

**JULY 19, 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, Campos, DeJesus, Marshall, Veronese  
ABSENT: Commissioner Sparks

**PUBLIC COMMENT**

Taken out of order.

**PRESENTATION OF QUARTERLY REPORT - PROVISION OF DOCUMENTS TO THE OFFICE OF CITIZEN COMPLAINTS (JANUARY - MARCH 2006)**

Taken out of order.

Lieutenant Doug Groshong, Legal Division, presented the quarterly report.

**PUBLIC COMMENT**

None

**CONTINUATION OF PRESENTATION BY DIRECTOR ALLEN NANCE OF THE MAYOR'S OFFICE OF CRIMINAL JUSTICE IN REGARDS TO PROPOSALS FOR REVIEW OF THE POLICE DEPARTMENT'S OPERATIONAL AND ORGANIZATIONAL STRUCTURE**

Taken out of order.

Director Allen Nance, Director of the Mayor's Office of Criminal Justice, was present to address any questions.

Commissioner DeJesus asked about recommending names of community group stakeholders. Director Nance stated that he does not have any objections and that any input from community groups are welcome.

Director Nance stated that the Mayor's Office of Criminal Justice does not see this as a separate endeavor and part of the purpose of his coming to the Commission meeting is to engage the Commission so that both are working in collaboration so that priorities that are established are priorities that are shared. He stated that part of what he is trying to accomplish through his presentations is to get to a point where there is a shared vision for the concerns that should be focused on and that there is a shared prioritization of those issues so that the time and resources of the Department, the Commission's, and his office is not wasted.

Commissioner Campos asked about the time line and how it affects the EIS system of the Department. Director Nance stated that what they received from PERF is a conceptual outline and from that outline, it is incumbent upon the City and County of San Francisco to define a scope that it believes is consistent with priorities and time lines relative to what the City would like to achieve.

Commissioner Renne stated that on the issue of the Early Warning System, she actually believes that if the City gets PERF on board, the Department will have such a system sooner because PERF has experts on their staff that had done EIS systems in other cities and PERF can move the process

along more quickly.

Commissioner Renne thanked Mr. Nance for coming.

#### **PUBLIC COMMENT**

Francisco DeCosta stated there are other organizations that can take on this task for less money.

Patricia A. Tulloch discussed concerns regarding killing of unarmed individuals.

Dimone Hale discussed concerns regarding PERF.

#### **PUBLIC COMMENT**

Item recalled.

Elvira Pollard, Gustavos Rugley's mother, discussed concerns regarding her son's case.

Mike Lefiti asked for answers regarding his brother's case.

Dimone Hale asked the Commissioners to look at the evidence in the Lefiti matter.

Wendy discussed concerns regarding actions by the Commissioners and asked the Commissioners for compassion and sympathy.

Commissioner Renne reminded the audience that the Commission cannot engage in dialogue per Commission Rules.

Rudy Corpus asked for justice and asked that the police be held accountable.

Francisco DeCosta discussed concerns and asked for change.

Nance Hernandez discussed concerns regarding actions by police.

David discussed concerns regarding actions by police.

#### **CHIEF'S REPORT**

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

Commissioner Campos asked the Chief regarding inquiries by the families present.

Chief Fong stated that the two cases are under the jurisdiction of the OCC and that she would refer those two cases to Director Allen. The other two cases, Lefiti and Sullivan matter, Chief Fong stated that in both of these cases, the Homicide is currently conducting an investigation and the MCD is also conducting an investigation. Chief Fong stated that, following the Department General Order, she will be reporting back to the Commission in terms of specific time lines and specifics of the case. Chief Fong also stated that in both cases, there is a family liaison that's been designated. Chief Fong stated that in the Sullivan matter, a letter has been forwarded to legal representation. With regards to the Lefiti family, Sgt. Gittens is the Department's liaison to the family and he has had several conversations and most recently it was about a request for a document from another city agency and Sgt. Gittens explain to the family that the Department will continue to requests the other agency's cooperation and assistance but ultimately the Department does not have the jurisdiction to release a document from another city agency. Chief Fong also stated that she has had contact with the family to say that if they have questions to write them down and the Department will tell the family what the Department can answer and cannot answer. If the Department cannot answer, the Department will explain why.

Commissioner DeJesus asked if the Lefiti family received the police report. Chief Fong stated that the report was provided to the family a week and a half ago. Chief Fong explained that within 45 days, if there is not

sufficient information to move the case forward, the lieutenant in charged of the Homicide Unit will come to the Commission to report as far as to the reason why.

Commissioner Marshall expressed frustration as to what the Commission can do. He stated that he does not know how much more can be done. He stated that policies and procedures have been explained over and over and hopes that the community will understand. Commissioner Marshall asked Sgt. Gittens what else can be done. Sgt. Gittens explained that this is a new position that he is in and stated that what he is trying to is to facilitate any requests that the family might have. He explained that his first job was to reach out to members of the family and that he's made contact and been in contact with members of the family. If they have a question, they call him. If he does not have the answers, he gets them the answers.

Commissioner Veronese stated he received a phone call from a father of a hit and run victim that tried to get a police report but was told by the Department that he would have to send a letter in and/or do it by mail. Commissioner Veronese asked if there is a mechanism for sensitive incidents where the police report can be available. Chief Fong explained that when there is an investigation on an incident, it's assigned to an inspector and in this case to the Hit and Run Detail and as a result to that prior to a police report being released the inspector has to review it because the key when there is an investigation, documents cannot be released because it could compromise the investigation.

Commissioner Veronese asked what the Chief is doing to get the trust of the community. Chief Fong stated that the officers of this Department do care. They respond to cases and situations day in and day out and in some situations they would like to do certain things but they, unfortunately, don't have the authority to do. Chief Fong stated that members have to talk to a family member and try to get witnesses and it is those members who have to talk to the family and tell them the bad news that unfortunately the Department cannot prosecute someone at this time because of lack of evidence or the suspect cannot be identified. Chief Fong stated that she reads a lot of letters that states that the Department is not doing enough but the officers have exhausted all the leads and pursued everything that they can. Chief Fong explained that the goal is to find out who is responsible for the crimes, put strong cases together, and move them forward to the District Attorney's Office. That's not something that the Department can do on their own, the Department needs the community to work with the Department.

Commissioner Marshall asked what is thought in the Academy in regards to courtesy. Chief Fong stated that in the Academy, the officers are trained in terms of professionalism and courtesy with the public as well as customer service.

Commissioner DeJesus asked about preserving evidence. Chief Fong explained that when an incident occurs a number of people respond to the scene along with the MCD, OCC, and the District Attorney's office. The homicide inspector will take down information about witnesses and start to conduct the interviews that must occur. The Crime Scene Investigation Unit go out there and take photographs and fingerprints and gather all the evidence. A crime scene log is kept and everything that is obtained in the course of an investigation is documented in the case file and the investigators have to maintain a very clear chronology. Any requests for documents are documented and goes into the case file.

Chief Fong reported on the activation of EOC last week. Chief Fong also reported on the upcoming sergeant's examination in September.

Commissioner Campos asked the Chief for an update on recruitment efforts by the Department. Chief Fong stated that there will be a report on staffing next week.

#### PUBLIC COMMENT

Dimone Hale talked about the incident report and crime scene log provided to the Lefiti family.

Marylon Boyd expressed condolences to the Lefiti family and discussed concerns in the appointment of Sgt. Gittens as family liaison.

Elvira Pollard asked for who does she talk to and would like the police report.

#### **OCC DIRECTOR'S REPORT**

- a. **Review of Recent Activities**
- b. **Presentation of OCC's 2<sup>nd</sup> Quarter Early Warning Report**

and

#### **DISCUSSION REGARDING OCC PRACTICES IN NOTIFYING OFFICERS OF COMPLAINTS**

Director Allen stated that he has spoken with Steve Johnson and asked that this item be put over.

Mr. Steve Johnson stated that he has had no opportunity to sit down with Director Allen.

Commissioner Renne asked to move on since the POA and the OCC was given ample time to meet and discuss this item.

Director Allen presented the OCC's 2<sup>nd</sup> Quarter Early Warning Report.

Commissioner DeJesus asked if the OCC is notified of action done by the Department in regards to the early warning report. Director Allen stated that he is not notified because it is not disciplinary but he does know that people have asked for additional information so he does know that counseling does take place at certain times.

#### PUBLIC COMMENT

Elvira Pollard discussed concerns regarding complaints made with the OCC.

Unidentified discussed concerns regarding not sustained cases by the OCC.

#### **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 DeJesus, second by Commissioner Campos to hold Closed Session. Approved 5-0.

#### **DISCUSSION AND POSSIBLE ACTION TO APPROVE THE CHIEF'S RECOMMENDATION FOR STIPULATED DISPOSITION OF THE DISCIPLINARY CHARGES FILED IN CASE NO. C06-068 JCT**

(Resolution 49-06)

Motion by Commissioner DeJesus, second by Commissioner Campos to accept the Chief's recommendation. Approved 5-0.

and

**DISCUSSION AND POSSIBLE ACTION TO APPROVE THE CHIEF'S RECOMMENDATION FOR STIPULATED DISPOSITION OF THE DISCIPLINARY CHARGES FILED IN CASE NO. C06-069 JCT)**

(Resolution 50-06)

Motion by Commissioner DeJesus, second by Commissioner Marshall to accept the Chief's recommendation. Approved 5-0.

and

**CLOSED SESSION PURSUANT TO GOVERNMENT CODE 54956.9 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d):**

**CONFERENCE WITH LEGAL COUNSEL**

Gustavo A. Cubillo v. City and County of San Francisco, et al., San Francisco Superior Court No. 431-445

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

Motion by Commissioner Marshall, second by Commissioner Campos for non disclosure. Approved 5-0.

**PUBLIC COMMENT**

None

**APPROVAL OF CONSENT CALENDAR**

- a. **Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:**  
**Gustavo A. Cubillo v. City and County of San Francisco, et al., San Francisco Superior No. 431-445**

Motion by Commissioner Campos, second by Commissioner Marshall to approve settlement. Approved 5-0.

**RESOLUTION NO. 48-06**

**GUSTAVO A. CUBILLO v. CITY AND COUNTY OF SAN FRANCISCO et al**

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Gustavo A. Cubillo v. City and County of San Francisco et al.," in San Francisco Superior Court No. 431-445, be, and the same is hereby approved.

Date of Incident: April 30, 2003

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

**APPROVAL OF THE MINUTES FOR THE MEETING OF JULY 5, 2006**

Motion by Commissioner DeJesus, second by Commissioner Marshall

to approve the minutes. Approved 5-0.

**PUBLIC COMMENT**

None

**COMMISSION ANNOUNCEMENTS**

Commissioner Renne asked the Commissioners to read the recommendations by the UCSF Committee and stated that it will be on the agenda for discussion in two weeks.

**PUBLIC COMMENT**

None

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

None

Motion by Commissioner DeJesus, second by Commissioner Marshall to adjourn the meeting. Approved 5-0.

Thereafter, the meeting was adjourned at 8:37 p.m.

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Sergeant Joseph Reilly  
Secretary  
San Francisco Police Commission

1497/rct