

OCTOBER 25, 2006

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 5:38 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Campos, DeJesus, Lee, Marshall, Sparks, Veronese

PUBLIC COMMENT

Barry Toronto expressed concerns regarding treatment of police officers of cab drivers.

Marlon Crump discussed tenant convention on November 14th at 2940 16th Street, at 10 a.m., and invited the Commissioners to attend.

APPROVAL OF THE AWARDS COMMITTEE RECOMMENDATION

Taken out of order.

Motion by Commissioner DeJesus, second by Commissioner Veronese to continue this item at the call of the chair. Approved 7-0.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Deputy Chief Shinn, for Chief Fong, stated that Chief Fong is in Washington, D.C., for the PERF Conference.

Commissioner Veronese asked about the Department's Manual Discipline/Penalty Referral Guidelines. Chief Shinn stated that he does not know when it will be updated. Commissioner Veronese asked that the Department take a look at the manual and try to redraft it.

Commissioner Sparks asked about incidents in the Castro. Chief Shinn stated that the Department is working with community groups and that Captain Goldberg is working with these groups as to safety tips, how to be better prepared, and how to report to the police.

Commissioner Lee would like information regarding the Japantown shooting incident and asked if this is a hate crime. Chief Shinn stated that on Saturday evening there was a double homicide that occurred at Post and Buchanan Streets. Chief Shinn stated that he cannot give out a lot of information because the investigation is with the Homicide Unit and the District Attorney's Office.

Commissioner Campos what can the Department do to work with communities to make sure concerns are addressed. Chief Shinn stated that communication is important, make sure that that community is in contact with the Captain along with other officers that are in that area. Chief Shinn stated that the Department encourages neighborhood groups and watches in all parts of the city and the Department outreach to a number of community groups.

Commissioner Sparks asked if the Commission's community meeting be scheduled in the Castro area for the November 29th meeting. Commissioner Sparks asked that maybe two or three Commissioners can meet in the Castro, with Captain Goldberg, to address the issue.

Commissioner Lee asked about Hate Crime training. Chief Shinn stated that it is part of the curriculum at the basic Academy level.

Commissioner Sparks asked about the implementation of the foot patrol legislation. Chief Shinn stated that the Department is doing the civilianization of the Department and as people come to the stations, the Department will be dedicating foot beat officers, and also the 211th Class will be graduating, and after FTO, the Department will send officers to specific stations to make sure that they are able to comply with the foot beat legislation.

Commissioner Campos would like a brief overview of the plan prior to implementation.

DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION REGARDING PROCEDURES FOR STIPULATED DISPOSITION OF DISCIPLINARY CHARGES

PUBLIC COMMENT

John Tenant, General for SFPOA, stated his concerns regarding the proposed resolution.

Barbara Growth expressed her concerns.

Commissioner Sparks stated she does not understand where in the *Copley* decision it makes a stipulated disposition a right of an officer as opposed to the right of confidentiality. Mr. Tenant stated that the *Copley* decision does not address settlements and stated that he doesn't think the Commission can unpack from the right to an administrative appeal, under the Peace Officers Procedural Bill of Rights Act, the possibility of settlement. Mr. Tenant stated that he does not think that the Commission can condition a settlement of a case that could go forward to a full blown trial on the waiver of that right.

Commissioner Veronese stated that he would have liked to have received a phone call from the POA to discuss his position as one of the four votes on this resolution. Commissioner Veronese asked how the POA would feel about matters that have been set in their dispositions such as DUI matters where it is typically 45 days unless special circumstances arise. Commissioner Veronese stated that his whole reason for voting on this the way he did was because he does not think that backroom deals should be made. Mr. Tenant stated that he would need time to consult with the POA. Commissioner Veronese stated that he will withhold his vote until he hears from the POA.

Commissioner DeJesus stated that in the *Copley* decision, footnote 17, specifically did not address whether the public had a constitutional right to attend the hearing so it still might be an open question. Mr. Tenant just echoed what the City Attorney's opinion stated that there were three avenues open to the Commission with regard to the *Copley* decision: (1) was to close the hearings; (2) was to have some kind of hearing whether it be absolute limited disclosure; and, (3) a change in State law. Commissioner DeJesus stated that what the Commission is trying to do is strike a balance. She stated that a stipulated disposition made by the prosecutor and the officer, without benefit of the Commission hearing any of the witnesses, listening to any of the facts behind the case, coming before with everything resolved feels like a backdoor settlement and stated that if the officer wants to settle the case, then that can be done in an open forum. Mr. Tenant stated that the right to settlement, the possibility of settlement, is part and parcel of any appeal process and stated that the legislature of the state has already struck the balance and the people of the state have annunciated their view that there is constitutional right of police officers to privacy in their files.

Commissioner Campos stated that the Commission have been discussing *Copley* for many weeks and that the Commission have taken the time to read the opinion carefully to get advice from the City Attorney and that there is nothing hasty about what's been done. Commissioner Campos stated

that the Commission have gone out of their way to make sure that whatever is done, with respect to Copley, that those are done carefully, thoughtfully, and that the Commission is not easily dismissing any argument. Mr. Tenant stated that he must disagree profoundly because he does think it is the dismissal of the constitutional rights of working men and women that are being talked about here.

Motion by Commissioner Campos, second by Commissioner DeJesus to move the resolution. Commissioner Veronese asked that this item be continued for one week to give the POA an opportunity to give the Commission possible ways on how it can improve the resolution to meet some of their concerns.

Commissioner Campos withdrew his motion.

Motion by Commissioner Veronese to put this item over for one week, second by Commissioner Lee. Approved 7-0.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Commissioner Renne stated that Director Allen is not present tonight.

COMMISSION ANNOUNCEMENTS

Sergeant Reilly announced that the Police Commission is considering a special meeting on Saturday, November 4th, at the Academy, from 9:00 to 1 p.m.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Renne announced that next week the Lankford matter will be on the calendar and on November 8th, the Early Warning System will be discussed.

Commissioner Campos would like a report on how the Halloween festivities went.

Commissioner Lee suggested holding the January district meeting either in the Richmond or in the Central District because of the Lunar New Year.

Commissioner Marshall suggested that the Commission look at the priority list.

Commissioner Renne stated that the Commission can consider district meetings and the priority list on November 15th.

ADJOURNMENT

Motion by Commissioner Campos, second by Commissioner DeJesus to adjourn the meeting. Approved 7-0.

Thereafter, the meeting was adjourned at 6:39 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission