

**OCTOBER 3, 2007**

**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 5:45 p.m., in a Regular Meeting.

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

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

None

**VOTE ON WHETHER TO HOLD CLOSED SESSION**

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 4-0.

**CLOSED SESSION** (5:46 p.m. to 6:03 p.m.)

- a. **CONFERENCE WITH LEGAL COUNSEL**  
**Kellogg, Jr. v. CCSF et al., San Francisco Superior Court**  
**No. 446-493**

(Present: Commissioners Sparks, Marshall, DeJesus, Mazzucco, Deputy City Attorney K. Kirby, Deputy City Attorney M. Stump, Director J. Tidwell, Sergeant J. Reilly)

**OPEN SESSION**

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

Motion by Commissioner Marshall, second by Commissioner Mazzucco for non disclosure. Approved 4-0.

Public Comment  
None

**APPROVAL OF THE CONSENT CALENDAR**

- a. **Request of the Chief of Police to accept a donation of \$3,775.00 from PSI World to go towards the Northern Station Community Outreach Funds**
- b. **Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:**  
**Kellogg, Jr. v. CCSF et al., San Francisco Superior Court No. 446-493**
- c. **Request of the Chief of Police for approval to accept a gift of lodging and meals valued at no more than \$4,500 from the Public Security Ministry of the PRC, for five Department members: Chief Heather Fong, Captain Daniel McDonagh, Sergeant John Nestor, Sergeant Neville Gittens, and Inspector Felix Thieu, during the recent trip to China in preparation and coordination for the 2008 Olympic events that will occur as the Olympic Torch passes through San Francisco enroute to Beijing**

Public Comment

None

Motion by commissioner Marshall, second by Commissioner Mazzucco. Approved 4-0.

**RESOLUTION NO. 83-07**

**APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT A DONATION OF \$3,775.00 FROM PSI WORLD TO GO TOWARDS THE NORTHERN STATION COMMUNITY OUTREACH FUNDS**

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RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept a donation of \$3,775.00 from PSI World to go towards the Northern Station Community Outreach Funds.

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

**RESOLUTION NO. 84-07**

**ROBERT W. KELLOGG, JR., v. CCSF**

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Robert W. Kellogg, Jr.v. CCSF," in San Francisco Superior Court Case No. 446-493, be, and the same is hereby approved.

Date of Incident: October 28, 2004

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

**RESOLUTION NO. 85-07**

**APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT A GIFT OF LODGING AND MEALS VALUED AT NO MORE THAN \$4,500 FROM THE PUBLIC SECURITY MINISTRY OF THE PRC, FOR FIVE DEPARTMENT MEMBERS: CHIEF HEATHER FONG, CAPTAIN DANIEL McDONAGH, SERGEANT JOHN NESTOR, SERGEANT NEVILLE GITTENS, AND INSPECTOR FELIX THIEU, DURING THE RECENT TRIP TO CHINA IN PREPARATION AND COORDINATION FOR THE 2008 OLYMPIC EVENTS THAT WILL OCCUR AS THE OLYMPIC TORCH PASSES THROUGH SAN FRANCISCO ENROUTE TO BEIJING**

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RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept a gift of lodging and meals, valued at no more than \$4,500, from the Public Security Ministry of the PRC, for five Department members: Chief Heather Fong, Captain Daniel McDonagh, Sergeant John Nestor, Sergeant Neville Gittens, and Inspector Felix Thieu, during the recent trip to China in preparation and coordination for the 2008 Olympic events that will occur as the Olympic Torch passes through San Francisco enroute to Beijing.

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

**PUBLIC COMMENT**

Jeanette Berger discussed concerns regarding privacy.

Mark Potters, Neighbors of Treasure Island, commended Commander Tacchini and Captain McDonagh for meeting with them and listening to their concerns.

Unidentified, SRO Advocate, talked about SRO Training.

### **CHIEF'S REPORT**

- a. **Update on significant policing efforts by Department members**
- b. **Review of Recent Activities**
- c. **Presentation of the 3<sup>rd</sup> Quarter 2007 Firearm Discharge Review Board Report**
- d. **Presentation of the Officer-Involved Shooting Investigation Status Summary**

Chief Fong highlighted some of the good work of the men and women of SFPD.

Chief Fong also reported on the Violent Crime Summit she attended in Chicago. Commissioner Marshall stated that he found the topic of shot spotters and safety cameras very interesting.

Chief Fong also talked about the resignation of the Director of the Housing Authority. Chief Fong stated that the Mayor has asked her to be part of the team in terms of public safety.

Chief Fong talked about Halloween and stated that she would like to have Deputy Chief Shinn give a brief update. Commissioner Sparks stated that the Commission will have a separate agenda item for next week's meeting.

Chief Fong also addressed concerns regarding notes by the subcommittee and Chief Fong stated that the Department is preparing a document that addresses some of the concerns. Chief Fong recommended that maybe, for the next meeting, after the meeting, the Commission, the Chief, and the Captain of the district could sit down and go over some of the concerns of the community and then come up with a response.

Commissioner DeJesus stated that both Commissioner Marshall and herself had called Captain Pardini and stated that during the subcommittee meeting, they took notes of exactly what the community has said about the Department and that they had talked to Captain Pardini and the Captain has stated that there were some misinformation. Commissioner DeJesus stated that the focus is what the community thinks about their officers. Commissioner DeJesus stated that it was the first subcommittee meeting and that maybe next time they will meet with the District Captain to let him/her know the concerns of the community. Commissioner DeJesus stated that the memo reflects the community's concerns and not what this Commission thinks about the Department or does the Commission endorses those things.

Commissioner Marshall explained that this was a meeting of the subcommittee on violent crime and that was what people had to say.

Chief Fong stated that Department will prepare a response and follow up with Commissioners Marshall and DeJesus.

Deputy Chief Keohane presented the 3<sup>rd</sup> Quarter 2007 Firearm Discharge Review Board Report.

Sergeant Joseph McFadden presented the Officer-Involved Shooting Investigation Status Summary.

Lieutenant Murphy, Homicide Detail, gave a brief update on OIS 07-01

and 07-02.

Commissioner DeJesus asked about SRO Training. Chief Fong stated that two names of individuals were forwarded to Captain Corriea for him to coordinate how it could best be brought into the Academy curriculum.

Commissioner Sparks stated that it will be calendared for the first meeting in November. Commissioner Sparks also asked about the new policy for homeless. Chief Fong stated that program has not started but currently, the Department has outreach officers as well as foot patrol officers in areas where there may be a number of homeless community. They are provided resource sheets. It is also the policy to call either the Health Department or Human Services agency to send out outreach workers to assist people because in many cases someone who is homeless isn't necessarily violating the law.

Commissioner Sparks asked if this new program primarily targeted for homeless people that are in plain view of the tourist and the convention people or is it actually a broader program to actually help the homeless that are out on the streets. Chief Fong stated that this is an area that was highlighted within the meeting. However, Chief Fong stated, that it doesn't mean that the Department will stop all the other services and the outreach in the other areas.

Commissioner Sparks asked if this is a long-term plan or short-term plan. Deputy Chief Shinn explained that as the hot teams, the Department of Public Health and the Department of Human Services Agency, are able to get people into services, that is the goal. Chief Shinn stated that as people move, the teams literally move with them.

Commissioner Sparks asked about the homicide rate. Chief Fong stated that the number, year-to-date, is above the full year of last year. She stated that the Department is seeing a lot of different trends in homicides where it is spontaneous; it's people who don't know one another; or it is the drug-related incidents; or family violence. Chief Fong stated the Department will continue to do a number of things that it believes will help prevent those homicides.

## **OCC DIRECTOR'S REPORT**

### **a. Review of Recent Activities**

Ms. Jean Field, Interim OCC Director, talked about the recent NACOLE conference. Ms. Field also talked about the scheduled office move of the OCC. The move is scheduled for October 15<sup>th</sup>.

Commissioner Marshall asked Ms. Field to recommend someone from the conference to talk to the Commission about police oversight and ideas.

## **PUBLIC COMMENT**

Sylvia Johnson discussed concerns.

## **COMMISSION REPORTS**

### **a. Commission President's Report**

### **b. Commissioners' Reports**

Commissioner DeJesus stated that she did meet with Captain Pardini and that notes will be typed up and a presentation will be made regarding comments that the Captain has and information provided. Commissioner DeJesus also discussed the article by Gary Delagnes in the POA Newspaper.

Commissioner Marshall stated that he would like an explanation from Mr. Delagnes and that he would be happy to meet with Mr. Delagnes personally and that he would be happy to talk to the entire POA.

Commissioner Mazzucco suggested that this be used as an opportunity to open the lines of communication between the Commission and the POA to discuss these issues and that he would love to meet with the POA and its membership.

Commissioner Sparks stated that she would like to continue to keep the dialogue open and stated that she has met with the Chief on a regular basis and have tried to meet with Ms. Field on a regular basis and she's met with the Director of the ACLU on a regular basis and that she has made the same offer to Mr. Delagnes and so far they have had one meeting. Commissioner Sparks stated that she is hoping that Mr. Delagnes will take this opportunity to take up her invitation once again to meet with him on a regular basis so that issues can be resolved in a manner that is productive rather than a manner that is potentially harmful to the relationship between the Commission and the POA and also the community.

Commissioner Sparks stated that her concern is that the Commission is somewhat at a disadvantage because the POA Journal is only a one way communication and the Commission doesn't have a similar venue from which they can communicate to the officers as well, either on a proactive basis or in this case a reactive basis. Commissioner Sparks, therefore, asked the Chief to do within 30 days is to install bulletin boards at every district stations and every bureau so that the Commission can publish letters and announcements directly to the rank and file so they can hear words directly from the Commission as opposed to as being either filtered through the POA Journal or conversations with any one individual.

Commissioner Sparks stated that she would ask Mr. Delagnes, if possible, whether or not the POA could actually arrange a Commission meeting at a time and place where it can be noticed as an official Commission meeting with the only agenda item asking officers to address the Commission directly so that their concerns can be heard directly.

#### PUBLIC COMMENT

Sylvia Johnson discussed concerns.

#### **PRESENTATION OF THE QUARTERLY REPORT BY THE DEPARTMENT AND THE OFFICE OF CITIZEN COMPLAINTS REGARDING POLICE PROPOSALS (SPARKS RESOLUTION)**

Captain Fotinos and Ms. Samara Marion presented the quarterly report regarding police proposals.

#### PUBLIC COMMENT

None

#### **APPROVAL OF THE MINUTES FOR THE MEETING OF SEPTEMBER 19, 2007**

Motion by Commissioner Marshall, second by Commissioner DeJesus. Approved 4-0.

#### **COMMISSION ANNOUNCEMENTS**

The community meeting will be in the Taraval District.

#### PUBLIC COMMENT

None

#### **DISCUSSION AND POSSIBLE ACTION TO TAKE OFF CALENDAR INDEFINITELY THE DISCIPLINARY CHARGES FILED IN**

**DISCIPLINARY CASE NO. C07-081 ALW WHO RETIRED FROM THE DEPARTMENT. SAID DISCIPLINARY CHARGES WILL VE PLACED BACK ON CALENDAR SHOULD THE OFFICER BE WITHIN THE JURISDICTION OF THE POLICE COMMISSION IN THE FUTURE**

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(Resolution No. 86-07)

**PUBLIC COMMENT**

Sylvia Johnson discussed concerns.

Motion by Commissioner Marshall, second by Commissioner DeJesus.  
Approved 4-0.

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

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Commissioner Mazzucco would like to calendar the meeting with the POA to address officers' concerns.

**PUBLIC COMMENT**

Sylvia Johnson discussed concerns.

**ADJOURNMENT**

Motion by Commissioner Mazzucco, second by Commissioner DeJesus. Approved 4-0.

Thereafter, the meeting was adjourned at 7:56 p.m.

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Sergeant Joseph Reilly  
Secretary  
San Francisco Police Commission