

**JANUARY 4, 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 5:44 p.m., in a Regular Meeting.

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

**PUBLIC COMMENT**

Daniel Paez discussed concerns regarding actions by police and video produced by officers.

Unidentified discussed concerns regarding racial profiling by the police.

Meesha Irizarry, Idriss Stelley Foundation, discussed concerns regarding Ace Washington.

Kevin Epps discussed concerns regarding police videos.

Marylon Boyd, Justice for Cammerin Boyd, discussed concerns regarding video tapes and incident involving Ace Washington.

Kati Hawkins Okuri, African American Relations Board, discussed concerns regarding incident involving Ace Washington.

Unidentified discussed concerns regarding incident involving Ace Washington.

Unidentified discussed concerns regarding incident involving Ace Washington.

Unidentified discussed concerns regarding video tapes.

Patricia Tellis, P.O.W.E.R., discussed concerns regarding video tapes and police reform.

Randall Evans discussed concerns regarding incident involving Ace Washington and concerns regarding the Housing Authority.

Unidentified asked that things be made fair and try to make a change.

Harris Edgerly discussed concerns regarding closing of schools in San Francisco and police brutality.

Ace Washington described incident of December 31<sup>st</sup>.

Leroy Moore discussed concerns regarding incident involving Ace Washington.

A.J. Brossan discussed concerns regarding police videos.

Charles Hollis discussed concerns regarding police brutality.

**APPROVAL OF THE CONSENT CALENDAR**

- a. **Request of the Chief of Police for approval to accept a Sony Handycam from the Sharper Image, valued at approximately \$799.00, for use of the Tactical Investigations Unit**

Motion by Commissioner Chan, second by Commissioner Marshall to approve the Consent Calendar. Approved 5-0.

**RESOLUTION NO. 1-06**

**APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT A SONY HANDYCAM FROM THE SHARPER IMAGE, VALUED AT APPROXIMATELY \$799.00, FOR USE OF THE TACTICAL INVESTIGATIONS UNIT**

RESOLVED, that the Police Commission approves the request of the Chief of Police to accept a Sony Handycam from The Sharper Image, valued at approximately \$799.00, for use of the Tactical Investigation Unit.

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

**DISCUSSION AND POSSIBLE ACTION TO PERMIT SEPARATE DISCIPLINARY HEARINGS AND TAKING OF EVIDENCE AS TO CHARGE NO. 1; NEGLIGENCE OF DUTY (FAILING TO FOLLOW VEHICLE PURSUIT POLICY AND DEPARTMENT PROCEDURES IN VIOLATION OF DEPARTMENT GENERAL ORDER 5.05), IN EACH OF THE FOLLOWING CASES: OFFICER JAMES A. O'MALLEY (FILE NO. C05-056 SL); OFFICER TIMOTHY D. PAINE (FILE NO. C05-057 SL); OFFICER FERDINAND DIMAPASOC (FILE NO. C05-058 SL); AND OFFICER OWEN J. SWEENEY III (FILE NO. C05-59 SL)**

Commissioner Chan explained that the reason for this is to effectuate some administrative economy so that the whole Commission would not have to hear as expanded a scope of charges as is currently pending before the Commission and to basically to do more work in the preliminary stages so that when the Commission is ready to hear the balance of the charges, it could confine itself to the major incidents that are alleged.

Commissioner Renne stated that there might be a problem with that.

Deputy City Attorney Molly Stump explained that she believes that the item as calendared would be permissible under the rules. The proposal would be to take the one charge and have it heard by an individual hearing officer.

Commissioner Chan would like to hear and take evidence on the vehicle pursuit charges rather than have the full Commission hear the charge. At the very least, there would be an administrative record already prepared to submit to the full Commission for action if a resolution of the charges was not made at the individual Commissioner's level.

Commissioner Sparks asked if what Commissioner Chan is suggesting is rather than having separate evidentiary hearings for each individual accused, there would be one evidentiary hearing for all at the same time because the charge is the same charge. Commissioner Chan stated that if the Commission would authorize him to do so, he will do that.

Commissioner Renne is concerned that there may be spill-over; that some of the same acts may or may not be related to some of the other charges that are made.

Commissioner Chan explained that the balance of the charges involved is discharged of firearm in a moving vehicle; one of the officers is alleged to have brandished a shotgun. Commissioner Chan stated that the nature of those charges are distinct enough so that the Commission can conduct an orderly hearing purely on the matter of the inappropriate joinder of a police pursuit as charged.

Deputy City Attorney Molly Stump stated that Director Allen is not present tonight and that he does have a concern that there may not be much economy because the evidence may overlap. Ms. Stump asked that perhaps the Commission might want to hear from Director Allen regarding his concern.

Commissioner Renne asked that this item be put over to hear from Director Allen regarding his concerns.

**PUBLIC COMMENT:**

Marylon Boyd, Justice for Cammerin Boyd, stated she has the same concerns as Commissioner Renne and stated that she is opposed to separating any one particular charge and only having one Commissioner listen to all the

evidence. She believes that the entire Commission should listen to all the evidence in the case.

Leroy Moore agrees with Marylon Boyd and asked that the whole Commission look at the whole case.

Commissioner Sparks asked if there has been any legal action to stay the proceeding. Commissioner Chan stated the Commission has not been served with any item that would stay the proceeding.

Motion by Commissioner Sparks, second by Commissioner Marshall to put this item over. Approved 5-0.

### **CHIEF'S REPORT**

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

Chief Fong gave an update on the New Year's festivities. She stated there were very few public safety problems. Chief Fong commended the officers for a job well done.

Chief Fong talked about a one-day application for the position of Community Police Services Aid. Police Services Aid is a consolidation of two positions. It the position of the service aids that work out at SF International Airport as well as non-sworn personnel in police facilities. Chief Fong announced that the exam will be given on January 12<sup>th</sup> at 6:00 p.m., Bill Graham Auditorium. The one-day application will be on Friday, between 8 a.m. and 5 p.m., at the Department of Human Resources, 44 Gough Street, and at SF International Airport Terminal, Lobby 2.

Commissioner Sparks asked about the video that was showed today. Chief Fong stated that the Department was not approached regarding the showing of any video and she does not know what video was shown and cannot speak as to when it was made or whether it was a sanctioned video of the Department.

Commissioner Sparks asked if any or part of the video was made as part of a sanctioned video program that the Department made to highlight the good service of the Department, those segments would be property of the Department and would require permission or sanction from the Department to be shown. Chief Fong stated that her understanding is when something is prepared while under the Department's auspices or being paid as a member of the Department, that it does belong to the Department or the City and County of San Francisco. Commissioner Sparks asked if the Department will investigate the video that was shown today. Chief Fong stated she will be following up on that with Management Control.

Commissioner Veronese asked for a report regarding staffing level. Chief Fong stated that she has a meeting with the Mayor's Budget staff on Friday and there have been a number of plans put in place in terms of additional staffing that would be needed.

Commissioner Veronese asked about increased development and increased burden on the Department. Chief Fong stated that the Department receives EIR, Environmental Impact Report, requests based on new building projects and the Department prepares responses to questions that are posed.

Commissioner Veronese asked about homicides and how San Jose are resolving their homicide cases. Commissioner Veronese also asked for a police report regarding an incident on Market and McAllister at 5:25 p.m, tonight.

Commissioner Chan asked about reconfiguring current police districts.

Chief Fong stated that there a number of items that would have to be considered in terms of redrawing the district boundaries. One of the keys is workload in terms of calls for service and number of incidents reported, and the size of the district. There would have to be a lot of data analyzed in terms of how it could be done. Community groups also have a vested interest as well as District Supervisors.

Commissioner Chan asked about video incident. Chief Fong stated that MCD have been moving forward very deliberately and that she will be briefed by MCD as to their investigation.

Commissioner Chan asked if the Mayor has contacted Chief Fong in regards to the Blue Ribbon Committee. Chief Fong stated that she has not had any further conversations in regards to that.

Commissioner Sparks asked about a review of all 10 district stations and has there been any discussions with the Mayor's office regarding looking into that. Chief Fong stated that when the Department move forward on the entire project, she would look at it in its entirety.

Commissioner Sparks asked about community policing and has the Chief identified additional needs for staffing beyond the 1971. Chief Fong stated that potentially it would require more. All the district captains provides a map with their sector boundaries so that it can be shown how may shifts and on each shift how many radio cars are staffed so that the Department can look at those minimum numbers when you take into consideration that nobody is anywhere but in the station. Another area being looked at is what are the beats that are currently within each and every district and when are they staffed.

Commissioner Veronese stated that 1971 number is a delusional standard. He stated that the Department needs to look at how many officers the City needs whether it's 3000 or 2500, whatever that number is, the Department should set its sights on that number now and start telling the Board and the Mayor that we need those numbers and we need them soon. Chief Fong stated that she agrees with the Commissioner but she also realized, however, that the Department needs to make sure that this is the number it wants but the Department needs to be able to get the applicants, get them through the process in each and every stage and that's why the long term plan to raising the level of staffing to the level that it should be as opposed to a year-to-year plan. The plan that is being worked on is not a one fiscal year plan. It is not going to end at the end of the fiscal year. It's going to be for the next 3 to 5 years and this is the plan that the Department believes need to be funded.

Commissioner Marshall wanted to say that more police doesn't necessarily mean better quality policing. Chief Fong explained that the Department is not only looking at training not only at the Academy level but at the continued professional training level because the Department wants the best quality training so that the officers truly are professional officers working with the community to insure public safety.

PUBLIC COMMENT:

None

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

#### **a. Review of Recent Activities**

None. Director Allen is not able to make the meeting due to illness.

**APPROVAL OF MINUTES FOR THE MEETING OF JULY 13, 2005  
AND JULY 20, 2005**

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

**COMMISSION ANNOUNCEMENTS**

- a. **Assignment of disciplinary charges in Case No. JCT C05-190 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner Campos, Resolution No. 2-06)

Sergeant Reilly announced that the District Meeting will be held in the Mission District on Wednesday, January 25<sup>th</sup>, 6:00 p.m., at the Sanchez Elementary School, 325 Sanchez Street.

**PUBLIC COMMENT:**

None

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

Commissioner Renne announced that next week will be the Lankford matter and the week after that a report from Deputy Chief Tabak.

Commissioner Chan would like a presentation on the matter of the retractable baton.

Motion by Commissioner Chan, second by Commissioner Veronese to adjourn the meeting.

Thereafter, the meeting was adjourned at 7:17 p.m.

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Sergeant Joseph Reilly  
Secretary  
San Francisco Police Commission

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