

AUGUST 17, 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 5:39 p.m., in a Regular Meeting.

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

PUBLIC COMMENT

Lorraine Altamirano discussed concerns regarding the Sheila Detoymatter.

HEARING ON THE DISCIPLINARY CHARGES FILED IN CASE NO. C04-074 EGF, FILED 05/11/04, DISCUSSION AND POSSIBLE ACTION TO DISPOSE OF THE CHARGES

(The Nelson proceedings were taken in shorthand form by Ms. Dawn Sandler, CSR., Roomian & Associates.)

and

CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 5496.9 AND 54957(b)(1) AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(b) & (d)

a. Disciplinary Charges filed in Case No. C04-074 EGF

CONFERENCE WITH LEGAL COUNSEL

b. Raymond Nario v. CCSF et. al., USDC No. C05-1394 JSW

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Unidentified, Libertarian Party SF, discussed concerns that matters in regards to police discipline be discussed in Open Session.

VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER WITH LEGAL COUNSEL. (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d))

Motion by Commissioner Keane, second by Commissioner Orr-Smith to hold Closed Session. Approved 5-0.

a. Disciplinary Charges filed in Case No. C04-074 EGF

CONFERENCE WITH LEGAL COUNSEL

b. Raymond Nario v. CCSF et. al., USDC No. C05-1394 JSW

HEARING IN CASE NO. C04-074 EGF)

Ms. Susan Leff, Attorney at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

The officer appeared in person and was represented by Mr. Leland Davis, III, Attorney at Law.

The Commission deliberated and returned with the following decisions:

The Commission finds that the allegations contained in Charge Nos. 1

and 3 as preferred by the Chief of Police against the officer are not sustained; *(The Commission voted as follows in regards to Charge No. 1: Commissioner Renne, Aye; Commissioner Chan, No; Commissioner Orr-Smith, No; Commissioner Marshall, Aye; Commissioner Keane, No. (The Commission voted as follows in regards to Charge No. 3): Commissioner Renne, No; Commissioner Chan, No; Commissioner Marshall, No, Commissioner Orr-Smith, No; Commissioner Keane, No.)*

The Commission finds that the allegations contained in Charge No. 2 as preferred by the Chief of Police against the officer are sustained; *(The Commission voted as follows in regards to Charge No. 2): Commissioner Renne, No; Commissioner Chan, Aye; Commissioner Marshall, Aye; Commissioner Keane Aye; Commissioner Orr-Smith, Aye;*

The Commission asked the Chief for a recommendation with regard to the sustained charge. Chief Fong stated that she will be ready with a recommendation by next week.

Commissioner Renne asked that the matter be continued for next week for disposition and asked the City Attorney to draw up the findings.

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

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

APPROVAL OF CONSENT CALENDAR

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

RESOLUTION NO. 56-05

RAYMOND NARIO v. CCSF et. al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Raymond Nario v. CCSF & Reynaldo Vargas" in United States District Court Case No. C05-1394 JSW, be, and the same are hereby approved.

Date of Incident: October 20, 2002

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

RESOLUTION NO. 57-05

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO ACCEPT GIFTS FROM THE SAN FRANCISCO CLEAN CITY COALITION EXECUTIVE DIRECTOR GIA GRANT, VALUED AT \$6,239.45, FOR THE SFPD GRAFFITI ABATEMENT UNIT

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept the following gifts from the San Francisco Clean City Coalition Executive Director Gia Grant, valued at \$6,239.45, for the SFPD Graffiti Abatement Unit: 1 Sony Vio Laptop computer; 5 Sony Digital Cameras; 5 Sandisk Memory Sticks; 2 Dynex 7 port USB Hub; 1 Optoma Projector; 1 Kensington Wireless Presenter; 1 Microsoft Wireless Mouse; 1 GS 4 to 4 pin Fire Cable; 1 Sony DCR-HC21 Video Camera; 1

package Sony Mini DV Tapes; 1 HP6210 Printer; 1 16' USB Cable; 1 Dazzle Creater Program; and 1 Dynex External Floppy

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

ABSENT: Commissioners Spark, Veronese

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Chief Fong reported on incidents that happened in the Mission District where two officers were injured during an anti war demonstration. Chief Fong stated that she has done a review for the sole purpose of strengthening not only officers' safety but citizens' safety during these demonstrations. Based upon this review, the Chief made the following recommendations, some of which have been instituted and some which will be instituted in the days to come. The following recommendations are:

- (1) Prior to any event such as a march or demonstration, it's important to preplan and to come up with contingency plans in order to address the fluidity of the demonstration.
- (2) The expansion of training at the unit level in terms of crowd control as well as crowd management.
- (3) The event commander should have an overview, global perspective, what is occurring in terms of the march or demonstration.
- (4) Safety Equipment for the officers.
- (5) Ensure that officers assigned to patrol duties in a district are updated on special events that are occurring in their district.
- (6) Dispatching officers on patrol to calls for service. On a normal basis, an officer arrives at a call for service and they can press a button on their computer that tells dispatch that they are on scene. Whenever an officer or a patrol unit is assigned to a call that is in a general vicinity of where a special event may be occurring or may have some relationship to that special event, the Department will require that the officers announce that they are on scene over the radio.
- (7) The permit process is another area. In the Municipal Police Code there is a provision for permits for marches for parades. However, there's been a lot of questions about what constitutes a First Amendment Right to free speech and what is the requirement that says you must obtain a permit.
- (8) The Chief stated that she will seek funding to put in-car video cameras in all of the fleet, in not only the radio cars but also the unmarked units.

Commissioner Orr-Smith stated that in-car video cameras are a key tool that the department can use to protect its officers and to monitor events. Commissioner Orr-Smith asked how the investigation is going. Chief Fong stated that the Department is still attempting to identify those people who were at the scene of the attack and the Department is working diligently on following up on leads that have come in.

Commissioner Marshall suggested that on the reporting form with regard to whether an injury occurred, there is a yes or no. Commissioner Marshall suggested that there should be an I don't know added to that because that was part of testimony in this particular case. Commissioner Marshall also

suggested that language in regards to procedures on the use of a baton should be reconciled because it was confusing. Chief Fong stated that she will review the Crowd Control Manual to make sure that language is consistent with what officers are being taught. Chief Fong also stated that with regards to the Use of Force Log, there now is an “Unknown” box.

Commissioner Chan expressed his appreciation to the Chief and the Command Staff for approaching the aftermath of the incident in a serious and thoughtful way.

PUBLIC COMMENT

None

OCC DIRECTOR’S REPORT

a. Review of Recent Activities

Director Allen stated that he wants Chief Fong to know that the OCC is available and that if she needs information from the OCC, they are available.

Director Allen commended Attorney Susan Leff and Attorney Jean Field for jobs well done.

Commissioner Orr-Smith thanked Ms. Leff for a great presentation.

PUBLIC COMMENT

None

COMMISSION ANNOUNCEMENTS

a. Discussion of the function of the General Orders Review Committee

Commissioner Renne explained that the purpose of sending the memo was to give an outline and some suggestions of the way in which the Committee ought to move forward.

PUBLIC COMMENT

None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Chan asked for a report from the Arson Detail in regards to the nature of its functions.

Sergeant Reilly announced that on August 31st, the Commission will meet in the Ingleside District, James Denman Middle School, 241 Oneida Avenue, at 6 p.m.

PUBLIC COMMENT

Steve Currie, Outer Mission Residence Association, stated that his group voted unanimously to support the Police Department and encourage Mayor Newsom to put in more surveillance cameras throughout the city and asked for a presentation from the Department in regards to surveillance cameras in the Ingleside District.

Motion by Commissioner Orr-Smith, second by Commissioner Marshall to adjourn the meeting.

Thereafter, the meeting was adjourned at 9:08 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

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