

JUNE 13, 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 5:50 p.m. in a Regular Meeting.

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

(Commissioner Marshall arrived at 5:57 p.m.; Commissioner Lee arrived at 6:54 p.m. Commissioner Veronese is excused at 7:14 p.m.)

DISCUSSION AND POSSIBLE ACTION TO ADOPT A POLICE COMMISSION RESOLUTION URGING THE BOARD OF SUPERVISORS TO APPROVE PROPOSED CHARTER AMENDMENT TO EXTEND THE CHIEF OF POLICE DISCIPLINARY AUTHORITY TO 45 DAYS SUSPENSION

Taken out of order.

Supervisor Elsbernd discussed the proposed Charter Amendment to extend the Chief of Police's disciplinary authority to 45 days suspension. Supervisor Elsbernd explained that the Commission should be the body that handles big policy issues and should be the one to inform the Board with information on what the community wants and what the Department needs. Supervisor Elsbernd stated that if the Board is able to do some things to bring down the Commission's docket and give the Commission to focus on big policy issues, then that's a positive thing. Supervisor Elsbernd also addressed the question of morale in the Department and stated that the uncertainty that results with discipline procedures and the unknown of when the final conclusion is going to happen and if there is something that the Board could do to give the officers a little more certainty in the process, something to help with the question of morale in the Department, that step should be taken because higher morale means better service and better service means better public safety.

Commissioner DeJesus stated that the draft, as it stands, may have unintended consequences. Commissioner DeJesus stated that the Commission wants to make sure that the OCC is not restricted in anyway in their ability to bring charges in case of disagreement with the Chief. Commissioner DeJesus stated that there should be a time line in which the Chief has to act. Commissioner DeJesus also suggested that the Department should notify the OCC if any suspension between the 10 to 45 days so that the OCC does have an opportunity to come before the Commission if there are any cases getting close to the deadline or needs to be resolved quickly. She also asked that the Department have monthly reports of the cases that the Department sent to the OCC indicating the number that was sustained, the number of cases where some type of action that was taken or any description of the action taken. Supervisor Elsbernd stated that he agrees with those points but stated that he is very hesitant to throw more language into a Charter amendment when that is something that can be done by General Order or something that he can do by Ordinance.

Commissioner Sparks stated that there is a disciplinary guideline and suggested that while the amendment is on the ballot, the Commission can actually look at the guideline and do a better definition on what the time lines are under the 45 days and that way the Commission could make sure that anything serious is outside the 45 limit under the recommended guidelines as oppose to being ambiguous.

Commissioner Veronese asked how can it be prevented the lessening of

penalty from happening so that it falls within the Chief's jurisdiction. Supervisor Elsbernd stated that there could be a process where anything between 10 and 45 days, the Chief needs to present in closed session to the Commissioners and the Commissioners can decide if a full hearing is needed to give the Commission a little more say.

Commissioner Campos would like more best practice comparison between different jurisdictions and the Department. He also asked how this Charter amendment would effect Prop H and is there consistency with what would happen and what the voters intended with Prop H. Supervisor Elsbernd stated absolutely. Supervisor Elsbernd stated that he believes that the voters passed Prop H to get more civilian oversight involved on those issues of public safety that are important to all. He stated that the Police Commission should not just be a disciplinary commission. He stated that the Police Commission should be advising the Board on questions of foot patrol and auto break-ins and things like that.

Commissioner Marshall stated that anything that can speed up the process and free the Commission to do other things he is in favor of.

Commissioner Sparks stated that she supports this wholeheartedly. Commissioner Sparks asked the OCC and the POA to submit written comments to the Commission as quickly as possible, in the next three or four days, if possible, for the Commission's review and for the City Attorney to help add those into the legislation and have a more final form next week for final discussion.

PUBLIC COMMENT

Steve Currier, Outer Mission Residence Association, stated that his association is in full support of this.

Mark Schlosberg, ACLU, discussed concerns about possible unintended consequences of this amendment.

Meesha Irizarry, Idriss Stelley Foundation, stated that today is the anniversary of the death of her son and mentioned names of people that have been killed in San Francisco.

Terry Baum stated a charter amendment has to be considered for as long as it needs to be considered.

Mr. Ramos discussed concerns regarding gaining trust of the people and asked to cut police work days to three days.

Unidentified stated that there should be more public outreach regarding this amendment.

Leroy Moore asked that the Commission take its time in reviewing this.

Kim Murbock asked that the Commission take its time to consider the issues.

Motion by Commissioner Campos to continue this item one week pending receipt of information and comments from the POA, OCC, and ACLU, second by Commissioner DeJesus. Approved 6-0.

PUBLIC COMMENT

Taken out of order.

Mary Kate Connor discussed concerns regarding people with mental health problems being killed by police.

Philip Berg discussed concerns regarding actions by police against unarmed individuals.

Aaron Shumann discussed concerns regarding phones being on at the Hall of Justice.

Leroy Moore discussed concerns regarding people with mental health

problems and police actions.

Kathy Perry discussed concerns regarding police misconduct.

Ann Garrison discussed concerns regarding police actions.

Tammy Bryant discussed concerns regarding the Idriss Stelley incident.

Kim Murdock discussed concerns regarding the Department's problem with credibility.

John Watkins stated that truth is the truth and here to support Meesha.

Fernando Ramos read a poem for Idriss Stelley.

Meesha Irizarry discussed concerns and the code of silence.

Reuben Goodman discussed concerns regarding actions by police.

Terry Vaughn stated that Commission should have more outreach to have more people to attend meetings.

Willie Ratcliff discussed concerns regarding transparency.

Barry Toronto discussed concerns regarding getting tickets for driving in diamond lanes and discussed concerns regarding asking for a badge number and commended Sgt. Reynolds for his investigation.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

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

CLOSED SESSION (7:14 p.m.)

- a. **PERSONNEL EXCEPTION: Discussion and possible action to accept stipulated dispositions in the matter of File No. C03-190.**
- b. **PERSONNEL EXCEPTION: Public Employee appointment: Policy Analyst**

OPEN SESSION (8:47 p.m.)

PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee

EXCUSED: Commissioners Campos, Veronese

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

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

PUBLIC COMMENT

David Pilpel suggested that 67.10(b) be re-examined regarding who can appoint the policy analyst.

CHIEF'S REPORT

- a. **Report re: Interrelationship of the Early Warning System, Early Intervention System, and Use of Force Records**
- b. **Update on significant policing efforts by Department members**
- c. **Review of Recent Activities**

Item (a) is continued for one week.

Chief Fong highlighted some of the good work by the officers of the Department.

Commissioner Sparks would like a report from the Chief regarding the

Kroll report.

PUBLIC COMMENT

None

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Ms. Jean Field, Interim OCC Director, thank Commissioner Sparks for meeting with her last week. Ms. Field updated the Commission regarding their meetings in regards to civil claims investigations. She also stated that she will be out of town next week and Mr. Galman will make the presentation next week.

PUBLIC COMMENT

None

COMMISSION REPORTS

a. Commission President's Report

b. Commissioners' Reports

Commissioner Sparks reported that she met with the OCC last Friday and discussed the issue of reporting and Article 96 and the Department's reporting online and stated that some are outdated. Commissioner Sparks stated that she will keep meeting with the OCC and the Chief every other week.

Commissioner DeJesus talked about the Commission cannot reverse or reconsider a decision that was made even when new facts come to light. She asked the City Attorney for assistance in a resolution to ask the Supervisors to draft an amendment to the Charter that would allow the Commission to reconsider any decision made if new facts or facts not known at the time of decision are discovered.

PUBLIC COMMENT

None

APPROVAL OF COMMISSION MINUTES FOR THE MEETING OF MAY 23, 2007

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

PUBLIC COMMENT

David Pilpel asked that start and end time of Closed Session be added to the minutes.

COMMISSION ANNOUNCEMENTS

Sergeant Reilly announced that the District Meeting will be at Rosa Parks Elementary School on June 27th, at 5:00 p.m.

PUBLIC COMMENT

None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Marshall would like a report in regards to homicides.

Commissioner Lee would like a joint meeting with the Health

Commission and Immigration Rights Commission in regards to the Language Access DGO.

PUBLIC COMMENT

None

ADJOURNMENT

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

Thereafter, the meeting was adjourned at 9:14 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

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