall are not animals.

Linda Wells, teacher at Thurgood Marshall, discussed the after effect of that day. She stated she saw a parent beaten. She saw people in riot gear. She stated that they had a school that was a safe place and after the incident, many of the kids did not feel the school was safe and they didn't want to be there. She asked that when the Commission thinks about making a policy, that the Commission think about the fact that 1000 children's lives are impacted.

Kelly Welch, Board of ACLU's San Francisco Chapter, believes that money can be better spent in school counselors rather than police. She stated that it's disgraceful that students were treated this way and that nothing has been done about it for two years. She urged that the Police Commission should publically apologize to the students and parents of Thurgood Marshall.

Peter, Youth Commission, stated that he's tired of these meetings but he will keep showing up until new policies are made, until all those who participated are held accountable, and until apologies are made. He stated that he does not see any member of the School District and that angers him. He stated that this issue must be resolved soon.

Howard Blanski, Unified School District Social Worker, stated that he was not asked by the School District to attend the meeting but came because he works closely with the SRO Program since its inception. He stated that he works with different agencies to support the students and to develop them as positive citizens. He stated that his concern tonight is that people are using the Thurgood Marshall incident to negate the benefit of the SRO Program and stated that he thinks that would be a big injustice because he worked closely with the officers and he feels that it is very important to have the officers as part of the supportive team in the schools.

Joan Hepperly, Principal of John O'Connell High School. She stated that she was not at Marshall during the incident. She stated that for eight years, she's been one of the long-standing principals to work with the SRO program and see how much this helped her have a safe environment. She stated that it is critical but what has to be in place is that site administrators and

resource officers develop a partnership that works to help respect the child and create a safe child environment. She stated that the officers have to be partners with them. She stated that it takes a certain individual to be an SRO.

Gladys Roches, at Thurgood when incident happened. She wanted to speak on the reputation of the school and stated that if you look at the statistics of Thurgood Marshall prior to this incident, there are a lot of students that was sent to great universities such as UC Berkeley. She stated Thurgood Marshall was known for this and that it was a place for academic learning and it was a safe haven for students who are minorities. She stated that she saw Mr. Peebles arrested.

Malaika Parker, Bay Area Police Watch, discussed concerns regarding racial profiling in San Francisco. She stated that this is an example of racial profiling, not only because of the incident, but the way the Department responded to the incident. She asked that the Commission takes a good look on how things can be done differently and how the OCC can do things differently. She stated that an officer that breaks the law needs to held accountable for his actions and it's the Department's and the OCC's duty to make sure that that happens.

Meesha Lee, Teacher in Unified School District, stated she was not at Thurgood Marshall when the incident occurred. She stated that when she returned it was a different place and that there was a complete change in people's trust, of what a school is about, what community protection is all about and that trust in safety has been completely destroyed. She stated that the students' lives were heavily damaged by this incident. She also stated that she conducted an informal survey and in that survey, 60 percent of students said they witnessed acts of police brutality and misconduct; 80 percent of students said that the police singled out students of particular race to harass and arrest; 80 percent said that they felt the media distorted what was going on at Thurgood Marshall; 67 percent said that they did not feel safe nor comfortable with the school resource officer.

Mark Schlosberg, ACLU, thanked the Commission for having this hearing. He stated that there needs to be action in response to what happened, action to address this issue to make sure that something like this does not happen again in the future. He asked the Commission to look at recommendations, submitted by Coleman Advocates, to police changes to police policy with regard to schools. He stated the ACLU supports these recommendations. He also discussed concerns regarding the OCC policy recommendations not being submitted earlier.

The Commission recessed and returned.

Marylon Boyd, Justice for Cammerin Boyd, discussed concerns regarding witnesses coming forward and reopening of cases. She also asked for an apology to the people who were harmed by this incident and asked that officers be held accountable.

Shed Alcara, did not attend Thurgood Marshall, Coleman Advocates, stated that what occurred on 10/11 was a great injustice. He stated that someone made a mistake and someone should acknowledge that.

Lasalle Syray, teacher at Thurgood Marshall at the time of the incident, stated that she support everything that was said in support of the students. She brought pictures drawn by the students after the Thurgood Marshall incident.

Meesha Irizary, Idriss Stelley Foundation, stated that she's on the 10th week of the Police Academy's Citizen Training. She stated that she felt it was important to take the training to understand the Department's organizational culture and hopes that it will create bridges towards change.

Javier performed a piece of poetry.

Maxwell, Chair SF Youth Commission, asked the Commission to bring justice to the youths of Bayview Hunter's Point.

Kimshri Moeffis stated that after listening to the testimony, she wanted to tell the Commission how important it is that the Commission understand that the young people in this City are actually waiting and watching this. She

stated that the first speaker is her daughter and her daughter has spoken to the prior Commission but they did not listen to her. She asked the Department to find some way to work with the community to repair the damage that has been done. She also acknowledged Mark Sanchez for being with the Thurgood Marshall community from the very beginning.

Aioka Turner, SF Youth Commission, stated that justice delayed will never be justice denied in this situation. She stated that there was fault that day and no apology has been made.

Natasha stated she wanted to film the hearing because it shows the community's passion to fight for the youth that have a voice but are constantly ignored. She stated that she knows good cops and good SROs but there is always an alternative route that are less violent.

Tanya Lee, Coleman Advocates for Children and Youth, asked that the report released by Coleman Advocates be distributed to the Commission. She summarized the report for the Commission. She also read the recommendations made by the Coleman Advocates.

Sylvester Polard stated these kids are the next officers of San Francisco and they are going to run San Francisco.

At this time, the Commission viewed three video tapes (approximately 53 minutes long).

Lieutenant Fatooh explained that after the Thurgood Marshall incident, Mayor Brown and Superintendent Ackerman formed the San Francisco School Safety Committee. The Committee was charged with assessing safety issues in the San Francisco Unified School District schools and the surrounding community and developing recommendations to address these safety concerns. The committee included San Francisco Unified School District, the Mayor's Office of Criminal Justice, the San Francisco Police Department, the SF Juvenile Probation Department, MUNI, the Gang-Free Initiatives community, and the San Francisco District Attorney's Office. There was also a Community Task Force that was formed that included people from the community, school site people, and different advocacy groups. These committees had a list of recommendations that was brought forward to the Police Department and to the School District.

Lieutenant Fatooh then went over the different goals and recommendations and what the San Francisco Police Department has done since that time and what the Department is continuing to do through out the city and the community.

Commissioner Veronese asked if there has been a test done in regards to the safety programs. Lieutenant Fatooh stated that they are doing more preventative measures rather than what's going to happen as an after effect. She stated that everybody is more aware at this time and that prevention is what they are working on. She stated that the SROs are trained on de-escalating conflicts and the SRO staff are also training school staffs on how to de-escalate student conflicts. Commissioner Veronese asked how are students being helped to get some sort of closure. Lieutenant Fatooh stated that from the Police Department's part, they meet with various groups to see what they think would help make schools safer.

Commissioner Orr-Smith stated that the report from Coleman Advocates and the Best Practice Report from the OCC were just received by the Commission. She stated that she's glad that the Department is looking at ways to deploy incrementally. Commissioner Orr-Smith also stated that everything that could possibly go wrong went wrong that day and that she regrets that that was the circumstance and an experience for the students, for the school, and for the City, and that she appreciate that protocols and interdepartmental relationships do take a lot of negotiating and stated that looking at an incremental response affords the Department to work closely

with the school districts on police affairs. Lieutenant Fatooh stated that certain things are in place now that had never been in place before.

Commissioner Keane made a statement: “Good evening. As the way of tacking this on to the last evening, this has been very revealing, I think, for all of us – for the Department, for certainly the Commission, for people who were watching this – and I want to start off with a couple of things. One, I was struck by one of the statements that was made by one of the young man who was talking at the community meeting and I wrote it down and where he says “the whole situation was over a fight that should have been resolved.” And I think about ten years ago when my daughter – one of my daughters who was attending Lowell High School – and I remember one day going out there to pick her up, and there was a very fine SRO out there who did a great job. And at that time, when I went out that afternoon, there was a fight out there too. And there was – it was a very serious fight in which a kid, like here, hit another kid with a pipe, broke open the kid’s head. And that whole thing was resolved by that one SRO and one squad car, which we all watched come out and resolved the whole thing, take the boy away who had hit the other kid with the pipe. And I look at these videos and I see all of those police officers in the hallways of that school and I try and envision seeing all those police officers in the hallways of Lowell High School when my kid was there. It’s inconceivable to me or to see in the corridors of Lowell High School today. And one of the things that clearly comes to mind and one of the things that clearly is a legitimate concern for the community, certainly for an African-American community in Bayview, seeing an African-American school is occupied by police officers is the idea that somehow we’re being treated differently. And I certainly see it as somehow that school being treated differently because I couldn’t imagine that happening out at Lowell.

Racism comes in many ways. Often times it’s not conscious. It doesn’t have to be malicious but it’s there, and it’s hard to look at that experience and see what we saw and see and not say there’s something different going here. And it appears to be something different. The only angle that I can see – well there are other angles, obviously – but probably a big angle is some sort of racism. Unconscious, I don’t think so, but it’s there and it’s something that was the cause of this community, the Bayview community and the people and the students in that school, to feel the kind of anger and outrage that they did.

I think if I were at my daughter’s, out at Lowell when my daughter was going there, and I saw that many police officers in the corridors of that school and I saw the students being upset, I would have done exactly what Mr. Peabody would have done and did, had done. And we look at him and you can make mistakes well, he’s acting like a jerk. He’s using the F-word. He’s running around. He’s real upset, but he’s upset over what he’s seeing happening to his students and he’s upset for an understandable reason.

Everything we hear about him is that he’s a good teacher. He’s a sensitive teacher, and he’s a teacher who was very much beloved, and that’s part of the loss to the community and to that school that he’s not there as a result of it.

And the other things that we’ve heard from all of the students, the parents, the teachers, people in that community is that there was a sense of that school being violated and there was a sense of something that should be a very safe place, that has to be a very safe place, a school, that that was lost that day.

And I know it’s it’s – you can’t compare the two incidents because the other is so heinous by comparison but I think of this and I think of what happened in the school in Southern Russia a few weeks ago. There’s no comparison, I mean, people being killed and the horrible things that are happening there, but I’ve had thoughts how can those kids ever go back to school, the kids who were involved in that.

So, it’s not on the same level but you can feel the same aspect, the same type of response in terms of the kids who were at this school that was

occupied by all of the police. They saw things that they didn't like. They saw friends hurt. A gun was drawn. These kids feeling secure in their school, in their educational environment, that was taken from them that day. So great harm was done to the community that day and to the school and to the kids.

I think a lot of the blame for the whole matter of this continuing to fester and it not being addressed is the Police Commission's fault, the former Police Commission. I know it's easy for us to point fingers, and I'm pointing a finger because they should have gone ahead and shown more concern. I think the Department has shown a lot of concern. You know they may not – they get involved in terms of egos. They were saying "well, we were doing the right thing." "We were doing what we had to do." "We were doing what we're taught to do." But you heard what Lt. Fatooh has reported and those are some remarkable and some good responses in looking at this and taking a lesson out of it. And she's right also, Lt. Fatooh, when she says well, the OCC is investigating it, but she's not right when she says well, the Police Commission, they can only do something if the OCC brings it to them. That's not true. We did this. We, this Commission, got to set in motion when we got the letter from Mr. Sanchez – who I think is to be commended for getting us going – and I commend him.

And earlier, the first speaker, she made a point of asking that people stand who thought this was wrong and that a great harm had been done to Thurgood Marshall and the people of Thurgood Marshall, and the people in the audience stand. I don't do this for any kind of dramatic effect but I want to stand too.

The last time we were here, our Vice President apologized to the community. I want to apologize to you as well. I think this Commission owes you a great apology and I would move, Madame Vice President, on behalf that we, on behalf of the Commission, Commission formally approve a motion to apologize to Thurgood Marshall, to the students, to the parents, to the teachers, and show in that resolution say that we resolved that this is never going to happen on our city again."

Commissioner Orr-Smith asked for a second.

Commissioner Veronese stated that this item is up for discussion only and is not an action item.

Commissioner Keane asked that this be calendared for a motion in next week's meeting.

Commissioner Orr-Smith then made the following statement: "Thank you, Commissioner Keane.

As the Commissioner said, when we called this action, this new Commission was formed under the new proposition and it has been my pleasure and privilege to acknowledge that all of us have taken that oath very seriously in terms of being responsive, and we did call this item because we knew that this was a huge omission for the Commission in terms of its role. And what we'd like in this process is to have this airing, which is why we've held this hearings, and we'll continue to examine policy, because we want to make a difference for the community, for the students, as well as for the police officers in this Department as well.

The absence of an appropriate protocol for them to respond to and to work within without the inter-departmental relationships that should have existed that are now being formed contributed greatly to this horrible and regrettable situation. And you're absolutely right, no child should ever have to experience this and we're going to be as faithful stewards as we could possibly be in terms of making sure, for the sake of the community, the schools, the Department, and the City and County of San Francisco, that this just doesn't happen. We're a city of compassion. We're an organization of responsible people and we look to serve – the motto of the Department is to serve and protect, and this Commission takes that charge very seriously.

So I think what is in order for us now, given the new documents of policy that we received as well, would be to take these under advisement at this point and what we've seen today and this additional testimony and schedule a date certain for the continuation of this. We would like to have the input of the Department relative to the policy initiatives that are currently under way that Lt. Fatooh alluded to and then the appropriation of the OCC's recommendations, Coleman Advocates, and any more that would come to our attention as well. This is not a closed issue. There is more to come.

And I just want to acknowledge and thank you again for coming and sharing so generously – I know this has been a painful process. You've been sitting on these wounds for two years, two years too long, but we are doing our best to arrive at some conclusion that represents your input that takes into consideration what you've heard and that would allow us to provide a leadership and support for the Department to do its job the way I know they'd want to do it with respect to schools and public safety, period.”

Commissioner Sparks made the following statement: “I, too, would like to thank Commissioner Sanchez for being here and for being here last time and for his leadership in this. I think this has been a difficult issue for many months and, I think, he, for one, has been on top of it and has been a steward of it and I think you, as much as anyone, is to thank for the proceedings that are going on here.

I'll run the risk of dating myself here, although it's probably pretty evident. I was in school, in college, in the early 70s in the Midwest and it was during the Vietnam war, and I actually experienced a similar kind of incident in a over a lunch time, there was a demonstration against the war, and at that time the State Police was brought in, the City Police was brought in, the County Police was brought in and it was a very very ugly affair, very ugly affair. Thirty years later I still feel some of those emotions that I felt that day.

I'm really really sorry that these children, that these kids, had to experience such an incident because it's something that they won't forget easily. It's something no matter how much healing happens that they'll still recall 10, 15, 20 years from now and that's a very very sad state of affairs.

I agree with Commissioner Keane and Commissioner Orr-Smith. I wholeheartedly will support a formal apology from the Commission. I, myself, would like to offer just a personal apology tonight to the parents, to the students, to the administrators, to the school board for this Commission not having responded quicker and for the incident itself happening.

I'm hoping that the Director and the Chief, but particularly the Director will take his recommendations which we just saw very recently meet with Coleman Advocates and incorporate their recommendations because just at first glance it looked very similar to some of yours. Incorporate them and develop a policy for response. I know we wanted to try to do everything as Lt. Fatooh says to keep the violence from happening but I think the world being what it is, at some point an incident like may occur again and I want to make sure this time when it occurs that we have an appropriate response.

We cannot treat children like any other type of crowd control incident, and I think many times, looking at as over these last two sessions transpired, it looked to me like possibly this incident was being treated much less any other crowd control and I don't think it can be handled the same way.

So I just want to thank again everyone who came here today and some of the people who came here for the second time and some of the people who have commented to us on various issues several times. I think it very difficult, it was very emotional and I just want to thank everyone, particularly the young people that came, because this is a very difficult thing. This is obviously a very significant event in their life and to be dragged it up two times, drag it more than once is very difficult and I just want to thank everybody.”

Commissioner Veronese made the following statement: “I as well want to thank everybody for coming. I know it's not easy to keep repeating things in front of different people and spilling your heart out to the public but it is

also very essential in helping us do what we do and obviously to help the Police Department do what they do.

It's pretty clear by this incident and everything that's happened since that the system at the time had failed these children and that's a terrible thing and my one hope – well, there are a couple hopes I have – one is that this incident, the good thing that has come out of this incident is that the Police Department and the Police Commission and the School District and the other parties that were involved, that are involved in making up this MOU have definitely learned a lesson by this.

I also have a lot of hope in one of the things that a gentlemen said earlier is that these kids, and it's just a matter of time, will be Commissioners one day, they'll be Supervisors, they'll be Mayors, and they'll be able to bring those experiences that they got like, much like the experiences we got in school in growing up, into their perspectives as they sit on Commissions and Boards and elective positions. So I'm very much encouraged that things are changing. I have a ton of respect for the current administration and I know that things are being addressed to change the way things were in the past and I also have a lot of confidence that this type of thing, incident, won't happen again.

That being said, I look forward to a final resolution of this MOU, of getting these officers trained that deal with children, not trained officers that deal with riots, into these schools so that they can become friends and mentors much like we have seen with the teachers that have been here today.

I hope that the way the MOU is written has the participation of the actual students, the people that are carrying the pain, the teachers, so that when these things happen their perspective is added into the solution.

Other than that, I just want, again, thank everybody for being here and thank the School District for bringing this to our attention giving us the opportunity to at least address this. Thank you.”

COMMISSION ANNOUNCEMENTS

Sergeant Reilly announced that the next community meeting will be held on September 29th, at Sanchez Elementary School, 325 Sanchez Street.

PUBLIC COMMENT:

None

PUBLIC COMMENT

Unidentified would like to say some positive things and stated the Department is doing a good job with monitoring the 16th and Mission and South Van Ness areas with motorcycle officers. He also thanked the Taxi Detail for having an officer out at the ball park dealing with limousines and taxi cabs. He also complained about an officer at Richmond Station.

Odie Douglas, community worker, discussed concerns about an individual who attacked her not being arrested.

Sayed, taxicab driver for Metro Taxi in San Francisco, stated he was involved in an incident where he was assaulted by passengers. He stated that police was dispatched to the scene but the officer cited him for theft and that the officer lied on the police report.

Steve Johnson, POA, commended Lt. Fatooh for doing an outstanding job. He also stated that he was disappointed with the Commission for alleging that what happened at Thurgood Marshall was a racist act and stated that that is outrageous and irresponsible. He stated that it shows that the Commission did not get the facts. He discussed concerns in regards to Jeff Adachi's comments.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Orr-Smith asked for a report on how identity theft incidents are handled.

Commissioner Chan apologized for coming in late. He asked for additional information in regards to Asian-Immigrants being targeted by strong arm robberies.

Thereafter the meeting was adjourned at 10:39 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

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