

**OCTOBER 11, 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 5:00 p.m., in a Regular Meeting.

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

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

Carl Olsen, Attorney for SF Chronicle, stated that the Commission should not close all disciplinary hearings.

**VOTE ON WHETHER TO HOLD CLOSED SESSION**

Motion by Commissioner DeJesus, second by Commissioner Campos to hold Closed Session. Approved 7-0.

**CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL - Anticipated Litigation  
Copley Press, Inc. v. Superior Court of San Diego County, No. S128603

**PUBLIC COMMENT**

Taken out of order.

Francisco Decosta discussed concerns regarding mural in Bernal Dwellings.

Gaynor discussed concerns regarding mural in Bernal Dwellings and submitted a photo of the mural to the Commission. She also gave the Commission signed petitions to get the mural back up.

Jaime Poole, Bernal Dwellings resident, stated that police came in and stated that they have 72 hours to take mural down. The mural is located on 26<sup>th</sup> and Harrison.

Commissioner Sparks asked if the mural was painted on public or private property. Mr. Poole stated that the store owner gave permission to have the mural on the wall.

Nadine expressed concerns regarding the police lying and stated that she was at the store when the police went into the store and asked to take mural off.

Nanika Randolph, Bernal Dwelling resident, stated the mural meant a lot to the community and does not understand why it was taken off.

**HEARING ON DISCIPLINARY CHARGES IN FILE NOS. C04-105 JWA, C04-113 JWA, AND C04-126 JWA**

*(The entire proceedings were taken in shorthand form by Ms. Anna Greenley, CSR.)*

Commissioner Renne announced that there was a request by Lt. Lankford to have the hearing in open session and the Commission decided that that request will be honored.

Commissioner Renne stated that if it becomes necessary for counsels to refer to confidential personnel records or disciplinary proceedings against any other officer in the department, let the Commission know and the Commission will go into closed session for any portion of the argument in that regard.

Mr. Robert Tronnes and Ms. Jennifer Wang, Attorneys at Law, appeared on behalf of the San Francisco Police Department.

Ms. Eileen Burke, Attorney at Law, appeared on behalf of Lieutenant Jerry Lankford.

Ms. Burke, on behalf of Lt. Lankford, started with her opening argument.

Motion by Commissioner DeJesus, second by Commissioner Campos to go into Closed Session. Approved 7-0.

*(The Commission went into Closed Session at 6:28 p.m. and reconvened to Open Session at 6:36 p.m.)*

Ms. Burke continued with her opening argument.

Mr. Tronnes, on behalf of the Department, started with his opening argument.

Ms. Wang, on behalf of the Department, presented her opening argument.

Ms. Burke, on behalf of Lt. Lankford, continued with her closing argument.

Commissioner Renne stated the Commission needs to go into Closed Session to decide this matter.

*(The Commission recessed for a short break at 8:04 p.m.)*

**TAKING OF EVIDENCE BY THE COMMISSION AND POSSIBLE DISCUSSION AND ACTION TO ACCEPT STIPULATED DISPOSITIONS IN THE MATTERS OF OCC FILE NOS. C04-119 JWF, C04-120 JWF, C04-121 JWF, C04-122 JWF, C04-123 JWF, C04-124 JWF, AND C04-125 JWF**

Commissioner Renne asked for public comment in regards to the disciplinary matters.

**PUBLIC COMMENT**

Marilyn Beviacencio stated she worked with Lt. Lankford as a representative of the Machen Center and as a firefighter in the OMI area and she's here to speak on behalf of Lt. Lankford.

Pastor Leonard Johnson spoke on behalf of Lt. Lankford.

Melissa, daughter of Lt. Lankford, spoke on behalf of her father.

Vivian Jenkins, Berkeley resident, have known Lt. Lankford even before he joined the Department, and godfather of her child, spoke on behalf of Lt. Lankford.

Mark Lucas met Lt. Lankford through the Machen Center and spoke on behalf of Lt. Lankford.

Kyle Lankford, son of Lt. Lankford, spoke on behalf of his father.

Marguerite Machen, President Board of Directors of Machen Center, spoke on behalf of Lt. Lankford.

Eileen Burke read two letters from people that could not attend. One is from Nicole Solis, Public Defender, who wrote on behalf of Lt. Lankford. The second letter is from Neva Jackson, Jr., Accountant, who wrote on behalf of Lt. Lankford.

Galinda Lankford Horton, Lt. Lankford's sister, spoke on behalf of her

brother.

Erline Hogan have known Lt. Lankford for over 30 years and spoke on behalf of Lt. Lankford.

Faye Coltrim, Attorney, have known Lt. Lankford for over 30 years and spoke on behalf of Lt. Lankford.

Beverly Myrus spoke on behalf of Lt. Lankford and stated that her MCD testimony was nothing but the truth.

Seton West, Lt. Lankford's cousin, spoke on behalf of Lt. Lankford.

Unidentified, coworker at Hall of Justice, spoke on behalf of Lt. Lankford.

Lieutenant Jerry Lankford spoke on his own behalf and stated that MCD investigators chose not to believe anything he said.

Motion to go into Closed Session, second by Commissioner Marshall. Approved 7-0.

*(The Commission went into Closed Session at 8:48 p.m., and reconvened to Open Session at 10:29 p.m.)*

**VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (as related to item #3)**

Motion by Commissioner DeJesus, second by Commissioner Campos for non disclosure. Approved 7-0.

**HEARING ON DISCIPLINARY CHARGES IN FILE NOS. C04-105 JWA, C04-113 JWA AND C04-126 JWA (continued)**

Sergeant Reilly asked the Commissioners as to whether or not they have read the transcripts in this matter.

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

In regards to File No. C04-105 JWA:

As to Specification No. 1: Commissioner DeJesus moved **not to sustain**, second by Commissioner Lee.

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

As to Specification No. 2: Commissioner Sparks moved **not to sustain**, second by Commissioner DeJesus.

AYES: Commissioners DeJesus, Marshall, Sparks, Veronese

NAYS: Commissioners Renne, Campos, Lee

In regards to File No. C04-113 JWA:

As to Specification No. 1: Commissioner Marshall moved to **sustain**, second by Commissioner Campos.

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

As to Specification No. 2: Commissioner DeJesus moved **not to sustain**, second by Commissioner Veronese.

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

In regards to File No. C04-126 JWA:

As to Specification No. 1: Commissioner Veronese moved to **sustain**, second by Commissioner Marshall.

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

As to Specification No. 2: Commissioner Campos moved to **sustain**, second by Commissioner Lee.

AYES: Commissioners Renne, Campos, DeJesus, Lee, Marshall

NAYS: Commissioners Sparks, Veronese

Commissioner Renne stated that the Commission will prepare formal findings and will consider the formal finding at the meeting of October 25<sup>th</sup> and following consideration of findings, on November 1<sup>st</sup>, will consider discipline to be imposed as the result of the findings made based on the evidence.

**TAKING OF EVIDENCE BY THE COMMISSION AND POSSIBLE DISCUSSION AND ACTION TO ACCEPT STIPULATED DISPOSITIONS IN THE MATTERS OF OCC FILE NOS. C04-119 JWF, C04-120 JWF, C04-121 JWF, C04-122 JWF, C04-123 JWF, C04-124 JWF, AND C04-125 JWF (continued)**

Motion by Commissioner Sparks, second by Commissioner Campos to disclosed discussion. Approved 7-0.

Commissioner Renne stated that there was a motion made in Closed Session that it will be the Commission's policy to no accept settlements unless the settlements are considered in Open Session.

Motion by Commissioner Campos moved that the Commission not consider any stipulated settlements unless those settlements are considered in Open Session. Second by Commissioner DeJesus with the addition that the City Attorney prepare a resolution to be scheduled for public comment regarding this policy. Approved 4-3.

AYES: Commissioners Campos, DeJesus, Sparks, Veronese

NAYS: Commissioners Renne, Lee, Marshall

Ms. Molly Stump, Deputy City Attorney, asked that the Commission clarify that except for this limited report, all other discussions on item #7, the Commission is voting not to disclose the content of the rest of that conversation. Motion by Commissioner DeJesus, second by Commissioner Veronese. Approved 7-0.

**CHIEF'S REPORT**

- a. **Update on significant policing efforts by Department members**
- b. **Presentation of Third Quarter 2006 Officer-Involved Discharge Report**

Put over for next week.

**OCC DIRECTOR'S REPORT**

- a. **Review of Recent Activities**
- b. **Presentation of Third Quarter 2006 Early Warning Report**  
Put over for next week.

**COMMISSION ANNOUNCEMENTS**

None

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

None

**ADJOURNMENT**

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

Thereafter, the meeting was adjourned at 10:48 p.m.

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Sergeant Joseph Reilly  
Secretary  
San Francisco Police Commission

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