

**FEBRUARY 2, 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 5:37 p.m., in a Regular Meeting.

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

ABSENT: Commissioner Renne

**PUBLIC COMMENT**

Elizabeth Frantez talked about medical marijuana.

David Parker, applicant with the SFPD, stated that he has taken the test three times. He stated that two times he began the process, passed every components up to the psychological but never received a reply from the Department. He discussed concerns that the Department does not follow through with the hiring process. He stated that he feels that the applicants have gotten the treatment that they deserve.

Heidi Bergren, Bernal Heights resident, thanked the Commission and commended the officers for what they are doing in the community. She stated that there is a lot of crime going on in their community and asked for more officers. She handed the Commission a copy of a letter with signatures asking the Mayor for funding to hire more officers.

Shannon, friend of Sheila Detoy, thanked the Commission for going back the Mission District.

**CHIEF'S REPORT**

- a. **Update on significant policing efforts by Department members**
- b. **Presentation re: Citizens' Academy Program**

Chief Fong updated the Commission on the E-120 entry level examination. She stated that the practice physical agility exam will be this weekend and the following weekend will be the first administration of that exam. From the written exam, there were 1,505 individuals. Moving into the physical agility component are 1,056 individuals.

Officer Rose Melendez, Academy, talked about the Citizens' Academy Program. She explained that this program started in 1994 and about five classes were put through at that time. She stated she took it over in 1997 and revamped the course to make it a more interactive course for the public.

Officer Melendez stated that this is an informational program. This program was opened up to teenagers because she felt it is important for young people to get involved in this course.

This is a 45-hour course, held in the evenings, at the Police Academy. In the course, the community is able to talk to the instructors about specific areas of the Police Department. They get to do hands on activities: conduct an investigation, look at police reports and see how a report goes through the system and also if the police report has enough information to follow it through to the District Attorney's office for prosecution.

They also learn about training and techniques used by the officers. They go through the Firearm Simulation Program, the driving simulator, and they learn about narcotics investigation, domestic violence, elder abuse. It's a mini academy that is open to the public.

Commissioner Keane asked the General Order relating to officer-involved shootings where the general order calls for the officer to be put on administrative reassignment until the investigation is concluded. Chief Fong

stated that she would like to present language to the Commission that until the new general order is adopted that each and every case should be evaluated because each and every case is different. The Chief asked the Commission if she could get back to the Commission next week with an interim protocol that the Department would use pending adoption of 8.11. Commissioner Keane stated that since there is a general order on the books and if tomorrow there were an officer-involved shooting, that the officer should be put on administrative leave in accordance with that policy. Chief Fong asked that she be allowed, as the Chief of Police, to gather the information from the investigators and evaluate each of those scenarios because no shooting is exactly the same as any other shooting. Commissioner Keane stated that he finds it disappointing that the Chief has to be ordered to follow the general order. Chief Fong stated that it is not that she is disobeying the general order but she believes that in terms of these cases and based on the information from other departments, the practice to get an officer back out on the field if certain criteria are met is a better practice than to pull an officer and have that officer sit there. She stated that what is exactly in the general order today has not been followed and yes, a new policy is needed that is consistent and appropriate so that each of these cases can be evaluated appropriately. Chief Fong asked that that policy be calendared next week and if something were to occur between now and next Wednesday, the officer can be considered in administrative capacity until that new policy is brought to the Commission.

Commissioner Veronese stated that when a police officer gets involved in a shooting, there must be some sort of determination as to whether or not there is criminal activity involved in that shooting. He stated that you just can't take an officer off the street for three days and put him through some psychological period and assumed that there was no criminal activity with no determination whatsoever. Commissioner Veronese stated that to do that is to look away from what is potentially a huge liability to the City. Commissioner Veronese asked the Chief that if there is a way to do that, that it be incorporated into the general order. Chief Fong stated that the protocol that will be brought before the Commission does address those areas.

Commissioner Chan thanked the Chief and the Command Staff for walking Chinatown and Irving Street last week for the onset of the New Year season.

Commissioner Orr-Smith acknowledged Deputy Chief Suhr's return from Mount Kilimanjaro and thanked him for representing the Department so well along with Captain Bruce.

#### **PUBLIC COMMENT:**

Steve Johnson, POA, discussed concerns regarding release of names of officers involved in shootings and officers being put on administrative duties. He stated that officer-involved shootings is the last thing that officers want to be involved in.

Elvira Pollard, mother of Gustavos Rugley, stated that she's disappointed and that General Order 8.11 is put in place and not in use. She asked that it be used. She stated that the Citizen's Academy is a waste of tax payer's money.

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

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

Director Allen thanked Fiona Ma for writing an article regarding an Asian American investigator at the OCC.

Director Allen stated that there is 29 people working at the OCC. 1 Filipino; 6 African-Americans; 15 Caucasians; 2 Chinese, 3 Latin Americans;

3 others. The OCC represent eight languages: Cantonese, Mandarin, Burmese, Tagalog, French, German, Russian, English. There's 12 men and 17 women employed at the OCC.

Director Allen stated that he has spoken with Steve Johnson and stated that he is concerned with growing hostility with representatives and OCC investigators during interviews. He asked that a resolution be placed on the agenda in the future on how the OCC can accommodate the police in trying to be interviewed close to their shifts and how the police can accommodate the OCC who, by contract, are working 8 to 5.

Commissioner Orr-Smith asked Director Allen if he has approached the police with a particular protocol or request. Director Allen stated that they have sat down but it is tough because a lot of it is dictated by budget in the City.

Commissioner Chan asked for a draft protocol from the OCC and the Department so the Commission can make a decision.

#### PUBLIC COMMENT:

Steve Johnson, POA, stated that he does not know where the impasse is. He stated that officers work 24/7 and an agency that's opened from 8-5 and try to deal with people who are working on the swing and midnight watch. He stated that the POA has an agreement with the Department to move the officers with a start time of 1800 to accommodate the OCC investigators so that they wouldn't have to stay late.

#### **APPROVAL OF MINUTES FOR THE POLICE COMMISSION MEETING OF NOVEMBER 3, 2004**

Motion by Commissioner Marshall to approve the minutes, second by Commissioner Keane. Approved 6-0.

#### **COMMISSION ANNOUNCEMENTS**

- a. **Assignment of disciplinary charges filed in Case No. C05-008 JWA to an individual Commissioner for the taking of evidence on a date to be determined by the Commission** (Assigned to Commissioner Keane, Resolution No. 7-05)

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

Commissioner Chan requested that Sergeant Reilly inquire as to the extent of the Department's use of Gang Registry, pursuant to Penal Code section 186.20, and subsequent Chapter 11, Street Terrorism Enforcement Act, with specific attention to the legalization of section 186.30.b.3, and Health and Safety Codes sections 11590 regarding the registration for individuals convicted of certain drug offenses. He asked that a letter be directed to the City Attorney's office with regard to the involvement of that office or a report from Ms. Morley at a subsequent meeting regarding the City Attorney's office involvement with respect to obtaining a civil gang injunction.

Commissioner Chan also asked about the DROP Program and asked if the advice of the City Attorney has been obtained.

Commissioner Chan would like a close session discussion regarding cases pending before the Commission and the matter of the parameters by which the Commission would consider settlements that are proposed. Commissioner Chan stated that recent developments in regard to a couple of cases indicate to him that there may be a lack of clarity as to those cases that

are right for disposal by the Commission pursuant to a stipulated settlement by the parties before the Commission.

PUBLIC COMMENT:

Unidentified asked why the Commission meeting is not on the air anymore.

Unidentified discussed concerns regarding officers involved in shootings not being transferred off the street.

Thereafter, the meeting was adjourned at 6:43 p.m.

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Sergeant Joseph Reilly  
Secretary  
San Francisco Police Commission

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