

**MARCH 1, 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 5:48 p.m., in a Regular Meeting.

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

*(Commissioner Renne arrived at 6:13 p.m.)*

**PUBLIC COMMENT**

Unidentified discussed concerns regarding SRO issues.

Patricia Tullock, POWER, discussed concerns regarding her observation of patrol car 589 in the Fillmore District and stated concerns regarding racial profiling.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE THE FOLLOWING:**

- a. **Department's Fiscal Year 06/07 Budget**
- b. **OCC's Fiscal Year 06/07 Budget**
- c. **Police Commission Budget**

Captain Lynch, Fiscal Division, presented the Department's fiscal year 06/07 budget.

Motion by Commissioner Marshall, second by Commissioner DeJesus to approve the Department's budget. Approved 5-0.

Director Allen presented the OCC's fiscal year 06/07 budget.

Motion by Commissioner Marshall, second by Commissioner Campos to approve the OCC's budget. Approved 5-0.

Motion by Commissioner Sparks, second by Commissioner Marshall to direct the Department to add into the SFPD budget additional resources for additional staff for the Commission office. Approved 5-0.

**PUBLIC COMMENT**

Marylon Boyd discussed budget for FTO training, specialists training, and budget for OCC attorneys.

**RESOLUTION NO. 18-06**

**APPROVAL OF THE SFPD BUDGET FOR FISCAL YEAR 2006-2007**

RESOLVED that the Police Commission hereby approves the SFPD budget for fiscal year 2006-2007.

AYES: Commissioners Renne, Sparks, Campos, DeJesus, Marshall  
ABSENT: Commissioner Veronese

**RESOLUTION NO. 19-06**

**APPROVAL OF THE OCC BUDGET FOR FISCAL YEAR 2006-2007**

RESOLVED that the Police Commission hereby approves the OCC budget for fiscal year 2006-2007.

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

ABSENT: Commissioner Veronese

**RESOLUTION NO. 20-06**

**APPROVAL OF THE POLICE COMMISSION BUDGET**

RESOLVED that the Police Commission hereby directs the Police Department to put in the SFPD budget for fiscal year 2006-2007 additional resources which would include the required fully loaded costs for the following positions:

(1) Principal Administrative Analyst	\$119,086
(1) Sr. Clerk Typist	66,832
Provision for an Administrative Law Judge	90,934
Percentage of the Deputy City Attorney's Time which equals to	76,960

AYES: Commissioners Renne, Sparks, Campos, DeJesus, Marshall  
ABSENT: Commissioner Veronese

*(The Commission took a five-minute break.)*

**CHIEF'S REPORT**

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

Chief Fong read a letter into the record that she will be presenting to the Commission:

“This is dated today to President Renne:

Re: Request for Guidance regarding the Meet-and-Confer Process Compliance with Proposition H between the Office of Citizen Complaints and the Chief of Police.

Dear President Renne:

I am seeking the Commission's guidance and clarification due to several recent issues regarding the meet-and-confer process required under Charter section 4.127. These recent events have led me to believe a more formal protocol needs to be established in order to insure the integrity, fairness, and accountability of the disciplinary process.

Recent Commission disciplinary findings by the Office of Citizen Complaints have occurred after the required meet-and-confer process has begun but has not been completed. In at least one case, there has been no formal meet-and-confer process at all.

In those cases where we did meet and confer, after I had reviewed the information supplied to the Department by the OCC, I pointed to specific areas of the investigation that did not support the OCC's recommendations. In each case I provided relevant information and analysis and made specific requests of the OCC in order to reach my final decision. Based upon their written investigations and our discussions, I had made a preliminary decision in each case on whether discipline was warranted and the appropriate level to bring those charges. I informed the Director of my decision in each case. In addition, in each case I communicated by absolute need to have further critical information from them in order to make my final decision. These conversations left us anticipating some further action on the part of the OCC and some conclusion to the meet-and-confer process. This did not occur.

Further, the OCC simply filed with the Commission. Without notifying me of their decision to file, I became aware from Department personnel that

OCC staff were calling to acquire case numbers and OCC staff were calling stations to effect service of documents in order to file Commission level charges in those case we were actively discussing. Neither I nor the Risk Management Officer ever received any personal notification from the OCC regarding the filing and service of these discipline documents.

Under Charter section 4.127 the OCC has the authority to verify charges with the Police Commission after the meet-and-confer process with the Chief of Police. Currently, there is no requirement to notify the Chief of Police. The filing of Commission level charges during the meet-and-confer process without notification to the Chief of Police does not honor the spirit and letter of section 4.127 and is cause for serious concern.

Recently, two letters were filed independently with the Commission Secretary. Copies of these letters obtained by the Commission Secretary indicate a cc to the Police Chief. As of today's date, those letters have not been received by me. These documents are identical and indicate, quote "after numerous meetings and discussion Chief Fong has failed to file charges and has given no indication she is going to file charges in this matter." end quote. In one of these matters, one meeting was held in which our investigative concerns were brought forth. In the other matter, one meeting, one conference call, and one telephone call took place.

These letters also indicate the one year time periods set forth in Government Code section 3304 was to expire soon necessitating urgent filings. In these cases the Chief has not been afforded the 60-day review period as set forth in Proposition H. We are unaware of any letter written to the Commission on the most recent filing.

In one case, during the meet-and-confer process, we were provided with OCC draft documents of Commission charges. These documents were drawn in the name of the Director bringing into question the legitimacy and integrity of the meet-and-confer process.

All of these events have necessitated the need for a protocol to obviate future problems. As a practical solution I recommend that an official protocol be codified to address the issues created by these actions. I've requested assistance of the City Attorney in developing these protocols. The major areas of concern include: a formalization of the meet-and-confer process required under Charter section 4.127; a formalization of the required Director's letter to the Police Commission justifying Director-verified charges when there is a substantial deviation from the standards and principles of progressive discipline; a method of notification of the Chief of Police or in his/her absence the Commanding Officer of the Risk Management Division when the Director intends to verify charges; a formalization of the process for service of verified charges upon Department members; and the standardization of OCC discovery through the Commission Secretary.

I'm available and I look forward to discussing these issues with you. Thank you, Commissioners."

#### PUBLIC COMMENT

Elvira Pollard, mother of Gustavos Rugley, discussed concerns regarding OCC not getting requested documents from the Department.

Marylon Boyd discussed concerns regarding 60-day review period and the one year statute.

Maggie Scott, Healing Circle, discussed concerns regarding unsolved homicides. She asked that something be put on the budget to help with unsolved homicides.

## **OCC DIRECTOR'S REPORT**

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

Director Allen reserved comments to what was discussed beforehand.

## **PUBLIC COMMENT**

None

## **DISCUSSION AND POSSIBLE ACTION TO APPOINT A COMMISSIONER TO MONITOR COMPLIANCE WITH DEPARTMENT GENERAL ORDER 8.10, "GUIDELINES FOR FIRST AMENDMENT ACTIVITIES" PURSUANT TO SECTION (VI)(A) AND (B) OF THE GENERAL ORDER**

Motion by Commission Campos, second by Commission DeJesus to appoint Commissioner Marshall. Approved 5-0.

## **RESOLUTION NO. 21-06**

## **APPOINTMENT OF COMMISSIONER JOE MARSHALL TO MONITOR COMPLIANCE WITH DEPARTMENT GENERAL ORDER 8.10, "GUIDELINES FOR FIRST AMENDMENT ACTIVITIES" PURSUANT TO SECTION (VI)(A) AND (B) OF THE GENERAL ORDER**

RESOLVED, that the Police Commission appointed Commissioner Joe Marshall to monitor compliance with Department General Order 8.10, "Guidelines for First Amendment Activities" pursuant to Section (VI)(A) and (B) of the general order.

AYES: Commissioners Renne, Sparks, Campos, DeJesus, Marshall  
ABSENT: Commissioner Veronese

## **APPROVAL OF MINUTES FOR THE MEETING OF SEPTEMBER 28, 2005**

Motion By Commissioner Marshall, second by Commissioner Sparks to approve the minutes. Approved 5-0.

## **COMMISSION ANNOUNCEMENTS**

- a. Assignment of disciplinary charges filed in Case No. C06-035 SL to an individual Commission for the taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner Veronese, Resolution No. 22-06)
- b. Assignment of disciplinary charges filed in Case No. C06-034 SL to an individual Commission for the taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner Veronese, Resolution No. 23-06)

Sergeant Reilly also announced that disciplinary charges related to the above-mentioned cases will also go to Commissioner Veronese.

Commissioner Renne asked that this item be continued at this time.

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

Commissioner Marshall asked that prioritizing of items be on the agenda for next week.

Motion by Commissioner Sparks, second by Commissioner Marshall to

adjourn the meeting.

Thereafter, the meeting was adjourned at 9:25 p.m.

---

Sergeant Joseph Reilly  
Secretary  
San Francisco Police Commission

1497/rct