

JUNE 2, 2004

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton Goodlett Place, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioner Orr-Smith, Chan, Keane, Marshall, Sparks,
Veronese

ABSENT: Commissioner Renne

(Commissioner Renne arrived at 7:40 p.m.)

CHIEF'S REPORT

- a. **Presentation on the Department's preparedness for incidents of terrorism and natural disasters**
- b. **Update on Department's response to ACLU public records request**

Chief Fong stated two items for presentation. First speaker will be Captain Dudley joined by Sergeant John Glischinski, Airport Bureau, and Inspector Jeff Lindberg, Special Investigations Division. The second presentation will be by Captain O'Leary in regards to the ACLU public records request.

Captain Dudley, Special Operations & Security Division (SOS), located at Building 606 in Hunters Point. Captain Dudley described the duties of the SOS. His unit is in charge of planning and preparing for homeland security issues including planning, training, providing equipment and support materials, and grant funding and application. Captain Dudley also described the Crime Prevention Company. The Crime Prevention Company is comprised of the SWAT teams, horses, Hondas, canine officers, Muni Response Team, Marine Unit, and the Explosive Ordinance Device Unit. These are officers and technicians with special training in patrol, crowd control, critical incident response and are responsible for being the first unit to deal with weapons of mass destruction or CBRN, Chemical Biological Radiological Nuclear explosive event. One of the roles of SOS is to liaison with other city departments including the local Office of Emergency Services, the San Francisco Fire Department, the Sheriffs Department, the Public Health, Public Works, Transit Authority, Rec and Park, and others in coordinating disaster response to natural or man made catastrophe. The SOS also work, plan and train with state and federal authorities including the Department of Homeland Security, the FBI, the Joint Terrorism Task Force, and the State Office of Emergency Services.

Captain Dudley talked about the Field Response Guide. He stated that every officer in the Department has been issued this guide that shows the officers the different district station's critical locations, mobilization procedures, general incident response, and other valuable information. One can be made available to the Commission Secretary if the Commissioners would like to see one.

Commissioner Veronese asked about what the Department is doing with other city agencies and is the Department prepared for a natural disaster and what type of relationship exists between the different departments. Captain Dudley stated disaster plans are being revised and a pocket guide is being put together to be issued to different city agencies and commissions that would explain the role of every individuals regardless of their department. Captain Dudley also explained that the Office of Emergency Services (OES) on Turk Street will be activated in case of an emergency, for example an earthquake. The heads from different departments would all go into the OES office and a unified command will be formed.

Commissioner Sparks asked about the disaster response plan. Captain Dudley commended Captain Rick Bruce for laying out a plan for Special Operations and Homeland Security Group. Captain Bruce, right after 2001, tasked each district station captains to come up and identify their critical infrastructure. Captain Bruce also did a city-wide look at critical infrastructure identifying what would be critical to San Francisco. Captain Dudley explained that in the Field Response Guide, every station has identified the critical sites, as far as a communication, food, water, shelter, medical aid. Captain Dudley also explained that the national alert level is still in yellow and stated that his unit talks everyday about response.

Commissioner Orr-Smith asked about new communications equipment that coordinates communications interdepartmentally as a result of the new OES office. Captain Dudley stated it has been addressed but would defer to DTIS to talk about what improvements are going to be made and stated that some funds were reserved for communication. Commissioner Orr-Smith asked how often inter agency drills are held. Captain Dudley stated at least 10 drills to make sure that in an event of an emergency all different groups from different agencies can work together. Commissioner Orr-Smith also asked about neighborhood emergency response teams. Captain Dudley stated that there is a large amount of money going to the fire department to fund more exercises and training and that he believes that the goal is to train 40,000 San Franciscans as part of the grant. He stated it is the best way to educate people in neighborhoods to do CPR, first aid, work a fire extinguishers, et cetera.

Commissioner Veronese asked about the Department relying on a radio station to get officers to respond in case of an emergency. Captain Dudley stated that in an event of a disaster, the radio is one of the few things that will be operating for the public to listen in. There are three alternate stations that would broadcast information and the Chief has authorized five members of the command staff to access the emergency alert system.

Sergeant John Glischinski, Airport Bureau Special Services and Security Unit, described the airport's plan in case of an emergency. He described expansion of the airport and stated it doubled its sized. Sgt. Glischinski stated that SFO is currently the 11th largest airport in the United States and 19th largest in the world. Sgt. Glischinski stated that SFO and BART are named in the top 10 of California's critical assets. He stated that during design of the new international terminal complex, review of security and safety was undertaken. One system put in place was a close circuit television system (CCTV). He stated there are approximately 1400 cameras currently at the airport and an upgrade of the system is currently taking place to bring it in to the digital age.

Within airport bureau there are a number of specialized police teams dedicated to the safety and security of the SFO. He stated that the canine team as 14 explosive trained personnel. He stated that the team is mandated by the TSA (Transportation Security Administration) to cover 20 hours each day, 7 days a week and be available 24/7. He described the canine team and their duties. The EOD team comprised of three personnel that work with Crime Prevention Company EOD team and both are part of the mobile medical task force group comprised of personnel from the fire department, Department of Public Health that are trained to respond to chemical, biological, and radiological incidents. All EOD personnel are trained hazardous material specialists.

Sgt. Glischinski described his duties as the terrorism liaison within the Airport Bureau. He stated that he meets regularly with local and federal law enforcement agencies assigned to the airport which includes the TSA, FBI, Custom Investigation Branch, DEA, Federal Air Marshall, San Mateo County Sheriffs Detective. He keeps Airport Bureau personnel abreast of current

terrorism information.

He also talked about the development of a Security Incident Information System at all airports. He stated that this program is being independently developed by NASA and the purpose will be to solicit confidential incident reports from the transportation security administrative workforce. This program is being developed to replicate the NASA Aviation Safety Reporting System which was developed in 1976 through collaboration with the FAA. The project's goals are to provide a confidential non punitive reporting environment, to gather information on security system events, identify vulnerabilities that may not be discernable through other reporting avenues and alert decision makers to potential problems for appropriate follow-up action. This program is to be rolled out to SFO, Oakland, and San Jose Airports with an expected start date of September 2004.

Commissioner Sparks thanked Sgt. Glischinski for his very informative presentation. Commissioner Sparks also asked about resource availability since the size and staffing of the Airport have almost doubled. Sgt. Glischinski stated that the TSA has geared up at all the airports and have come in to help with security personnel. Also, in June, the Airport will be conducting a vulnerability study and after the study is completed, hopefully more information will be available as to what needs are necessary.

Commissioner Veronese asked about costs associated with federal requirements and if these costs are supplemented in any way? Sergeant Glischinski stated a number of the costs are being picked up by federal grants through the airport.

Commissioner Orr-Smith asked several questions. Sgt. Glischinski stated that the new Operations Center will be operational sometime around September or October. Sgt. Glischinski also stated that EOD stands for Explosive Ordinance Detail.

Captain Dudley explained the duties of the Crime Prevention Company. It is comprised of the SWAT Team, EOD, Hondas, Horses, Canine Unit. They are the technicians specifically trained with incidents talked about but they also have patrol obligations specific to what their individual specialty is.

Sgt. Glischinski also talked about the different agencies operating at the Airport which are the Customs, DEA Task Force, FAA, Federal Air Marshals, FBI. Deputy Chief Pengel stated that there are about 35 agencies. Chief Pengel also stated that the Airport Bureau is funded by the airport and the airport received its funding through the airlines and fees. The federal government will come out with mandate but generally it does not include money. However, there are times when it will and an example is the canine unit. Twenty percent of the cost is reimbursed by FAA. Deputy Chief Pengel commended Sgt. Glischinski for his efforts and stated he is a tremendous asset in the Airport.

Inspector Jeff Lindberg, Special Investigations Division (SID), gave a brief overview of the SID duties. One of the areas SID is responsible for would be confidential or sensitive investigations as it relates to allegations of criminal misconduct on the part of public officials or law enforcement officials. SID is also involved in investigations of any explosives, bomb threats, hate crimes, monitoring and initiating 8.10 investigations, dignitary and public protection. Since 911 SID has resumed responsibilities to terrorist threats. SID is also responsible as a liaison investigative unit with other local, state, and federal officials. Inspector Lindberg talked about the Joint Terrorism Task Force (JTTF) as a valuable component in responding to terrorism. The JTTF is a collaboration of local, state and federal law

enforcement agencies. In the region there are representatives from San Jose, Oakland, San Francisco, San Mateo, state level, FBI, Secret Service, and Marshals Office. He stated there are over 26 agencies involved. Inspector Lindberg stated the SFPD has two full time inspectors that are dedicated to the JTTF. They are assigned and report to the SID.

Commissioner Veronese asked which program is the SID's budget under. Inspector Lindberg stated it is under the Investigations Bureau.

Commissioner Sparks asked about investigations in regards to people of Middle Eastern decent. Inspector Lindberg explained General Order 8.10 which deals with First Amendment Activities and stated that the SFPD fully subscribes and will adhere to General Order 8.10. He stated that the investigative area that the two representatives are in are in criminal investigations only. They conduct strictly criminal investigations. They have been trained in 8.10 issues and they exclude themselves or do not get involved if an 8.10 issue comes up. The investigations they are involved with are strictly criminal in nature and not investigations into person or persons or organizations regarding first amendment activities. If that is the case, they report back to SID. Inspector Lindberg also explained that General Order 8.10 allows for appropriate investigations to occur to safeguard rights of individuals to where the Department is not monitoring political activities or meetings.

Commissioner Orr-Smith asked about personnel under the SID. Inspector Lindberg stated there are 15 investigators within the SID and in addition the SID can call upon assistance from other law enforcement agencies. There are 15 investigators but not full time because they are called upon when situation arises.

Commissioner Orr-Smith asked if the number of hate crimes reducing or declining? Inspector Lindberg stated recently there was a report that recently have been submitted and will get that to the Commission.

(Commissioner Renne arrived at 7:40 p.m.)

Commissioner Renne arrived at 7:40 p.m. and apologized for being late She had to be in court in Sacramento.

PUBLIC COMMENT

None

Captain O'Leary reported regarding the ACLU's public records request. Captain O'Leary described the process of Officer-Involved Shooting (OIS) investigations. He stated that when there is an officer-involved shooting, the primary investigation for the SFPD is conducted by the Homicide Detail. There is parallel criminal investigation by the District Attorney's Office, the OCC is asked to the scene if there is a complaint and they conduct their investigation and the Management Control Division (MCD) conducts an investigation as well. Part of the initial process includes ordering forensic tests and waiting for the medical examiner's report.

The homicide inspector assigned to the case then forwards all material in the case file to the district attorney's office. The district attorney then has many avenues to take. One is to come to a conclusion, based on the information that is forwarded by the homicide inspector, a letter comes back from the district attorney to the police department that states that there is no criminal culpability on the part of the officers. The department then files a report with the Chief of Police. The Homicide Detail will write an OIS report and it will be sent through the chain of command to the Chief of Police. The

district attorney's letter is normally an attachment to that report. The Chief then can order more investigations, order more tests, order further inquiry by the criminal investigations in the case. If the Chief of Police is satisfied with the investigation, she can sign off on the homicide report. That report is forwarded to MCD for review of documents forwarded or investigate the case. MCD's focus is if the shooting is in policy or not in policy then that report is forwarded to the Chief and a summary is written and that summary is forwarded to the Commission.

Captain O'Leary stated that he spent time with the Homicide inspector assigned to the case, his Lieutenant, and his Captain. He also spent the day with members of district attorney's office to discuss and prepare for this presentation. Captain O'Leary stated that the OIS case file is incomplete and that the Department is waiting for the medical examiner's report in this case. In the past the medical examiner's report in police shootings has been issued 60 to 90 days after the incident.

Captain O'Leary also stated that he learned today that there is a private investigator conducting an inquiry into the case and this particular investigator has been locating witnesses and has been asking these witnesses not to cooperate with other investigators.

Captain O'Leary stated that the release of documents from OIS file can taint any unanswered questions that would be generated by the medical examiners report. The Department does intend to answer the ACLU's public record act request but not at this time. Names were released on June 1st. The department do intend to answer the ACLU's request but is not going to release the information today because the Department have not received the medical examiner's report.

Commissioner Keane thanked Captain O'Leary for his report and commended the Department on release of names and on the information released pursuant to the ACLU's request. Commissioner Keane then expressed concerns regarding the Public Affairs press release. Press release is criticized due to other information in the press release regarding the incident. Commissioner Keane stated that the press release could taint witnesses' statements also and asked why this was done. Captain O'Leary stated that the Department is trying to get information out that was promised to the public. In the press release, the department is trying to be open without getting into the "no comment" response.

Commissioner Marshall agreed with Commissioner Keane and expressed concerns about the press release.

Commissioner Veronese criticized the press release and stated he was astonished when he read the press release and hopes that the Public Affairs office have learned a good lesson.

Commissioner Sparks thanked Captain O'Leary and stated when she received the press release she assumed that the Commission will receive the case file because the press release included statements on how the incidents unfolded. Commissioner Sparks asked that General Order 8.11 be revised immediately.

PUBLIC COMMENT

Michael Petralis discussed press release and stated that press release is in department's website and asked that meeting be televised.

Marylon Boyd, mother of Cammerin Boyd, appreciates information obtained from the police. And stated that investigators did not tell witnesses not to talk to other investigators and stated there has been harassment from the

police and asked the Commission to investigate harassment and stated witnesses are not coming forward due to intimidation.

Michelle Shepard, Cammerin Boyd's aunt, addressed concerns regarding the shooting of Cammerin Boyd

Commissioner Renne asked if it is accurate that the press release is on website? Captain O'Leary stated he is not sure. Commissioner Renne asked Captain O'Leary to please review the matter.

OCC DIRECTOR'S REPORT

- a. Review of Recent Activities**
- b. Update of the OCC Budget**
- c. Review of OCC Policy Changes Recommendation**
- d. Presentation on OCC cases that are eight months or older**

Director Allen stated the General Order that Commissioner Sparks spoke of is close to completion. He stated that the Commission will be getting a policy recommendation that is thoroughly researched, put together, reviewed, drafted, redrafted so that the Commission can have something and put on the calendar as action item.

Director Allen gave a brief update on the OCC's Budget. He stated he spoke with Ben Rosenberg and stated that they and will sit down with OCC to make changes with the OCC's budget and hopefully fulfil spots that OCC don't currently have. He stated that should happen within the week.

Director Allen stated that there are 95 cases that are eight months or older. He explained that the OCC has cases that are pending and suspense cases. He explained that suspense cases are cases that have been held up, criminal matters or civil matters. The rest are cases that are just pending final investigations and closure.

Commissioner Keane stated that he gave a proposed resolution to Lt. Geeter relating to proposed reporting that will help the Commission in catching things that might get dismissed because of the statute of limitations and would like it calendared some time in future.

Commissioner Sparks asked regarding the budget and asked the City Attorney to research and draft a proposed resolution that would perform the following functions: (1) It would clearly state that it is the responsibility of the Director of the OCC to prepare the agency's budget and negotiate its final draft directly with the Mayor's Office and Board of Supervisors. (2) Clearly state that neither the Chief of Police nor her designee has the authority to unilaterally modify the OCC's budget without the expressed written permission of the Director of the OCC. (3) Clearly state that although the OCC budget stays as a line item in the budget of the Police Department, it remains a sole responsibility of the Director of the OCC to prepare, negotiate, administer, and track the OCC's budget. City Attorney Mariam Morley will get back to the Commission regarding Commissioner Sparks' request.

Commissioner Veronese asked that in regards to the policy that the MOU and the POA be taken into consideration and he would like some input on the policy that's being put out. Director Allen stated that he will give the policy to the Commission as a discussion item and not an action item until all steps are followed.

Commissioner Sparks asked about supplementary request relative to the OCC's budget. Director Allen stated that because budget was going to print, the OCC will have to wait for the Board of Supervisors to approve the budget but in the mean time he will meet with the Mayor's budget office to

discuss more funding.

PUBLIC COMMENT

Frank Martin Del Campo, Local 790, stated that the OCC is being obstructed by budgetary issues and thanked the Commission for addressing this issue.

COMMISSION ANNOUNCEMENTS

- a. **Notice of assignment and setting of date for hearing on disciplinary charges filed against Officer Bert Filamor (File No. C03-149 JWA)**
- b. **Scheduling of items identified for consideration at future Commission Meetings**

RESOLUTION NO. 51-04

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED IN CASE NO. C03-149 JWA

(Assigned to Commissioner Louise Renne, Resolution No. 51-04)

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

PUBLIC COMMENT

None

Commissioner Renne stated that next week's calendar will be short due to Biotech Conference.

Commissioner Keane asked that proposed resolution regarding OCC and MCD cases be listed as an action item when put on the calendar.

Commissioner Orr-Smith that the SRO MOU seeking input and comments from the Commission be placed on the calendar on June 9th.

Commissioner Orr-Smith would also like a presentation regarding a letter from Dr. Mike Malle regarding arrests of African-American women and asks the Department to give presentation about arrests for narcotic offenses.

Commissioner Orr-Smith asked regarding Charter proposal regarding Anti-Homicide Plan sponsored by Supervisors Maxwell and Daly that involves funding for the Department's Crime Lab and forensic activities. Commissioner Orr-Smith would like to have discussion on this item.

Commissioner Veronese stated the budget item is still an action item.

PUBLIC COMMENT

Mark Schlosberg, ACLU, stated that he noticed that there are a lot of items for future meetings and urged the Commission to put them in two categories. One is discussion of broader issues that are informative in nature and the second is action items on specific policy issues and urged that policy proposals be calendared closer up on the agenda.

APPROVAL OF MINUTES OF THE POLICE COMMISSION MEETING OF MAY 19, 2004

Motion by Commissioner Keane to approve the Police Commission minutes of May 19, 2004. Second by Commissioner Marshall. Approved 7-0.

PUBLIC COMMENT

Michael Petralis discussed concerns regarding his arrest and his FBI files requested that meetings be broadcast.

Kathi Hawkins talked about a young man who wanted to be on the SFPD and stated the he passed all exams and went to Diablo College. She also stated that he was called by the Department for an interview, thinking he was going to be interviewed to be possibly on the police force, but he was arrested because of problems with his girlfriend. She asked that her son be part of the force and asked the Commission if there are any other cases similar to this case.

Chief Fong addressed the Commission and stated that as Chief of the Department she takes full responsibility for the press release that was put out and that the Department will work to ensure that said press release is taken off the website and that future documents do not reflect information that may appear to be conclusive.

Barbara Brose discussed concerns regarding agenda items.

Thereafter, the meeting was adjourned at 7:50 p.m.

Lieutenant Edward Geeter
Secretary
San Francisco Police Commission

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