

MAY 19, 2004

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton Goodlett Place, San Francisco, at 5:40 p.m., in a Regular Meeting.

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

ABSENT: Commissioner Marshall
(*Commissioner Marshall arrived at 9:40 p.m.*)

Commissioner Renne welcomed the audience and explained the absence of Commissioner Marshall.

DISCUSSION OF THE POLICE DEPARTMENT'S RESPONSE TO ACLU'S MAY 11, 2004 REQUEST FOR PUBLIC RECORDS TO 1) THE SHOOTING OF CAMMERIN BOYD AND 2) THE RECENT CALIFORNIA HIGHWAY PATROL ENFORCEMENT PROGRAM

Mark Schlosberg, ACLU, would like to reserve public comment until hearing the department's response.

Captain O'Leary, Risk Management, discussed the public records request by the ACLU. The department will response to three specific items: (1) All police reports, witness statements, use of force reports, video recordings, all records of police communications, including audiotapes and computer records of communications between police, dispatch, the public, and/or other law enforcement agencies, and records of computer communications and computer assisted dispatch computer entries generated by the Department in relation to the shooting of Cammerin Boyd on May 5, 2004 and the disclosure of the names of the officer involved in the shooting; (2) A copy of the coroner's report for Cammerin Boyd, and (3) All documents related to the planning and execution of the CHP enforcement program including but not limited to any agreement between the CHP and the San Francisco Police Department regarding the program; communications between the CHP AND SFPD related to the program; data documenting the quantity, quality, and outcome of CHP stops; documents sent to the Police Commission regarding the CHP program; documents sent to community organizations or leaders regarding the CHP program; documents sent to the Mayor or Board of Supervisors regarding the CHP program.

Captain O'Leary talked about the first request. He explained that public records act requests come on a daily basis and have to be responded to within 10 days. Captain O'Leary stated that in preparing for this request, he met with the two homicide investigators, met with their Lieutenant, met with the Captain of Investigations, and the Deputy Chief of Investigation to come to an understanding as to whether or not these documents should be released. The department declines to release the documents at this time because the release of the documents would compromise the investigation.

Commissioner Keane asked why would the release of the documents compromise the investigation. Captain O'Leary stated because it is a criminal investigation that involves the names of witnesses, the names of the officers involved in the investigation, and statements and information given to the Police Department by witnesses and officers. The investigation is not complete at this time. The release of information could compromise that investigation if it becomes public knowledge at this time. Captain O'Leary stated that the department is not declining the release forever. The department is basing its decision not to release this information until the homicide investigation is submitted to the District Attorney's office.

Commissioner Keane asked when will the investigation be submitted to the District Attorney's office. Captain O'Leary stated that he spoke to the

investigator in charge of the case and the investigator stated that he believes this could occur in 60 days.

Commissioner Keane asked how much weight was given to public interest in getting governmental information and not perceiving the governmental department as engaging in secrecy and therefore causing public mistrust. Captain O'Leary stated it was given a lot of weight as to the confidentiality of the statements given to the Department by the witnesses

Commissioner Sparks stated there are 12 different items on the list. Commissioner Sparks asked if the Department cannot release any of that information including the police report, statements were made by members of the department which described parts of possibly the police report? Commissioner Sparks stated that some of the information is more important to the investigation than others and some would have a greater compromising effect than others. She asked if some information can be release and if it could be released in stages? Captain O'Leary stated that per the Government Code, if the information is part of an open and active law enforcement investigation, and if disclosure would endanger the successful completion of that investigation, the Department has a right, an act of discretion, not to release the information. He further stated that that's the exception to the public record act. All documents are public if they are part of an active investigation and their release would endanger the investigation, then the request can be denied. Captain O'Leary further stated that there's an exception to the exception which talks about what it is that should be released no matter what and that information was released by the Department in the form of a press release. Captain O'Leary stated that the Department met the requirements of the law in the release itself.

Captain O'Leary stated there is a document that will be released and that document is the use of force log surrounding this incident.

Commissioner Veronese asked about the press release and asked if the comments made, noted in the ACLU letter, by members of department, are part of police official comments? Captain O'Leary stated no.

Commissioner Veronese would like the commission to look at the policy of the Police Department in issuing comments to the press when an incident like this happens and not to confuse comments that were made to the press with official city policy of actually giving out information. Captain O'Leary stated there are General Orders that guides the Department in these matters.

Commissioner Veronese asked about the public record act requests. Captain O'Leary stated all requests are treated the same but a homicide, which is a very serious issue, a lot of thought are put into the response which includes the input from the inspectors assigned to the case.

Commissioner Orr-Smith stated that the release of names of the officers involved could be done without disclosing police documents that would reveal witnesses names. Commissioner Orr-Smith asked how was that decision handled as far as releasing the names outside of the documents and evidence. Captain O'Leary stated he went to the inspector assigned to the case and specifically asked him if the release of the names of the officers involved in the shooting hinder or compromise the investigation of the case. The investigator said yes. The investigator requested that the names not be released by May 21st and the investigator stated that he needed at least two weeks and releasing the names earlier will compromise investigation and that it would inhibit secondary interviews of the officers. It could effect any photo spread that the department intends to use that would include photographs of the involved officers for the witnesses to review. It would inhibit an unbiased witness statement. He believed that the release of the names would affect the district attorney's investigation, and he has cause for concern for the officers' safety. The Department's response is not at this time but do intend to release the

names after consultation with the Homicide Detail, the Captain, and the Deputy Chief of Investigations.

Commissioner Orr-Smith asked if the district attorney's investigation might be completed in two weeks. Captain O'Leary declined to answer for another department.

Commissioner Chan asked concerning witness statement: how many witness statements compiled at this point? Captain O'Leary stated he reviewed the case file but didn't count the number of witness statements. Commissioner Chan asked if any witnesses are confidential informants? Captain O'Leary stated that it would be improper for him to answer that question. So as not to jeopardize the successful completion of the investigation. Commissioner Chan asked if the use of force report has been released? Captain O'Leary stated the use of force log report is a public document and will be released in a redacted form.

Commissioner Chan asked what is the time table for that release? Captain O'Leary stated 10 days from date of the request.

Captain O'Leary stated he kept his review of the documents to a minimum so as not to endanger the successful completion of the investigation. The public's right to know is important and the government's interest in completing the investigation is important and the department is balancing those interests. The Department's position is not at this time to most of the request.

Commissioner Chan asked by when can this item be release? Captain O'Leary stated that the homicide investigator stated that he expects to forward the investigation within 60 days. He asked for two weeks when it came to the release of the name of the officers (2 weeks from Monday, May 17th).

Captain O'Leary discussed the third part of the request which was in regards to Operation Impact. The documents will be included in the Department's response. As to some documents generated by the CHP, the CHP requested that the ACLU ask them directly for the documents.

Commissioner Orr-Smith asked Captain O'Leary if it is the Department's intention to respond to ACLU to request an extension? Captain O'Leary stated that the Department intends to answer the request.

Commissioner Renne stated that if Department intends to release a response within 60 days and if the Department intends to release the names within 15 days that it might be a simple procedure to just ask for a request of extension of time.

Commissioner Veronese stated that Chief Fong and the Mayor went out of their way to promote the witness protection program. He stated that he wants to make sure that anything that the Commission does does not interfere with that effort to get witnesses out to solve these homicides that are happening. Is there anything within the policy that protects witnesses from the disclosure of their names. Captain O'Leary stated yes.

Commissioner Keane asked about releasing the names of officers but not until May 21st? Captain O'Leary stated the names will be released. The deadline for responding to this public records act request is May 21st. The Department does not intend to disclosed the names of the officers in its response on May 21st. He stated he spoke with the homicide investigator and asked him would releasing the names of the officers involved compromise the investigation. The investigator stated yes. He needed two weeks. The Department intends to release the names of the officers involved in this investigation and it will occur two weeks from Monday, last Monday.

Commissioner Keane asked about material from the California Highway Patrol that is in possession of the Department relating to this case? Why not just give the ACLU the information? Captain O'Leary stated that the

CHP documents is in regards to Operation Impact and not the shooting.

Commissioner Sparks asked about General Order 8.11. Captain O'Leary stated that General Order 8.11 deals with the summary of investigation and that the identity of the officers will not be revealed. He further stated that there are officer-involved shootings that are accidental, some are the Cammerin Boyd shooting. He explained the summary of investigation and we're saying these are the facts surrounding this officer-involved shooting and that sentence says the identity of the officer shall not be in that report and it only talks about that report. Captain O'Leary explained that there is a difference in the summary that is given to the Commission by the Chief of Police.

PUBLIC COMMENT:

Mark Schlosberg, ACLU, discussed why the request was made and why he's seeking the documents in a rapid manner. He talked about statements made by members of department. He stated the statements do cast the investigation in a certain light. This request made in context of history of department not releasing information. That practice needs to end. He stated that the ACLU has no intention of interfering with any criminal investigation and feels that investigation be completed. With regard to names of officers, grant extension within 2 weeks from last Monday. He also asked that deadlines be set for release of information and calendared as an agenda item.

Malaika Parker, Bay Area Police Watch, stated that two-week time period is too long to wait for family members who was killed by police. She stated the community has a right to know if the officers have prior records and demands the Department to release documents to the public.

Marylon Boyd, mother of Cammerin Boyd, wanted to reiterate support for commission to ask tough questions to find out what happened. She stated that a mother should not be kept in dark about the process of the investigation. She stated that she is entitled to know who did the shooting and sees no reason why information should not be released to the public.

Jakata Imari, spokesperson for Boyd family, discussed concerns about information not being released.

Isa Gonzalez, Kamika Boyd, mothers of Cammerin Boyd's children, discussed concerns on how hard to explain to children what happened because no information was released. As family members they deserve to know who the officers are to have peace.

Mark Solomon, SF Green Party, questioned what General Order allows department press release and asked if records can be released as far as officers involved.

Leroy Moore, Advocate for People of Color who has Disabilities, talked about research as far as disabled victims killed by officers. He mentioned cases from Oakland and Los Angeles.

Ismael Vargas, Youth Commission at City Hall, talked about meeting at Southeast Community Center and stated how the Youth Commission came up with solutions for police accountability and stated that if you want young people to be leaders treat them with respect.

No further discussion.

DISCUSSION AND POSSIBLE ACTION TO AMEND DEPARTMENT GENERAL ORDER 8.11, "OFFICER INVOLVED SHOOTINGS," TO DELETE SECTION II(F)(5), WHICH READS AS FOLLOWS: "NO REPORT THAT IS MADE PUBLIC SHALL DISCLOSE THE OFFICER'S IDENTITY OR ANY OTHER INFORMATION DEEMED CONFIDENTIAL BY LAW"

Lieutenant Pardini, Planning Division, discussed his duties as publisher of the General Orders and gave an overview of the process for revision of General Orders. He stated that here has been a revision of 8.11 that was generated by the Homicide Detail, Management Control Division, and the Risk Management Unit.

Commissioner Renne asked when a pre draft copy of 8.11 can be released? Lieutenant Pardini stated in the next 60 days depending on the decision of item two tonight. He further explained the revision process which is covered in General Order 3.01 . He stated a draft is made then sent out to the deputy chiefs as well as Legal and then sent to each deputy chiefs for review and they determine if it is acceptable then it is sent to the POA as part of meet and confer, as per MOU between the Department and the POA, then it is forwarded to the Commission for public comments, if not approved, then the proposed draft then goes back to the Chief of Police upon review then forwarded to the Commission for approval.

Commissioner Keane asked about the revision by the Commission revising its own general order, does it have to go through all of the steps described? Lieutenant Pardini stated that what he described is a routine procedure.

Commissioner Chan asked if the role of the Commission outlined in the MOU? Lieutenant Pardini stated that ultimately it will come before the Commission but it is a slow process due to the meet and confer process.

Commissioner Sparks asked what would be the process if the Commission changes its own general order. Lieutenant Pardini stated that, absent from the City Attorney's office telling the Department that change can't be made for some legal reason, if the Commission ordered a change, the Department will comply with the directive to make the change.

Commissioner Veronese asked the City Attorney if it is within the power of the Commission to change the wording of Section II(F)(5)? City Attorney Morley stated the provision of state law that makes confidential the peace officers' personnel record, which include records of investigations, administrative investigations of the conduct of police officers is 832.7 of the Penal Code.

Commissioner Veronese asked is an officer's identity deemed confidential by law and if so, is 832.7 that law? Ms. Morley stated that 832.7 is the statute to which this portion of the general order was directed. What is confidential in 832.7 is the peace officers personnel record and often, a police department will release information about an occurrence without including the officer's identity. Revelation of an officer's name and an investigative report from an administrative investigation of the officer could in certain circumstances violate 832.7. It is a case by case basis whether release of certain information, including an officer's identity, would violate the statute.

Commissioner Keane stated that his intended motion to amend this section is to strike the words "officer's identity or" and then the word "other," which would change that section that section to read "No report that is made public shall disclose any information deemed confidential by law."

City Attorney Morley stated that in reading the particular section of the General Order 8.11, it is directed towards two reports. Subsection 2(F) which is entitled Review and there's some steps laid out for review of an officer-involved shooting. Item 1 requires the Chief of Police to prepare a summary report of the MCD investigation and to make that public. Item 3 requires the OCC Director to review the MCD report and the Chief's summary and to make a report which is also made public. She stated the way she read line 5, it would apply to those two reports and she doesn't see any problem with amending line 5.

Commissioner Renne explained that in the previous item the Commission was talking about whether the Department should release the identity of persons involved in an officer-involved shooting whether or not the public records request requires that or whether is a matter of discretion. That question has nothing to do with the question of whether or not the Commission

modifies this general order because Section 5 is saying what cannot be in a written report of an investigation which the Commission will ultimately get and that is no information that's deemed confidential by law. So there are two different situations. City Attorney Morley stated that is correct. She further stated that the documents, as Captain O'Leary presented it that were responsive to the ACLU's public record act request were documents that were contained in the Homicide investigatory file. She explained that what these reviews talk about is once that investigation is done and MCD does its mandatory investigation of an officer-involved shooting that involves bodily injury or death, then the Chief of Police looks at it and the process of presenting of summary reports of an administrative investigation and it is in that context that 832.7 would apply because then a peace officer's personnel record is talked about.

Commissioner Sparks asked if there is another general order that specifically prohibits the release of an officer's name in such incident other than referenced in paragraph 5? Lieutenant Pardini stated no other general orders contain information about restricting the identity of police officers.

Commissioner Orr-Smith suggested that the Commission starts at square 1. How would we write a new general order to warrant restricted policy? The Commission should look at creating something new to provide facility that provides disclosure of information. Can we come up with something and create something new. City Attorney Morley stated that that could be part of a revision of the general order. She stated that the Commission can proceed to direct the Department to come back with a draft general order or ask the city attorney for assistance in drafting a new general order, or the president can ask one of the Commissioners to work with the department in putting together the general order. It would then come to the whole Police Commission for review and approval.

Lieutenant Pardini stated there is a draft under construction and absent any legal constraints, this could be addressed. There is a product in the works, identify any areas not in construction, identify ideas, and go through process.

Commissioner Veronese asked where is this product and how far along the lines of the process is it? Lieutenant Pardini stated it is in the meet and confer process, then city attorney for review, then the Chief, then calendared for the Commission.

PUBLIC COMMENT:

Malaika Parker discussed officer's safety and stated they just want justice, no matter which side they're on.

Mechelle Shepard, aunt of Cammerin Boyd, discussed concerns regarding statements by Commissioner Veronese as far as tension is high in the community. She stated the community is scared of the police and the community needs protection not the officers.

George Sheiman, Northbeach resident, discussed concerns.

Marylon Boyd discussed concerns regarding change of general order. She stated she supports Commissioner Keane's interpretation that it is a policy developed by commission without input of meet and confer. Release of names was a matter of discretion.

Mark Schlosberg urged the Commission to take action tonight and asked that disclosure of names be placed as an agenda item.

Gary Delagnes, President POA, discussed concerns of the community calling officers criminals, thugs, and murderers and asked if the Commission not governed by the MOU. Commissioner Renne explained the proposed amendment is simply a statement of the law. This is a statement of the law so it does not required a meet and confer. Ms. Morley agreed.

Edward Shepard, uncle of Cammerin Boyd, stated the family simply wants the facts and asked the officers be identified.

Eric Allen stated that he agrees with Commissioner Keane to remove five words. He stated that he's heard comments about the issue of safety but it

seems to be about bashing cops and lawsuits and getting headlines for a cause.

Marylon Boyd, mother of Cammerin Body stated that this is about Cammerin Boyd's life and not a lawsuit.

Kevin Neffs discussed concerns about biased in the media in stating that it was a justified shooting and stated that the investigation should take time.

Commissioner Keane made a motion to move to amend Department General Order 8.11, paragraph F(5) and make it to read "No report that is made public shall disclose any information deemed confidential by law." Second by Commissioner Orr-Smith. Motion passed 6-0.

RESOLUTION NO. 43-04

AMENDMENT OF DEPARTMENT GENERAL ORDER 8.11, "OFFICER INVOLVED SHOOTINGS,"

RESOLVED, that the Police Commission amends General Order 8.11, "Officer Involved Shootings," Section II(F)(5) to read, "No report that is made public shall disclose any information deemed confidential by law."

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

ABSENT: Commissioner Marshall

(The Commission took a 10-minute break at 8:30 p.m. and reconvened at 8:40 p.m.)

CHIEF'S REPORT

a. Scheduling of reports requested by individual Commissioners at the May 12, 2004 Police Commission meeting.

Chief Fong addressed the Commission and updated the Commission regarding the press conference that occurred this afternoon in order to seek out assistance of media and the public regarding homicides. Chief Fong stated a homicide occurred midday in a very very busy area of town and video tapes were obtained from the public that clearly shows vehicles and individuals involved in the crime. This was an outreach to the media and stated that if the Commission would like to see the tape, it can be provided.

Chief Fong talked about reports requested by the Commission and gave a list of dates and times for subject to be placed on agenda:

May 26, 2004, presentation that covers vehicular shooting, firearms policy, and deployment of extended range weapon policy;

June 2, 2004, an overview presentation on the Department's preparedness for incidents of terrorism and natural disasters.

June 16, 2004, regarding training in the area of diversity training.

Chief Fong explained that there is no presentation scheduled for June 9, 2004 due to the biotech conference at Moscone Center.

June 23, 2004, presentation regarding department's response to mental health illness cases.

June 30, 2004, presentation on the disciplinary tracking system.

Commissioner Orr-Smith asked about training in response to mental health illness cases. Chief Fong stated in terms of mental illness training it will be the training the officers are receiving in regards to crisis intervention, this is a 40-hour course. Commissioner Orr-Smith asked for information about the department's training for dealing with disabled people, mentally and physically disabled people.

Commissioner Sparks asked for a report regarding the Department's promotional process? Chief Fong that will be scheduled in the future.

Commissioner Orr Smith thanked the Chief prompt response to homicide. Commissioner Orr-Smith asked about the program that allowed guns to be turned in. Chief Fong stated it was a Department's special project that was done periodically. She stated that the Department is in that process not to have huge gun buy back, but to put out to the public to surrender weapons, the Department will accept. What the Department wants to do, given the resources, is to focus on what causes violence in community.

PUBLIC COMMENT:

None

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Mr. Kevin Allen, OCC Director, asked for clarification as far as the number of cases involving mental health issue. Commissioner Chan stated he is only interested in current open cases. Director Allen stated there were incidents but the OCC has not received any complaints but there are currently two cases.

Director Allen stated language barriers, in year 2000 four cases involved language barriers. He stated the OCC has received 22 complaints in Spanish, 2 Russian-speaking individuals, 15 Cantonese-speaking individuals, 3 Tagalog-speaking individuals just in this last year. He stated the OCC is working to revised bulletins to make process of making complaints easier for non-English speaking individuals.

Commissioner Sparks stated she attended a community meeting on Friday and outreach to the OCC was discussed. Commissioner Sparks suggested putting on the agenda the OCC outreach to allow for public input. Commissioner Sparks suggested the it be put on the calendar as soon as possible.

Director Allen talked about several policy recommendations for consideration. One that involves giving of names of involved parties to families and asked the Commission to please take that into consideration for the new general orders that are coming up and asked that the OCC be part of the process when policy changes occur.

PUBLIC COMMENT

Mark Schlosberg discussed policy recommendations issued last year. He urged the Commission to request OCC Director and the Department to report to the Commission if policy recommendations have been adopted.

John would like to invite OCC Director to critical mass ride. He stated that generally speaking police performance has been well and he will be carrying OCC complaint forms on rides and that he will be taking badge numbers down.

DISCUSSION AND POSSIBLE ACTION TO SET THE LOCATION(S) OF ONE OR MORE OF THE UPCOMING, REGULAR COMMISSION MEETINGS TO BE HELD IN EACH OF THE ELEVEN SUPERVISORIAL DISTRICTS

Commissioner Orr-Smith researched about whether or not to have community meetings, last meeting of the month, out in the community. Commissioner Orr-Smith stated the Commission might consider to have district police stations because supervisorial district will politicize the process or invoke the appearance that the Commission as serving the Board. Commissioner Orr-Smith also stated that some of the police districts and the supervisorial district overlap to a degree that doing it by police district will provide better community representation. Another consideration was where to have them. Commissioner Orr-Smith stated that community would prefer to

have the meeting in a community venue as opposed to district stations. However, one of the serious considerations is the ADA requirements. Commissioner Orr-Smith also stated that holding community meetings by district on public housing as a community venue to consider. Based on input from public comments, discussion with the city attorney, and community advocates, Commissioner Orr-Smith recommends to hold the last meeting of each month in one of the police districts. This is an opportunity to get to know the Captains in every district as well as the officers. Commissioner Orr-Smith recommends that it be done by Police Districts and prioritized holding the meeting in a community venue where possible in the last meeting of every month. First meeting in Bayview district, June 30th, meeting in the southeast community facility. Prior Commission had in fact made a commitment to the Ingleside and she suggests doing the next meeting in July in the Ingleside. Subsequent meetings, drawn by lots for an objective selection.

Commissioner Sparks stated that one of the reasons to have meetings in supervisorial district because general public has a better idea of supervisorial boundaries and that there might be better participation with the supervisor in the area. Commissioner Sparks suggests, if possible, try one or two meetings as a trial basis and then revisit this matter in 4 or 5 months as to whether or not the Commission would want to set a firm policy. Commissioner Sparks prefers that the order of appearance be in order of activity in the different community.

PUBLIC COMMENT

Eric Allen supports Commissioner Sparks to go by supervisorial districts and supports Commissioner Sparks as to do it temporarily to see how it works out.

Commissioner Renne stated the first 3 months, June 30th at the Southeast community facility, July in the Ingleside, next Western Edition and in July revisit where to go after that.

Commissioner Orr Smith entered a motion to hold community meetings, last week of every month, determined by police districts and prioritized having meetings in a community based setting wherever possible based on accommodating ADA considerations, and the first meeting would be June 30th in the Bayview Station, at the Southeast Community facility, next in Ingleside at a community-based setting on the last Wednesday in July and August in the in Park Station, community venue in the Park District the last Wednesday of August. In July time will set schedule for the following next 3 months. Second by Commissioner Veronese. Motion passed 6-0

RESOLUTION NO. 44-04

SETTING THE LOCATION(S) OF ONE OR MORE OF THE UPCOMING, REGULAR COMMISSION MEETINGS TO BE HELD IN EACH OF THE ELEVEN SUPERVISORIAL DISTRICTS

RESOLVED, that the Police Commission will hold community meetings, on the last week of every month, determined by police districts, and prioritized having meetings in a community-based setting whenever possible, based on accommodating ADA considerations.

FURTHER RESOLVED, that the first meeting would be on June 30, 2004 in the Bayview District, at the Southeast Community facility; the last Wednesday in July in the Ingleside at a community-based setting; and the last Wednesday in August in the Park District at a community-based venue. In July, the Commission will set the schedule for the following three months.

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

ABSENT: Commissioner Marshall

COMMISSION ANNOUNCEMENTS

RESOLUTION NO. 45-04

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST PATROL SPECIAL OFFICER CALVIN C. WILEY, INGLESIDE (FILE NO. H04-057 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Patrol Special Officer Calvin C. Wiley, Star No. 2684, Ingleside, was called it having been set for this date; and

WHEREAS, Commissioner Douglas Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Wiley; therefore be it

RESOLVED, that Commissioner Douglas Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Calvin C. Wiley, and is to be set at a later date.

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

RESOLUTION NO. 46-04

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED IN CASE NO. EGF C04-074)

(Assigned to Commissioner Peter Keane, Resolution No. 46-04)

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

PUBLIC COMMENT

Alexis Ross discussed concerns regarding Officer Nelson's misconduct.

POSSIBLE DATE AND LOCATION OF UPCOMING POLICE COMMISSION TRAINING ON STATE AND LOCAL LAWS AND POLICE DEPARTMENT POLICIES PERTAINING TO PUBLIC SAFETY OFFICER DISCIPLINE

Commissioner Sparks discussed date of training to be held at City Hall on May 27, 2004, at 4:30 in the afternoon. She stated this will be a 3- hour training. Commissioner Sparks asked City Attorney Morley if this would require longer notification. Ms. Morley stated no longer notice is required.

Commissioner Sparks also discussed a 2-day course for the new Commissioners on various issues She stated it is worth while to look at this and possibly doing it in one day, on a Saturday, and go to the academy to do training.

PUBLIC COMMENTS

None

IDENTIFICATION OF ITEMS FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Keane asked for the report regarding list of names and that it be done two weeks from this past Monday, and that would be on June

2nd to have on the calendar. Also sometime in the future to set a date an overall review of that general order already in process.

Commissioner Orr-Smith review of OCC Outreach Plan for June 9th.

Commissioner Sparks would like the OCC to present a 5-year summary of policy recommendations to the Department and as part of that to include which ones are accepted by the department and which ones are not. Commissioner Sparks also would like to discuss an overview on authorization to open substations, the operation overview, also the staffing overview, on when a substation is open, how staffing is determined. Commissioner Sparks also would like to discuss putting public comment not on the agenda at the beginning of the agenda.

Commissioner Veronese would like to look at General Order 8.09, I(A), which addresses comments made to the media.

PUBLIC COMMENT

Mark Schlosberg, ACLU, suggests picking dates for all of issue discussed so public knows when it will be discussed.

Commissioner Renne go through all requests to set dates by next weeks meeting. Also would like to have a Closed Session with city attorney to discuss cases that are coming up soon.

APPROVAL OF MINUTES OF THE POLICE COMMISSION MEETING OF MAY 5, 2004

PUBLIC COMMENT

None

Commissioner Sparks thanked Lieutenant Geeter and his staff for a more complete minutes.

Commissioner Orr-Smith moved to approve the minutes. Second by Commissioner Veronese. Approved 7-0.

PUBLIC COMMENT

None

Thereafter, the meeting was adjourned 9:45 p.m.

Lieutenant Edward Geeter
Secretary
San Francisco Police Commission

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