

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, Veronese, Campos, DeJesus, Lee, Mazzucco

(Commissioner DeJesus arrived at 5:57 p.m.)

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 7-0.

CLOSED SESSION (5:48 p.m. to 6:48 p.m.)

- a. **CONFERENCE WITH LEGAL COUNSEL - Anticipated Litigation
City as Defendant (Number of potential cases: 1)**

(Present: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Mazzucco, Veronese, Chief Fong, City Attorney Stump)

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

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

PUBLIC COMMENT

Meesha Irizarry discussed concerns regarding gang injunctions.

Marlon Crump discussed SRO issues.

Sylvia Johnson discussed concerns.

Frank Lee discussed concerns regarding homicide selection interview process.

Peter Alexander Chernoff discussed concerns regarding missing children cases.

Amandeef Jawa discussed concerns regarding the handling of Halloween events and actions of police.

Jeff Adachi, Public Defender, gave a brief update on gang injunctions.

Damone Hale discussed concerns regarding gang injunctions.

Ted Strasser discussed concerns regarding closing of BART on Halloween night without public input.

DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION IN SUPPORT OF THE BOARD OF SUPERVISORS' RESOLUTION URGING THE ATTORNEY GENERAL TO CLARIFY HOW PENAL CODE 3003 AND THE TRANSIENT PROVISION IN PENAL CODE 290 APPLY TO JESSICA'S LAW (PROPOSITION 83)

Lieutenant Dan Leydon, Sexual Assault Detail, gave a brief presentation regarding the Department's practice on 290 registration.

Commissioner Veronese explained the reason for his resolution.

Commissioner Campos discussed concerns about penalizing the status of people without necessarily looking at actions and stated that he will be voting against this resolution because he stated that there are better ways, as a Commission, can promote the safety of children.

Commissioner Mazzucco explained that if somebody is convicted of sexual assault, this is the only crime, where they can go to prison and once their time is expired to go to prison, they can be re-incarcerated if the professionals feel that these individuals are no longer able to be out into society because there is a strong recognition that sexual offenders do re-offend and they are a threat to the society. Commissioner Mazzucco also stated that even the Federal Court has recognized the need to strongly supervise sexual offenders or 290 registrants and stated that the 9th Circuit Court of Appeals ruled, based upon the evidence they had before them, that a registered sex offender from the Federal System can be placed on a lifetime of supervision. Commissioner Mazzucco stated that the Commission should urge the California Department of Corrections not to give the advise to tell these people being released from State Prison that they should register as transients because they can't give people loophole to avoid what's already in the court system.

Commissioner Lee stated that she does not see the need for this resolution but she does see the need for the Police Department to work with other folks because, just by a resolution from San Francisco, she does not see how a State Department is going to completely turn its policy.

Lieutenant Leydon stated that of the two options, the Department would prefer to have somebody in a residence because it is easier and better for the Department to monitor them for their compliance than telling them to be homeless.

Commissioner DeJesus stated that there is some confusion as to who is going to put the restrictions. Chief Fong stated that the GPS are for high risks offenders. Commissioner DeJesus clarified that what the Commission is doing is telling the Parole Division to take away the loophole, comply with the law and make them register.

Commissioner Sparks asked if everyone who is in violation of Jessica's Law arrested because they are living within confines or is that part of the law ignored so that the Department knows where they are living. Lieutenant Leydon stated that arrest will be made if somebody is not in compliance with Jessica's Law and the Department is working with parole and figure out what options are going to be and what course they are going to take.

Inspector Poelstra, Sex Offenders Unit, explained that the problem with Jessica's Law is there is no punishment for it. When the law was adopted, there is no section for the police to arrest somebody for violating Jessica's Law. When the law was written, there is no penalty. What they did is parole has made a condition of parole for everybody who is paroled after November 8, 2006, that if they come out of parole, Jessica's Law would apply and parolees are served with a notification saying that this is a condition of your parole.

Commissioner Sparks asked, absent the resolution, what would be the intent of the Department relative to (a) people who were living within the jurisdiction that have registered and in violation of Jessica's law or (b) people who registered as transients, what would be the Department's intent as far as tracking these people and enforcing or not enforcing Jessica's Law. Lieutenant Leydon stated that the Department would fall back to the 290 of the Penal Code which is compliance checks. Inspector Poelstra stated that there are about 130 people that are registered transients prior to this and it's always been

available to sex registrants to register as transients and if they are registered transients, they have to come in every 30 days. Unfortunately, the transient registrants are generally the ones that are in and out of custody for numerous petty theft crimes, et cetera, so they do come in and out of compliance regularly.

Commissioner Veronese explained that there is a lot of rewording in the resolution that is just a restatement of the law. He explained that the Commission is not saying to the Department to go arrest people because they are in violation of Jessica's Law. The Commission is letting the Courts deal with Jessica's Law. He stated that what the Commission is saying, because of the new CDC policy, people are registering as transients that are not transients and the Department wants to know where they are living. He explained that if that is not enforced, the city will become a sanctuary in the State of California for 290 registrants wanting to hide from their registration.

Commissioner Campos stated that the place to address this issue should be Sacramento who can look at this issue and find a way that looks at the issue, not only for San Francisco, but for the entire State. Commissioner Campos also stated that he would like to hear from the California Department of Corrections and would like to know if there are policy considerations that they took into account in making their decision. Commissioner Campos stated that he would rather wait and get more information before taking any action.

Commissioner Lee moved that this item be tabled until more information is available. Commissioner Lee moved that it be tabled and revisited in two weeks. Second by Commissioner DeJesus.

Commissioner DeJesus stated that she needs for information to make an informed decision.

Commissioner Marshall supports that it be tabled.

PUBLIC COMMENT

Meesha Irizarry discussed concerns of not having rehabilitation for these individuals.

Inspector Lee, Sex Crimes, stated that the current laws on the books are good enough and that the officers on the streets will locate and apprehend these people.

Unidentified discussed concerns.

Commissioner Sparks stated that she would like this item back on the agenda for December 5th and to have a representative from the CDC present, and get a written clarification from the Department as to what their intent would be as far as going forward and as far as enforcement of Jessica's Law as written.

Motion by Commissioner Lee to table this item until December 5th.
Second by Commissioner Veronese.

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

CHIEF'S REPORT

- a. Update on significant policing efforts by Department members**
- b. Presentation re: Post Halloween Report**
- c. Presentation re: Supervisor Ammiano's Municipal I.D. Legislation**

Chief Fong asked that Chief Shinn starts with the Post Halloween Report.

Deputy Chief Shinn gave brief recap in regards to Halloween night.

Commissioner DeJesus stated that Supervisor Dufty and the Commission wanted to thank the Department for keeping San Francisco safe.

Commissioner Veronese thanked the Department and Supervisor Dufty.

PUBLIC COMMENT

Unidentified discussed concerns.

Alex Rosenthal, Citizens for Halloween, stated that her organization would like to have a safe and fun event and discussed concerns in closing Muni and Bart stations. She also discussed concerns regarding threats made to Bart about closing.

Mark Dryer commended the Commission and the Department for taking care of the Castro community on Halloween night.

Hank Wilson stated that he had made a request about Halloween data from 2000 to 2006 and stated that he made a formal Sunshine request to have data by December. He also talked about liability coverage.

Gary Virginia, Castro resident, thanked the Commission and the Department for having a public hearing. He stated that he has 11 questions to submit to the Commission and the Department. He also discussed concerns regarding threats by the Fire Department and Police Department to businesses in staying open on Halloween night.

Bill Wilson, Harvey Milk Academy, discussed concerns regarding teachers parking on the Castro and concerns about having their cars towed and perhaps there is a way to identify those who have to legitimately stay until 3 p.m. He also commended Sergeant Chuck Lambert for his actions.

Matthew Grandley discussed concerns regarding intimidation by police going into businesses about closing for Halloween.

Commissioner Campos thanked Patrol Specials officers for their help on Halloween night.

Deputy Chief Shinn stated the Muni stations were closed one hour earlier which was a joint decision by the stakeholders. Chief Shinn also addressed concerns about threats to Bart and stated that there was absolutely no threats made to Bart. Chief Shinn also stated that the Department will work earlier for next year's planning and will have the community involved. Chief Shinn also stated that no threats were made to businesses. Chief Shinn thanked the officers that were out there and thanked Captain Goldberg and his crew for all the work they've done.

Commissioner Sparks thanked Captain Goldberg and the Department for doing an excellent job and commended the coordination between the different city agencies. Commissioner Sparks also thanked Supervisor Dufty and the Mayor's Office for coming to the Commissioner hearing and doing a presentation. Commissioner Sparks stated that it is her hope to have Halloween next year since it falls on a Friday. Commissioner Sparks also thanked Mr. David Parry for his work and commended the community for getting involved.

Commissioner Sparks also requested an investigation on allegations of threats to businesses about closing Halloween night and asked Chief Fong to follow up on that.

Presentation re: Supervisor Ammiano's Municipal I.D. Legislation

Put over to November 14th.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Ms. Jean Field announced that the OCC have moved and thanked everyone who was involved with the move.

Commissioner Sparks asked about hiring a litigator to move cases forward. Ms. Field stated that it's been put on hold pending the new Director's arrival at the end of November.

PUBLIC COMMENT

Unidentified discussed concerns.

COMMISSION REPORTS

- a. Commission President's Report**
- b. Commissioners' Reports**

Commissioner Sparks stated that the subcommittee met November 1st and that it was an excellent meeting that was attended by a large number of the public and stated that transcripts will be made of public comments to give the Chief a chance to respond and a copy will also be given to the POA. Commissioner Sparks stated that once the transcripts are published, she'd like to forward a copy to the MOCJ and the Board of Supervisor's Committee on Public Safety so that they can read the comments as well because many of the comments refer to things like street lighting and other issues beyond the purview of the Commission and of the Department.

PUBLIC COMMENT

None

PRESENTATION RE: THE DEPARTMENT'S TRAINING WITH RESPECT TO SINGLE ROOM OCCUPANCY (SRO) RESIDENCE

Captain Corriea, Academy, presented the Department's Training with respect to SRO residence.

Officer Nate Steger, Mission Station, gave a brief overview about Landlord/Tenant Dispute training.

Commissioner Sparks thanked Captain Corriea for his leadership in this issue.

Commissioner Campos stated that it is important to hear from the SRO community and enhance communication between the Department and the SRO community.

Commissioner DeJesus thanked Captain Corriea and Officer Steger for the presentation.

Commissioner Lee asked about tenant disputes. Captain Corriea stated that throughout the recruits' time in the Academy they are trained on how to settle disputes and stated that dispute resolution are what peace officers are trained from beginning to end at the Academy.

Commissioner Sparks asked if the new general order on Language Access is part of the training. Captain Corriea stated that the Academy is in the beginning stages on implementing the general order.

PUBLIC COMMENT

Marlon Crump stated that police conduct was not included in the presentation and hopes that it can be included in a general order.

Commissioner Sparks thanked Mr. Crump for his involvement in this issue.

Meesha Irizarry discussed concerns of police misconduct in SROs.
Unidentified discussed concerns.

**DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED
DEPARTMENT GENERAL ORDER 3.09, "DEPARTMENT AWARDS"**

Continued for two weeks.

**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, BUREAU OF JUSTICE ASSISTANCE
(BJA), AND ANY AUGMENTATIONS, EXTENSIONS, AND
MODIFICATIONS, TO IMPLEMENT THE "BYRNE 2007
DISCRETIONARY GRANT PROGRAM; BJA - TARGETING
VIOLENT CRIME INITIATIVE"**

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

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

PUBLIC COMMENT

None

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

RESOLUTION NO. 90-07

**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, BUREAU OF
JUSTICE ASSISTANCE (BJA), AND ANY AUGMENTATIONS,
EXTENSIONS, AND MODIFICATIONS, TO IMPLEMENT THE
"BYRNE 2007 DISCRETIONARY GRANT PROGRAM; BJA -
TARGETING VIOLENT CRIME INITIATIVE"**

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, Bureau of Justice Assistance (BJA), and any augmentations,
extensions and modifications, to implement the "Byrne 2007 Discretionary
Grant Program; BJA - Targeting Violent Crime Initiative."

AYES: Commissioners Sparks, Marshall, Campos, DeJesus, Lee
RECUSED: Commissioners Mazzucco, 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
GOVERNOR'S OFFICE OF EMERGENCY SERVICES (OES), AND
ANY AUGMENTATIONS, EXTENSIONS, AND MODIFICATIONS, TO
IMPLEMENT THE "ANTI-GANG INITIATIVE/PROJECT SEARCH &
RESCUE PROGRAM"**

Motion by Commissioner Campos to recuse Commissioners Mazzucco
and Veronese, second by Commissioner DeJesus. Approved 5-0.

PUBLIC COMMENT

None

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

RESOLUTION NO. 91-07

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 GOVERNOR'S OFFICE OF EMERGENCY SERVICES (OES), AND ANY AUGMENTATIONS, EXTENSIONS, AND MODIFICATIONS, TO IMPLEMENT THE "ANTI-GANG INITIATIVE/PROJECT SEARCH & RESCUE" PROGRAM

RESOLVED, that the Police Commission hereby asks the Board of Supervisors for approval to accept and expend funds from the Governor's Office of Emergency Services (OES), and any augmentations, extensions and modifications, to implement the "Anti-Gang Initiative/Project Search & Rescue Program."

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

APPROVAL OF THE MINUTES FOR THE MEETINGS OF OCTOBER 10, 2007 AND OCTOBER 17, 2007

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

PUBLIC COMMENT

None

COMMISSION ANNOUNCEMENTS

Sergeant Reilly announced that there will be no meeting on November 21st and on November 28th the meeting will in the Park District at the Grattan Elementary School, 165 Grattan Street, at 6:00 p.m.

PUBLIC COMMENT

None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Campos asked if safety on Muni be agendized and a presentation regarding enforcement of cannabis laws as the lowest priority for the Department.

Commissioner Lee would like an update on the juvenile DGO and an update on SROs.

Commissioner DeJesus would like a presentation on the role of the Department on gang injunctions. Commissioner DeJesus would like funding for outreach.

Commissioner Sparks would like a consolidated lists from each Districts of CBOs.

PUBLIC COMMENT

Steve Johnson would like to discuss the lieutenant's list.

Commissioner Mazzucco would like that issue be placed on the agenda.

Commissioner DeJesus would like the issue of policy analyst and recruitment and retention.

ADJOURNMENT

Motion by Commissioner Veronese, second by Commissioner DeJesus.
Approved 7-0.

Thereafter, the meeting was adjourned at 10:22 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct