

**JUNE 23, 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 5:15 p.m. in Closed Session.

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

ABSENT: Veronese

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

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:  
AS DEFENDANT

Significant exposure to litigation against the City with respect to amendment of Department General Order 8.11 in light of 5/28/04 letter from the Police Officers' Association's attorney regarding meet and confer obligations

**JUNE 23, 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 6:20 pm. in a Regular Meeting.

PRESENT: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall,  
Sparks, 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 Orr-Smith not to disclose discussion held in Closed Session. Second by Commissioner Keane. Approved 7-0

**CHIEF'S REPORT**

- a. **Review of recent activities**
- b. **Report on the Department's Crisis Intervention Training**
- c. **Review on operations of the Department's Permit Bureau**

Chief Fong introduced the speakers to report on the three items listed under the Chief's Report. Deputy Chief Parra will report regarding several questions asked by the Commission regarding the Sig-Sauer firearms and what would result from the Beretta firearms currently carried by the Department. Sergeant Mike Sullivan and Helynna Brooke, Mental Health Board, regarding the Crisis Intervention that's provided by the Department. The third report will be by Captain Tom O'Neill, Support Services, regarding the Permit process.

Deputy Chief Parra responded to some of the inquiries made regarding what exactly happened to the Beretta firearm. A credit will be received from the Sig-Sauer Company. The Department will dismantle the Beretta weapons and those parts will be sent to Sig-Sauer for a monetary credit. The frames of the Berettas will be destroyed by the Department and the Department will take the registration numbers from weapons destroyed and new ones that are issued and they will all be registered with the Department of Justice. The old firearms will not go back into circulation.

Commissioner Renne asked how much credit does the Department get. Deputy Chief Parra stated it is a significant credit at approximately \$350,000

and there are 2600 weapons.

Sergeant Mike Sullivan, Americans with Disability Act Coordinator for the San Francisco Police Department, to report on the Crisis Intervention Training. Sergeant Sullivan asked Helynna Brooke to join him to discuss the Police Crisis Intervention Training. Sgt. Sullivan stated that the 10<sup>th</sup> class will be graduating tomorrow afternoon.

Sgt. Sullivan stated that this is a 40-hour course approved by POST. On the first day is Psych 101 to give the officers a foundation in the different types of mental disorders, mood disorders. Later on in the day, Jensen Pharmaceuticals provides a virtual reality machine that simulates schizophrenia. Goggles and headphones gives the auditory and visual hallucinations to give the officers an idea of what it's like to be schizophrenic. On the second day, the officers go out and visit three types of facilities to see what happened in the process and so that they are clear on having the first day getting the foundation and on the second day actually going out into the community and seeing people who are mentally ill. Midmorning, the officers come back and members of the community talks to the officers and engage them in a conversation. What the course is getting across to the officers is they are seeing people in crisis. That's when police arrives. The officers are shown that that person you see in crisis is not the person that this is actually the end after they decompensated. The third day they talk about developmental disabilities, child crisis, juveniles, the differences in how depression manifest in a juvenile as opposed to an adult. The fourth day they talk about active listening to get officers to key in on what people are saying. Practice good officer safety but actually listen to what people are saying because they are trying to say something and listen through the screams, the yells, or whatever is going on to key in on what is actually being said and try some of the techniques that are taught.

*(Commissioner Veronese arrived at 6:30 p.m.)*

Sgt. Sullivan stated that the course is designed to get a face on it, get people to listen, slow down, ask a few more questions and see what's going on.

Sgt. Sullivan introduced Helynna Brooke to talk about the involvement of the Mental Health Board.

Commissioner Orr-Smith asked how many people in the class. Sergeant Sullivan stated there are 30 people per class. The clinics and drop-in like to keep it to 10 or less so it's less disruptive and less confusing. As of tomorrow, 273 officers would have been trained. The goal is to train all of patrol division officers. Additional funding, through the Board of Supervisors, are use specifically for the class.

Ms. Brooks stated that this is the most interesting projects that she had work in her entire life, this project of working with the Police Department on this training. There is a serious problem with a lot of mentally ill people on the streets. It is imperative that additional information and tools be provided to the officers that deal with mentally ill people. She got involved in the end of 1999 and they first looked over the training the Department had already. They also looked at what was being done in San Jose at that time. The Department also sent an officer to San Jose to attend their training. Funding was available in January, 2001 and the first training was in May of 2001. The question was is it useful for officers and response from the officers are yes, they are still using their training out on the streets. She stated that this has given her a profound respect for the Police Department. She stated that she's impress with the officers of the department and the questions asked by the officers regarding people with mental health illness. The other benefit is the working together of the Police Department and the Mental Health Department. A program was

developed called reverse training where mental health staff are sent to the Academy for training to see what the officers do. She stated it has been really educational for the department. Another benefit is that specific changes have been made because of this program. She stated the largest outreach group out there is the San Francisco Police Officers.

Commissioner Chan stated that he submitted a draft resolution that would provide a framework, having heard what the Commission have just heard, could provide the department with critique as how to training programs are lacking or perhaps more needs to be done in making them more available to members of the force. He asked at what time would it be appropriate to raise the matter for the Commission to be brought into closure and hopes that the Board of Supervisors will continue to support this program.

Captain O'Neill described the Permit Section of the Support Services Division. The section is divided into two sections: Permit & Taxi. The Permit Unit processes applications, renewals of different types of permits. The Entertainment Commission was established in July, 2003, and this transferred 20 entertainment-related permits from the Police Department to the Entertainment Commission. The Permit Unit continues to provide the administrative support for these permits. The Unit process all applications, takes in the fees, distributes recommendations, informs the appropriate city agencies, and then forwards all the applications and completed recommendations to the Entertainment Commission. Additionally, the district station officers do their follow-up in permit inspections. Captain O'Neill stated that the Massage Ordinance passed and will be transferred from the SFPD to the Health Department. He stated he does not anticipate a transition period, however, the Police Department will do the background checks of the applicants as per the ordinance. In January, 2004, the Fortune Tellers Ordinance went into effect where for the first time, fortune tellers would be permitted. Thus far, 18 fortune tellers have received permits. The Permit Section also had to re-institute the permitting of tow car firms and operators. The most complicated part involves the inspection of the vehicles and the firms. Thus far the Permit Unit has processed 3,136 applications of various types of permits. 828 of these were taxi-related applications and 605 were entertainment-related. The Taxi Unit facilitates administrative functions for the Taxi Commission which passed in 1998. This unit is 100 percent funded through a work order. Currently there are approximately 7,000 drivers permitted, 1306 taxicab medallions, 75 ramped taxicab medallions, 30 separate color schemes, and 10 dispatch companies. When the Taxi Commission was established, it did allow for the Board of Supervisors to eliminate the Taxi Commission and fold it into the MTA (Municipal Transportation Authority) and has to go before the Board for approval which will result in additional transitional period.

Commissioner Orr-Smith asked, with respect to permits issued for certain kinds of businesses, what is the complaint status of those kinds of business? Captain O'Neill stated there is a certain amount of illegal disposition of stolen properties through this type of facilities but it doesn't fall under Permit Section. It does fall under the Fencing Unit and there is an active investigation going on. Commissioner Orr-Smith how does that impact their ability to continue with their permits? Captain O'Neill stated it would require a conviction to uphold a revocation of the permit but that is not initiated until the case has been submitted to the District Attorney's office for conviction.

Commissioner Orr-Smith what would you look at in revoking permits? Captain O'Neill stated that revoking any permits is difficult because they are appealable through the Board of Permit Appeals. Criminal conduct is generally grounds for revoking permits.

Commissioner Orr-Smith asked what would the community have to do

in order to take action against a vendor and revoke his permit? Captain O'Neill stated that a hearing is held where the applicant is brought in along with witnesses but there has to be real legitimate reasons to revoke the permit. If there is criminal activity, the officers will work with the inspector's bureau to establish a criminal case.

Commissioner Sparks asked how does one determine the legitimacy of a fortune teller? Captain O'Neill stated that they have to be engaged in legitimate business as defined by the code as opposed to exploiting vulnerable people and robbing them of their life savings. One of the big problems with the fortune tellers is they have aliases, they move around and this is a means of identifying them, getting fingerprints. When the notices was enacted and notices were sent out as to permit requirements, there was an exodus from the city of a significant number of them.

Commissioner Veronese asked why massage permitting handed over to the Department of Health? Captain O'Neill stated that members of the community approached the Board and stated that massage was more of a health department issue and involved inspection control of sexually transmitted diseases and the Department supported this reasoning and supported the legislation.

Commissioner Veronese asked if the Vice department is working with the health department? Captain O'Neill stated that yes they are working with the health department.

Commissioner Chan asked about investigations from the Vice Unit on mechanical amusement devices and its role in policing use of such permits? Captain O'Neill stated that Vice is not his division but certainly if they have reason to believe there is a criminal activity the Vice Unit will investigate.

Commissioner Chan asked how the massage permit is handed over to the Health Department. Captain O'Neill stated that the Police Department has proposed and pushed to maintain the vice controls that the Department currently has in stopping criminal activity.

Commissioner Veronese asked about the Entertainment Commission regarding concerns about festivities involving people in these festivities, is there a process for these festivities to mandate them to have some sort of permit through the Police Department not through the Entertainment Commission because for police activities so that there is some sort of accountability on the part of the organizers. Captain O'Neill stated that the Police Department are involved in the permitting process of these festivities. The Department has input as far as providing the necessary support.

## PUBLIC COMMENT

Michael Petralis talked about item 5b regarding crisis intervention training as far as people using speed. He also spoke regarding the budget and asked that if there is a document, print the web address where that document can be found on the web.

Marylon Boyd, Justice to Cammerin Boyd Campaign, stated that her son was mobility impaired and that her son had tried to communicate with the police regarding his disability and would like that the police look into the issues of mobility impaired persons. She asked about the police's heated moment and how do they address themselves and she would like that the crisis intervention be addressed.

Malaika Parker, Bay Area Police Watch, thanked the Commission for taking this issue up. She stated that the primary issue by the community is that information are not shared and the training should change as issues come up.

## **OCC DIRECTOR'S REPORT**

- a. **Update regarding Police Recommendations regarding officer-involved shootings and in-custody deaths**
- b. **Discussion and possible action to set a date for presentation of the OCC's Report on implementation of its policy recommendations to the Police Department from 1999 through 2004**
- c. **Review of Recent Activities**

Director Allen addressed the Commission regarding the date for presentation of the OCC's report on implementation of its policy recommendations to the Police Department from 1999 through 2004. He stated that he will be meeting with Chief Fong to compare notes as far as the policies. There are 28 policy recommendations. He asked the Commission to pick a date for presentation of this report.

Commissioner Renne requested that Chief Fong and Director Allen agree on a date and she will schedule it to be placed on the Commission calendar.

Commissioner Sparks asked that copies be forwarded to the Commission before the report is presented.

Director Allen will provide a full copy of all the policy recommendations.

Commissioner Keane asked if it is feasible for the Commission to look at the 28 policy recommendations in one meeting. Director Allen stated that hopefully by the time they are presented to the Commission, it will be a finished product.

Commissioner Renne stated that within the next two weeks, a packet of policy recommendations be submitted and then start to calendar those.

Director Allen stated that as far as officer-involved shooting incident policy, he will forward information to the Commission as soon as information is received.

## **PUBLIC COMMENT**

None

## **DISCUSSION AND POSSIBLE ACTION TO APPROVE REVISED GENERAL ORDER 11.09, "EMPLOYEE ASSISTANCE PROGRAM/STRESS UNIT"**

Sergeant Mary Dunnigan described the Stress Unit and stated that the change to the General Order was made as not to be redundant.

Commissioner Chan asked what is the relationship of the Stress Unit to the Early Warning procedures. Sgt. Dunnigan stated that they work closely with the sergeants out on the field and work closely with family members of officers involved. They are a support system for the members and their family members. They also provide counseling and refer out for professional counseling. Sgt. Dunnigan stated she does do a Law Enforcement Orientation and she talks to recruits about how they will be transitioning from civilian to cop. The orientation addresses the police culture and the difference they will experience as far as dealing with victims on a day to day basis. She also offers a class, which is volunteer for the recruits and their family members called Family Partner Training. The recruits come in one night to talk about police work and transition from civilian to a cop. This gives the family members some idea of what to expect and gives the members a chance to ask questions

so that they can be familiarized with the culture.

Commissioner Keane asked what intervention is used for an officer with alcohol or drug abuse problem. Sgt. Dunnigan stated that Stress Unit deals with alcohol and stress issues and they try to get support around peers and co-workers to get the officer to go to the stress unit on their own. If an officer is dealing with disciplinary issues regarding alcohol and stress, gambling, the unit deals with the officer. There is a peer support program to get officers to talk to other officers with alcohol and substance abuse problems.

Commissioner Veronese asked about critical incidents, does the department have a support structure in response to a victim, non-police officer involved in a critical incident. Sgt. Dunnigan stated that time is consumed by members and their families but the unit does work with victims who asked for help and can be forwarded some resources.

Commander Puccinelli stated that a CIRT team has been established for civilians. The department will call the Department of Public Health and will let the Department of Public Health know the information. There are officers assigned in different stations to call the Department of Public Health in case an incident occur.

Commissioner Veronese asked what brought about the change in the department general order and was there an event that brought this about, this change? Sgt. Dunnigan stated the change is only to avoid redundancy.

Motion by Commissioner Orr-Smith, second by Commissioner Marshall. Approved 7-0.

#### **RESOLUTION NO. 53-04**

#### **APPROVAL OF REVISED GENERAL ORDER 11.09, "EMPLOYEE ASSISTANCE PROGRAM/STRESS UNIT"**

RESOLVED, that the Police Commission hereby adopts revised General Order 11.09, "Employee Assistance Program/Stress Unit."

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

#### **DISCUSSION AND POSSIBLE ACTION TO REMOVE CHARGES FILED IN CASE NO. C02-128 JWA FROM THE COMMISSION'S CALENDAR IN LIGHT OF THE OFFICER'S RESIGNATION**

(Resolution No. 54-04)

Captain O'Leary asked if there are any questions.

#### **PUBLIC COMMENT**

None

Motion by Commissioner Marshall, second by Commissioner Orr-Smith. Approved 7-0.

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

#### **DISCUSSION AND POSSIBLE ACTION TO DISMISS DISCIPLINARY CHARGES IN CASE NOS. OCC 0212-98, OCC 0212-99, OCC 0403-99, AS REQUIRED BY THE SETTLEMENT OF SAN FRANCISCO**

**POLICE OFFICERS ASSOCIATION v. CCSF, SAN FRANCISCO  
SUPERIOR COURT NO. 324625**

Director Allen stated that there is a settlement agreement. Ms. Morley stated that charges are on for dismissal and settlement have been approved by the Chief and the former commission and charges have not been taken off calendar and that is why it is before the Commission tonight.

Commissioner Veronese asked about the settlement and asked for clarification as to how this would affect the Commission in the future.

Motion by Commissioner Veronese to continue. Second by Commissioner Keane. Put over to July 7<sup>th</sup>.

Commissioner Sparks asked if there are other cases that would fall to this same type of action by the Commission. Director Allen stated that there are three cases pending in Superior Court for decision.

Commissioner Veronese asked if there is a vote on behalf of the past Police Commission to approve this contract. Ms. Morley stated that the past Police Commission did meet in closed session on this contract. The settlement was signed by the Chief because it was a matter that was settled for less than \$25,000 and there was no payment with this settlement. In terms of binding this Commission in the future, the only thing that this binds the City as a whole to is that in future cases where there are no notice to the officers of proposed disciplinary action within the one-year period, and in addition there is no exception that is applicable that the city won't argue that notice from the OCC that there was preliminary determination of a case without anything more would not be relied upon. What this binds the Commission to is that it cannot go forward with this particular case.

Ms. Morley also stated that the Chief has authority to settle litigation and the OCC has its own powers to file charges.

Commissioner Chan stated he will speak against the motion and sees no reason why this matter has to be held up.

Commissioner Orr-Smith stated that she concurs with Commissioner Chan and see no further discussion on this.

Commissioner Renne asked that since it was approved by the previous Commission is this is a final agreement and was it submitted to the court. Ms. Morley stated that this is a final agreement.

**PUBLIC COMMENT**

Malaika Parker, Bay Area Police Watch, addressed the Commission regarding dismissal of charges and asked that time be taken to discuss this issue so that 3304 dismissals does not happen again.

Motion by Commissioner Veronese to put this item over to July 7<sup>th</sup>. Second by Commissioner Keane. Approved 6-1.

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

**DISCUSSION AND POSSIBLE ACTION TO CREATE A BUDGET  
COMMITTEE AND A TECHNOLOGY COMMITTEE OF THE SAN  
FRANCISCO POLICE COMMISSION**

Commissioner Renne suggested that a budget committee be created and

that a technology committee be created in trying to help with technology. She stated that Commissioner Sparks has agreed to chair the budget committee. There has to be at least two or more to be a committee.

Commissioner Orr-Smith would like to know how many committees can be established in the future.

Commissioner Renne stated that at this point only these two have been presented. Commissioner Renne stated that this does not have to be done and can be put in the back burner for the moment. But for the moment suggests Commissioner Sparks to be in the budget committee.

Commissioner Sparks stated that the budget is one of the biggest in the city and would require more than two hours to present the budget and to understand how it works. She also stated that this Commission can be helpful with working with the Board of Supervisors.

Commissioner Renne requested that Commissioner Sparks be the budget liaison for the Department and the OCC.

Commissioner Renne stated that the committees will be fact gatherers and recommend ideas to the Commission and suggests that Commissioner Sparks be budget liaison to the Department and the OCC.

Motion by Commissioner Keane to have Commissioner Sparks as budget liaison and have Commissioner Veronese to be technology liaison. Second by Commissioner Orr-Smith. Approved 7-0.

#### **RESOLUTION NO. 55-04**

#### **APPOINTMENT OF COMMISSIONER THERESA SPARKS AS BUDGET LIAISON AND COMMISSIONER JOE VERONESE AS TECHNOLOGY LIAISON OF THE SAN FRANCISCO POLICE COMMISSION**

RESOLVED, that the Police Commission appointed Commissioner Theresa Sparks as Budget Liaison and Commissioner Joe Veronese as Technology Liaison of the San Francisco Police Department.

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

#### **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**

Commissioner Renne stated that she has asked Commissioner Chan to do this duty.

#### **PUBLIC COMMENT**

None

Motion by Commissioner Veronese, second by Commissioner Keane. Passed 7-0.

#### **RESOLUTION NO. 56-04**

#### **APPOINTMENT OF COMMISSIONER DOUGLAS CHAN 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**

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RESOLVED, that the Police Commission appointed Commissioner Douglas Chan 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, Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese

**COMMISSION ANNOUNCEMENTS**

- a. **Notice of assignment and setting of date for hearing on disciplinary charges filed in Case No. C04-097 JWA** (Assigned to Commissioner Gayle Orr-Smith, Resolution No.57-04)
- b. **Scheduling of items identified for consideration at future Commission meetings.**

**PUBLIC COMMENT**

None

Commissioner Renne stated that on Saturday, some of the items requested by the Commission will be addressed during the training.

Letter to School district asked by Commissioner Orr-Smith\*\*\*

Commissioner Renne stated that she will not be the general counsel for the school district by the end of this month.

Commissioner Veronese commended the Chief and stated he attended the first amendment event and stated that there was a lot of comments received regarding a job well done during the BioTech conference.

**PUBLIC COMMENT**

Shawn Richards wanted to introduce himself and commended Chief Fong for doing an excellent and fine job and commended Chief Bruce in his emails and congratulated the Commission.

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

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Lieutenant Edward Geeter  
Secretary  
San Francisco Police Commission