

MAY 10, 2006

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 5:27 p.m., in Closed Session.

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

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER WITH LEGAL COUNSEL. (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d))

Motion by Commissioner DeJesus, second by Commissioner Marshall to hold Closed Session. Approved 6-0.

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

CONFERENCE WITH LEGAL COUNSEL

- a. O'Malley, et al. vs. City and County of San Francisco, et al, San Francisco Superior Court Case No. CPF 05-505929

MAY 10, 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 6:10 p.m., in a Regular Meeting.

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

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

DISCUSSION WITH DIRECTOR ALLEN NANCE OF THE MAYOR'S OFFICE OF CRIMINAL JUSTICE IN REGARDS TO REVIEW OF THE POLICE DEPARTMENT'S OPERATIONAL AND ORGANIZATIONAL STRUCTURE

Director Allen Nance stated that following: "First, let me start off by saying that our office has a tremendous amount of respect for the men and women of the San Francisco Police Department and their efforts to keep our city safe, their efforts to solve crimes, and to demonstrate integrity on the part of this city. We recognize that in any department that there are individuals whose performance needs to be reviewed, individuals for whom discipline may be appropriate, and individuals perhaps who should not be police officers. But we believe and recognize that the vast majority of officers in the San Francisco Police Department are good officers, are dedicated to the work that they do, and have a tremendous amount of respect for the citizens of this city. So I want to premise by remarks by making that statement because I do believe that

it's important that the officers know that they are supported by the Mayor's Office and that they are supported by the City.

Several weeks ago, Mayor Newsom asked that I lead an effort to review the organizational and operational efforts within the San Francisco Police Department as they relate to a variety of functions in the Department. The goal is to strengthen and support the work that the Department does, to provide the City with an opportunity to enhance the efforts of that Department, and to provide us with an opportunity to build stronger partnerships with the citizens that it serves.

What we are embarking upon is a change management strategy, and that's a strategy that any department and any entity that is forward thinking would embrace. And that is about identifying ways to improve, identifying ways to strengthen the management and the leadership of the department, and also identify ways to enhance the partnerships with community members.

I can tell you that over the past several months through my dialogue with Chief Fong and other members of the Department, as well as in dialogue with other members of the community, that there are a number of challenges that we acknowledged that face the Department. Obviously, one of those is information technology. As you may know, our office has responsibility for the sponsorship of the justice integrated information project and a component of justice is the RMS system that would be operated by the Police Department. We support the continuing development of that system. We continue to advocate for the resources for the effective implementation of that system, and we believe that once that is in place, that it will significantly enhance the Department's ability to manage information, to solve crimes effectively, and to enhance its accountability internally as it relates to activities within the various districts.

We are hopeful and optimistic that a component of their RMS system will also include an Early Intervention System. This is a best practice that is nationally adopted. It is a best practice that other jurisdictions in California are looking at and it is something that will increase the capability of the Department from a management standpoint to make better decisions about performance, to provide officers with effective feedback relative to their performance, and also identify ways to intervene before behavior or performance becomes problematic. And we support that implementation.

We also recognize and expect, as part of our effort, to look at the recruitment, hiring, and training practices within the Department. Clearly, San Francisco has to focus on bringing in good officers, recruiting and bringing in those officers from a variety of different places, not just locally. We need to look at identifying new officers that represent the diverse communities that exists within San Francisco and we need to make sure that those officers receive the appropriate training, not simply in the Academy, but once they are placed in the field and that they have the appropriate support and supervision to be good officers in this Department.

We also believe that there has to be an effective use of civilian resources, and to the extent that there are opportunities to have sworn skilled officers engaged in police work on the street instead of desk assignments, I think that we should look at that viability. Now, having said that, I also recognize that there is a need to have work assignments available for those officers who are not in a position to return to the street, and we certainly support the Chief's leadership in identifying effective ways to accommodate those officers.

Any component of a reorganization or organization review has to include leadership, and that leadership review should occur at the management

level as well as at the district level, the Captains and Lieutenants and the Sergeants, to make sure that they are receiving the training that they need, the leadership development effort that is required to enhance their skills and abilities and we seek to bring those practices to San Francisco.

You've heard a lot of information about community policing, and clearly, community policing is a key component of any effective department strategy in working with members of the community. But let me say this, community policing is not simply a tool that we install but it is a process of engagement that is developed over time: building strong relationships, building effective partnerships, and making sure that the officers have an opportunity to engage with the public in meaningful ways and we seek to identify the best practices nationally that will allow us to enhance our existing community policing strategies.

I have had opportunities to speak with a variety of individuals who are working in this Department and engaging with people in the public and I've also had an opportunity to talk to some of those folks in the community who have a tremendous amount of confidence in the community policing strategies that exist within their neighborhoods. But there is still a substantial amount of work to do in that area and there clearly are certain portions of the community that do not feel that community policing has effectively reached them and we have to do a better job of finding ways to make that happen.

I've talked about bringing in national best practice and making sure that we are leveraging the expertise, not only locally, but the expertise that exists across the nation relative to best practice in policing. And so we've engaged in dialogue with the Police Executive Research Forum – it is a national organization based in Washington – the Community Policing Consortium, also based in Washington, and we expect that we will engage in dialogue with the Rand Corporation and others who have done the work around these issues that we face in San Francisco.

Currently, our office has been working in partnership with representatives from the Kennedy School of Government relative to the cease fire model that we have here in San Francisco. And so, the Department has been very open to the feedback that we are receiving through this consultation. This partnership has occurred as a result of resources that have been made available to us through the Haas Junior Fund and we will continue to analyze data, our data structures, the systems that we have for communicating information about incidents that have occurred and look for ways to improve and enhance our ability to address violent crime in the city.

I can tell you that we recognize that we cannot, in the Mayor's Office, do this alone, nor should we. And, therefore, we fully expect that we will partner with this Commission, with the POA, with the Board of Supervisors, with community members, and I want to stress with community members in finding ways to prioritize our efforts to develop specific goals and objectives that are measurable and to use that as a guide post for the work that we have before us. Our office intends to seek both public and private dollars to fund our efforts and we are happily taking a leadership role in that regard.

In closing, what I would like to further emphasize is that while there is a tremendous amount of work to do, the capacity to do that work exists both within the Department but also on this Commission and within the City. And we look forward to working with you, not working in a different direction. We're not taking the lead in running off in a different direction without your support and your guidance and your input but truly in a true partnership, and I am open to any questions that you may have."

Commissioner Renne thanked Mr. Nance for his presentation.

Commissioner Veronese stated that what he see that is affecting criminal justice in San Francisco is the lack of confidence both from within the police department and the confidence outside the police department in regards to the witness protection program. How can the Mayor's Office help the city and the Department deal with some of those issues. Director Nance stated that San Francisco is no unique in seeing the challenges of having witnesses step forward and testify in cases. Director Nance stated that the Department needs to work with the community to build relationship and credibility with individuals who want to testify.

Commissioner Campos expressed concern that the Department does not have enough resources to do everything that needs to be done and is there a commitment on the part of the Mayor's Office to give the Department all of the resources it needs to live up to the expectations that every community in San Francisco has in terms of dealing with homicides and crime. Director Nance stated that the Mayor's Office is committed to making sure the Department has the resources it needs to be effective but it also recognize that the process to get to that point is one that requires legislative input as well as time and to be able to accomplish the goals in a thoughtful and meaningful way means that there has to be strategies that cut across several fiscal years and efforts have to be prioritized. Director Nance stated that the Mayor is supportive of adding additional resources to the Department and he continues to support additional resources necessary beyond personnel but also for tools designed to help the Department in its efforts to be more effective. Director Nance also stated that he is hopeful that this Commission will be an equal partner with the Mayor's Office in the efforts to identify the priorities and to identify the methodology to address the concerns and the goals that are identified collectively.

Commissioner Sparks read some of the issues faced by the Boston Police Department. Commissioner Sparks asked if the whole structure of the Department needs to be looked at and are the best practices really the best practices or should the City of San Francisco look at a system and an organization and a process that maybe creates the new best practices. Director Nance stated that San Francisco in not unique in some of the circumstances seen in San Francisco and stated that part of any effort to change an organization requires an analysis of the existing organization and that includes the organizational structure and the resource and the manner in which the different bureaus and districts are staffed and even the district boundary lines are inclusive of that analysis and that it is appropriate to consider that all of those areas will be reviewed.

Commissioner Sparks asked if it is possible to formalize the relationship between Mr. Nance's office and the Commission with a committee or a periodic meeting to be able to move forward together in the process. Director Nance stated that he is open to ideas on that issue.

Commissioner Sparks asked if Director Nance will be developing a specific scope to kind of time line where he is planning on starting and to see what his priorities are and how he sees this thing unfolding. Director Nance stated that what he would like to do is to develop a draft of some of the areas that was talked about today and to submit that to the Commission for consideration and input and use that as the next step. He also stated that he will work with the Chief and the Command Staff to make sure that their input is represented in that document as well and that he hopes that at some point some meetings can be convened to invite representatives from the community to begin dialogue to identify the different interests and priorities so that a document can be created to be use to inform national partners in understanding what it is that needs to be work on and the manner that the issues need to be addressed.

Commissioner Marshall asked Director Nance when he would like this project wrapped up. Director Nance stated that the first phase of this process is to identify where attention should be focused and making sure that experts are identified. Once those experts are identified, they would be able to provide his office with input relative to how this process has worked in other jurisdictions, what the reasonable time frames would be and the Mayor is anticipating that Mr. Nance's office will be able to provide something by the end of the summer that clearly identifies the direction of where it is moving. Mr. Nance stated that the Department has already embarked upon some very significant efforts to look at bringing in best practice.

PUBLIC COMMENT

Patricia Tulloch discussed concerns regarding incident in 22 Filmore bus with juveniles.

Dennis McNally, ACLU, stated that this is the 3rd or 4th evaluation and stated that there are local resources available.

Ace Washington discussed concerns regarding his press pass.

PUBLIC COMMENT

Barbara Growth discussed concerns regarding Officer Nelson.

Lorraine Altamirano discussed concerns regarding the Detoy case.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Chief Fong updated the Commission and stated that the Department met with Mr. Buker as well as persons who were brought in to work with the City's plan in terms of the replacement facilities for the Hall of Justice and other criminal justice facilities and stated that there was a lot of discussion for building not for what is today but what is 10 to 15 years from now. Chief Fong also stated that they also talked about the redrawing of the district boundaries and how that is going to be a long termed process. Chief Fong also stated that a second meeting was held regarding the DGO Limited English Proficiency Personnel and there will be another meeting in two weeks. Chief Fong also stated that the Department is continuing in the budget discussions with the Mayor's Office and will be briefing Commissioner Sparks shortly so that the Department can let the Commission know the budget progress.

Commissioner Campos stated that the officers should be commended for the way in which they handled themselves during the demonstrations last week.

Chief Fong stated that the community organizers worked with the Department to help keep the events peaceful.

Chief Fong introduced Deputy Chief Tabak to give the Commission an overview regarding the guidelines in regards to witness protection.

Commissioner Sparks asked in regards to request for translators. Chief Fong explained that currently that is a decision that is made by both the dispatcher and the officer who responds to the scene.

Commissioner DeJesus stated that it is important to recognize the need for a translator.

Deputy Chief Tabak presented what witness relocation is and how it works within the San Francisco Police Department. Chief Tabak explained that there is no City Witness Relocation Program. There is the San Francisco Police Department Witness Relocation Program and the District Attorney's Office has their own Witness Relocation Program. They are stand-alone

programs. The District Attorney manages their program and the Police Department manages their program.

San Francisco Police Department has a witness relocation program for many decades. One of the key factors is the ability to, not only develop witnesses that are willing to step forward and help prosecute cases, but also to provide the witnesses the requisite safety given the nature of the case that they are testifying to. The bulk of witnesses relocated deal mostly with homicide, gang-related cases, gang violence, domestic cases, sexual assault cases, but the bulk deal in the homicide and gang homicide.

Witnesses have to agree to be relocated and have to agree to conditions in that relocation. Each individual case, the SFPD assesses individually. Every case has a different threshold of threat. A threat assessment is done for that individual case, for that type of testimony, the type of case, the potential danger level on that witness based on the suspects or people that the witness may be testifying about. Once the threat assessment is done, the witness is relocated. Part of which the program is so successful is that it is highly confidential. The witnesses are moved around because the Department does not want to take chances in which a witness may be compromised.

Chief Tabak stated that in the last two years, the Department have relocated 40 witnesses and approximately 100 in total, counting family members.

Chief Tabak stated that historically, going back 40 years, the Department has never had a witness harmed or killed while in the program.

Chief Tabak explained that what happens is the Department take the witness that's willing to testify and that it is critical to the case, the Department will have the witness, managed that witness, and relocate that witness up until the time the case is going to be charged by the prosecutor, whether it be the District Attorney's Office or the U.S. Attorney's Office. The prosecutor has all post charging responsibilities to manage that witness, to relocate that witness, and to protect that witness to the extent that's necessary to the given threat of the case.

Commissioner Marshall asked the Chief if the Department is going to be part of the summit set for June. Chief Fong stated that the Department looks forward to joining the summit on June 16th.

Commissioner Campos asked Chief Tabak what efforts will be made by the Department to insure that public that they can come forward. Chief Tabak stated that the Department will have conversations with the District Attorney investigators who are in charged of witness relocation.

Commissioner Veronese asked why is the Department doing this program when the District Attorney's Office and the U.S. Marshall's Office has the same program. Chief Tabak explained that the way it works in California is that every county, every prosecutor within that county has the responsibility to take witness relocation on at time of charging. As far as the U.S. Marshall, Chief Tabak stated that the Department use them in quite a lot of different things like tracking wanted suspects that may have fled the state. They don't have the staffing and the resources to take something like the witness relocation program on. Chief Tabak stated that a witness may be in the program from several weeks to several months or longer. Chief Tabak stated that there is two programs instead of two because the Department does not have the staffing to take the program on continuously and the Department certainly do not have the funding.

Commissioner Sparks asked what happens after the case is over with.

Chief Tabak stated that sometimes it is permanent and the witness are relocated permanently to another location.

PUBLIC COMMENT

None

OCC DIRECTOR'S REPORT

- a. **Review of Recent Activities**
- b. **Further discussion of OCC's First Quarter Early Warning Report**

Sergeant Reilly announced that Director Allen is not present this evening due to a death in the family and that Director Allen asked that the discussion regarding the first quarter early warning report be put over for next week.

Ms. Susan Leff, Attorney, discussed language access. Ms. Leff also announced that tomorrow the Immigrant Rights Commission is holding a hearing on the equal access to services ordinance and the OCC will be speaking at the hearing about their language access proposal.

Commissioner Renne asked if there is any sort of process that the OCC has to communicate to the Department any sort of allegations or complaints that really seem to be particularly egregious and is there a process and when the OCC gets an allegation that seem to be particularly egregious, does the OCC take them out of the pile to deal with them right away. Commissioner Renne asked that Ms. Leff talk with the Director about this question.

PUBLIC COMMENT

Gary Delagnes, POA President, discussed concerns regarding the actions of Ms. Susan Leff and asked the Commission and the City Attorney's Office to investigate the actions of Ms. Leff.

Steve Johnson, POA, discussed concerns regarding the actions of Ms. Leff.

APPROVAL OF THE MINUTES FOR THE MEETING OF APRIL 26, 2006

Motion by Commissioner Marshall, second by Commission DeJesus to approve the minutes. Approved 6-0.

COMMISSION ANNOUNCEMENTS

- a. **Assignment of disciplinary charges filed in Case No. C06-060 JF to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner Veronese, Resolution No. 34-06)

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Renne announced that on June 7th, there will be a joint meeting at the Ella Hill Hutch Center at 6:00 p.m. Commissioner Renne also announced that on June 16th will be the summit with the District Attorney's Office and that Commissioners Marshall and DeJesus will be attending.

Motion by Commissioner Campos, second by Commissioner Marshall to adjourn the meeting. Approved 6-0.

Thereafter, the meeting was adjourned at 8:04 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

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