

NOVEMBER 10, 2004

CLOSED SESSION

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 5:16 p.m., in Closed Session.

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

CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d)

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

a. Paul R. Lozada v. CCSF, San Francisco Superior Court No. 03-425888

NOVEMBER 10, 2004

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 6:00 p.m., in a Regular Meeting.

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

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 Keane not to disclose any or all discussion held in Closed Session. Second by Commissioner Marshall. Approved 6-0.

PUBLIC COMMENT

Unidentified discussed concerns regarding shooting incidents in San Francisco and asked the Commission for crime mapping of these incidents.

Shannon Altamorenno, friend of Sheila Detoy, showed the Commission a picture of Sheila Detoy and asked the Commission to remember what happened to her and asked the Commission that officers involved be disciplined.

Commissioner Keane asked to see the picture of Ms. Detoy.

David Pilpel asked the Commission, due to the recent budget cuts, to consider meeting on the first and third Wednesdays and have the community meetings on the fourth Wednesday and taking the second week off.

CHIEF'S REPORT

a. Review of Recent Activities

Chief Fong reported on the good work done by the officers in the different districts during the past week. Chief Fong also announced that on November 16th the applications for Q-2 Police Officer position will be available. She also stated that every district stations will have applications along with different community organizations.

Commissioner Orr-Smith asked, with respect to the budget, how are demonstrations funded and is there adequate funding. Chief Fong stated that the Department is funded to provide all the services that is necessary. If there is a demonstration, the Department does not ask for additional funding, the Department uses on-duty resources with out stripping outlying stations.

Commissioner Sparks thanked Chief Fong, Deputy Chief Parra, and Lt. Schmitt for detailing officers for the recruiting efforts. Commissioner Sparks also referred to a newspaper article regarding violence in the Bayview, Visitation Valley, and Excelsior. Commissioner Sparks stated that it seemed to be a high level of violence for a weekend. Commissioner Sparks asked if the Department is doing something specific in the Southeast part of the City to address these issues. Chief Fong stated that the Department is trying a number of initiatives in order to reduce the level of violence. Chief Fong explained that every District Captain has plans in place. There are officers assigned to the different housing communities and, in addition to that, the officers at the district stations are supported by the members of the Gang Task Force. Chief Fong stated that with the help of the community, violence can be stopped. Chief Fong explained that there is an improvement in communication and community involvement but it's a slow process.

Commissioner Veronese asked about the \$3 million budget cut. Chief Fong stated that the Department is still working with the Mayor's Budget Office to try to figure out how that \$3 million can be cut. Commissioner Veronese also asked for an update on the various shootings that have occurred over the years that have not been resolved. Chief Fong stated that in the Commission's packet on Friday, the Commission will have an updated list.

Commissioner Chan asked about civil gang injunctions. Chief Fong stated that the Department did do a following on Commissioner Chan's inquiry and the Chief stated that there is training next week to talk about civil injunctions in terms of such cases and Lt. Murphy, Gang Task Force, will be participating in that training so that the Department can work with the City Attorney's Office to figure out how to approach that.

Commissioner Keane requested for a two-line summary in regards to the OIS report that the Department will be including in the Commission's packet on Friday.

Commissioner Sparks asked if it is possible for the Department to contact the District Attorney's office in regards to the status of the Cammerin Boyd incident and report back to the Commission. Chief Fong stated that the Department have been checking on a weekly basis and will check again and report back to the Commission next week.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Director Allen stated the OCC monitored a rally for the campaign for justice for Cammerin Boyd. The OCC also monitored an antiwar rally and stated that there were no incidents.

Public Comment:

None.

STRUCTURED REVIEW OF OCC POLICY RECOMMENDATIONS PRESENTED TO THE POLICE DEPARTMENT FROM 1999 TO PRESENT

Director Allen explained the packets presented to the Commission in regards to OCC Policy Recommendations presented to the Department from 1999 to present.

Director Allen discussed Policy Recommendations 04/#01, Officer-Involved Shootings and In-Custody Deaths. Director Allen stated that the Department have incorporated these recommendations into five Department

General Orders, 3.10, 3.16, 8.04, 8.09, and 8.11.

Commissioner Keane asked if Director Allen has seen the drafts and do the drafts incorporated the five OCC recommendations. Director Allen stated yes, he has seen the drafts and they do incorporate the five OCC policy recommendations.

Director Allen explained Policy Recommendation 03/#05, Providing Translators. Director Allen stated that a large percentage of OCC complaints are from non-English speaking individuals. He stated that the OCC feels that a citizen should be able to request a translator and the request should be granted.

Commissioner Chan asked when was the last time Director Allen has discussed the matter with the Department regarding translators. Director Allen stated Monday. Director Allen explained that OCC investigators are noticing that translators are needed so that the officers can fully understand the concerns of the citizens and so that the citizens can fully communicate to the officers their concerns.

Commissioner Orr-Smith stated that this item should be calendared for December 15th for discussion.

Director Allen explained Policy Recommendation 03#07, Amend DGO 7.01 to explicitly outline officers' responsibilities to juveniles. Director Allen stated that this item is scheduled before the Commission for November 17th.

Commissioner Sparks asked for an update on what the Commission's agenda items are for the next few weeks. Commissioner Sparks also stated that as soon as the Commission determine when these issues are going to be heard that the public be noticed in the bottom section of the agenda for the subsequent week so that the public have as much lead time as possible and that community organizations be contacted to make them aware that these issues are going to be discussed on a date certain.

Director Allen explained Policy Recommendation 03#06, Amending the Critical Incident Criteria to include incident involving significant bystander response and police action. The OCC believes that police-community relations can be significantly improved by the Department making it a priority to designate particular officers as police-community liaisons both during and after volatile incidents to provide information and de-escalate hostility. By defining this case and similar incidents involving significant community response as critical incidents, the Department would further its community policing goals by allocating resources, strategic planning, advanced officer training, and the expertise and presence of command staff that is generally dedicated to critical incidents.

Commissioner Sparks suggested that in dealing with this recommendation that we need to be careful that in looking at DGO 8.04, we're also looking at 8.04 dealing with 04/#01 and that there is consistency when 8.04 is addressed and that both sides of the discussion are kept in mind.

Director Allen explained Policy Recommendation 02/#02, Assessing and controlling potentially dangerous canines. He stated that there are a lot of complaints at the OCC in regards to canines being terminated. He stated that Animal Care and Control (ACC) be brought in to train the officers.

Commissioner Chan asked why this matter is before the Commission. Director Allen stated that it's before the Commission because the matter is before the OCC many times over. He stated there is a number of complaints in his office about animals being killed and in most situation, a gun was used. He stated that it's a concern to the community. Commissioner Chan stated that

wouldn't this be appropriately addressed by providing officers with the right tools in which to deal with canines and then have a general order crafted around that.

Commissioner Orr-Smith stated that the Department and the OCC are meeting about this issue and the Commission will wait for the results of this meeting.

Commissioner Keane asked Director Allen where in his list of priorities would be put the policy recommendation in regards to crowd control in schools. Director Allen stated that that issue is high on the list of priorities right behind officer-involved shootings. Director Allen also explained why recommendation 02/#2 is high on the list because many times this results in a gun being pulled and being fired in a situation where it is potentially dangerous to those around.

Director Allen went on to Policy Recommendation 03/#09, Prompt and appropriate medical treatment for juvenile and adult detainees. He stated that the primary concern was people who are detained would be medically screened and then released. If the screening resulted in some kind of medical assistance or aid rendered, the person, if they were solely detained, would be released to the street. He stated that the OCC and the Department are in agreement that providing a phone call, providing an option at the end of a detention, which could last up to three hours, if the person would like to receive medical attention would satisfy this policy recommendation.

Director Allen explained Policy Recommendation 03/#01, Service animals department bulletin/protocol on department bulletin re-issuance. Director Allen stated that the Department and the OCC is in agreement with the service animals bulletin but it's the department bulletin re-issuance that OCC is concerned with. Director Allen explained that department bulletins are issued every two years and after two years they expire. If there is a complaint of misconduct and the department bulletin has not been re-issued and has exceeded the two-year period, an officer has a right to say that that bulletin is no longer in issue and no longer applies.

Commissioner Keane asked Director Allen when the crowd control policy recommendation given to the Department. Director Allen stated that it was sent to the Department within the last several months but have not had any discussions with the Department and hopes that discussions will start within the next month. Commissioner Keane asked that it be calendared toward the end of January.

Commissioner Marshall and Commissioner Keane thanked Director Allen for his presentation.

Public Comment:

Steve Johnson, POA, stated that the POA have not seen all the changes that are recommended. He stated that the POA would like to meet and confer to iron out difficulties. Mr. Johnson also asked what ever happened to Tasers and the mediation process. He also encouraged the Commission to participate in ride-alongs. He also stated that the real issue to be addressed is the lack of personnel and hopes the Commission will take the time to get it done.

Captain Keohane stated that the Department and the OCC have worked very hard to reach consensus on the number of these issues. There were only three where there were an impasse. The first one is the issue of translators. There were two recommendations. The first one was a civilian request a translator or an officer's unable to provide services due to a language barrier. Captain Keohane stated that the Department agrees with the OCC, agrees with

the community that it is important and it is imperative the officers, in dealing with citizens or the public, have to communicate effectively. However, when it is said that “whenever a civilian request a translator,” that’s a very broad statement. For example are situations like a demonstration when people are asked to move. If somebody stops and says, I need a translator, do the officers stop their actions at that time and it also doesn’t cover when people come up and they want non-police services. The Department have no objections to effectively communicating with the public, it’s just the Department thinks that this specific policy recommendation is overly broad.

Captain Keohane explained the second area of impasse which is amending the critical incident criteria to include incidents involving significant bystanders’ response to police actions. Captain Keohane stated that the specific policy goes to amend G.O. 8.01, Critical Incidents Response, Evaluation, Notification. Captain Keohane stated that to include incidents that involve significant bystander and/or community response in police action may not rise to a level of a riot, insurrection or potentially violent demonstration as currently required under G.O. 8.01 and to amend G.O. 8.01 to include designating specific officers the responsibility of answering questions posed by bystanders, providing information concerning the necessity and lawfulness of the police action and assisting in de-escalating hostility between bystanders and the police and the augment police academy and roll call training to conform to this change in policy. Captain Keohane stated that the Department has no objection and agrees with OCC. The question is what is significant bystander response and when does it occur. Part two, including designated officers; the Department feels that all officers should have the responsibility of de-escalating possible hostile situation. Captain Keohane stated that the Department agrees with the focus of the recommendation, it is just the implementation that the Department and OCC is discussing and that hopefully with changes in language and looking at it from different ways, they can come to a resolution.

Captain Keohane stated that there is one more area that the Department and the OCC has an impasse and that area was on policy recommendation 402-02 and the two recommendations are: (1) implement a procedure for filing and maintaining public intoxication reports to insure that they are preserved and accessible to the public to the same degree incident reports are. Captain Keohane stated that the forms have been provided to the Sheriffs’ Department and a Department Bulletin is in place now so that whenever anybody is arrested for drunk, that form is filled out and maintained at the district stations. (2) Providing alcohol screening test to individuals arrested and booked for public intoxication. Captain Keohane stated that in looking at this recommendation when OCC initially drew it up, the OCC was misinformed that the Department have alcohol screening devices and that all officers have them and they’re in all the stations. Captain Keohane stated that this is untrue and that the Department has one machine at the Traffic Bureau and one at Mission Station.

Captain Keohane stated that those are the only three, in all of their discussions, that they have reached an impasse. All the other ones they have worked through and have identified areas when they can come together and develop policy and that he thinks that they will be moving forward very rapidly.

Public Comment:

Marylon Boyd, Campaign for Justice for Cammerin Boyd, commented in regards to the officer-involved shooting policy and made comments in regards to the POA’s comments. She also stated that there should be a policy in regards to police intimidation of witnesses. She also asked for more information in regards to disability training.

COMMISSION ANNOUNCEMENTS

- a. **Assignment of disciplinary charges filed in Case No. C04-198 JWA to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner Theresa Sparks, Resolution No. 95-04)

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

ABSENT: Commissioner Renne

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Veronese stated that he does not have any items but did ask the Commission to recognize the passing of two former Police Chiefs: Chief Scott who was made Police Chief under the administration of Mayor Joe Alioto, and Chief Hongisto who was made Chief under the administration of Mayor Frank Jordan. He asked that the Commission take a moment in memoriam.

Commissioner Chan asked that the Commission adjourn in honor of both former Chiefs. Second by Commissioner Keane. Approved 6-0.

Thereafter, the meeting was adjourned in memory of former Chief of Police Don Scott and former Chief of Police Richard Hongisto.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

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