

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, 5:54 p.m., in a Regular Meeting.

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

(Commissioner DeJesus arrived at 6:01 p.m. Commissioner Lee arrived at 6:05 p.m. Commissioner Veronese arrived at 7:18 p.m.)

CHIEF'S REPORT

- a. Update on significant policing efforts by Department members**
- b. Status Report re: Patrol Special Officers**

Taken out of order.

Chief Fong introduced Captain McDonagh, Southern Station, and Lt. Spillane who presented a Certificate of Appreciation to Mr. Aaron Michael Bergman.

PUBLIC COMMENT

Hank Wilson asked the Commission to value community involvement and community event and would like it integrated to planning of events and evaluations.

Gary Delagnes, POA President, talked about a memorandum by the Commission and the subsequent meetings that followed. Mr. Delagnes stated that he asked some of the officers of Bayview to address the Commission about their concerns.

George Perez, Bayview Station, read a statement regarding concerns about the memorandum.

Liam Frost, Bayview Station, stated that the officers were disappointed and hurt when they read the memorandum and further discussed concerns regarding the memorandum.

Meesha Irizarry discussed survey about police evaluation.

David Cruz, Oral Board Member, discussed concerns regarding the memorandum.

Mary Harris, OMI Neighbors in Action, commended the police and stated that the police is part of their community and stated that there should be a mutual respect between the community and the police and asked that Commissioners Marshall and DeJesus apologize to the officers.

Commissioner Sparks stated that she will comment on the process within which this issue has been dealt with. Commissioner Sparks stated that the last meeting of the subcommittee and the meeting on November 1st in Visitation Valley are public meetings and noticed meetings and from now on there will be transcripts and transcripts will be published as to the minutes of the meeting so that specific statements made by the public will be made public to everyone. Commissioner Sparks also talked about two meetings with the POA where systems and procedures were developed to publish recommendations and findings from the task force meetings and the Department will be asked to response and those will be published also. Commissioner Sparks stated that these meetings will be noticed as full Commission meetings so that all Commissioners can attend if they so choose.

Commissioner Sparks also stated that she feels that there is a procedure in place, not only for these particular meetings but an issue of communication between the POA and the Commission. She stated that they have established a couple of new mechanisms. One is Mr. Delagnes and Commissioner Sparks

have committed individually, at least once or twice every month, to bring issues of the POA directly to the Commission and Commission issues directly to the POA. Commissioner Sparks also talked about a new process similar to department bulletins which will go to all police officers. These bulletins will possibly be in two different types, an A Bulletin and a C Bulletin. This will allow the Commission to communicate directly to the rank and file. Commissioner Sparks stated that she does not anticipate that the POA and Commission are going to agree on everything but she does believe that it is only fair to the officers, to the Commission, and to the Association that there be an open and honest communication on all issues.

Commissioner DeJesus explained that the comments in the memorandum were views by the community. Commissioner DeJesus stated that instead of complaining, she stated that it is a good idea to listen with a critical ear to what the community is saying and look to see how the officers can organize themselves to try to fix the perception and change the perception.

Commissioner Marshall stated that the Commission reported what the community said and stated that at some point members of the community and the officers are going to have to get on the same page.

Commissioner Campos stated that there should be a way in which the community and the officers can speak to each other without being defensive.

Commissioner Mazzucco stated that this memo is going to produce some positive results. He stated that if this memo opened the door to what is an important part of this Commission because not only is the community present but number of officers from Bayview Station. Commissioner Mazzucco stated that that memo worked because it brought the officers forward to show the other side of the story. He stated that with reference to the memo, that is what the community is saying. He compared it to officers responding to calls, the officers take down what people say. The Commission, representing the people, needs to look at it but what does the Commission truly think about the officers of Bayview Station. Commissioner Mazzucco stated that the Commission honor the officers of Bayview Station. He stated that he knows that the officers of Bayview Station are in the toughest station in the city. He stated that the Commission has the ultimate respect for the men and women of Bayview Station. Commissioner Marshall works out in the Bayview and he know the good work of officers of the Bayview. Commissioner DeJesus has worked in city government and she knows how hard it is in the Bayview but we have to move forward. Commissioner Mazzucco stated that if this memo brings the officers to come to the meeting and tell the Commission that they feel, then it is a success because the Commission needs to hear what the officers feel and what the officers have to deal with on a daily basis. Commissioner Mazzucco stated that it is an honor to have the officers of Bayview at the meeting and stated that the Commission have trust with the POA and the officers of Bayview Station.

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 5.20, "LANGUAGE ACCESS SERVICES FOR LIMITED ENGLISH PROFICIENT (LEP) PERSONS"

Commissioner Sparks thanked everyone who spent so many hours working on this DGO, the OCC, members of the Department, and members of the Commission. Commissioner Sparks stated that what is presented is an excellent revision of the general order.

Deputy Chief Keohane stated that this order meets or exceeds all federal, state, and local requirements. Chief Keohane mentioned some of the agencies that have participated in the development of the order: The Asian Law Caucus, LaRaza Central Legal, Chinese for Affirmative Action, The

Community Policing Advisory Committee, and the Office of Citizen Complaints. Representatives who are present tonight to provide insight and testimony are Edwin Lee/City Administrator, Sonia Malera/Immigrants Rights Commissioner, Jill Tregor/Department on the Status of Women, Angela Chan/Asian Law Caucus, Rene Salcito/LaRaza Central Legal, and Samara Marion from the Office of Citizen Complaints.

Chief Keohane stated a number of forms have been translated to five different language: Russian, Chinese, Spanish, Vietnamese, and Tagalog. There are signs posted on all the Department public facilities advising the public of the service of free translations and officers are trained in the use of SFPD Telephone Interpreting Cards.

Chief Keohane introduced Sergeant Julie Lynch to present the General Order.

Sergeant Julie Lynch thanked Officers O'Donnell, Lujan, and Alves for their help in working with the DGO and presented the DGO presentation.

Sergeant Lynch introduced Ms. Samara Marion, OCC. Ms. Marion addressed the Commission regarding the DGO.

Commissioner Campos thanked the Department and the OCC for all the efforts that have gone into this general order. Commissioner Campos asked about training at the Police Academy and why in six months and not immediately. Ms. Marion stated that in meetings they developed scenarios and because of the complexity of what it would take to provide comprehensive training, they thought that it would take six months. Chief Keohane stated that with filming of scenarios, the Department has to work with community partners in order to develop these. But Chief Keohane stated that while this training will be taking place in approximately six months, training is already taking place on this order and has been on going within the department. The Department has issued the language access card and provided training in other means so that officers in the field today are able to connect people with limited English proficiency to translation services.

Commissioner Campos asked about the role of the language liaison officer. Chief Keohane stated that with the functions that will be performed by this individual, he foresees this individual being within the Planning Division where they have the ability to interact with both training facilities and so on.

Commissioner DeJesus stated that she is looking forward to hearing from the community in how the process went. She asked if the officers get an incentive for their additional skill. Chief Keohane stated that with the MOU through the Police Department, three languages are compensated automatically. These are Chinese, Spanish, and Russian. Officers that use language that aren't within that category, they can be compensated on as-needed basis.

Chief Fong acknowledged Mr. Edwin Lee, City Administrator. As the Department was working with the various community organizations and the Immigrant Rights Commission to compile an appropriate general order, the Department started having side conversations with the city administrator. The City Assessor had formed a task force last year and the Department was part of the department's that would be moved forward in the first steps. During the conversation with the City Administrator, he and the Office of Language Services with Tomas Lee and Sally Leong, the Department had meetings, not only with police investigators, but also with some CBOs to address situations such as domestic violence and those type of cases that require a greater sensitivity and where we would get those resources 24/7 to be able to be available for the officers and the community. Mr. Lee has a lot of great ideas that will be coming forth, not only personnel resources, but possible

equipment. Chief Fong commended Mr. Lee and thanked him.

Mr. Edwin Lee, City Administrator, thanked the Command Staff and Sergeant Lynch for working with him. He stated that this general order will be a model for many other Departments. He said he is going to take this DGO and use it as a model for other Departments.

Mr. Doug Pham, Immigrant Rights Commission, expressed their support for the general order and stated that they would help the Commission in any way they can.

Ms. Jill Tregor, Department on the Status of Women, stated that they conducted a safety and accountability audit and produced a report on that this January. She stated that one of the primary recommendations from the audit was that there had to be, across all systems in San Francisco, an urgent need to address the gaps in language access for domestic violence survivors and not having language access is putting them in increased danger.

Ms. Angela Chan, Asian Lau Caucus, talked about language access for parents whose children are going through the juvenile justice system. She urged the Commission to adopt the revised general order.

Ms. Carol Mo, Sunset Neighborhood Beacon Center, expressed her support and thanked the Commission for this revised general order. She talked about the concerns of the community in her work as a bilingual social worker.

Ms. Jen Gasan, Asian & Pacific Islander Youth Advocacy Network, discussed the importance of the general order for Asian & Pacific Islander families especially in dealing with the juvenile justice system.

Mr. Eddy Zeng, Community Youth Center-SF, expressed his support for the general order and how much it is needed by the community.

Mr. Ronnie Rhoe, Chinese for Affirmative Action, urged the Commission to adopt the general order as written and to insure the front end commitment of sufficient staffing and resources so that the plan can be carried out and hopes that SFPD will continue to be a model for other city departments in terms of language accessibility and for other police departments around the country.

Ms. Cindy Choy (Cantonese speaker), Visitation Valley resident, stated that recently her she and her friend was recently harassed and stated that when she called her District Station but when she requested for a translator, she was informed that they did not have any. She stated that she hopes for a Language Access Liaison Officer.

Ms. Un Un Che (Cantonese speaker), Chinatown Community, stated that it is important to pass the language general order because when she called 911 requesting for assistance, she had to wait because of the language barrier. She stated that she hopes the Police Department and the Emergency Management Department will work together to form a language access plan to help all people.

Jeanette Berger expressed concern stating that this will force people not to speak English and people should be encouraged to speak English.

Ms. Samara Marion provided letters from the Bay Area Immigrant Rights Commission and the Lawyer's Committee for Civil Rights.

Mr. Steve Johnson, POA, stated that the POA did not sign off on this general order not because it isn't a good idea, it is. It is a tremendous concept,

very sound, long overdue, and should be done. He stated that the POA is more concerned with the implementation. He stated that if this order is adopted and goes into effect tomorrow, what happens to the officer who has not seen it yet or an officer who has not had a training in this order. He stated that this is a huge order. He also expressed concern regarding training for the interpreters who will be conducting interrogations.

Commissioner Campos asked about 911 calls which is not covered in this order. Chief Fong stated that the Department of Emergency Management is a separate department. Chief Fong stated that they have policies and have access to the language line that the officers have access to and the Chief stated that the Department will follow up with the Department of Emergency Management.

Commissioner Lee commended the Department, the OCC, and all the stakeholders for this general order. Commissioner Lee stated that in addition to monitoring this general order, that everybody continues to work together to make sure that eventually we have a Department that really reflect the community it serves. Commissioner Lee also talked about the liaison officer and stated that it is going to be difficult to expect one individual to do all the work. Commissioner Lee asked the Chief who would be the best person to be liaison and if resources can be obtained. Chief Fong stated that she is planning on one liaison officer but depending on the amount of work it may be more than one and could be a sworn or non sworn member of the Department.

Commissioner Lee talked about the 911 issue. Chief Fong stated that they are talking about putting the order in a shorter version so that the Department can make it very clear to the members and to the community.

Commissioner Veronese asked if 311 has access to the language line. Mr. Lee stated yes, it does. Commissioner Veronese asked about the fiscal impact of the general order. Chief Fong stated that there is a fiscal impact in that when there was discussions with the City Administrator, he said that if this is something that a number of city agencies are required to provide and obtain services for then it should come out of one spot and that one entity within the city government should be coordinating all of that. Mr. Lee also explained that this is why the language line contract is centralized under City Administrative because of volume discounts.

Commissioner Veronese asked that six months from now, if the Department can survey the officers on ways that it can be improve on and asked if the Chief can give a status report after six months.

Commissioner Mazzucco thanked everybody that were involved and thanked the speakers. Commissioner Mazzucco stated that he agrees with Commissioner Campos in that there should be time and adequate training for the officers before they are held responsible for this. He also stated that the way the statute is worded, the officers have to take reasonable steps and they are allowed to deviate from the order if there is exigent circumstances.

Commissioner Lee suggested that there be bilingual officers in the SRO program.

Commissioner Sparks asked if the Department can look at a citywide newsletter for people with limited English proficiency. Commissioner Campos asked how will there be continued community oversight of implementation and asked if there is a plan for that. Ms. Marion stated that people are committed to being involved. Deputy Chief Keohane stated that one of the ways is as the Department move forward to the training, the Department is going to have to bring the community back together to give ideas for the videos and how to put in the cultural competency. Chief Keohane also stated that this could be put

out to the district station advising them and information could be put out through the various community newspapers advising them of the various processes.

Commissioner Sparks asked if it is possible for the 911 dispatchers to participate in some of the training to get them involved in the process. Chief Fong stated that the Department will call the Chief in Vallejo and have a conversation and maybe have a copy of the general order. Commissioner Sparks also suggested to have the direct line in the outreach cards in addition to the 911 line.

Commissioner Sparks asked that Commissioner Campos be liaison in regards to this general order.

Motion by Commissioner Campos, second by Commissioner Lee to adopt revised general order 5.20.

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

RESOLUTION NO. 89-07

ADOPTION OF REVISED DEPARTMENT GENERAL ORDER 5.20, "LANGUAGE ACCESS SERVICES FOR LIMITED ENGLISH PROFICIENT (LEP) PERSONS"

_____RESOLVED, that the Police Commission hereby adopts revised Department General Order 5.20, "Language Access Services for Limited English Proficient (LEP) Persons."

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

CHIEF'S REPORT (continued)

- a. Update on significant policing efforts by Department members**
- b. Status Report re: Patrol Special Officers**

Chief Fong stated that the Chief's Special Agent Association had an award ceremony and stated that six officers from the SFPD were honored included Officer Brian Tuvera who was honored posthumously. The five awards went to Officers Eric Chang, Greg Buhagiar, Sergeant Matt O'Leary, Inspector James Ramsey, and Inspector Alvin Wong. The officer of the year went to Officer Kevin Healy who served as a decoy in San Francisco and has been robbed over 500 times.

Deputy Chief Shinn, FOB, presented the status report in regards to Assistant Patrol Specials applicants. Chief Shinn stated there are eight outstanding applicants that the department has received. Applicant #1, there is a problem hold because the applicant does not possess a high school diploma or GED and the applicant is in the process of trying to acquire that mandate. Applicant #2, there is an executive summary and the process of being drafted. The executive summary is the recommendation for either approval or disapproval of that applicant. The other issue is that the character reference letters that the applicants was asked to provide, there is a number of applications that were returned and delivered. The applicant was asked to provide the Department with the most current addresses. Applicant #3, there is a problem hold. There is a lawsuit that was filed against the City and County of SF and the department has asked for the City Attorney for those documents and what the outcome of that was. Applicant #4, has been completed and is waiting decision by the Chief. Applicant #5, there is a problem hold in that the applicant has not provided a private background investigation or has the

applicant submitted the required release of information waivers. Applicant #6, there is a problem hold in that the applicant has not submitted the required personal history statement or the release of information waivers that is needed for the background to continue and no private background has been submitted. Applicant #7, the applicant does not possess the required minimum training certification for this position and is currently in training awaiting that completion. Applicant #8, not all the applicant's character reference letter have been received and contact made for current addresses so that they can be resent. Applicant #9, was just received and is under submission.

Commissioner Sparks stated that she received a letter from Ms. Jane Warner, at her request, and she gave the name of 11 individuals who have applications pending and another five rejected for unknown reasons. Commissioner Sparks stated that she will give Chief Shinn a copy of the letter and get a copy of Chief Shinn's list to try and coordinate the two lists. Commissioner Sparks expressed concerns that in so many times there seems to be conflicting statements. Commissioner Sparks stated that she will try to expedite to have the new policies and procedures in place and that she will work with Commissioner Lee and the City Attorney to expedite this issue.

Commissioner Sparks asked about 832. Deputy Chief Shinn stated 832 are provisions under the Penal Code for specific training that officers are required by the Peace Officers' Standards and Training to go through. Chief Shinn stated that some of the training mentioned in 832 is some of the standards for security officers.

Commissioner Campos stated that in terms of the eight applications that were mentioned, Commissioner Campos would like the City Attorney to think about a creative way in which the Department and the Commission can have a substantive discussion about the applicants not only involves the perspective of the Department but also the perspective of the applicants and the Patrol Specials.

Commissioner Campos asked how many applications were received in the past year. Chief Shinn stated that in the fiscal year 2006/2007, there were 11 applications. Out of the 11 applications, none were approved. One has been completed and is waiting decision of the Chief. For fiscal year 2005/2006, nine applications, four appointed, one denied, three withdrawn, and one with a problem hold. Commissioner Campos stated that there should be a way to have a substantive discussion.

Commissioner Veronese stated that there should be an appeal process for Patrol Special Officers and ask that it be put on the agenda.

Commissioner Mazzucco asked about the background checks. Chief Shinn stated that patrol specials are not held to the astringent regulations that is held for a Q2 police officer in San Francisco. They are not required to take a polygraph test, there is no drug testing or screening, there is no psychological tests that are given to the applicants. As far as the background packets, they are similar to the Q2s. They are not required to go through the police background investigators. They are to provide their own private background that is reviewed by a background investigator. Chief Shinn stated that often times the investigator finds that the background investigation that's done on it is incomplete or inaccurate and that brings in a lot of delays in the process. Chief Shinn stated that Sergeant Craig Tom is working full time now in working with patrol special backgrounds. Chief Shinn also stated that they are not required to be certified under 832 of the Penal Code to become a peace officer in order to patrol in San Francisco.

Commissioner Mazzucco asked if training is provided to patrol specials. Chief Shinn stated that training provided is on a yearly basis. Chief

Shinn stated that patrol specials are required to pay for that training and there has been some resistance by the patrol specials to pay for the training. Commissioner Mazzucco stated that Jane Warner had informed him that the patrol specials have to pay \$25 to use the Range and Commissioner Mazzucco asked if that fee could be waived so that patrol specials can qualify. Chief Shinn stated he will look into it.

Commissioner Sparks asked if they are qualified with their Range capabilities. Chief Shinn stated that they are required to certify at the Range.

Commissioner Mazzucco asked Jane Warner how many of the patrol specials have their 832 certificates. (Ms. Warner's reply is inaudible.) Commissioner Mazzucco stated that the Commission wouldn't want police officers out on the street not trained and hopes that patrol specials would have the same level of training if they are going to wear this uniform to represent the City and County of San Francisco.

Commissioner Sparks asked about training. Ms. Warner stated that they have not been trained in four years and they are supposed to receive training every year. Ms. Warner stated that it is not because they have not paid for it or offered to pay for it. She said that they will pay for it. Commissioner Sparks asked what is the process to schedule training. Ms. Warner stated that in the past the Department has notified them of the annual training and they qualify bi-annually at the range. Ms. Warner stated that if they don't qualify, they cannot carry a firearm. She also stated that patrol specials assistants who did not have a gun card would not be able to qualify.

Commissioner Sparks asked Deputy Chief Shinn what are the requirements for a Gun and Guard Card. Chief Shinn stated that there is a different requirement from a patrol special than from an assistant patrol special. Assistant patrol specials are required to have a consumer guard card and armed card, a patrol special is not required to have that. Chief Shinn also stated that they are notified by Sgt. Craig Tom about requirement for the firearms range every six months.

Commissioner Marshall stated what can the Commission do about this whole thing. He stated that the Commission needs guidelines on what the Commission can do with the issue of Patrol Specials. Ms. Molly Stump, Deputy City Attorney, stated that she can meet with the Commission so that the Commissioners can ask specific questions because there are many issues that have been on the table. Ms. Stump stated that the Commission has a set of rules and the rules are adopted by the Commission, by a majority vote, and they need to be changed through a process that's set out in the Charter whereby the public is given ten days notice of change of rules. As far as what the Commission's options are with respect to which rules can be changed, what it is the Commission is interested in doing, what are the implications of that, those are more complicated questions and Ms. Stump stated she needs to talk to the Commission in specifics in order to understand what the options are. Commissioner Marshall asked if that can be done in closed session. Ms. Stump stated that as far as a comprehensive discussion, probably not. Ms. Stump stated that her office have given a lot of advise through the mechanisms that are available to them in terms of the legal options. As far as the policy discussions that need to happen, those are open session items for the most part.

Commissioner Sparks stated that Commissioner Lee has volunteered to review the rules and procedures. Commissioner Sparks stated that the solution is to review and revised the rules and regulations. Commissioner Sparks stated that maybe the Commission can schedule a Saturday and notice it and sit down with the City Attorney and go through them page-by-page and we change them and everybody can get their input and get them done. Commissioner Sparks suggested that it is important to commit a block of time to try and get some

way through this.

Commissioner Marshall stated he is willing to go into a substantive process rather than just discussing it.

Commissioner Lee asked if she could send proposed changes in draft form to everybody so that can be a starting point. Ms. Stump stated that that would be a public document at that point. Commissioner Sparks agreed to do that so that there is a starting point.

Commissioner Veronese agreed and that needs to be done and that it be available to the public and all stakeholders should have input. Commissioner Veronese stated that in the mean time there should be an answer from the Commission. He stated that there should be an appeal process set up now and on the agenda as soon as possible. Ms. Stump stated that with respect to the items that have due process implications, the rules provide for the item either to come directly to the Commission for a vote in the case of approval of a patrol special to conduct themselves as a patrol special or there is a Chief's discipline process for the assistants and there may be an appeal process on that. Ms. Stump stated that with respect to the items that are management that the Commission has said that the Police Department should manage the Patrol Special Program and there are detailed procedures for that in the Rules. If you wish to review how the Police Department is doing that, the Charter said that that's an administrative matter of the Police Department. The Commission can hold a hearing, provide the Chief direction but the Commission is to provide that direction through the Chief to the Police Department. Ms. Stump stated that she needs to talk to the Commission about what the specific Commissioner's idea is in terms of what items would come before the Commission for appeal. It is not what the Charter contemplates that individual decisions that are made by Department personnel are appealable to Commissions. Ms. Stump stated that Commissions are rule making and policy making bodies except for those specific due process items that are provided in the Charter.

Commissioner Sparks asked if it is really a Charter provision that specifically states that or is it the provision that was granted the Department based on a ruling of the Commission which gave the Department that authority. If that authority was revoked or removed from the Department by this Commission, then would this Commission have the ability, under the Charter, to specifically regulate the patrol specials. Ms. Stump stated that she does not know the answer to that question.

Commissioner Veronese stated that he doesn't think the Commission needs to go and repeal the rules. He stated that this is a determination by the Department that is preventing people from being hired and stated that as for the gun card rule, that gun card could prevent every single one of the patrol specials from being able to be employed as patrol specials and that decision can clearly could come to the Commission.

Commissioner Sparks asked if there is a specific appeal process in the rules and regulations. Ms. Stump stated that there is none. Commissioner Sparks asked if there isn't, can the Commission add that as an additional provision amending the rules and add a separate provision which is a direct appeal process. Ms. Stump suggested that there be a discussion, off line, about specifically what type of decisions the Commission is interested in reviewing because at a general matter, the Commission and all Commissions, do not sit in appeal of administrative and operational decisions that are made by city departments.

Commissioner Sparks asked that Commissioner Veronese get together with Ms. Stump and discuss specifically what he is proposing for resolution

and she'll be happy to agendize it as soon as it is ready to go. In the mean time, Commissioner Sparks would like a copy of Commissioner Lee's draft to review.

Commissioner Lee requested that three Commissioners first look at the draft before a formal presentation is made to the full Commission. Commissioners agreed to that.

Commissioner Mazzucco stated that he thinks that Patrol Specials should be held to the same exact standards of background checks as any member of the San Francisco Police Department or any member of the Department's Reserves. Commissioner Mazzucco stated that he is also concern about the training and stated that if Patrol Specials want to have the respect to wear that uniform and wear that patch, they should have the 832 peace officer training, go through an academy. He stated that they are wearing a very similar uniforms as everybody else and they should have that training, be fully trained, for their own safety, the safety of the citizens, and the safety of the police officers out on the streets. He stated that if they are going to wear that uniform, they have to have that training.

Commissioner DeJesus discussed some concerns regarding emails sent that contradicts the information that the City Attorney has provided. She also expressed concerns regarding the gun card issue and stated concerns regarding rules being suspended and stated that the Commission never ruled that the rules are suspended and there are rules in place and the Commission has put the Department in charge of the patrol specialists on a day to day basis and that has to stay in place until the Commission decides what steps to take but stated that the Commission has to be educated on this issue to make an educated decision that works with the patrol specials, the department, and the citizens.

Commissioner Sparks explained that the rules are not suspended and stated that the agreement between the Commission and Chief Shinn was that the rules will be enforced evenly as they have been rather than any new interpretations of the rules which had not been done prior.

Commissioner Sparks would like from the City Attorney is clarification as to what the Commission can and cannot discuss in public session, what the Commission has to do in private session versus public session, and if it is all in public session, are releases needed from individual officers. Ms. Stump stated she will provide that to the Commission.

Commander Tacchini gave a brief overview of what is being done in anticipation of activities related to Halloween.

Commissioner Sparks acknowledged the time that went into planning for this and thanked everybody involved. Commissioner Sparks asked the issue that came up last week in regards to the Department not participating in community meetings and asked if the Department will be present on tomorrow's night's meeting at the Eureka Valley Recreation Center. Commander Tacchini stated that Captain Goldberg and Deputy Chief Shinn will be in attendance and stated that Mr. Allan White will be liaison from the Community and Lt. Nicole Greely will be liaison from the Department.

Commissioner Sparks asked if the issue about portable toilets have been resolved. Commander Tacchini stated that the City is still looking into that. Commissioner Sparks also acknowledged and thanked Captain Goldberg for all the work that he has done.

PUBLIC COMMENT

Jeanette Berger discussed concerns.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Ms. Jean Field report that the move is still set for October 29th.

COMMISSION REPORTS

- a. Commission President's Report**
- b. Commissioners' Reports**
- c. Presentation of the Police Commission's bi-monthly report of Closed Session Disciplinary Actions (Veronese Resolution)**

None

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO ADOPT A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS' APPROVAL TO ACCEPT AND EXPEND FUNDS FROM THE OFFICE OF EMERGENCY SERVICES (OES), AND ANY AUGMENTATIONS, EXTENSIONS, AND MODIFICATIONS, TO IMPLEMENT THE "CALIFORNIA MULTI-JURISDICTIONAL METHAMPHETAMINE ENFORCEMENT TEAM (CAL-MMET)"

Commissioner Veronese asked to be recused from this item.

Motion by Commissioner Campos, second by Commissioner Marshall to recuse Commissioner Veronese from this item. Approved 6-0.

Motion by Commissioner Campos, second by Commissioner Marshall to approve this item. Approved 6-0.

RESOLUTION NO. 87-07

APPROVAL OF THE CHIEF'S REQUEST URGING THE COMMISSION TO ADOPT A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS' APPROVAL TO ACCEPT AND EXPEND FUNDS FROM THE OFFICE OF EMERGENCY SERVICES (OES), AND ANY AUGMENTATIONS, EXTENSIONS, AND MODIFICATIONS, TO IMPLEMENT THE "CALIFORNIA MULTI-JURISDICTIONAL METHAMPHETAMINE ENFORCEMENT TEAM (Cal-MMET)"

RESOLVED, that the Police Commission hereby asks the Board of Supervisors for approval to accept and expend funds from the Office of Emergency Services (OES), and any augmentations, extensions and modifications, to implement the "California Multi-Jurisdictional Methamphetamine Enforcement Team (Cal-MMET)."

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

RECUSED: Commissioner Veronese

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO ADOPT A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS' APPROVAL TO ACCEPT AND EXPEND FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS), AND ANY AUGMENTATIONS, EXTENSIONS, AND MODIFICATIONS, TO IMPLEMENT THE "COPSMETH 2007 SAN FRANCISCO"

Commissioner Mazzucco asked that he be recused from this item as he nominated the Department for this grant.

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

Motion by Commissioner Campos, second by Commissioner Veronese to approve this item. Approved 6-0

RESOLUTION NO. 88-07

APPROVAL OF THE CHIEF'S REQUEST URGING THE COMMISSION TO ADOPT A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS' APPROVAL TO ACCEPT AND EXPEND FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS), AND ANY AUGMENTATIONS, EXTENSIONS, AND MODIFICATIONS, TO IMPLEMENT THE "COPSmeth 2007 SAN FRANCISCO"

RESOLVED, that the Police Commission hereby asks the Board of Supervisors for approval to accept and expend funds from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), and any augmentations, extensions and modifications, to implement the "COPSmeth 2007 San Francisco."

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

RECUSED: Commissioner Mazzucco

APPROVAL OF THE MINUTES FOR THE MEETINGS OF SEPTEMBER 26, 2007 AND OCTOBER 3, 2007

_____ Motion by Commission by Commissioner Campos, second by Commissioner Marshall. Approved 7-0.

COMMISSION ANNOUNCEMENTS

Sergeant Reilly announced that the Commission will meet in the Taraval District next week, October 24th, at the Sheridan Elementary School, 431 Capitol Street, San Francisco, at 6:00 p.m. The Commission will also have its Subcommittee Meeting on Violent Crimes on Thursday, November 1st, in the Visitation Valley neighborhood, 66 Raymond Street, at 6:00 p.m. The Commission will not meet on Wednesday, October 31st.

Commissioner Sparks stated that she will be out all of next week.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner DeJesus would like a presentation on the Department's on gang injunctions for November 7th. Chief Fong stated she needs to check with the City Attorney. Commissioner Sparks stated that what Commissioner DeJesus is asking is what the Department provides and how is it provided to the City Attorney and what the Department's role is in the process.

Commissioner Campos would like a report from the Department in regards to Supervisor Ammiano's legislation that would provide I.D. cards to people who are undocumented and what impact that would have in terms of the operations of the Department. Chief Fong stated that the Department is meeting with Pilar from Supervisor Ammiano's office and following that meeting the Department can do a briefing depending on when it will be on the Supervisor's calendar. Commissioner Sparks stated either November 7th or 14th.

PUBLIC COMMENT

None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Campos, second by Commissioner Marshall.
Approved 7-0.

CLOSED SESSION

- a. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
Review of findings and decision to return officer to duty following officer involved shooting (OIS Case No. 07-004).**

(Present: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Mazzucco, Veronese, Chief Fong, Sergeant Reilly)

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

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

ADJOURNMENT

_____ Motion by Commissioner Campos, second by Commissioner Marshall.
Approved 7-0.

Thereafter, the meeting was adjourned at 10:00 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct