

**MARCH 22, 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 5:57 p.m., in a Regular Meeting.

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

**PUBLIC COMMENT**

Lynn Menecuuci, Police Service Aide/SF Airport, President of Airport Chapter/SEIU Local 790, discussed concerns regarding change in working schedules of PSAs at the Airport to rotating shift schedule.

Kenneth Glenn, Union Representative, discussed concerns regarding change of the PSAs schedule.

LaWanna Preston, Staff Director SEIU Local 790, discussed concerns regarding schedule change of the PSAs schedule and asked the Commission to postpone implementation of the change until heard by an arbitrator.

**CHIEF' S REPORT**

**a. Update on significant policing efforts by Department members**

Commissioner Renne suggested that this item be deferred.

**OCC DIRECTOR' S REPORT**

**a. Review of Recent Activities**

Commissioner Renne suggested that this item be deferred.

**APPROVAL OF MINUTES FOR THE MEETING OF MARCH 8, 2006**

Taken out of order.

Motion by Commissioner Campos, second by Commissioner Marshall to approve the minutes. Approved 4-0.

**REPORT FROM THE PATROL SPECIAL OFFICERS' ASSOCIATION**

Patrol Special Officer Jane Warner, President of the Patrol Special Police Association, reported regarding Patrol Special Officers.

Ms. Warner stated that following:

ACommissioner, thank you very much. It' s an honor to be here tonight. My name is Jane Warner. I' m the president of the San Francisco Patrol Special Police Association. Like many of my fellow police officers I have a long background in law enforcement. In 1983 I started my career as a deputy sheriff for the State of Hawaii Sheriffs Department. I received a degree in criminal justice from Shananan University in 1986. I was hired by the Honolulu Police Department where I worked undercover in Waikiki and was reassigned to the patrol division. After a meritorious career in Honolulu, I moved to California and received my POST Basic Certificate from Sacramento Safety Center. I was hired as a Police Officer for the town of San Anselmo and I attended night school at the University of San Francisco. In 1993, I joined the San Francisco Patrol Special Police where I was assigned walking a foot beat in the Castro and Upper Market neighborhood.

The Patrol Special Police formed in 1847 has always been considered as the original community police providing San Francisco neighborhoods with

supplementary foot patrol. Today, we continue to be the guardians of a very unique historical community policing service provider. We all know about the strengths of community policing, how it prevents the escalation of crimes, and how it prevents crime itself. The only negative aspect of community policing are the investments of time and money that these programs traditionally require. A lot of police departments concentrate most of their resources on a linear approach to policing only after the crime has been committed. Get there quickly, preserve the scene, collect evidence, interview witnesses, turn it over to an inspector, arrest the suspect, takes the case to the D.A. who prosecutes in court where the ultimate end is conviction and incarceration of the bad guy.

The Patrol Special Police has a much different strategy. Our emphasis is not on law enforcement but on crime prevention. Our approach is circular, starting in the neighborhood and ending in the neighborhood. Our job is done before the crime ever happens. Community policing is extremely time intensive. Before we even start to walk a beat, we research the area, find the power players, talk to them about issues in the neighborhood, read the local newspapers, know the beats geographical layout from back alleys, parking lots, exits to buildings, attend association meetings, pass out brochures, cover letters explaining our service, collect business cards, and start an extensive email list. That's before we even start walking a beat. Once we have established a beat, officers are committed to community policing with the emphasis on problem solving and neighborhood outreach: walking their neighborhoods, getting to know people on an individual basis, attending community meetings, escorting employees to their cars at night, securing buildings for night time closing, checking on the well-being of an elderly resident or hot spots in the neighborhood.

Patrol Special Officers also give crime prevention seminars to merchants or neighborhood groups and write police blotters for local neighborhood newsletters. Merchants and residents receive our cell phone number and talk to the officer on duty directly about everyday affairs. We are the embodiment of the broken window theory. But this takes a vast amount of time and energy and consistency is the key.

At a time when the need for community policing in San Francisco has never been greater, the San Francisco Patrol Special Police provides the benefits of community policing without placing an additional financial burden on the tax payer. We offer the best community program available in this city. Although our emphasis is on crime prevention, you may wonder can these officers handle quote, unquote Areal police work?@ Absolutely. When SFPD police officers are understaffed or overworked, the Department has often asked for our assistance. Our officers have proven time and time again that they can and they do help ease the burden by assisting the district stations when they are short-staffed.

To make this point, I would like to read to you a letter written by Sergeant Bob Deltorre, a 33-year veteran of the Police Department.

>I would like to endorse the exceptional work performed by the SFPD Patrol Specials. During the last five years, I was assigned to SFPD's busiest station, Southern Station. I was a platoon commander for the midnight shift on many occasions. Under my command were several patrol specials. Their work was carried out in the most professional way. Not only did they handle calls from merchants who requested their services but these patrol specials went beyond that. They assisted SFPD officers routinely in their daily assignments. Some of the tasks performed by the Patrol Specials were: (1) Handling the majority of burglar alarms in the district. (2) Responding and assisting SFPD officers on felony in-progress calls. (3) Back up SFPD officers on traffic stops. (4) Directed traffic at accidents and fires when requested by supervisors. (5) Frequently assisted SFPD officers gathering witnesses at

crime scenes. And, (6) Arrested dangerous and violent individuals often.

The Patrol Specials were extremely dependable carrying out their job assignments and always followed SFPD protocol. Whenever we needed assistance, it seemed that patrol specials were always there volunteering their services. On one particular night, the patrol specials in the Southern Police District assisted in making five felony arrests, recovered a loaded handgun, conducted five building searches, and backed up officers on 12 separate calls. To say the least, it was a very busy night for the SFPD and the Patrol Specials assisted greatly.

I have personally written five Captain's Commendations for their fine police work.'

Another recent commendation, dated March 4<sup>th</sup> of this month, Captain John Goldberg from Mission Station commended Patrol Special Officer Glen Wilson for his help in the apprehensions of an armed robber. In his memo he wrote:

>This incident was a showcase of teamwork between the patrol specials and a patrol special officer who has always been a valued extra hand at Mission Station.'

On yet another commendation, dated April 25, 2004, Officer Yamaguchi wrote to the district Captain Kathryn Brown:

>I wish to bring to your attention two San Francisco Patrol Specials assigned to Tenderloin Police Station. I'm speaking of Officers Todd Hart and Scott Hart. On the tragic night of April 10, 2004, Officer Espinoza, Badge No. 64, lost his life due to gang violence. During this incident, a police radio broadcast went out requesting a 406, Officer needs emergency help. Officers from all over the city responded to this urgent request for help leaving virtually no officers to cover the district. Due to the shortage of officers, several calls for service went unanswered. Patrol Special Officers Todd Hart and Scott Hart began to respond to calls left pending in the District. I witnessed both officers assist in a large fight at Mission and 4<sup>th</sup> Street, an auto burglary in 10<sup>th</sup> Street, as well as noise complaints at Folsom and Howard. All tolled, I would estimate that both officers handled 15 calls for service and police backup during the early morning hours. If not for the efforts shown by these two officers during that night, the citizens in the Southern and Tenderloin Police Stations would not have had prompt police services.'

All these commendations and many more praise us for rising above the call of duty and assisting the regular police force. We have proven for over 150 years that, not only do we provide a valuable service in community policing, but we assist SFPD by adding additional uniforms to our streets as well.

However, if we are going to reach our full potential and be effective in our neighborhoods, we have some issues, Commissioners, that only you can help us resolve. One of those issues that needs immediate attention are our rules and procedures. Although we are allowed to make arrests, write reports, book evidence at the district level, we are not allowed to, according to our rules and procedures.

For example:

Rule 1.05 states, Patrol Special Officers are not expected to nor shall they engage in general law enforcement duties. Therefore, no need for peace officer status exists.

Rule 4.05, Patrol Specials shall summon a police officer to make

courteous or proper referral whenever a person asks them to accept a report of a police incident.

Rule 4.06, Patrol Specials shall as soon as possible call to the attention of a police officer all incidents requiring police attention.

We tried to follow these rules and so did our immediate supervisors for a while. But because of the fact that we wear a police uniform, we carry a radio, and very visible to the general public by walking our beats, we were always coming in contact with incidents required police attention. Calling on a police officer every time someone needed assistance drained manpower and eventually our rules were virtually ignored.

Another issue that we are having is training. As a direct result of our rules, the Department does not give us any training that would conflict with those rules. Therefore, although the Department is responsible for our training, we're not given POST-certified courses. As outlined by our liaison two weeks ago in front of you, Commissioners, we are trained only on such simple tasks as memo taking and CPR. Even though the rules and procedures implemented by the 1994 Commission were intended to take away our peace officers' status, after 12 years they have failed to do this.

Still and since the rule changed, as a group, we have made hundreds of arrests, filed hundreds of police reports, put hundreds of pieces of evidence, all documented with the supervisor's signature. Even the Police Commission itself has given us awards thanking us for excellent police work. This is a clear indication that we are expected to and do engage in general law enforcement duties. Therefore, peace officers status does exist.

Rules are to be respected but when they outlived their purpose and actually hinder progressive thinking, it is time that they change. According to the Charter, Patrol Special Police Officers are structured within the Police Department. They wear the uniform of the San Francisco Police Department. They wear the insignia of the San Francisco Police Department with the additional words APatrol Special@ at the top, and they have a San Francisco Police identification card and they are under the command of the Police Commission, the Chief of Police, and the hierarchy of the San Francisco Police Department to whom they must answer.

The unequivocal use of both the words Apolice@ and Aofficers,@ singularly and in conjunction, in describing this position in the Police Department is a clear manifestation of the intent of the framers of the Charter to invest Patrol Special Officers with at least some police duties. Therefore, we are not security guards. We are not private patrol operators, and we are not watchmen, and we are not registered with the State under Consumer Affairs. Our Chief is not the Chief of Security Investigative Services. Our Chief is Heather Fong.

In four separate opinions in 1966, in 1969, and in 1980, in 1987, the City Attorney's Office was posed the question Do Patrol Special Police Officers in the City and County of San Francisco have peace officers status? In all four occasions, the conclusion was yes. The last opinion, written by your office, President Renne, came to the following conclusions: (1) The City has the power, under the California Constitution, to provide this Charter for the composition and regulation of its police force. (2) The Charter empowers the Commission to delineate the powers and duties of Patrol Specials including such powers and duties as it would make them city police officers with peace officers status. (3) By adopting the existing rules, the Commission has given Patrol Specials powers and duties that render them peace officers within the meaning of the state law. With respect to this final point, the Commission rule 2.01 grants Patrol Specials express power and duty to prevent crime, protect

life and property, detect and arrest offenders, preserve the public peace, and enforce all penal laws and ordinances.

Last month, during the meeting on the Board of Supervisors select committee on ending gun and gang violence, police officials from the Department's 10 district stations stated that they have over 100 community policing programs in progress and yet, Alan Nance, the Director of the Mayor's Office of Criminal Justice, acknowledged the city's current community policing strategy is not working. It is time, Commissioners, to reach out and form partnerships with all available resources offered in San Francisco to help with this endeavor. This City cannot or should they be expected to carry the burden alone. The Patrol Special Police is prepared to assist in the City's endeavor toward community policing and with your help, Commissioners, we can do this.

We ask for a subcommittee formed by the Police Commission to rewrite our rules and procedures so that they adequately reflect this endeavor. (2) We ask that our officers receive the tools necessary to do the job right and to protect their safety. (3) We ask for more advance training. And, (4) we ask to streamline our hiring so that we have a documented criteria and process that is consistent.

You have the power, Commissioners, to give us the tools necessary to do our job more effectively and to help us both better serve the citizens of San Francisco. If you choose to allow us to continue on this new horizon, we could form public/private partnerships with many city agencies that have asked for our help. One such agency is DPW, and I'm not sure if Chris Montgomery is here ... I would like to introduce to you now, Chris Montgomery. She the Assistant Superintendent from the Department of Public Works. She is here to explain an exciting new direction that community policing has taken in the partnership between Patrol Special Officers and DPW. @

Ms. Chris Montgomery described some of the events in which patrol specials officers have worked with DPW.

Commissioner Renne asked if Patrol Specials are assisting DPW, how is that funded. Ms. Montgomery stated that they are exploring avenues along that line as far as if any tickets are issued, then the Patrol Specials would receive that funding. Ms. Montgomery stated that DPW would not pay the Patrol Specials. Ms. Montgomery stated that they are exploring the idea of Patrol Specials getting a percentage of whatever ticket they have written.

Commissioner Campos stated that he does not feel comfortable with the concept of a percentage because he stated that it creates incentive for people to issue more tickets than maybe they should even if that is not the intent but there would be that perception.

Commissioner Campos stated that the issue of funding is critical and would like to hear what role DPW sees for Patrol Specials. Ms. Montgomery stated that DPW writes their own tickets and the Patrol Specials have observed them for the last years in terms of how they approach merchants, how to give warning and to give merchants and individuals every opportunity to do the right thing. Ms. Montgomery stated that DPW does not have a dedicated staff towards enforcement and believes that consistency is critical.

Commissioner Campos asked about conflict of interest as far as a merchant who does not have a contract versus a merchant who does have a contract in terms of issuing citations. Ms. Montgomery stated that the Patrol Specials did observe them for a year in terms of approaching merchants and that issue was something that they had addressed together and worked out.

Commissioner Renne stated that DPW does not have contracts with merchants. Ms. Montgomery stated that no they don't but they do a lot of regulation in a lot of different areas.

Commissioner Renne stated that DPW does not get a percentage of the tickets. Ms. Montgomery explained that the ticket money comes back to the department to help fund the department.

Ms. Warner introduced Mr. Jim Pastor, a former Chicago police officer. Mr. Pastor talked about private policing. He gave the Commission a copy of his book, *The Privatization of Police in America*.

Commissioner DeJesus asked what happens to merchants who don't pay. Do they not get the services or would they be in a disadvantage. Commissioner DeJesus also asked if Chicago still have private policing. Mr. Pastor said that Chicago still have private policing but it is unregulated. As for merchants who don't pay, they get the ancillary benefit.

Commissioner Renne asked about accountability and have the patrol specials thought about accountability and having the OCC over patrol specials if there are new duties to be performed. Mr. Pastor stated that if the OCC investigates the police, then the OCC should investigate the patrol specials.

Commissioner DeJesus asked about clearance to work as patrol specials and how many patrol specials are waiting for clearance to work a beat. Ms. Warner stated that they have beats that are bought and purchased but there has been confusion about how patrol specials are hired and the process and criteria for doing that. She stated that they have one applicant that's been trying to get in since 2003 and they are not told why it is taking this long. Ms. Warner explained that they report to the district station and they sign in on a nightly basis. Ms. Warner explained that a lot of patrol specials already come with the training and they are supposed to have an updated three-day course from the San Francisco Police Department. But because the rules are in direct conflict with the training because patrol specials cannot engage in any general law enforcement duties, the Department cannot train them for general law enforcement duties.

Commissioner Marshall stated that the concept of police and quasi police does not make sense to him. He stated that this is something that was put in a long time ago under a very different San Francisco and has stayed for whatever reason. Commissioner Marshall would like documents as far as the history of patrol specials with the Police Department.

Commissioner Renne stated that she will volunteer a couple of people, Sergeant Reilly, City Attorney's Office, and a couple of people to prepare some factual historic materials and putting them together.

## PUBLIC COMMENT

Ed Jeum thanked police officers of the city of San Francisco and expressed support for community policing and asked to look at different alternatives.

Richard McGerry, Chair of Steering Committee of Buena Vista Neighborhood Association, expressed support for patrol specials.

Eric Arguello, President of Lower 24<sup>th</sup> Street Neighborhood Association, expressed support for patrol specials.

Dave Cruz stated that patrol specials have been on the city Charter longer than the police department. He expressed support for patrol specials and forming a subcommittee to try to examine how patrol specials can get reintegrated back into the Department.

Mark Schlosberg, ACLU, expressed concerns regarding a traffic officer

getting paid off of tickets that they hand out and for the same reason patrol specials be paid based on the tickets that they've issued. He also expressed concerns regarding accountability. He also suggested that the Commission should solicit opinions from experts.

Unidentified discussed concerns regarding financial problems.

Matt Leroy stated that he has the same concerns as Mr. Schloberg.

David Bach, upper Market/Castro area merchant, stated that he's know Jane Warner for about 15 years and expressed support for patrol specials.

Commissioner Renne announced that the meeting has to adjourn because the Chief and Commissioner Sparks are still downstairs and will be there for awhile. She asked that Commissioner Sparks' resolution be put over.

Commissioner Renne announced that Supervisor Maxwell asked for a joint committee meeting with the Commission and the Board with regard to community policing, crime prevention, and other topics. She stated that at the supervisor's invitation, the Commission ought to accept. She asked Sergeant Reilly to reply in the affirmative to Supervisor's Maxwell's request. Commissioner Renne also announced that she will be out of the country for the next three weeks and that Commissioner Veronese will also be out for the next three weeks and the four remaining Commissioners will be the quorum.

**DISCUSSION AND POSSIBLE ACTION TO ADOPT COMMISSIONER SPARKS' RESOLUTION REQUIRING THE POLICE DEPARTMENT AND THE OFFICE OF CITIZEN COMPLAINTS TO TRACK AND REPORT TO THE POLICE COMMISSION ALL PROPOSALS FOR CHANGES TO POLICE DEPARTMENT GENERAL ORDERS**

Put over to April 5<sup>th</sup>.

**COMMISSION ANNOUNCEMENTS**

Sergeant Reilly announced that the Commission will meet in the Tenderloin District, Community Meeting Room, 201 Turk Street, at 6:00 p.m., on March 29<sup>th</sup>.

**SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS**

Commissioner DeJesus asked about changing one of the Commission meetings to review Department General Orders.

Commissioner Renne stated that that item be put along with Commissioner Sparks' resolution because there are some overlaps.

Motion by Commissioner Marshall, second by Commissioner Campos to adjourn the meeting. Approved 4-0.

Thereafter, the meeting was adjourned at 7:36 p.m.

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Sergeant Joseph Reilly  
Secretary  
San Francisco Police Commission