

MAY 18, 2005

CLOSED SESSION

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 5:37 p.m., in Closed Session.

PRESENT: Commissioners Renne, Orr-Smith, Keane, Sparks, Marshall,
Veronese

ABSENT: Commissioner Chan

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER WITH LEGAL COUNSEL. (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d))

Motion by Commissioner Orr-Smith, second by Commissioner Keane. Approved 6-0.

- a. Closed Session pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b)

Public Employee Performance Evaluation: Kevin Allen, Director of the Office of Citizen Complaints

- b. Closed Session pursuant to Government Code Section 54956(b)(1) and S.F. Administrative Code Section 67.10(d)(2)

Conference with Legal Counsel - Anticipated Litigation
One potential case: City as Defendant

MAY 18, 2005

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 7:15 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Orr-Smith, Keane, Sparks, Marshall,
Veronese

ABSENT: Commissioner Chan

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 Veronese for non disclosure, second by Commissioner Orr-Smith. Approved 6-0

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE CHIEF'S RECOMMENDATION FOR STIPULATED DISPOSITION OF THE DISCIPLINARY CHARGES FILED IN CASE NO. C04-026 JWA
(Resolution 28-05)

Taken out of order.

Motion by Commissioner Marshall, second by Commissioner Keane to accept the Chief's recommendation. Approved 6-0.

**HEARING ON THE DISCIPLINARY CHARGES FILED AGAINST
PATROL SPECIAL OFFICER CALVIN C. WILEY
(FILE NO. H04-057 JWA)**

Taken out of order.

Motion by Commissioner Orr-Smith, second by Commissioner Marshall to continue this item for a later date. Approved 6-0.

PUBLIC COMMENT

Frank Martin Del Campo, Local 790, discussed concerns regarding jobs for civilians in the Department.

Shannon Altamirano discussed concerns regarding the Sheila Detoy matter.

Andrea O'Leary thanked the Captain at Ingleside District for enforcement of leash laws.

Lorraine Altamirano asked that name-calling be stopped.

Nashel Sheppard, Aunt of Cammerin Boyd, discussed concerns regarding the shooting of Cammerin Boyd.

Unidentified discussed concerns regarding enforcement of leash laws and stated that the Recreation Department should be responsible in enforcing the leash laws.

Sally Stevens, Chair of SF Dogs, discussed concerns regarding enforcement of leash laws and thanked Chief Fong and Commander Shinn for their work.

**DISCUSSION AND POSSIBLE ACTION TO ADOPT THE FISCAL
YEAR 2005-2006 BUDGET FOR THE POLICE DEPARTMENT**

Captain James Lynch presented the 2005-2006 budget for the Police Department.

Commissioner Veronese asked about the possible effort to get restitution for a successful investigation. Captain Lynch stated that he had a discussion with the City Attorney's office regarding Commissioner Veronese's proposal and at this point, the Department don't have the time line to get it in place but down the road it is still on the list. Captain Lynch also talked about the public safety cost recovery and stated that the City is receiving \$50.00 per conviction and stated that City can recover up to \$12,000 of cost for public safety services.

Commissioner Sparks discussed staffing levels and commended Captain Lynch and the Chief for their work in increasing staffing levels.

PUBLIC COMMENT:

David Sassoon, U.S. Navy Brooklyn, NY, discussed keeping street signs clean.

Frank Martin Del Campo, Local 790, discussed civilianization.

Motion by Commissioner Orr-Smith, second by Commissioner Marshall to accept the Department's budget. Approved 6-0.

RESOLUTION NO. 34-05

APPROVAL OF THE SFPD BUDGET FOR FISCAL YEAR 2005-2006

RESOLVED that the Police Commission hereby approves the SFPD budget for fiscal year 2005-2006.

AYES: Commissioners Renne, Orr-Smith, Keane, Marshall, Sparks,
Veronese
ABSENT: Commissioner Chan

**DISCUSSION AND POSSIBLE ACTION TO ADOPT THE FISCAL
YEAR 2005-2006 BUDGET FOR THE OFFICE OF CITIZEN
COMPLAINTS**

Director Kevin Allen presented the 2005-2006 budget for the Office of Citizen Complaints.

Commissioner Sparks asked about the Mayor's proposal and what the OCC is presenting and with the Mayor's proposal the OCC will not be able to meet the Charter mandated responsibilities and that the OCC's proposal of \$3.479 million will allow the OCC to meet the Charter mandated responsibilities. Director Allen stated that with the \$3.479 million, the OCC will be able to maintain status quo and start with the tremendous backlog. Commissioner Sparks also stated that the SFPD does not mandate what the OCC's budget is. The OCC independently decides on its budget and it is independently negotiated but it is just carried under the SFPD's total.

Commissioner Veronese asked if there is currently a Chief Investigator. Director Allen stated that there is an acting Chief Investigator and a new investigator that's recently hired making a total of 15 investigators. Commissioner Veronese asked if two prosecuting attorneys is enough to take on the caseload. Director Allen stated that the attorneys are able to handle their cases but they do suffer in cases where investigators need advise from the attorneys because other cases would take priority.

Commissioner Orr-Smith asked about the computer allocation fund. Director Allen stated that the funds will be coming from funds that the City has found to be used for one-time capital expenditures.

Motion by Commissioner Orr-Smith, second by Commissioner Marshall to adopt the OCC's budget for fiscal year 2005-06.

RESOLUTION NO. 35-05

APPROVAL OF THE OCC BUDGET FOR FISCAL YEAR 2005-2006

RESOLVED that the Police Commission hereby approves the OCC budget for fiscal year 2005-2006.

AYES: Commissioners Renne, Orr-Smith, Keane, Marshall, Sparks,
Veronese
ABSENT: Commissioner Chan

CHIEF'S REPORT

- a. **Update on significant policing efforts by Department members**
- b. **Update on the Department's Recruitment Drive**
- c. **Update on Officer-Involved Shooting Cases**

Chief Fong introduced Captain Gonzalez to present the update on the Department's Recruitment drive and Captain Keohane to present the update on Officer-Involved Shooting cases.

Captain Gonzalez presented the update on the Department's Recruitment drive.

Captain Keohane reported on the status of officer-involved shooting cases.

Commissioner Sparks asked about June 29, 2004 incident and how MCD works with the DA's office. Captain Keohane explained that with the new general order, investigation will begin from day 1 and information will be obtained from Homicide that they receive it from the DA office. Hopefully the summary will be submitted sooner rather than starting the investigation after the conclusion of the DA's investigation.

Commissioner Keane asked about the statute of limitation and getting the investigation done before the one-year period. Captain Keohane stated that he would have to look at each case by case and if that's the direction that the Commission puts forth to the Department, Captain Keohane stated that the department would make every effort to move in that direction and try to accomplish that goal.

Commissioner Veronese requested for copy of the OIS Manual. He asked about an incident that occurred on 10/17/00 and is there something unusual happening that's making a case that old to still be open and needing additional time. Captain Keohane stated that the investigator was transferred out of MCD a number of years ago and he does not know if it got lost in the shuffle.

PUBLIC COMMENT:

None

OCC DIRECTOR'S REPORT

- a. Review of Recent Activities**
- b. Update on the OCC's Openness Report**

Director Allen presented the OCC's Openness Report and explained that these are summary disposition reports that include brief summary descriptions of complaints and any matters that are disposed of.

Commissioner Sparks asked about the 6/29/04 incident and asked for a status report on where the OCC is at in determining whether or not charging decision will be made. Director Allen stated that this incident occurred on June 29th and the complaint was received in December. He stated that his office is working with the Department to receive any last documents so that they can continue their investigation. He also stated that the OCC just received that autopsy report which was release about two weeks ago and he stated that he had spoken to his investigator and the investigator indicated that it could possibly be done within a month providing she gets all the information.

Commissioner Orr-Smith asked about a letter from Mark Schlosberg. Director Allen stated that the 8.10 report is ready and that the annual report will be presented in June.

PUBLIC COMMENT:

Unidentified discussed the Rugley investigation.

Mark Schlosberg, ACLU, discussed letter written to the Commission regarding OCC reports.

COMMISSION ANNOUNCEMENTS

Commission Renne announced that Commissioner Chan will be attending the Awards Committee meeting on behalf of the Commission.

Commissioner Orr-Smith acknowledged the Department for dealing with the leash law enforcement. Commissioner Orr-Smith also acknowledged the dog owners and the individuals who don't own dogs but are concern about

the leash laws.

Commissioner Veronese thanked the Chief for going to the Washington, D.C, to represent the City of San Francisco in the memorial services for fallen officers.

Commissioner Marshall acknowledged the Chief and the Department for the indictments that were handed down.

PUBLIC COMMENT:

None

ELECTION OF PRESIDENT AND VICE-PRESIDENT OF THE COMMISSION

Motion by Commissioner Keane, second by Commissioner Veronese to have Commissioner Louise Renne as President and Commissioner Gayle Orr-Smith as Vice President of the Police Commission.

RESOLUTION NO. 36-05

ELECTION OF PRESIDENT AND VICE PRESIDENT OF THE POLICE COMMISSION

RESOLVED, that Commissioner Louise Renne shall serve as President, and Commissioner Gayle Orr-Smith shall serve as Vice President of the San Francisco Police Commission.

AYES: Commissioners Renne, Orr-Smith, Keane, Marshall, Sparks,
Veronese

ABSENT: Commissioner Chan

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Orr-Smith requested for a review of Department General Order 5.05.

PUBLIC COMMENT:

None

Motion by Commissioner Orr-Smith, second by Commissioner Keane to adjourn the meeting.

Thereafter, the meeting was adjourned at 9:24 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct