

JANUARY 23, 2008

REGULAR MEETING

The Police Commissioner of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:55 p.m., in a Regular Meeting.

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

(Commissioner Veronese arrived at 9:40 p.m. Commissioner Campos was excused at 8:30 p.m. Commissioner Lee was excused at 8:42 p.m.)

ADOPTION OF MINUTES

- **Meeting of January 9, 2008**

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

PUBLIC COMMENT

Jeanette Berger discussed concerns regarding getting into the building. Barry Tarranto, cab driver, thanked Commander Cashman and Lieutenant Greely for listening to his concerns. He also discussed concerns about actions of an officer.

REPORTS TO THE COMMISSION

a. **Chief's Report**

- **Update on significant policing efforts by Department members**
- **2007 Homicide Overview**
- **Discussion re: The SFPD's Firearm Tracing Practices**

Commissioner Sparks talked about the legislative analyst's report in regards to firearm tracing. Chief Fong acknowledged Deputy Chief Tabak and Captain Hennessey for their help with the legislative analyst's report. Chief Fong also introduced Inspector Camilleri and Dr. Sidney Holt from the Crime Scene Investigations Unit.

Inspector Camilleri presented the report in regards to the SFPD's Firearm Tracing Practices.

Commissioner Sparks asked what is the percentage of guns traced back to its origin. Inspector Camilleri stated that 60 percent is a successfully traced. Commissioner Sparks asked what does the Department see as a result of this tracing program. Inspector Camilleri stated information from the trace is used by the ATF and the investigators in the Investigations Bureau.

Commissioner Campos asked if the inspector has seen a trend in terms of firearms traced. Inspector Camilleri stated that there's been no spike in the numbers of firearms recovered in San Francisco but the number of assault weapons seized has declined.

Commissioner Mazzucco stated that gun tracing does work and talked about a case where an individual was identified and taken into custody for selling firearms to gang members..

PUBLIC COMMENT

None

DISCUSSION RE: THE DEPARTMENT'S PARTICIPATION IN IMPLEMENTATION OF CIVIL GANG INJUNCTIONS

Taken out of order.

Commissioner DeJesus explained that she wanted this on the agenda so that the public's perception that it is being used selectively against certain members of the public or that it is being used vindictively can be put to rest.

Deputy Chief Shinn presented the report regarding the Department's participation in implementation of civil gang injunctions. Chief Shinn introduced Lt. Ferrando of the Gang Task Force Unit.

Commissioner Sparks asked how many injunctions have occurred. Chief Shinn stated that there have been two permanent injunctions filed and one preliminary that has been filed. Chief Shinn stated that these are geographical injunctions.

Lt. Ferrando gave the Commission copies of the gang member validation criteria followed by the Department. Lieutenant Ferrando stated that the District Attorney's Office make a determination on the validation. Lt. Ferrando went on with his presentation about injunctions. He stated that 20 members of the Oakdale Mob, 30 in the Western Addition, and 43 in the Mission.

Commissioner Campos asked what process the Department uses internally that its making the right call before information is sent to the City Attorney's Office. Lieutenant Ferrando stated that the Department gives the City Attorney boxes of documentation in the form of victim/police reports, inter-departmental memos, and photographs taken of these gang members.

Commissioner Lee asked who are the committees or groups that decide that an individual is a gang member. Lt. Ferrando stated that the Gang Task Force, after all the input comes from different agencies and then it goes through the City Attorney's criteria.

Commissioner DeJesus asked about confidential information. Lt. Ferrando stated that no confidential records are released and only the Department reviews the records.

Commissioner Mazzucco asked Officer Broberg what is the typical information provided, as a gang expert, to the City Attorney's Office that is used towards reaching gang injunctions. Officer Broberg stated that it is basically the information that is available to them during the course of their investigations.

Deputy Chief Shinn stated that there are constant reviews that are done. There are numerous documents that are reviewed but the ultimate decision making is the Court and also the review of the City Attorney and the District Attorney's office.

Deputy City Attorney Alex Sy stated that their intent is not to justify what they are doing. He stated that everyone tends to benefit in having a thoughtful thorough process that withstand legal challenge. He thanked the Department for helping the City Attorney's Office. He went on to explain the process that is taken in the City Attorney's Office.

Public Defender Jeff Adachi discussed concerns about the process and stated that there should be a process to opt out. He also requested that statistics be monitored to determine if injunctions deter gang-related violence. He also suggested that be a collaborative effort between the Police Department

and community-based organizations on gang intervention.

Commissioner DeJesus asked about injunctions in the Mission District. Mr. Adachi stated that 80 percent lived in San Francisco and 20 percent lived outside of the city and a small percentage lived in the injunction zone.

City Attorney Dennis Herrera commended Lt. Ferrando and Officer Broberg for working with the City Attorney's Office. City Attorney Herrera explained the process that the City Attorney's Office takes in gang injunctions. Mr. Herrera explained the judicial review and the opt out process. He also stated that the gang injunctions is working in the Oakdale. He also stated that he agrees with keeping and monitoring statistics.

PUBLIC COMMENT

Thelma Johnson discussed concerns.
Unidentified discussed concerns regarding police gangs.
Barbara Growth expressed support for the Police Department.

a. **Chief's Report** (continued)
- **2007 Homicide Overview**

Lieutenant John Murphy, Homicide, presented the 2007 Homicide Overview report.

Commissioner Sparks asked about the impact of putting Narcotics officers and Gang Task Force officers back on uniform.

Assistant Chief Lynch addressed the Commission in regards to strategies planned for violence reduction.

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

Director Joyce Hicks reported on hiring efforts and stated that there are 10 staff vacancies, 5 investigator's positions that are vacant but only three will be filled because of possible layoffs as a result of budget cuts. There is also two clerical positions to be filled, a chief investigator position, and two attorney positions. Director Hicks announced that Ms. Jean Field has accepted a position at the Habeas Corpus Resource Center. Director Hicks also reported on the outreach plan.

Commissioner Sparks stated that Ms. Field leaving the OCC will be a great loss for the Commission and the OCC. Commissioner Sparks commended Ms. Field for her dedication to the OCC and to the Commission.

Commissioner Marshall asked about a reply to the Controller's Audit. Director Hicks stated that she is working with staff, learning about the organization and stated that March or April for the annual report.

Commissioner Mazzucco thanked Ms. Field for her work at the OCC and for practicing law from the heart.

Ms. Jean Field addressed the Commission.

PUBLIC COMMENT

Thelma Johnson discussed concerns

DISCUSSION RE: COMMISSION STAFFING

Commissioner Sparks stated that she met with Director Alice Villagomez and discussed the promotion of Lieutenant Reilly and possible transfer. Commissioner Sparks asked the Commissioners to think about having a civilian executive director and a crime analyst to work with the Commission. Commissioner Sparks also stated that in addition to an executive director to continue to have a uniformed officer to serve as liaison between the Commission and the Department and also be liaison to the patrol specials. She asked that the Commissioners think about her suggestions for additional staffing and/or to keep staffing as it is now.

PUBLIC COMMENT

None

ROUTINE ADMINISTRATIVE BUSINESS

- a. Commission Announcements**
- b. Discussion and possible action to set the locations of future District Commission Meetings**

Taken out of order

Future District Commission Meetings:

February - Bayview

March - Southern - around Ballpark area

April - Central - around Fisherman's Wharf

Lieutenant Reilly announced that next District Meeting will be held on the 30th of January in the Richmond District, Roosevelt Middle School, 460 Arguello Street, at 6:00 p.m.

DISCUSSION RE: THE COMMISSION'S PRIORITIES AND ITEMS IDENTIFIED FOR FUTURE COMMISSION MEETINGS

Commissioner Lee would like a discussion about domestic violence-related homicides.

Priority List will be recalendared in the next couple of weeks for discussion.

PUBLIC COMMENT

Thelma Johnson discussed concerns.

ADJOURNMENT

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

Thereafter, the meeting was adjourned at 10:01 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission