

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 6:17 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Mazzucco

APPROVAL OF THE MINUTES

- **For the meetings of April 23rd and 30, 2008**

Motion by Commissioner Marshall, second by Commissioner Campos. Approved 6-0.

PUBLIC COMMENT

None

ANNUAL ELECTION OF POLICE COMMISSION OFFICERS

Motion by Commissioner Lee, second by Commissioner DeJesus to have Commissioner Sparks as President. Approved 6-0.

Motion by Commissioner Mazzucco, second by Commissioner DeJesus to have Commissioner Marshall as Vice President. Approved 6-0.

PUBLIC COMMENT

None

RESOLUTION NO. 20-08

ELECTION OF PRESIDENT OF THE POLICE COMMISSION

____RESOLVED, that Commissioner Theresa Sparks shall serve as President of the San Francisco Police Commission.

AYES: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Mazzucco

ELECTION OF VICE PRESIDENT OF THE POLICE COMMISSION

RESOLVED, that Commissioner Joe Marshall shall serve as Vice President of the San Francisco Police Commission.

AYES: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Mazzucco

REPORT TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**
- **Response to the Report by the Subcommittee on Violent Crimes**
- **Report on the implementation of recommendations of the Foot Patrol Study**
- **Update on status of open OIS investigations**

Assistant Chief Lynch, for Chief Fong, highlighted significant policing efforts by Department members in the last week.

Captain Denis O'Leary, Ingleside Station, presented the response to the report by the subcommittee on Violent Crimes.

Commissioner Marshall would like the Department's response available to the Visitation Valley community. Captain O'Leary stated that he attends meeting at Visitation Valley and makes it a point to have information available to the community. He also stated that he has spoken to some of the individuals who had expressed concerns from that particular meeting.

Commissioner Sparks suggested that Captain O'Leary put out a special newsletter with just the Department's response in regards to the subcommittee's meeting on Violent Crime which took place in the Visitation Valley on November 1, 2007. Captain O'Leary stated that it will be on the web tomorrow and he will also bring a copy of the letter to the community meeting .

Commissioner Sparks also suggested that the POA post the same letter on their website so as to let the members know what is happening between the Department and the community.

Commander John Murphy presented the report on implementation of recommendations of the Foot Patrol Study.

Commissioner Sparks stated that the legislation by Supervisor Mirkiri has certain criteria and she asked if the Department is staying within the spirit of the legislation. Commander Murphy stated that the community wants beat officers and the Department is trying to improve on what is mandated.

Commander Campos asked what is the timing as far as the implementation plan. Commander Murphy stated that he's hoping it will be done by the end of June.

Commissioner Mazzucco stated that while the Department is working with the implementation of the plan, there has been a substantial increase in beat officers and that there has been an 86 percent increase.

Commissioner Sparks asked that an update on this matter be given on the last meeting of the Commission in June.

Sergeant Joe McFadden presented the update on the status of open OIS investigations.

Commissioner Sparks stated that there should be a line in defining old cases to the more current cases. Sergeant McFadden stated that cases after 2006 comes under DGO 8.11.

Assistant Chief Lynch stated that there was an article in the newspaper in regards to the Early Intervention System. He stated the Department would like to present an update to the Commission.

Commissioner Campos would like a presentation in regards to Safety in Muni.

b. OCC Director's Report
- Review of Recent Activities

Director Hicks talked about OCC outreach efforts. She also talked about case closures.

Commissioner Sparks commended Director Hicks for her work in regards to OCC outreach.

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

Commissioner Sparks talked about the recent district boundary report and asked not to jump to conclusion in regards to the report and stated that this is a long process and there is still a lot to come out.

Commissioner Sparks also announced that the Commission will be hosting a meet-and-greet conference with other commissions from other states and cities. There will be commissioners from Kansas City, St. Louis, Los Angeles, San Francisco, and Northern Ireland. This will be held on the last two days in May.

PUBLIC COMMENT

None

DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION THAT ESTABLISHES PROCEDURES FOR INVESTIGATING ALLEGATIONS OF POLICE MISCONDUCT CONTAINED IN CIVIL SUITS AND CLAIMS

Commissioner Sparks explained that the Commission will not be adopting a resolution but will adopt policies and procedures for investigating civil claims.

Director Jerry Tidwell, Risk Management, talked about procedures for investigating allegations of police misconduct contained in civil suits and claims.

Commissioner DeJesus expressed concerns regarding the procedure and that it doesn't address the concerns of the Commission that when a serious allegation is made, the Department should take a look as to what happened.

Commissioner Sparks gave a brief background as to how this item came about.

Director Tidwell stated that additional language will be added to the procedure, which states: "If the claimant not wish to file a complaint, the Department shall undertake or conduct a preliminary assessment into the incident." Commissioner Sparks asks that the language which states, "It is the policy of the Police Commission to direct the Chief of Police that" be added to the beginning of that statement.

Mr. John Tennant, POA Attorney, discussed concerns and stated that all the preempt is not needed when Section 96.7 of the Administrative Code that requires the City Attorney to send the OCC's brochure and information to the civil claimant.

Motion to approve the procedure with added language to the procedure and to claimant's letter, second by Commissioner Campos.

PUBLIC COMMENT

None

AYES: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Mazzucco

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 2.02, "ALCOHOL CONSUMPTION BY MEMBERS"

Sergeant Mike Nevin presented DGO 2.02, "Alcohol Consumption by Members."

Commissioner Campos express concern regarding the language that refers to members consuming alcohol off duty while armed.

The Commission asked what is best practice are as far as officers off duty consuming alcohol while armed and requested that the Department research best policy nationwide before considering the general order.

Continued to the call of the chair.

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 5.18, "PRISONER HANDLING AND TRANSPORTATION"

Deputy Chief Keohane presented the revised DGO 5.18, "Prisoner Handling and Transportation."

PUBLIC COMMENT

None

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

RESOLUTION 22-08

ADOPTION OF REVISED DEPARTMENT GENERAL ORDER 5.18, "PRISONER HANDLING AND TRANSPORTATION"

RESOLVED, that the Police Commission hereby adopts revised Department General Order, 5.18, "Prisoner Handling and Transportation," draft dated 03/27/08.

AYES: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Mazzucco

ROUTINE ADMINISTRATIVE BUSINESS (Taken out of order)

a. Commission Announcements

- **Assignment of Disciplinary Charges filed in Case No. C08-079 to an individual Commission for the taking of evidence on a date to be determined by the Commissioner**
(Resolution 23-08, Assigned to Commissioner Theresa Sparks)

Lieutenant Reilly announced that on the 15th, the Commission's subcommittee on Violent Crime will have its meeting in the Tenderloin at 201 Turk. The Commission will also have a joint meeting with the Board of Supervisor's Public Safety Committee on the 19th at 6:00 p.m., in Room 250, at City Hall. The Commission will not meet on the 21st and will have the Award Ceremony on the 28th of May at 6:00 p.m., at the Diego Rivera Theater, City College of San Francisco, 50 Phelan.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

_____ Motion by Commissioner Mazzucco, second by Commissioner Lee. Approved 6-0.

CLOSED SESSION

a. PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary matters

(Present were Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Mazzucco, Deputy City Attorney Stump, Retired Lieutenant Barretta, and Lieutenant Reilly)

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

_____ Motion by Commissioner Campos, second by Commissioner DeJesus for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Campos. Approved 6-0.

Thereafter, the meeting was adjourned at 9:58 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

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