

MAY 24, 2006

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 5:39 p.m., in a Regular Meeting.

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

DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED COMMUNITY SAFETY CAMERA ORDINANCE (BOARD OF SUPERVISORS FILE #060086); POSSIBLE ACTION TO PROVIDE INPUT OR RECOMMENDATIONS TO THE BOARD OF SUPERVISORS

Taken out of order.

Supervisor Mirkirimi, District 5 Supervisor, described the ordinance.

RESOLUTION NO. 36-06

APPROVAL OF THE POLICE COMMISSION TO ENDORSE THE PROGRAM AND TO SUPPORT THE PROPOSED COMMUNITY SAFETY CAMERA ORDINANCE LEGISLATION (BOARD OF SUPERVISORS FILE NO. 060086)

RESOLVED, that the Police Commission hereby endorses the program and expresses its support for the proposed Community Safety Camera Ordinance Legislation (Board of Supervisors file #060086).

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

PUBLIC COMMENT

Elizabeth Zitrim, ACLU, stated that the ACLU is opposed to video surveillance cameras because they intrude on people's privacy and they no proven law enforcement benefit.

Steve Currier expressed support for the cameras and would like cameras in the outer Mission/Ingleside area.

Unidentified, ACLU, opposed to video surveillance.

Ace Washington asked that the community be involved and that community input be taken into consideration.

John Grand, ACLU, opposed to video surveillance.

Motion by Commissioner Sparks, second by Commissioner Campos to endorse the program to the Board of Supervisor in support of the legislation. Approved 6-0.

PUBLIC COMMENT

Taken out of order.

Marlin Croft discussed concerns regarding a police report.

Ace Washington asked that an item be placed on the June 7th agenda in regards to a presentation from the African-American Police Community Relations Board.

Gary Delagnes, POA President, discussed concerns regarding Ms. Leff of the OCC and discussed concerns regarding comments made by the Commission in last week's meeting. Mr. Delagnes asked that the Commission asks for a legal opinion from the City Attorney clarifying the Commission's jurisdiction to investigate the Ms. Leff matter and if the Commission refuses to make said request, Mr. Delagnes asked that the Commission notify the POA of

its refusal to do so within a two-week period.

Clark Sullivan, Medical Cannabis, discussed concerns regarding Inspector Halloran.

Barbara Growth discussed concerns regarding Vodka in coffee.

Lucifer Cheshire discussed concerns regarding Inspector Halloran.

Unidentified discussed concerns regarding inspections of medical cannabis club.

Unidentified discussed concerns regarding raid by the police and concerns regarding Inspector Halloran.

Sonia Miles, medical cannabis patient, asked that Inspector Halloran be accountable for his actions.

Walter Morrow, medical cannabis patient, stated that medical marijuana card is useless.

Unidentified discussed concerns regarding medical marijuana.

Shawna Gochenaur discussed concerns regarding harassment by Inspector Halloran.

Unidentified discussed concerns regarding harassment by Inspector Halloran.

Carla Brusandi, cannabis patient, discussed concerns regarding medical marijuana and Inspector Halloran.

Allison, registered nurse, discussed concerns regarding feeling safe as a patient.

Sheila, cannabis patient, discussed concerns regarding actions by the police.

Jonathan Weaver, medical marijuana patient, discussed concerns regarding medical marijuana.

Russell Kyle discussed concerns regarding actions by Inspector Halloran.

Denise discussed how his cousin is saved by medical marijuana.

Carol, medical marijuana patient, discussed concerns.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION. (SAN FRANCISCO ADMINISTRATIVE CODE SECTIONS 67.10(b) and (d))

Motion by Commissioner Campos, second by Commissioner Marshall to hold closed session. Approve 6-0.

CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957(b) AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(b)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police Review of findings and decision regarding return of officers to duty following officer-involved shooting (OIS Case No. 06-03).

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12(a))

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

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Chief Fong gave a brief update regarding the bilingual general order.

Commissioner Campos asked what is being done as far as the Department working with other agencies. Chief Fong stated that the Department works with a number of agencies and every morning there is a conference call that involves a number of city agencies and the goal is to review all the incidents that have occurred the prior evening. In addition, every other Tuesday, there is the Cease Fire meeting to look at what can be done to make sure that the violence in our community is reduced.

Commissioner Marshall asked about the summit on witness relocation. Chief Fong stated that she did receive a letter and will be working on what will be presented.

Commissioner Veronese asked about the legislation that Supervisor Mirkirimi presented and would like an opinion from the Chief.

Commissioner Sparks stated there is a National District Attorney's Meeting on July 19th to 21st and asked if the Chief has received an invitation to attend personally. Chief Fong stated no, she has not. Commissioner Sparks thanked the Chief for reissuing Department Bulletins regarding transgenders.

Commissioner Renne stated that the Commission would like to invite the District Attorney to appear and make a presentation just like Mr. Nance did.

Commissioner Campos would like a report in regards to medical marijuana.

PUBLIC COMMENT

Barbara Growth discussed concerns regarding blocking of Golden Gate Park on Saturdays.

Unidentified said there should be communication between different agencies.

OCC DIRECTOR'S REPORT

- a. **Review of Recent Activities**
- b. **Presentation of OCC's Annual Audit under SFPD General Order 8.10**

Director Allen informed the Commission that the OCC move to 25 Van Ness will not take place until late August.

Director Allen presented the OCC's Annual Audit under SFPD General Order 8.10.

Commissioner Campos asked about the OCC's efforts regarding language outreach. Director Allen stated that the OCC brochures are in different languages already. They are changing the phone messages to reflect the different languages.

Commissioner Veronese stated that from the audit that the process is working and asked if the OCC is happy with the cooperation. Director Allen stated that Lt. Mahoney has been very helpful.

PUBLIC COMMENT

None

ELECTION OF COMMISSION OFFICERS PER COMMISSION RULE 2.3, AS AMENDED 01/12/05

PUBLIC COMMENT

None

Motion by Commission Marshall, second by Commissioner Campos to elect Commissioner Renne as President.

Commissioner Sparks made the following statement:

“First, I have to say that I ultimate respect and admiration for President Renne. But, in my opinion, over the last two years, this Commission has failed the framers of Proposition H and the citizens of San Francisco. The promise of Prop H was that things would be different and not continue the way they had been for years.

The Board appointees were appointed to be reformers. As the only original Board appointee remaining, I can honestly say we’ve failed. For that I apologize.

There are some things we’ve accomplished, such as a couple of resolutions requiring the Department and the OCC to prepare periodic reports. We did approve a new policy, a DGO on Officer Involved Shootings, but only after it was watered down and changed by the Department and the POA.

But Prop H, the intent of Prop H, was about reform. It was about more effective oversight of two bureaucracies, the SFPD and the OCC. I’m not sure we can say that much has really changed with either.

This Commission should have started leading the way in police reform from the beginning, before the video scandal and the Mayors proclamation of the formation of a Blue Ribbon panel. This Commission should have been pro-active, not merely reactive. In our City Hall meetings, most of the dialogue has been one sided, reports by various Departments of the SFPD. The dialogue with the OCC has been nearly non-existent, perfunctory at best. We have sat and listened to public comment week after week and done nothing or very little. Monthly, we have had meetings in the community which have become beauty pageants presented by the District Captains. I can’t think of any time there has been honest dialogue with the community in any of these public meetings.

All the while, homicides have reached new highs, staffing levels have plummeted, morale is approaching a new low and getting information from the Department depends entirely on asking exactly the right question. Also, communications among all of the entities which make up the criminal justice system in San Francisco continues to worsen. In addition, there is no shared vision among the Board, the Mayors office and this Commission of what constitutes a 21st century police department in San Francisco. This Commission should have been reaching out to all of these entities and facilitating discussion.

We shouldn’t be criticized for talking to members of the Board of Supervisors, rather, we should be criticized for not.

We shouldn’t only talk to the Mayor’s office through the Chief of Police; rather, we should be arranging set meetings every month.

We should do something to intervene in this ongoing dispute between the SFPD and the District Attorney.

Instead of waiting for ordinary citizens to come to City Hall for a

three minute, unanswered, public comment, we should be holding regular Town Hall meetings, in conjunction with the Board and the Mayor, all over this city to talk about our vision of the criminal justice system in San Francisco.

We should be holding the Department, the OCC and ourselves accountable.

We should be leading the discussion of what this Department needs to do to become a model of best practices now and in the future.

We should have more meetings with the public, not less.

We should actually prepare an Annual Report and Statement of Purpose for the Mayor and the Board of Supervisors as the Charter requires (Sections 4.103 and Section 1.56).

We should fight for funding, not only at the Board, but at the Mayor's budget office where the real policy decisions are made.

We should not just accept the Mayor's budget offices decision to not fund any Commission staff.

We should not just accept the Mayors decision to put off civilianization yet another year.

We should be pro-active.

We should be cheerleaders for the Department when appropriate, advocates when appropriate and relentless in our enforcement of accountability.

The leadership of this Commission isn't about personalities or friendships. The leadership of this Commission is about vision and I think it is way past time that we take a leadership role in presenting one.

This Commission needs to fulfill the promise of Prop H. It needs to provide access to the Department for the general public and, as importantly, it needs to support the courageous men and women of the SFPD on the streets every day risking their lives keeping us safe. Those basic values are not mutually exclusive."

Commissioner Renne stated that points raised by Commissioner Sparks are very significant points and hopes that the Commission can work in moving what needs to be improved and agrees that it cannot just be the Commission, it's got to be the Mayors, the Board of Supervisors, and it's got to be all elected officials having a dialogue and listening to one another.

Motion by Commissioner Marshall, second by Commissioner Campos to elect Commissioner Renne as President.

AYES:Commissioners Renne, Campos, DeJesus, Marshall, Veronese
NAYS: Commissioner Sparks

Motion by Commissioner Marshall, second by Commissioner Campos to elect Commissioner Sparks as Vice President.

Commissioner Sparks withdrew her name and recommended Commissioner Campos for Vice President.

Commissioner Campos thanked Commissioner Sparks for the nominated but asked that Commissioner Sparks reconsider. Commissioner Sparks asked that her name be withdrawn.

Motion by Commissioner Sparks, second by Commissioner DeJesus to elect Commissioner Campos as Vice President.

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

RESOLUTION NO. 37-06

ELECTION OF PRESIDENT OF THE POLICE COMMISSION

RESOLVED, that Commissioner Louise Renne shall serve as President of the San Francisco Police Commission.

AYES: Commissioners Renne, Campos, DeJesus, Marshall, Veronese
NAYS: Commissioner Sparks

ELECTION OF VICE PRESIDENT OF THE POLICE COMMISSION

RESOLVED, that Commissioner David Campos shall serve as Vice President of the San Francisco Police Commission.

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

COMMISSION ANNOUNCEMENTS

- a. **Assignment of disciplinary charges filed in Case No. C06-043 KMO to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (Resolution No. 38-06)**
- b. **Assignment of disciplinary charges filed against Patrol Special Officer Lisa M. Wiley (File No. C06-041 KMO) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner**

RESOLUTION NO. 39-06

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST PATROL SPECIAL OFFICER LISA M. WILEY (FILE NO. C06-041 KMO)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Patrol Special Officer Lisa M. Wiley, Star No. 2662, Ingleside, was called it having been set for this date; and

WHEREAS, Commissioner Petra DeJesus is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Lisa M. Wiley; therefore be it

RESOLVED, that Commissioner Petra DeJesus is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Lisa M. Wiley, and is to be set at a later date.

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

Sergeant Reilly announced that the Commission will have a joint meeting on Wednesday, June 7, with the Board of Supervisors' Select Committee on Ending Gun and Gang Violence.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Campos would like the issue of Patrol Specials be placed on the agenda.

Commissioner DeJesus would like to discuss priority list with time tables.

Commissioner Veronese asked that the Commission adopt a resolution to award a citizen commendation to the gentleman who died trying to save the lives of two kids.

Motion by Commissioner Veronese to adjourn the meeting in honor of that gentleman and his wife. Second by Commissioner Campos. Approved 6-0.

Thereafter, the meeting was adjourned at 8:25 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

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