

JULY 21, 2004

REGULAR MEETING

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

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

CHIEF'S REPORT

- a. **Presentation by the Department's Sexual Assault Unit on the Unit's function and the Sexual Predator Registering Program**
- b. **Review of Recent Activities**

Deputy Chief Tabak, Investigations, introduced Inspectors Zerga and Cazassa of the Sexual Assault Unit.

Inspector Cazassa, Sexual Crimes Unit, gave a brief overview of the Sexual Assault Unit. Inspector Cazassa stated that many cases are domestic violence cases. She stated that fingerprints are very rare to find in these kind of cases. A lot of time is taken to collect all the evidence that needs to be collected. All cases are time consuming and do take a long time. Victims are many times reluctant to participate in the process of the investigation. Trying to keep the victims on board gets harder as time passes. Advocates are involved in the process to keep victims on board. A lot of reluctance is based on time that has gone back and the humiliation of the incident.

Commissioner Orr-Smith asked what kinds of cases are seen by the unit and what is the average time line of prosecuting the case. Inspector Cazassa stated that acquaintance rape and intoxication rapes are common. Kidnaping cases are very rare. Drugs being used are GHP, Rubinol, mostly GHP and the hard part of doing these investigation is the drug works in the metabolism very quickly. It stays in the system for approximately eight hours. Ecstasy is also used. Commissioner Orr-Smith asked about support for rape victims. Inspector Cazassa stated there are centers, Rape Treatment Centers, that have counselors that work with the victims. In the District Attorney's there is a victim/witness unit that also assists with that process for advocacy.

Commissioner Sparks asked which neighborhoods has the highest concentration as far as sexual assault? Inspector Cazassa stated that as far as sexual assault, it is concentrated in the South of Market area and towards the avenues in the Taraval around 48th and 47th Avenues. Commissioner Sparks asked if there is an increase in same sex violence in recent years? Inspector Cazassa. stated she has not seen same sex violence because it is rarely reported.

Commissioner Keane, in addition to counseling, how prevalent is the problem as far as STD and what steps are followed. Inspector Cazassa stated it is routine to have the victim checked for STDs and HIV. Commissioner Keane asked how common a problem is STD and HIV as result in sexual assault. Inspector Cazassa stated not many as far as sexual assault. In her five years there, she has had no victims that contracted STDs or HIV as a result of sexual assault.

Inspector Zerga, Sex Offender Unit, gave an overview of the unit. He stated that in 1996, Megan's Law was adopted on a Federal level. California has more sex offenders than any other state. Since 1999 databases were created to make sure where sex offenders are. The unit receives arrest for 290 PC which deals with sex offender section. This is then brought to the DA to see if there is any merit to the case. The unit is also tasked for sex offenders to register, five days before their birthdays or when they move. The unit updates the registration. They also get a lot of request for paperwork from other

jurisdictions when sex offenders move into their district. They also check address and they go out to those addresses to check and make sure offenders are living there. They also go to community meetings to address questions from the community. In San Francisco, there are 976 sex offenders living in San Francisco that are registered. San Francisco is 96 percent of sex offenders in San Francisco are in compliance and are registered. The four percent are basically homeless. There are about 100 homeless sex offenders in San Francisco. There's three categories of sex offenders: high risk, serious, and others. High risk are multiple offenders with multiple convictions and felonies. There are 26 in San Francisco and they are monitored very closely. 761 serious offenders which are people with at least one felony conviction. Recently, the high risk sex offenders are put on the website.

Commissioner Orr-Smith thanked Inspector Zerga for his presentation.

Commissioner Keane asked if electronic bracelets are used for monitoring and would that be a benefit that the SFPD would want to implement at some point. Inspector Zerga stated that state parole uses the bracelets. State Parole has about 66 sex offenders that they monitor. Inspector Zerga stated that under the 290 Sexual Registration Law, the Department cannot put special restrictions on sex offenders unless they are on probation or state parole.

Chief Fong discussed a number of incidents. Chief Fong discussed an incident at the Airport regarding a bomb threat. Fortunately there were no explosive devices found in the vehicles. Over the last two months, there have been burglaries in the Airport. The suspects were arrested by the San Mateo County Sheriffs Department and the Airport bureau.

In the City there was an incident on Pine Street. Police responded to a burglary and with the assistance of a witness, a suspect was taken into custody. In the Bayview, officers conducted a probation search of a suspect and during that search, an assault weapon was located under the mattress where the person was resting. There also was a robbery of a business that occurred and there was a videotape made of that robbery. Officers were able to identify suspect through the video tape and take the suspect into custody.

In the Mission district, a footbeat officer was on his beat and observed a number of suspects who he felt were suspicious. They were gathered around a vehicle that seemed to be filled with belongings. When the officer investigated he noted that the belongings in the car were computers and cameras. The officer was able to identify the property of the victims who had reported previous burglaries and as a result, that officer were able to take suspects into custody.

In the Tenderloin, one of the approach the department uses a campaign against drug abuse in the high intensity drug trafficking areas. In areas where there is a lot of drug activity, there is an initiative where the officers go out, make arrests with regards to drug activity but at the same time, there are beds set aside in rehab so that if someone wants to seek rehabilitation, they are taken to that site instead of booking them into County Jail. This program is funded along with other states jurisdiction.

There was a joint operation between Investigations and FOB regarding a homicide in San Mateo in a karaoke club. Chief Manheimer called the department for assistance. The Department's Asian Gang Task Force along with the Oakland Police Department's Asian Gang Task Force worked with the San Mateo Police Department. Two officers recognized the suspect in the Ocean Beach area. The suspect was taken into custody and San Mateo PD was notified.

On Friday there was a press conference with the Mayor, the Fire Chief, and Chief Fong. AT&T donated \$40,000 to the City of San Francisco in order to purchase search and rescue dogs. The Fire Department will have three of the dogs and the Police Department will have one. The dogs are trained to search for missing individuals and search and rescue.

Today at the Tenderloin Station, SAFE and community-based organizations sponsored a Tenderloin Kids for Safety Parade and a picnic party at Boedecker Park.

Commissioner Orr-Smith stated it's good news for the search and rescue dogs.

Commissioner Keane stated that a reporter came and visited him on an article regarding Chief Fong. The reporter said that he can't find anything negative to say about the Chief. He also dropped in at Richmond Station for their open house and stated that Captain Tong gave a great presentation and she did a fine job. Commissioner Keane stated he was very impressed with the presentation.

Chief Fong stated that the National Night Out is coming up and will let the Commissioners know

Commissioner Chan stated there was an assault on muni driver and a video taken. Is video tape program under the control of Muni or the Department's and how useful has it been? Chief Fong stated it is under MTA and Muni Railway. However, if it is part of evidence, then it is taken by the department. Whenever there is video tape, crime lab will take custody of it.

PUBLIC COMMENT:

Richard Stipman would like community policing to get cooperation from community.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Director Allen stated that he has spoken to Mr. Stipman and will help him with his concerns.

Director Allen stated that last week, Donna Medley attended a meeting dealing with incarceration of young black women in San Francisco. One of the facts that came up is that San Francisco, numerically, incarcerates more young African-American women than any cities in the nation. He checked database to see if patterns and practices can be found. He stated that there was an alarming set of statistics and Ms. Medley is checking on those statistics.

Director Allen talked about mediation is investigation but cases can be resolved when you have two individuals, victim & officer, to discuss and sit down and talk about incident because most cases there are no witnesses.

Commissioner Orr-Smith stated please make proposals to the Commission regarding mediation. She stated that mediation process constitutes investigation itself and it will be benefit to the community and the department. She further asked about African-American women arrests. Director Allen stated that he will talk to his chief investigator and he will get another update in two weeks as far as how meetings are going.

Commissioner Chan asked if OCC has rules regarding mediation. Director Allen stated the Commission has rules for mediation. Commissioner Chan stated his concern is within the role of the mediator. Do the rules address the potential for the mediator becoming a witness. Director Allen

stated that he is currently studying different rules for mediation.

PUBLIC COMMENT:

Richard Stipman addressed the Commission regarding setting of policy and hopes that the Commission would ask the Director of the OCC if there is failure by previous Commissions to aggressively set policies from the top.

DISPOSITION AND POSSIBLE ACTION TO APPROVE THE AWARDS TO MEMBERS OF THE DEPARTMENT AS RECOMMENDED BY THE POLICE DEPARTMENT'S AWARDS COMMITTEE

(Resolution No. 64-04)

Motion by Commission Chan. Second by Commissioner Sparks.
Approved 5-0

PUBLIC COMMENT:

None

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

ABSENT: Commissioners Renne, Veronese

DISCUSSION AND POSSIBLE ACTION TO ADOPT THE STATEMENT OF INCOMPATIBLE ACTIVITIES FOR THE SAN FRANCISCO POLICE COMMISSION IN COMPLIANCE WITH SAN FRANCISCO CAMPAIGN AND GOVERNMENTAL CONDUCT CODE SECTION 3.218

Motion by Commissioner Keane. Second by Commissioner Marshall.

Commissioner Sparks asked about time demands. Ms. Morley explained that 3.218 has a Section C that sets forth all the categories that is required for the statement and the fourth category is on Time Demands. The reason it is so vague because it is up to the Commission to decide how much time to give to the job. Commissioner Sparks would like it deleted.

Motion by Commissioner Keane to delete section on time demands.
Second by Commissioner Chan. Approved 5-0.

Motion by Commissioner Keane to approve as amended. Second by Commissioner Marshall. Approved 5-0.

PUBLIC COMMENT:

None.

RESOLUTION NO. 65-04

ADOPTION OF A STATEMENT OF INCOMPATIBLE ACTIVITIES FOR THE SAN FRANCISCO POLICE COMMISSION IN COMPLIANCE WITH SAN FRANCISCO CAMPAIGN AND GOVERNMENTAL CONDUCT CODE SECTION 3.218

RESOLVED, that the Police Commission hereby adopts the Statement of Incompatible Activities for the San Francisco Police Commission, as amended, in compliance with San Francisco Campaign and Governmental Conduct Code Section 3.218.

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

STATEMENT OF INCOMPATIBLE ACTIVITIES FOR THE SAN FRANCISCO POLICE COMMISSION

This Statement of Incompatible Activities is required by San Francisco Campaign and Governmental Conduct Code section 3.218. This Statement does not specify every possible limitation on incompatible activities. It is intended to provide guidance to Commissioners about what types of activities are incompatible with their duties to the San Francisco Police Commission. Engaging in the activities identified in this Statement as incompatible may subject a Commissioner to discipline, as well as to monetary fines and penalties. (C&GC Code § 3.242.) No discipline or penalties may be imposed for engaging in incompatible activities until the Commissioner has an opportunity to explain why the activity should not be deemed incompatible. (C&GC Code § 3.218.)

Nothing in this Statement shall exempt any person from applicable provisions of other laws. Any questions about the interpretation of this Statement should be directed to the Office of the City Attorney.

I. GENERAL

The mission of the San Francisco Police Department is to protect life and property, preserve the peace, prevent crime, enforce criminal laws and ordinances, and regulate certain business activity and other non-criminal conduct within the City and County of San Francisco as provided by law. The mission of the Police Commission is to set policy for the Department and to conduct disciplinary hearings on charges of police misconduct filed by the Chief of Police or Director of the Office of Citizen Complaints, impose discipline in such cases as warranted, and hear police officers' appeals from discipline imposed by the Chief of Police.

II. USE OF DEPARTMENTAL RESOURCES AND PRESTIGE OF OFFICE

C. Use of Departmental Resources

City resources, including telephone, computer, fax machine, or supplies, may not be used for personal or other non-City purposes, including, but not limited to, political activity.

Notwithstanding this general prohibition, occasional use of the telephone to communicate about personal or family matters such as doctor appointments, child care, transportation arrangements, or meeting times and similar de minimus uses will not constitute a violation of this section.

If a call or email relating to non-City matters is received, and is not permitted by this section, the Commissioner should inform the person of the appropriate non-City contact information and conduct the conversation at another time not using City resources.

B. Use of Prestige of the Office

Police Commissioners may not use their City title or designation for any private gain or advantage. Examples of

such misuse of City title or designation include, but are not limited to, the following:

- Distributing City business cards for any non-City purpose that may lead the recipient of the card to believe that the Commissioner is acting in an official capacity when he or she is acting in a personal or other non-Commission capacity.
- Using City letterhead, City title, or City email for any non-City communication that may lead the recipient of the communication to believe that the Commissioner is acting in an official capacity when he or she is acting in a personal or other non-City capacity.
- Otherwise presenting oneself in the course of a personal or non-City activity as a representative of, or acting in the name of, the San Francisco Police Commission, unless authorized by the Police Commission to do so.

III. COMPENSATION FOR ASSISTANCE WITH CITY SERVICES

Members of the Police Commission may not receive or accept anything of value from anyone other than the City for the performance of an act the officer would be expected to render in the regular course of service to the San Francisco Police Commission.

Nothing in this section shall preclude the receipt of a bona fide award provided to recognize exceptional service by a City officer, that is not provided in return for the rendering of specific services.

IV. ACTS SUBJECT TO REVIEW BY THE DEPARTMENT

Police Commission members may not engage in activities that are subject to the control, inspection, review, audit or enforcement of the San Francisco Police Commission. Examples of activities prohibited by the section include, but are not limited to, the following:

- Maintaining a financial interest or investment in, or receiving income from, a Patrol Special beat or territory established by the Police Commission pursuant to San Francisco Charter section 4.127.

COMMISSION ANNOUNCEMENTS

- a. **Notice of assignment and setting of date for hearing on disciplinary charges filed in Case No. C04-113 JWA** (Assigned to Commissioner Joe Veronese, Resolution No. 66-04)
- b. **Notice of assignment and setting of date for hearing on disciplinary charges filed in Case No. C04-089 JWA** (Assigned to Commissioner Doug Chan, Resolution No. 67-04)
- c. **Scheduling of items identified for consideration at future Commission meetings.**

RESOLUTION NO. 66-04

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED IN CASE NO. C04-113 JWA

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

RESOLUTION NO. 67-04

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR
HEARING ON DISCIPLINARY CHARGES FILED IN CASE
NO. C04-089 JWA**

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

ABSENT: Commissioner Renne, Veronese

Commissioner Marshall would like a report on Witness Relocation.
Commissioner Keane asked about his proposed resolution. It will be on the
agenda for September 15th.

PUBLIC COMMENT:

None

PUBLIC COMMENT:

Michael regarding helicopters and concerns.

Marylon Boyd, mother of Cammerin Boyd, introduced Dennis Cunningham, Attorney, and asked the Commission to consider what can be done as a family to get justice for her son. She stated that it's been 90 days and she has not gotten any information on how the shooting occurred and no indications as to what is happening to the officers who shot her son. She stated that she has spoken with Sgt. Spillane to asked for her son's personal property and the sergeant stated that it is being held due to the homicide investigation.

Dennis Cunningham, Attorney for Boyd Family, stated he is trying to help the family. He stated that there are 30 or 40 witnesses but they are afraid of police because they have been intimidated by the police.

Malaika Parker, Bay Area Police Watch, wanted to comment regarding property not being returned to Ms. Boyd. She stated that there are a number of families in a similar situation.

Michelle Shepard, Aunt of Cammerin Boyd, asked for justice for Cammerin Boyd. Please take action. She stated that the Mayor, the Police Department, the OCC, and the D.A., is not working for justice.

Thereafter, the meeting was adjourned at 7:15 p.m.

Lieutenant Edward Geeter
Secretary
San Francisco Police Commission

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