

OCTOBER 6, 2010

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 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Mazzucco, DeJesus, Chan, Hammer, Kingsley
Slaughter

ABSENT: Commissioner Marshall

(Commissioner DeJesus arrived at 5:43 p.m.)

**DISCUSSION REGARDING REVISION PROPOSALS FOR
DEPARTMENT GENERAL ORDERS 6.16, "SEXUAL ASSAULT," AND
8.10, "GUIDELINES FOR FIRST AMENDMENT ACTIVITIES"**

Commissioner Mazzucco announced that this item will be continued at a later date.

Commissioner Hammer suggested that DGO 6.16 to November 10th.

Commissioner Mazzucco introduced Commissioner Jamie Slaughter who went on to give a brief bio.

APPROVAL OF CONSENT CALENDAR

- **Request of Inspector John P. Keane to accept gift of seven (7) handmade rosary beads from Mr. William Shultheis**

Motion by Commissioner Hammer, second by Commissioner Chan.
Approved 6-0.

PUBLIC COMMENT

Unidentified discussed concerns regarding abuse against children.

Doug Millar discussed concerns regarding three homicides.

Unidentified read a bible passage and discussed concerns regarding shooting of Ms. Sheehan.

Ray Hartz, SF Open Government, discussed concerns regarding filing a complaint with the Sunshine Ordinance Task Force.

Clyde discussed transparency regarding officer involved shooting in the Central.

Raj Naicher discussed concerns regarding mind control weapons.

Unidentified discussed concerns.

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**

Chief Gascón reported that he was at Yale for a conference regarding immigration. The Chief then gave a brief update on crime stats: 9 percent reduction on total part I crimes; 10 percent decrease in property crime; slight increase in violent crime from 504 last year to 553 year to date; homicide is even 37 from last year to 37 this year.

The Chief addressed concerns regarding reduction in resources and explained that the Department in the current fiscal year has a number of reductions including the number of officers and overtime. The Chief stated that the reality is that crime is down and because of this it gives the Department the flexibility to move resources where it is needed and the Chief stated that even though the Department has less resources today, crime is down as compared to two years ago. The Chief stated that he is more concern as to what will happen in

the next two years when there will be a significant number of personnel reduction due to retirement.

b. OCC Director's Report
- Review of recent activities

Director Hicks reported that complaints are down 15 percent but sustained cases are up 26 percent. She will give a more detailed statistical report at the meeting of October 20th.

Director Hicks reported that there were 43 mediations year to date. Director Hicks went on to talk about the NACOLE Conference attended by her and her staff.

Commissioner Mazzucco asked if Department personnel were compensated for attending the NACOLE Conference and asked if OCC personnel, who attended at their own expense, can be reimbursed.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports
- Status of Commission Case Docket

Commissioner Mazzucco talked about the Commission retreat and thanked former Commissioner Peter Keane for his help in facilitating the retreat, and thanked Chief Gascón and Director Hicks for their attendance, and thanked Commissioners Chan and Kingsley for organizing the event.

Motion by Commissioner Chan to give a certificate to former Commissioner Keane for a job well done. Second by Commissioner Hammer. Approved 6-0.

Commissioner Chan reported that the Human Right Commission held a hearing on surveillance and racial profiling on September 23rd at City Hall. Commissioner Chan stated that there was about three hours of public testimony, including expert testimony from ACLU.

Commissioner DeJesus stated that she attended this meeting and asked that DGOs 8.10 and 5.17 be on the calendar for October 27th.

PUBLIC COMMENT

Ray Hartz, Open Government, discussed the OCC report and why complaints are down.

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE DEPARTMENT'S RECOMMENDATION DENYING REQUEST OF ASSISTANT PATROL SPECIAL OFFICER RAY CASTILLO, #2504, TO PURCHASE BEAT #72 FROM RESIGNED PATROL SPECIAL OFFICER HANLEY CHAN

Sergeant Robert Yick presented the report regarding the sale of Beat #72, and concluded that there is some question as to the amount of \$20.00 for the beat sale and stated that the Department's concern is is this a final sale or is there financial consideration in the future and the Department does not authorize the sale of Beat #72 for \$20.00 to another patrol special. Former Patrol Special Hanley Chan stated that he is fed up of the business and just wanted to sell the beat to a good friend who will take care of his clients.

Commissioner Mazzucco stated that he will contact the City Attorney to discuss this issue and to look closer at the sale for \$20.00 because it doesn't make sense to sell a beat for \$20.00 that is worth significantly more and it causes people to believe that there may be more incentives down the road or ulterior motive.

Commissioner Mazzucco would like to put this item back on calendar in two weeks and would like a report from the Department. The Commissioner also wants to have a conference call on Friday and asked the attorney for Mr. Chan to be present for the conference call.

Commissioner DeJesus asked if the contracts are frozen pending the beat sale. Mr. Castillo stated that he is in negotiations for contracts pending the beat sale.

Commissioner Hammer asked if the beat is being served. Mr. Castillo stated that he is working the beat and that there are current contracts on the beat. Commissioner Hammer suggested that

Commissioner Slaughter asked if the beat is being serviced now, to whom are the payments made. Mr. Castillo stated that he has not received any payments and is hoping that this issue will be resolved today.

Commissioner Mazzucco asked that Mr. Castillo cease to work the beat until the conference call on Friday, at 10:00 a.m. Item continued to October 27th.

PUBLIC COMMENT

Ann Grogan spoke on behalf of Mr. Castillo.
Joseph Ligana discussed concerns.

ROUTINE ADMINISTRATIVE BUSINESS

- a. **Commission Announcements**
- b. **Scheduling of items identified for consideration at future Commission Meetings**

Commissioner Mazzucco would like some of the priorities discussed at the retreat be calendared in November and December.

PUBLIC COMMENT

None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Ray Hartz discussed concerns in regards to election of commission officers.

Joseph Ligana discussed concerns regarding closed session and that the public should know about officers being disciplined.

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Chan.
Approved 6-0.

CLOSED SESSION

- a. **PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in the following disciplinary cases to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner:**
 - Case No. IVF C10-219** (Assigned to Commissioner Slaughter, Resolution No. 100-10)
 - Case No. IVF C10-220** (Assigned to Commissioner Slaughter, Resolution No. 101-10)
 - Case No. ALW C10-196** (Assigned to Commissioner Kingston, Resolution No. 102-10)
- (PRESENT: Commissioners Mazzucco, DeJesus, Chan, Hammer, Kingsley, Slaughter, Chief Gascón, Deputy City Attorney Blits, Attorney Chastie, Attorney

Hechler, Attorney Fortes, Mr. Steve Johnson, Lieutenant Reilly, Lieutenant Falvey, & members involved)

**b. PUBLIC EMPLOYEE EVALUATION: Chief of Police
Review of findings and decision to return officer to duty following
officer-involved shooting (OIS Case No. 10-009)**

PRESENT: Commissioners Mazzucco, DeJesus, Chan, Hammer, Kingsley, Slaughter, Chief Gascón, Lieutenant Reilly, Lieutenant Falvey, & Inspector Nevin)

**c. PERSONNEL EXCEPTION: Discussion and possible action to adopt
proposed Findings of Fact granting Motion to Dismiss filed in
Disciplinary Case No. IVF C10-059, heard September 15, 2010**

(PRESENT: Commissioners Mazzucco, DeJesus, Chan, Hammer, Kingsley, Slaughter, Chief Gascón, Deputy City Attorney Blits, Lieutenant Reilly, Lieutenant Falvey)

Calendar matter for future date.

**d. PERSONNEL EXCEPTION: Hearing of an Appeal of the Chief's
Suspension and possible action to sustain or not sustain the Chief's
discipline as filed in Case No. D03-364 JWA (Resolution No. 103-10)**

(PRESENT: Commissioners Mazzucco, DeJesus, Chan, Hammer, Kingsley, Chief Gascón, Deputy City Attorney Blits, Lieutenant Reilly, Lieutenant Falvey, Attorney Fortes, Attorney Nicco, & member involved

RECUSED: Commissioner Slaughter)

**VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL
DISCUSSION HELD IN CLOSED SESSION**

Motion by Commissioner DeJesus, second by Commissioner Mazzucco for non disclosure. Approved 6-0.

PUBLIC COMMENT

Joseph Ligana stated that closed session should not be allowed.

ELECTION OF COMMISSION OFFICERS

Motion by Commissioner Mazzucco to move this item to next week, second by Commissioner DeJesus. Approved 6-0.

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner DeJesus. Approved 6-0.

Thereafter, the meeting was adjourned at 9:10 p.m.

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission