

NOVEMBER 8, 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 5:37 p.m., in a Regular Meeting.

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

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner DeJesus, second by Commissioner Lee to hold Closed Session. Approved 5-0.

CLOSED SESSION

Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1);
CONFERENCE WITH LEGAL COUNSEL
Omari McGee v. City and County of San Francisco, et al., USDC No. C06-1621 CRB

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

Motion by Commissioner DeJesus, second by Commissioner Sparks not to disclose discussion held in Closed Session. Approved 5-0.

PUBLIC COMMENT

Marlon Coats discussed the SRO summit.
Mark Schlosberg discussed concerns regarding resolution for stipulated dispositions.

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:
Omari McGee v. City and County of San Francisco, et al., USDC No. C06-1621 CRB

Motion by Commissioner Lee, second by Commissioner DeJesus to approve the Consent Calendar. Approved 5-0.

RESOLUTION NO. 68-06

OMARI MCGEE v. CITY AND COUNTY OF SAN FRANCISCO, ET AL.

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Omari McGee v. City and County of San Francisco, et al.," in USDC No. C06-1621 CRB, be, and the same is hereby approved.

Date of Incident: August 27, 2005

AYES: Commissioners Campos, DeJesus, Lee, Sparks, Veronese

ABSENT: Commissioners Renne, Marshall

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Chief Fong thanked the Commission for attending the Wall of Honor Ceremony for Sergeant Tsujimoto.

Chief Fong introduced Deputy Chief Tabak to brief the Commission regarding an arrest made of a suspect involved in a homicide that occurred November 4th of last year. Chief Tabak stated that this is a horrific homicide where a 51-year old female was literally thrown out of a 6th floor window. Chief Tabak stated that the suspect was arrested yesterday. Chief Tabak stated that most of the evidence was gleaned from DNA and additional interviews of witnesses.

Chief Tabak also talked about his participation in the annual statewide California Association of Crime Lab Directors conference.

Chief Tabak also talked about shooting incident that occurred Halloween night. Chief Tabak stated that this is not a gang-related shooting. This was a spontaneous event. Chief Tabak stated that the Department have identified several of the victims and also the suspect.

Commissioner Veronese discussed his concerns regarding the Ramirez article in the Chronicle. Commissioner Veronese would like a presentation from the Chief as to what investigation the Department has conducted in regards to the Ramirez matter; what information did the Department know; and at what level of rank any member of the Department knew; and, what the Department is continuing to do to discover information in regards to what may or may not have happened in Southeast Asia.

Commissioner Sparks asked about the video investigation and when will it be ready. Chief Fong stated that the conclusions of the investigations have been reviewed and the recommendations have been forwarded for final completion in terms of documentation of the next steps. Chief Fong stated that she will work with the City Attorney's Office in terms of the most appropriate fashion of advising the public without violating any laws.

Commissioner Campos asked for an update on the status of the foot patrol legislation. Chief Fong stated that the legislation returns to the full Board to see if the Mayor's veto stands or overturned.

PUBLIC COMMENT

None

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Ms. Jean Field, for Director Allen, stated that Director Allen will be back on Monday. Ms. Field just followed up on some questions asked by the Commission last week. The first question was about a burglary that occurred at the OCC offices. Ms. Field stated that the OCC works with the Department, with the landlord, with the tenants in the area, and they have instituted a number of increased security to the building. Ms. Field also stated that the file room is locked separately so that it is inaccessible at night. The OCC office is slated to move office buildings to 25 Van Ness some time within the year.

Ms. Field also talked about the status of the Controller's Performance Audit. She stated that she contacted the member of the Controller's team who was conducting the audit and he informed her that there have been some delays

unrelated to the OCC audit but that they plan to have a first draft ready for an internal review on November 14th.

Commissioner DeJesus suggested hiring a security guard for nights when staff needs to work to make the employees feel safe.

Commissioner Campos agrees with Commissioner DeJesus.

Commissioner Veronese asked if the OCC ever considered having their offices closer to the Police Department to make it easier for the investigators and the Department to interact with each other. Ms. Field stated the OCC does try to stay in proximity with the Department but they also want a safe and secure location for civilians to come to their offices and for the investigators to be able to do their work.

PUBLIC COMMENT:

None

STATUS REPORT REGARDING DEPARTMENT GENERAL ORDER 3.19, "EARLY INTERVENTION SYSTEM"

Deputy Chief Keohane gave an update on DGO 3.19, "Early Intervention System." Chief Keohane stated that he has had meetings with stakeholders and with the ACLU. He stated that Mr. Schlossberg has reviewed the order and have agreed to many of the issues within the order. Chief Keohane stated that Mr. Schlossberg has some concerns and will be addressed when the final order is presented to the Commission. Chief Keohane stated he met with the POA and they brought some valid concerns regarding some of the language regarding point values and that language is going to be changed.

Chief Keohane stated that on Wednesday, November 1st, the Department issue an RFP for the proposal and the last day for intent of bids will be due on Monday, December 4th. On December 15th, the unit will be initiated and begin looking at all the measures that are tracked. Proposed start date will be Monday, February 5, 2007.

Commissioner DeJesus asked about the RFP. Chief Keohane stated that technology was requested.

Commissioner Veronese asked about tracking of only two years. Deputy Chief Keohane stated that two years for a citizen complaint is a valid measure. Commissioner Veronese asked if one incident is very blatant as opposed to three incidents that may be developing a pattern or if there is an incident that requires special attention, how is that special attention brought to the Early Intervention System. Chief Keohane stated that OCC complaints would be addressed through the complaint process but in order to see a pattern whether any corrective action was taken, the Department would wait until there are three or more of those complaints to see if there is a pattern of those kinds of complaints. Chief Keohane stated that it does not mean that the Department is ignoring that one situation but it would not be addressed through this order. It still would be investigated.

Commissioner DeJesus asked about the point values. Deputy Chief Keohane stated that the individual indicators will not have different point values.

Mr. Mark Schlossberg, ACLU, stated that he thinks that there is a lot of good in the draft. He stressed the importance of the auditing factors. He stated that it is important that the Commission understands that the audits that are going to be done are really essential to the system functioning properly. He also talked about the associated factors, numbers 12 through 14. He stated that

he understands the reasons why the Department thinks they should be indicators at this time. He also discussed concerns regarding the POA waiting to enter an OCC complaint until a certain screening process is done because the idea is for this to be an early intervention system and some complaints take quite a long time for the OCC to investigate.

Mr. Steve Johnson, POA, explained that the OCC has to comply with DGO 2.04 under preliminary investigations and the OCC is not doing that right now. Mr. Johnson also stated that the POA is also concern about pursuit as an indicator. He also talked about 243s, Assault against Police Officers, should be counted as a secondary criteria.

Commissioner DeJesus talked about footnotes 12, 13, and 14.

Commissioner Veronese asked about factors 1 and 2 regarding citizen initiated commendations and department commendations. Chief Keohane explained that this is a performance measurement and the Department wants to show that it is balanced and that the Department is not just looking for things that may cause problems but the Department also wants to recognize good work. This system also validates proper performance.

Commissioner Lee asked about the proposed makeup of panel board and have the Department considered a civilian. Chief Keohane stated that, after speaking with stakeholders, they have determined that as long as the meetings are opened to the public that another member was not required.

Mr. Steve Johnson talked about the 148s and 243s and the concern about running one-officer cars. Mr. Johnson stated that the officers do not have any control over 148s and 243s.

Mr. Schlossberg stated that 148s and 243s are listed as associated factors.

PUBLIC COMMENT:

Ace Washington discussed his concerns regarding panel members.

John Tenant, SFPOA counsel, stated that they are working with the Department to iron out differences but also stated that if agreement is not reached they have to go to arbitration under the City Charter before the EIS can be implemented.

Commissioner Sparks asked the City Attorney to prepare an overview of what that would look like and possible explanation of the MOU.

APPROVAL OF THE MINUTES FOR THE MEETINGS OF OCTOBER 11TH, 18TH, AND 25, 2006

Motion by Commissioner DeJesus, second by Commissioner Lee.
Approved 4-0.

COMMISSION ANNOUNCEMENTS

None.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Veronese asked for the Commission to meet in Closed Session to discussed the Ramirez incident as soon as possible.

ADJOURNMENT

Motion by Commissioner DeJesus, second by Commissioner Veronese.

Approved 4-0.

Thereafter, the meeting was adjourned at 7:20 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct