

**FEBRUARY 14, 2007**

**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 4:19 p.m., in a Regular Meeting.

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

*(Commissioner Campos arrived at 4:32 p.m. Commissioner DeJesus arrived at 4:38 p.m. Commissioner Veronese arrived at 5:07 p.m. and was excused at 6:40 p.m. Commissioners Lee and Marshall were excused at 8:00 p.m.)*

**OPEN SESSION**

**COMMISSION ANNOUNCEMENTS** (Taken out of order)

- a. Assignment of disciplinary case no. C06-227 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (Assigned to Commissioner Campos, Res. 20-07)
- b. Assignment of disciplinary case no. C07-014 SM to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (Assigned to Commissioner Renne, Res. 21-07)

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

Taken out of order.

Commissioner Renne stated that the joint meeting with the Housing Authority for March 28<sup>th</sup>.

The Commission will meet in the Ingleside District in April, the Southern in May, and Northern in June.

**REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO ADOPT A RESOLUTION REQUESTING THE BOARD OF SUPERVISOR'S APPROVAL TO ACCEPT AND EXPEND FUNDS TO IMPLEMENT THE "CALIFORNIA MULTI-JURISDICTIONAL METHAMPHETAMINE ENFORCEMENT TEAM (CAL-MMET)" OFFERED BY THE OFFICE OF EMERGENCY SERVICES, ANY AUGMENTATIONS, EXTENSIONS AND MODIFICATIONS**

Motion by Commissioner Sparks, second by Commissioner Marshall. Approved 7-0.

**RESOLUTION NO. 19-07**

**APPROVAL TO AUTHORIZE THE CHIEF OF POLICE TO ACCEPT AND EXPEND FUNDS FROM THE OFFICE OF EMERGENCY SERVICES (OES) TO IMPLEMENT THE "CALIFORNIA MULTI-JURISDICTIONAL METHAMPHETAMINE ENFORCEMENT TEAM (CAL-MMET)" AND ANY AUGMENTATIONS, EXTENSIONS AND MODIFICATIONS**

RESOLVED, that the Police Commission hereby approves to authorize the Chief of Police to accept and expend funds from the Office of Emergency Services (OES) to implement the "California Multi-Jurisdictional Methamphetamine Enforcement Team (Cal-MMET)" and any augmentations, extensions and modifications.

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

**PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION**

None

**VOTE ON WHETHER TO HOLD CLOSED SESSION**

Motion by Commissioner Marshall, second by Commissioner Sparks.  
Approved 6-0.

**CLOSED SESSION** (4:39 p.m.)

- a. **CONFERENCE WITH LEGAL COUNSEL - Threatened  
Litigation  
“Early Intervention System”**
- b. **PERSONNEL EXCEPTION: Public Employee appointment:  
Policy Analyst**

Reconvened to Open Session

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

**POSSIBLE REPORT ON ACTION TAKEN IN CLOSED SESSION**

and

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

Motion by Commissioner DeJesus, second by Commissioner Marshall  
for non disclosure. Approved 7-0.

**VOTE TO DISCLOSE ANY OR ALL OF THE DISCUSSION HELD BY  
THE COMMISSION ON WEDNESDAY FEBRUARY 7, 2007 IN  
CLOSED SESSION WITH RESPECT TO AGENDA ITEM 3.D, a  
CONFERENCE WITH LEGAL COUNSEL REGARDING THE MATTER  
OF ANDREW MARCONI v. CCSF ET AL., UNITED STATES  
DISTRICT COURT NO. C05-1978 CW**

Motion by Commissioner DeJesus, second by Commissioner Marshall  
to disclose. Approved 7-0.

Commissioner Campos stated that the reason the Commission voted to  
disclose a summary of the Commission’s conclusion is because of a  
misconception by the public that, with respect to this matter where a lawsuit  
was filed and allegations of misconduct by the police department were made,  
that somehow the public may have been left with the impression that the  
Commission did not instruct the Department to conduct an internal  
investigation. The Commission did in fact voted unanimously to instruct the  
Department to conduct an internal investigation.

Commissioner Sparks announced that one of the supervisors introduced  
a bill to the Board of Supervisors which suggests that when there’s a lawsuit  
filed against a police officer’s misconduct, there will be an automatic  
investigation opened with the OCC to investigate the matter.

Commissioner Marshall announced that the Commission also asked the

City Attorney to look into the matter of civil suits triggering an investigation.

Commissioner Veronese stated that the resolution before the Board should also be before the Commission and should be acted on as soon as possible to make it a policy within the Department that any allegation made in a civil complaint automatically trigger an investigation by either the Department or the OCC.

**DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 3.19, "EARLY INTERVENTION SYSTEM"**

Deputy Chief Keohane, Administration, presented the revised DGO 3.19, "Early Intervention System." Chief Keohane explained the purpose of this order is to present an early intervention system and its purpose is to identify possible problematic behaviors and address those in a non disciplinary manner before they become problematic and turn into a discipline-type case.

Commissioner DeJesus thanked all the parties involved in bringing the this DGO in front of the Commission tonight.

Commissioner Campos asked that this item be put over for more discussion and more input from the public and the stakeholders. Commissioner Campos expressed concerns about access to data in a timely fashion. Chief Keohane explained that as the Department moves forward identifying where data has been stored and putting it together in an electronic format so that the Department will be prepared when the Early Intervention System is up and running and that process have already begun. Commissioner Campos asked about 148s and 243s being included as indicators and what it would be for them to be associated factors. Chief Keohane stated that flags will not go up for the 148s but if the officer get three uses of force and each one of those has a 148 charge associated with it, it will come to the Department's attention.

Commissioner Marshall thanked Chief Keohane for the work that he is doing in regards to the EIS system.

Commissioner Sparks thanked Commissioner DeJesus for the time she has put in to the EIS System.

**PUBLIC COMMENT**

Mark Schlosberg, ACLU, discussed concerns regarding the EIS system.

Gary Delagnes, POA President, discussed concerns regarding the EIS system and stated the POA has no disagreement with the concept. Commissioner Sparks asked that the POA submit comments in writing.

Samara Marion, OCC, discussed concerns regarding the EIS system.

John Tennant, General Counsel for POA, discussed concerns regarding the EIS system and stated that the POA will not contest in the implementation of this particular EIS in its current form given representations by the City that they will allow the POA to preserve its meet-and-confer contentions and that this will not result in adverse actions against officers.

Motion by Commissioner Campos to continue this matter to February 21<sup>st</sup>. Second by Commissioner Sparks. Approved 6-0.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE THE OCC'S BUDGET FOR FISCAL YEAR 2007-2008**

## **DISCUSSION AND POSSIBLE ACTION TO APPROVE THE DEPARTMENT'S BUDGET FOR FISCAL YEAR 2007-2008**

Chief Fong addressed the Commission regarding the budget and discussed overtime funding for use for foot patrols in the Alemany development. Chief Fong stated that she received a request from the community to include adequate funding in this year's budget to continue the foot patrol program within the Alemany development. Chief Fong stated that the budget being proposed is the opportunity for each captain to fill up to two spots on a daily basis as part of this community policing initiative.

### **PUBLIC COMMENT**

Joseph Smoot, Bernal Heights Community Center, thanked the Chief for supporting the community and explained the program of community policing.

Frank Dillum, Alemany resident, stated that there has been great improvement and commended Chief Fong and the officers for doing a great job.

Georgia Willett, Alemany resident, stated how things have improved since the program started.

Betty Hudson, Alemany/Bernal Heights resident, thanked Chief Fong for all the support she is giving the community.

Denise Jones, 100 block of Elsie Street, discussed concerns regarding robberies in the neighborhood and asked for more police for the Ingleside District and read a letter from a friend who was robbed in the neighborhood.

Unidentified discussed concerns regarding robberies and concerns for kids that are in the neighborhood.

Mike Sandias, Bernal Heights resident, asked for more cops for the neighborhood.

Unidentified, Bernal Heights resident, asked for more cops for the neighborhood.

John Perry, Bernal Heights resident, discussed concerns regarding attack on a young woman and concerns regarding response time and asked for more staffing for Ingleside.

Commissioner Sparks asked for more information from Mr. Ken Bukowski and asked that this item be calendared for next week.

Commissioner Renne asked that Commissioner Sparks work with Mr. Bukowski in regards to the budget.

Motion by Commissioner Sparks, second by Commissioner Campos to continue the budget for next week's meeting. Approved 4-0.

### **PUBLIC COMMENT**

None

### **CHIEF'S REPORT**

#### **a. Update on significant policing efforts by Department members**

Chief Fong discussed possible legislation from the Board regarding when a claim is received by the Department. Chief Fong stated that she had conversation with the Deputy City Attorney and took specific steps and today reviewed a unit order so there is a policy in place now within the Department.

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

a. **Review of Recent Activities**  
and

**DISCUSSION AND POSSIBLE ACTION TO APPROVE THE OCC'S  
BUDGET FOR FISCAL YEAR 2007-2008**

Ms. Jean Field, Interim OCC Director, would like more concrete procedures in regards to claims talked about by Chief Fong.

Motion by Commissioner Renne to put the budget over for next week, second by Commissioner Campos. Approved 4-0.

Mr. Charles Galman talked about action plan for the OCC's upcoming move to 25 Van Ness Avenue.

Commissioner Sparks stated that she, last week, strongly opposed the process upon which the interim director was selected. Commissioner Sparks felt that there was no public discourse about the process, no public comment about the process; the Commission never saw a resume from Ms. Field, never interviewed or talked to Ms. Field about the process. Commissioner Sparks stated that her comments is more about the process as opposed to the results of the process.

Commissioner Campos stated that he respectfully disagree with Commissioner Sparks.

Commissioner DeJesus stated that she respectfully disagree with Commissioner Sparks.

Ms. Field thanked the Commissioners for their comments and stated that she understands about process and does not take any of those things personally and stated that she is committed to helping the agency through the transition period.

**PUBLIC COMMENT**

None

**ADJOURNMENT**

Motion by Commissioner Campos, second by Commissioner DeJesus to adjourn the meeting. Approved 4-0.

Thereafter, the meeting was adjourned at 8:55 p.m.

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Sergeant Joseph Reilly  
Secretary  
San Francisco Police Commission

1497/rct