

JULY 14, 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 5:35 p.m. in a Regular Meeting.

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

ABSENT: Commissioner Veronese

CHIEF'S REPORT

a. Review of Recent Activities

Chief Fong stated that it's been busy to continue initiatives in order to reduce the violence in the city. Last Thursday, an individual that had an outstanding warrant for a homicide had been tracked to San Mateo County. In conjunction with the Federal Marshalls and the San Mateo P.D. this individual was taken into custody.

The Anti homicide plan was a plan for the charter in November and will not go on the November ballot, however, it will be considered for the following year. The main focus in that plan was the area of improving and increasing the forensic abilities of the department. Absent that plan, four criminalist were hired. In addition, at the Board of Supervisors, there was an amendment to the City Code with regards stolen vehicles and the reimbursement of fees for stolen vehicles. If a citizen or a person lives in San Francisco, has a vehicle that's registered in San Francisco, and that vehicle is stolen, if that vehicle is recovered in San Francisco, the City reimburses the person who owns the car for the fees for towing the vehicle. The cost to the City for that is approximately \$250,000. That was presented this year and the full Board approved the amendment.

The Department also has been working with the Immigrant Rights Commission. The Department is working on greater language access but also working to learn more about the equal access ordinance so that the Department will be in compliance with the requirements.

Friday will be the second time the department will participate in the City Stat and that is the city management model of ComStat where managers are brought in to talk about generally staffing, the budgeting, as well as the calls for service and how the resources of the department are being used.

Commissioner Sparks asked about the CHP operation impact. Chief Fong stated it was initiated for the past four weekends in different areas of the City to see if it will work and if there are benefits to it. It was about four weeks ago that impact was brought into the city and press releases were issued, and captains were notified so that the captains can notify all of their community groups so that they would know that the CHP will be working together with the Department in the district. Commissioner Sparks asked if pre-notification through press releases has made an impact on the effectiveness of the operation? Chief Fong stated that comparison is being looked at and that she thinks it is a positive thing to let community groups know ahead of time so that they know that the Department are trying to put measures in place to suppress violence and if they have questions to talk to the captain or to talk to anyone in the command staff about it.

Commissioner Keane asked about theft of explosives that the department have in the PUC area. Did they have C4 explosives being stored? Chief Fong stated that she could not address that adequately for the Commission. She did confirm that there was a burglary, after the burglary, it was ensured that no further items are stored there because it is not a secured

location and the Department is working with the Alcohol Tobacco Firearm agency to look for an alternative site. They are the lead investigators in this case.

Chief Fong updated the Commission about a letter from the Ella Baker Center and Ms. Parker that was sent to the Commission and the Board of Supervisors where Ms. Parker asked for a meeting with the Chief. The Chief stated that because of the litigation in the Boyd case, she is working with the City Attorney to ensure that they can meet and when they meet, what they can or cannot speak of.

PUBLIC COMMENT:

None

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

Ms. Morley, City Attorney, explained that all agencies, departments, and commissions and boards of the city are required by the Campaign and Government Conduct Code to file with the Ethics Commission, by August 1st, a statement of incompatible activities and stated that a draft have been prepared for the Commission.

PUBLIC COMMENT:

None

Commissioner Sparks stated that she has just received this just this afternoon and would prefer to continue it for one week.

Commissioner Renne stated she will not be here next week.

Moved to continue for one week.

Commissioner Renne asked that, since she and Dr. Marshall will have to recuse themselves and she asked that Item 6, Commission Announcements, be taken out of order.

COMMISSION ANNOUNCEMENTS

a. Scheduling of items identified for consideration at future Commission meetings.

Taken out of order.

Lieutenant Geeter announced that the new location for the District Meeting will be moved to Corpus Christi Church at the corner of Alemany and Santa Rosa since Crocker Amazon is not ADA compliant.

PUBLIC COMMENT:

None

APPROVAL OF MINUTES OF THE POLICE COMMISSION MEETING OF JUNE 16, 2004

Taken out of order

PUBLIC COMMENT:

None

Motion by Commissioner Sparks, second by Commissioner Marshall.
Approved 6-0.

OCC DIRECTOR'S REPORT

a. Report on OCC's Investigation into the Police Department's response to the Thurgood Marshall Academic High School incident on October 11, 2002

Motion by Commissioner Keane to excuse Commissioners Marshall and Renne. Second by Commissioner Sparks.

Director Allen presented the Thurgood Marshall incident. Director Allen stated there are copies of the full OCC openness report available to the public. He stated that on October 15, 2002, they received a complaint regarding the Thurgood Marshall incident and that investigation ended on March 5, 2004. An openness report is prepared which is a summary disposition of their investigation. Director Allen stated that in the spirit of openness, the report is done so that the community can follow the OCC's actions and that the OCC has nothing to hide.

Commissioner Sparks asked why it took 21 months to produce such a report. Director Allen stated there were numerous officers, numerous witnesses that needed to be contacted.

Ms. Donna Medley, Chief OCC investigator, wanted to tell a story. Thurgood Marshall happened because there were tensions in the neighborhood, and tensions in the school. She stated that the OCC does come to policy failure which will impact the department, the school district, the school setting, and the Bayview Community.

Ms. Medley explained the first policy failure. She went on to explain the incident. There were nine complainants that came forward and said that the officers basically came in and ran riot over students. The students felt like they were being occupied by a foreign force. She explained that there were three major incidents. One occurred before school started. There was a fight outside of the school and before school. It was between two racial groups and those racial groups were not evenly matched. There were perceptions of racial conflict and perceptions of response that was selective based on race. That was the first situation. However, it was responded to by the school and by a school resource officer and dissipated. The three major persons involved were brought inside the school and the procedure of having them returned to their families was instigated.

One person was released and a couple of others were still there. The school protocol was not followed entirely. The parents didn't pick up. The family of one of the students responded and two of the family members were there. One was discussing the release of the student and the other one went back into the hallway. There was another situation in the hallway where this person was confronted with a whole group of students and that situation got out of control. There was fighting going on. Then the passing bell rang and the entire school emptied out into the hallways. There was many different fights going on. There was also a fire alarm bell that went off and there was a lot of miscommunication, if anybody could hear the communication. Officers could not hear over their radios. The kind of contact between officers that normally would be in place was not and could not be. The decision about whether to bring the children back into the school room setting or release them or bring them into a fire response setting was fluctuated and who was giving

orders, whether it was a teacher trying to keep the children inside the class or whether the principal is being asked to decide whether to close the school or leave it open. All these major decisions were not being made by a unified presence and there wasn't an understanding of who was going to make the decision, when, and how. So communication was not present.

Nonetheless, there were various times where there were kids fighting and that was taken care of. And a couple of times there were a code 4 called so that people thought that this situation had been handled and then something else would flare up and when it flared up and when all the students were out in the hallway and when an officer was calling for backup because an officer was considered endangered, that's when the crowd control response occurred.

Ms. Medley stated that over the years the San Francisco Police Department is one of the leading police agencies in terms of crowd control response. In this case, if you look at all the different things that they did as crowd control response, it was incredible. The problem is this is in a school setting. She stated that the policy failure goes to that specific fact.

The crowd control response by SFPD to this incident demonstrated knowledge and skill in the employment of crowd control measures. However, the incident raises questions about the propriety of using current crowd control policies and tactics in a high school setting particularly in response to a call of a fight with no weapons. The investigation concluded that current policy and training do not cover riot situations within a closed setting in general and not within a campus setting in particular. The OCC is working on its recommendation involving the review of best practices and will offer a policy recommendation to address these concerns.

Ms. Medley discussed the second policy recommendation where officers utilized selective enforcement in dealing with the students. Ms. Medley stated that complainant alleged that officers were beating African-American students. The complainant that she witnessed one African-American student taken to the ground, punched, kicked, kneed in the chest, and hit in the head with a baton. That allegation was investigated and could not be proved. What the OCC ended up with was witness statements that did not fully corroborate or were inconsistent. Ms. Medley stated that the OCC were at Thurgood Marshall on October 11th, that afternoon. The OCC was on-site. The investigation started immediately after getting a complaint. The OCC reached out to students, to complainants, to complainant's witnesses, to the school, to teachers, to the security guards, to all the actors that were at Thurgood Marshall that were involved in this incident and they reached out to them over and over and over again. They also questioned every police officer that was involved in the incident that they could identify. They interviewed 47 officers. The OCC was available if people wanted to speak to them anonymously. The OCC wrote to people, they went to community forums, and they asked many times to speak to people and to hear their point of view. They were not able to talk to anyone who claimed to have been hospitalized, hurt, injured. They talked to people who talked about having a baton or different incidents of abuse and they weren't able to identify the particular officer. They had different eye witness corroboration. There were different things that it was impossible to reach a conclusion that either prove or disproved the allegation.

Ms. Medley stated that it goes back to the perception of this, not only happening to one African-American student, that this was selectively enforced because there were other things that occurred besides the allegation of being battered. That was that bookings, citations, and detentions were predominantly of African-American students.

Ms. Medley talked about the perception of racially selective enforcement. The first event involved an African-American student who was

confronted by approximately 10 Asian-American youths in front of the school. A fight ensued and two of the Asian-American students were brought into the school and one was released. The African-American student was not. So there was a perception of two against 10 that the Asian-American students were perhaps outnumbering the African-American students. What would be the police response? Ms. Medley stated that people thought why all African-American students.

The second event developed when the family member, a cousin, entered the school hallway and was assaulted and injured by an Asian-American student with a metal object. The Asian-American student fled before police got there and was not identified as the attacker until after he had been released from police custody but the perception was he was released from police custody and the police were not going to take actions against the Asian-American student. The cousin, on the other hand, the African-American cousin, was bleeding from the forehead when one of the student resource officers responded to the scene. She attempted to remove the student from the area in order to render medical aid but the appearance was that law enforcement was going in and getting the African-American student. The students responded by saying, "It's not him. It's not him." So there was a misperception of what was happening but it was one that was a reasonable perception.

Ms. Medley stated that in investigating these incidents, it gave rise to the perception of racial bias. The OCC was presented with other facts, perceptions, and rationale that disputed the allegations. So, although there was unnecessary force allegations raised, officers responded during their interviews with statements of policy, why they would use the force needed, that in fact what some person captured as the office perhaps shoving somebody, what had occurred before that was somebody shoving that officer and this officer was then gaining control of the situation. The OCC was not able to prove the officers' point of view or the students' point of view but the OCC did reach a policy failure because they believed that, not only the perception of race bias but the outcome, 15 youths that the OCC knew the race of were youth of color and two were Asian-Americans, two were Latinos, and 11 were African-American. The OCC interviewed a great number of people and Thurgood Marshall, at the time, had this racial composition: Latin-American 14.9, other white 1.7 percent, African-American 27.9 percent, Asian-American 46.6 percent, other non-white 7.9 percent, and American Indian .7 percent. She stated that that does not reflect what happened to youth of color that day at Thurgood Marshall. That information is brought by the OCC to experts in the field of both race and statistical studies and spoke to them about whether or not the OCC can reach valid statistical results and they concluded that the OCC could not. The experts did suggest that the OCC should pursue policies to discuss issues of friction, the perception of law enforcement in balance, and to build a relationship based on working together toward common goals which is a much bigger project.

Ms. Medley stated that those are the two policy failures that were reached by the OCC. She stated that there were 33 allegations, nine complainants and a review of many police records as well as media and other statements made by witnesses.

Director Allen stated that as a result of the conclusion of this policy failures, he has called upon his policy person, who is not actually working, to come back and work solely on this issue. He stated that the one trend that the OCC keeps seeing is what was not done that should have been done in a situation like this. Director Allen stated that Ms. Medley mentioned the crowd control aspect in San Francisco is probably exemplary. The crowd control in the school is not. Across the nation, one of the things they have found is people, police, law enforcement, and the school systems just don't seem to be

on the same page for various reasons. Most of the work that's been done is towards terrorism.

Director Allen stated that he and Ms. Medley went down to San Jose and spent the day with the school resource officers and the school resource program which has been working for 10 years. He stated that there's a Safe School initiative that's out there and the government will definitely help schools and the community to work towards ensuring safety in schools. What they saw in San Jose was a collaborative. The Park and Rec Department was working with the Mayor's office, was working with the police department, was working with the schools. When an incident occurs, there is a group that goes into the school that handles it. It's not just a group with guns, which is not necessarily a bad thing, but it's not just a group with guns and it's not just a civilian group. It's a collective group going in to handle all the issues that take place in a situation such as this.

San Jose has a system that is called Code Red, which is a lock down. There's different levels. The administration has worked with the city and worked with the police department. The administration is aware in advance what's to occur at certain levels of violence. If it's a Code Red, everybody knows a lock down. They did a 6,000 person drill which worked very well on the board but what they realized when they ran that drill, the police have practiced it and a lot of the administration have practiced it but they didn't involve the citizens. They brought everybody in and reenacted this scene and it didn't work very well because not every one had trained. Only the police and the school had trained. It was important that everybody is trained, people within the school, the law enforcement, the community, and other different city agencies have to be involved.

Director Allen stated that this program may work in San Francisco. Director Allen urged the Commission to have a summit with the Mayor and sit down and start working together and initiate some kind of safe school initiative to address this problem as a whole.

Commissioner Sparks asked what type of discussion was held with the school district in the process of developing this policy recommendations. Director Allen stated that they have not contacted the school district but will do so when their policy writer comes back to work. Director Allen stated that every agency that would like to be included, they will extend the offer to them to be part of the policy making process.

Commissioner Orr-Smith asked about the incident and what the school knew about tensions in the environment before the incident and could there have been prevention from the school. Ms. Medley stated that there were meetings that involved the police department and the schools. She also stated there were changes happening at the time that created tension. They were identified but she cannot say how the school district responded.

Commissioner Chan asked if there have been involvement by OCC staff in regards to the Thurgood Marshall group. Director Allen stated that no interaction as of now has been done. Director Allen stated that in San Jose, the Mayor brought in the different agencies together and supported the program. Commissioner Chan asked which agency will be responsible for coordinating this effort? Director Allen stated the Mayor's Office on Criminal Justice, the Police Department with the SRO program needs to partner with the school district to be the lead in identifying what is needed out there.

Commissioner Sparks stated that the Community Task Force and the Youth Commission and other community groups may be involved and asked Director Allen if he can serve as a liaison in regards to this because what have been learned by the OCC would be valuable information to start this program.

Director Allen stated yes, he will.

Commissioner Orr-Smith asked how soon can policy recommendations be finalized. Director Allen stated that maybe an update regarding recommendations be set before adoption. He said it might take several weeks to finalize the policy recommendations. A month from now for an update would be good. Commissioner Orr-Smith also asked that documents from San Jose be included for the Commission's review.

Commissioner Keane would like an announcement made so that members of the public can contact Director Allen regarding this policy recommendations. Director Allen stated that there are OCC flyers available in the front podium.

Commissioner Orr-Smith thanked Director Allen for his work and efforts.

PUBLIC COMMENT:

Francisco Decosta stated that what he finds appalling in the OCC report is that it is a very convoluted report that a lay man cannot understand. He asked that in the OCC's report mention should be made about the policies of the SF Unified School District. He stated that no where in the report has mentioned be made about anyone in the SF Unified School District who is in charge of safety. He stated, in this audience, there is nobody from the SF Unified School District who is in charge of safety. He stated that in this report, the children were put in harms way, first, by the SF Unified School District, second, by those in charge in the Mayor's office, third, by the principal himself by not communicating with the community. Detailed investigation should have been made in the report pertaining to the relationship between transferring the children from one school to another school and deliberately putting them in harms way.

Vanessa Moses, Bay Area Police Watch, stated that the report received from the OCC sounded like a list of justifications and explanations for how the police handled themselves out there. She stated that it didn't sound like it was the result of a thorough investigation and there are pieces of the report that speaks to that as well. She stated that 47 officers were interviewed and she would like to hear how many parents and students were interviewed. She stated that this was not a full investigation and why did it take 21 months to investigate. She stated expressed concerns regarding 70 officers showing up to a school in response to a fight between a couple of students as a racially motivated act and stated that it's part of a trend in policing in San Francisco. She stated that that would not happen in other high schools.

Ms. Connie, Teacher for Change, asked that MOU be modified between the Police and the school district in order to eliminate the abuse of police authority on school sites. She asked that before police are called there must be every effort made to ensure due process is enforced. The MOU must allow officers to investigate if the proper procedures for disciplinary actions have been followed or are the police being called to escalate matters to justify expulsions and firings. She asked that it be made clear that officers must enforce other policies and procedures that insure due process by putting it in the MOU with clear language that ensures that students have their advocate or parents, that the ed code is followed, and that the staff people have their union and legal representative present. She also stated that there is nobody here from the School District to address the issue.

Dr. Dan Kelly, President of Board of Education, stated that he received notification during the time the incident was occurring from district staff. He went out to the campus. He arrived there midmorning to find most of the students of the school disbursed around the community in small groups. A police road block along Silver Avenue limited motor traffic but not pedestrian traffic in and out of the area. He stated that inside the school, large number of

police officers. In response to the OCC report, there was an atmosphere of confusion within the school in the responding group of both the police and the school administrators as to what the situation actually was. Dr. Kelly stated that when he asked Sgt. Fatooh who was making the decisions about what to do with the students, she said it was a school matter. When he asked the principal what decisions were being made with regard to the students around the streets, she said it was a police matter. Dr. Kelly stated that the Board of Education did do an investigation and there were findings and there were evidence of police using more force than appropriate. He referred to resolution 33-11 passed by the Board of Education that matter be referred to the Police Commission. He stated that the Board will be happy to work with the OCC as well as the Police Commission.

Reverend Gentle, Pastor, stated that his grandson was confronted with an officer's gun during the Thurgood Marshall incident.

Jonathan, grandson of Reverend Gentle, stated there was a problem that student cannot go home because of roadblocks. He stated that he got confronted with a gun when he tried to go home. He stated that students were mishandled, school friends came back to school with bruises on them. He stated that after the incident he has a hard time trusting the police. He stated that 100 percent he trusts the law but people that conduct it, police officers, he has a hard time trusting the majority of them.

Reverend Gentle referred to a newspaper article regarding an officer having pulled a gun on his partner. He stated that his point is if a police officer can pull a gun on another officer, what would stop him from pulling a gun on the community. He also stated that his grandson was not interviewed by the OCC. He stated that law-abiding citizens should not be treated like animals.

Audrey Allen discussed report on Page 14 regarding a student that was injured. She stated that she believes it was her cousin. She stated that her cousin was just trying to get home. She also stated that student were not interviewed because they were afraid and stated that there should be a partnership between the community and with the OCC just to try to make a safer place for children to grow up.

Raymond James Alibarberon, Mission community, works for Rap Alternative Program. He asked that funds should go out to the community because they are the ones that can prevent incidents before it starts.

PRESENTATION OF REPORT FROM THE POLICE DEPARTMENT REGARDING ANY ACTION TAKEN WITH RESPECT TO THE THURGOOD MARSHALL INCIDENT

Deputy Chief Suhr presented the report from the Department regarding the Thurgood Marshall incident. Chief Suhr explained the misinterpretation of the handling of the injured young man. He was hit on the head with a pipe and was bleeding profusely from the head. The SRO officers were trying to get him back to the vice principal's office for medical assistance and the kids in the hallway took it to be that they had the wrong person. The incident escalated from there. The SROs who are supposed to call for assistance did so and the police responded.

Chief Suhr talked about other incidents that may have led to the incident. Chief Suhr stated that on August 30th at about 3:30 in the afternoon, along San Bruno Avenue, there was a documented hate crime between the two racial groups that were at issue on October 11th. That incident prompted a greater police presence along the San Bruno corridor and Silver Avenue and the Department worked with the Unified School District to get that done. Further information was developed over the next few weeks. The tensions were grown between Burton High School, Thurgood Marshall High School, and Balboa High School because of the redistributing from another closed high school that happened some months earlier.

Over the next three weeks prior to the incident, there were strategy

meetings between the Police Department, CBOs, members of the community and the Unified School District to deploy certain strategies so that they wouldn't have a problem, what the department believed to be after school. The Juvenile Bureau prepared an operations order and there were uniformed officers added between the after school hours along the San Bruno corridor, Balboa High School, and at Burton.

About two weeks prior, the kids involved, have done a marijuana transaction and started a verbal altercation in the morning that led to physical fights later that day. There was also an issue with the principal being transferred contributing to the fact that 20 percent or 16 of the teachers called in sick the day of October 11th.

Chief Suhr stated that the police response has been mentioned in some of the public comment that it was not commensurate with the fact that there were no weapons. Chief Suhr stated that the gentleman that was injured, it would come to an aggravated assault as he was hit over the head with a pipe and there were other situations where instruments can be used as weapons and that indeed happened over the course of the incident and that's why the officers wore helmets because of things that were thrown. They did have batons out. A firearm was pulled when one of the students came up with one of the officer's batons. The student was asked to drop the baton, that happened. The firearm was holstered and that's all within policy.

Chief Suhr stated there were meetings immediately after this incident. Chief Suhr stated that he and Deputy Chief Robinson, at the request of School Board President Emilio Cruz, attended a meeting at Thurgood Marshall's Auditorium. There were approximate 500 parents and students in attendance. He stated that many people were heard and phone numbers were exchanged, collaboratives were established. Mayor Brown, at the time, established a huge collaborative made up of diverse group of community members, CBOs, the Police Department, other city agencies which made school safety recommendations that were referred to the Unified School District within months of the incident and have been there awaiting the superintendent's approval now for almost a year.

Chief Suhr explained about San Jose's lock down or secure in place strategy actually came from the San Francisco Police Department. He stated that Sgt. Jerry Salvador, Crime Prevention Company, designed what's called a 911 Book. Chief Suhr explained that it's a cardboard page book that – because of the Columbine incident – allows the teachers to literally just turn the page because often times in a traumatic situation you can't really have cognitive decision making. So it is literally like a "see Spot run" book. San Jose works on it. If there is a threat to a school and the school have to be evacuated, it is all dictated in that book. Chief Suhr stated that on this particular occasion, it didn't meet the criteria of that book. There was no active suspect that was a danger to the whole school. There was a general disorder situation in the school and multiple fights breaking out as the officers arrived.

The Sheriff's Office was called as part of the 911 book to establish what's called the Green Zone. That is if the decision was made, and it was this day, that there is supposed to be a Green Zone established where the kids are taken to that location or parents are told, when they call the school, it's supposed to be at this location. Chief Suhr stated that, Murphy's Law being what it is, that particular Green Zone at the time was being used for a School Place Work Place Violence Training. When the call went to the Sheriff to establish the Green Zone, the Sheriff's office thought it was a call for assistance. They were attired in their emergency situation gear, they responded to the scene thinking it was a call for assistance when actually the Department wanted them to activate the Green Zone. That communication problem has been addressed.

Chief Suhr described the School Safety Task Force to decide measures to make schools safe. Chief Suhr stated that officers were called in as a crowd control situation and they applied what they as crowd control techniques to the school situation and it did not work well. Chief Suhr stated that the officers showed great restraint and that somebody was already injured when they got there. Six officers went to the hospital and one other student was injured. Chief Suhr stated that the task force has made several recommendations that are currently subject to the SRO Cops in School grant.

Commissioner Keane asked as to history of things. The meeting that was had at Thurgood Marshall, was it open to the public and did members of the public attend. Chief Suhr stated yes. What is collaborative effort made by the mayor. Chief Suhr stated the Mayor assembled groups of community members, CBOs, SRO, Muni, it was a comprehensive group that met and they met for months and they made school safety recommendations to the Unified School District. Commissioner Keane asked if people from Thurgood Marshall attended the meetings. Chief Suhr stated yes.

Commissioner Orr-Smith asked regarding Code Red policy used in San Jose originated here. Was that proposed for the SF school system and why is it not being used here? Chief Suhr stated that it is used in the city. He stated that it did not come from something like this incident. It came from Columbine where there is a safety zone set up for the students in case of incidents like the one in Columbine but all these things were not done in the Columbine. He stated that discussions were made between the principal, the SRO, Captain Puccinelli, and the School Board Member, Mr. Kelly, that the school should be recessed at the time and what had happened was the plan was not good because of mis-communication on where the kids should all go and how to get them out of there and because of where the different crowd control lines were established, some kids couldn't go that way but other kids could go that way. It was a very chaotic situation.

Commissioner Orr-Smith asked if the San Jose model has been modified for enclosed environment? Chief Suhr stated that the lock down in place and the Code Red comes from the 911 book. Chief Suhr will talk to San Jose PD to find out if it has been modified. Commissioner Orr-Smith asked about crowd control policy within a closed environment? Chief Suhr stated that it can be used in a closed environment with adults and he will look at the school's safety recommendations and event manual to see if that is something that can be addressed.

Commissioner Chan asked how soon can Chief Suhr address that issue with respect to crowd control in closed settings and dealing with young people. Chief Suhr stated he will find out where the Department is at now and get back to the Commission Wednesday regarding modification of crowd control policies. Commissioner Chan asked about OCC issue that were raised regarding differential perceptions as to applications of law enforcement against groups and that the department have participated fully with schools to address the issue of racially disproportionate contact. In reflecting on the events of the day, did members of department acted appropriately with respect to dealing with Asian and African-American students and what training have officers undergone in racial diversity. Chief Suhr stated that the entire company of Bayview Station has had diversity training and the patrol force of the SFPD reflects the community that is served. Commissioner Chan asked how would you describe today the state of communications and the Department's relationship between district officials and the department? Chief Suhr stated that the position to head the SRO program has been upgraded to a lieutenant, additional staff has been added. They have been put in the same umbrellas as far as attendance and activities and performance evaluations. Measures have been put in place and things have changed quite a bit with regard to how the department would approach schools. Commissioner Chan asked about the

MOU. Chief Suhr stated that the MOU is close to being signed.

Commissioner Sparks stated that there are 28 allegations to the OCC, 2 of which are policy failures, 26 were either unfounded or not sustained. In a situation like this, would you do additional training or do you follow up on these type of things. Chief Suhr stated that the POA helps in officers attending OCC interviews. There are assistance as officers are prepared for interviews. Commissioners Sparks asked, as a department, will these allegations be reviewed and look at training relative to these allegations and make sure that the training is adequate? Chief Suhr stated that he can make it happen through in-service training so that history does not repeat itself. Commissioner Sparks asked should there be a different response. Chief Suhr stated that everybody should know what needs to be done from the cops to the kids.

PUBLIC COMMENT

Mark Sanchez wrote report asking for a hearing. Urged that the Commission have an outside investigation into the incident. He stated that the school district need to take a lot of responsibility to what happened that day.

Gladys, Member of Home Advocates, stated that kids went to the black top as instructed and stated kids had guns pointed to their head and stated that officers were doing high 5s with each other. She also stated that she witnessed a teacher being arrested. She also stated that during this incident, numerous students were arrested. She stated that students are not allowed to communicate with teachers. She urged the OCC to do a reinvestigation.

Omar Williams, former student of Thurgood Marshall, stated he does not know anything about a lock down. He stated that if that is going to be implemented, practice needs to be done so that students know what to do. He stated there was no racial tensions within the students that year. He asked that what type of protocol is in place when students are told to go home.

Elizabeth Ibarra, Lowell High School graduate, twin sister attended Thurgood Marshall. She stated that a lot of her friends were arrested during the incident. She stated that something like this will not happen on the other side of town. Why were there so many officers that responded during the incident.

Kevin, teacher at Thurgood Marshall, spoke regarding lock down procedures. This is not done until after the incident. He stated that when this incident occurred, no one knew what to do. He also expressed concerns regarding drawing firearms when kids are around. He stated that the worse part is how the whole thing was managed.

Peter, SF Youth Commission, stated that he is angry about trying to find out what happened during the incident. He stated that this is not an acceptable report. He stated that students need to be in a situation where they are comfortable to keep them going to school.

Alison, Commissioners through Social Justice, was a teacher at Thurgood Marshall, stated that she was not contacted by the OCC. She also stated that there were no tensions within the students, there were tensions between the student and the school administration. She stated that on October 11th, dozens of students were arrested and injured because of the crowd control used by the police. She urged the Commission to conduct an investigation to make sure that this does not happen again.

Kim, former PTSA of Thurgood Marshall, gave information to the Commission. Asked the Commission to open an investigation and that community testimony will be different from what happened. She stated that she has a video regarding the incident. She also stated that there is another video that will show a meeting that was held the night of the incident. She stated that testimony is different from what the report shows.

Jonathan's mom, asked when parents are notified. She stated that her son was barricaded in and the way he was able to get out was through Silver and Bayshore and that is blocks and blocks away. She asked the Commission to investigate this matter.

Jose, Coleman Advocates, stated that he is angry with what is

happening tonight. He stated that 67 officers violated the rights of their children. He asked the Commission for justice.

Marjorie Miller expressed concerns and asked that everything be videotaped.

Vanessa Moses, Bay Area Cop Watch, handed the Commission a list of failures on the part of SFPD and the OCC. She stated that the assessment of the Department is way off. She urged the Commission to have another investigation to happen during the school year.

Jonathan read a list of what the community wants. He read, “We want independent investigation of the events, of the events that day that include, but are not limited to, the racial profiling and targeting of students of color during the incident into subsequent arrests. The secret meetings to intimidate parents and students that were condoned by the Mayor’s office, Chief of Police, and superintendent of schools with legal counsel present on behalf of the school district and police about officers conduct include what was said, jokes, attitude, disposition, behavior during the event and after, after when the teacher and students were arrested and detained. Interviews, the interviews students, parents, teachers, administration, district staff, officers on that day, at the station, and after that day. In the future that SROs be lead officers in the school situations. The SRO program be familiar with the student bill of rights, safe schools policy, racial equity policies, and school procedures on handling conflict. That the new SF Police Commission adopts additional separate code of conducts for dealing with youth – please note: youth, children, and students refer to people 17 years and younger – with clear consequences. Also that the SFPD be trained and implement a uniformed development appropriate response to issues that arise at schools to ensure that there are no future disparity in officer protocol based on the race of students or staff, economic level, neighborhood, academy achievement, et cetera, of the school. Another valid assessment and critical evaluation of police in schools including – I mean, I’m sorry – incorporating public input and participation through the process. That there be an increase training specific to what development, developmentally appropriate behavior is amongst youth. How to recognize and work with students with special needs and handle, and how to handle and talk to youth in a way that de-escalate youth and uniforms them – informs them of their rights to help facilitate making appropriate choices when responding to an officer. That the SFPD receive anti-racism training. This is distinct from sensitivity training which is inadequate to address some of the deep-seeded anger and racism that permeates society. The SFPD will communicate in multiple languages whenever possible according to the needs of the community. When responding to schools, that the SFUSD administration should receive briefing and training of what officers’ general orders are to facilitate better communication and appropriate expectations for police conduct and that there are always to be sun shining, transparency, and community involvement into investigation and disciplining of officers in the future and in particular regarding to the 10/11 Thurgood Marshall incident.”

“The code of conduct should be clearly stated, the behavior based on include but not limited to no police officer will assault, assault youth for talking disrespectfully, speak disrespectfully to the youth to anger or to taunt them at any time, use violence as an initial means of ending conflict, use weapons to quell a weaponless disturbance, use gang tactics to intimidate or assault youth, assault or hurt children because they are unruly or don’t listen to you, threaten to hurt or kill youth who are unarmed, attack a youth out of anger or frustration, attack youth who are unarmed, abuse, threaten, assault or arrest a person for recording any police actions in our schools, use excessive force or restrain youth in a way that would physically injure them, refuse or solicit or take into account perspectives of youth and adults when responding to call, refuse to give information about their identity as a police officer such as a badge number, name, precinct, chain of command, et cetera, to avoid being held accountable for their actions or impede citizen’s ability to report accurately an interaction with the officer, participate in closed meetings to circumvent the due process and protections of youth such as an interrogation,

questioning without adult parent or guardian present or being contacted.”

Malaika Parker, Bay Area Police Watch, discussed concerns regarding the police department. She stated that the way to stop violence is not with violence.

Marylon Boyd, Justice for Cammerin Boyd Campaign, discussed concerns regarding police actions at Thurgood Marshall High School. She discussed concerns regarding police putting guns on a child's head and then arresting teachers. She stated that this is a pattern of practice with the Department that needs to be stopped. She asked the Commission to bring up charges against the officers who killed her son and who held guns on children's head.

Meesha Irizarry, Idriss Stelley Foundation, stated that it is important not to forget that there is racism directed to African-American youths. She stated that she is sick and tired of this.

Ismael, Youth Commission, stated that what keeps tension between him and law enforcement is that they want to be treated like human beings and not like animals.

Sharon Newman stated that there is absence of leadership. She asked that training be looked at when dealing with youths. She also asked that officers live in the city so that they can interact with the community.

Natasia stated that these issues have come up time after time and nothing is done. She stated that the police needs to be held accountable for their actions.

Ms. Lee, Coleman Advocates, stated that she has talked to students, administrators, and police officers about what happened. She stated that it was not a student riot, it was a police riot. She stated that this was preventable and does not have to happen and did not have to happen. She asked that any policy done by the Commission must be done in conjunction with the School District.

Edward Hasbrook, volunteer at Thurgood Marshall, stated that testimony heard is just the tip of the iceberg and stated that this is not a hearing. He stated that a lot of people are not here because they are afraid to be here. He asked the Commission to pass a resolution that what happened was wrong. Two to pass a resolution apologizing to the community about what happened. And three that these young people be commended for coming forward.

Edward Paller asked the Commission why undercover agents have not been disbanded. They harass the people and asked whatever happened to serve and protect.

Commissioner Orr-Smith thanked the community for coming. She stated that, “This has been a very important hearing. We've been on the Commission less than three months, and time and again we've heard complaints from the community about violence. We've just had an unprecedented experience of loss of life in our communities of young African-American men and Latino men and I personally, as a Commissioner, am deeply touched by what you've said. In fact, I'm heart-broken. And I say that for all of the reasons that I am who I am. As an African-American woman, as a mother, as a former police officer, former wife of a police officer, as a resident of Bayview Hunters Point, as a aunt, sister, cousin of black men who are your age. I'm heart-broken. This is the city of Saint Francis. It's supposed to be peaceful and loving. Some of the comments were that we need to dig deeper, and I say we do. We do. Someone asked that the human beings on the Police Commission and the Police Department step forward. We human beings have hurt you.”

“And I have a request. Mr. Allen, Chief Fong and the Command Staff, could you come here before us just for a moment. This is a personal request, if you don't mind. I know you all by first names and I just want to say I respect you tremendously. I trust you. I do. I trust your professionalism, your humanity, and your compassion. And I just ask you tonight to listen with your

heart and with your compassion to what's been said. These are children of San Francisco who were terrorized and frightened, and, yes, the policies and procedures we know well. They are honed and polished and they are stellar across the country, but do they allow us to be compassionate to our fellow citizens? Do they facilitate our being protectors and servants of the people? I don't know, Greg. I can say it seems like it's like a doctor saying, 'the surgery was a success but the patients are dying.' This may be uncharacteristic of a Police Commissioner but I'm a person and I know each of you are, and I know you all joined the Police Department to do just that – to serve and protect. That's why I joined. That's why I'm back here because I believe in you, and I know you can do this. I know you can. I just ask that you look at those policies and say after I've written, I'm all done, is anybody going to be served by what I've written. Do my policies leave people feeling whole and safe? Do my policies promote and foster trust in police officers? Is what I did today what I want to go home and tell my kids I'm proud of? I'm just asking you, consider, consider. We are a community in grief and longing and hurting and I can't scream or yell or propose anything else but to ask for your help. This community says help us. Help us.”

“We don't need another investigation. You're the best. But I ask you to look again. Dig deeper. Don't come out of your deliberations until what you write, what you proposed, causes you to feel compassion that the work that you do and the assignments and the policies you create promote and foster well-being in this community. You can do it. I know you can and I trust you to do that. That's from me to you and I apologize if I'm out of order, but I don't think being honest, being honest is out of order. Thank you for your leadership and commitment and I just really look forward to more input from you based on what we've heard, what we've seen. The courage it took to come here tonight. They've been sitting on these painful visions and thoughts and complaints for nearly two years, and they've come because they expect, and they have a right to expect, that we're going to respond. And I just ask you to do your best in coming up with some responses that really lead from the heart and our humanity as we seek to serve this city. Thank you for indulging me. Thank you.”

Commissioner Keane stated that was quite compelling. He stated that the Commission needs to follow through with what was heard tonight. He stated that this is a hearing and this is the first hearing that's been set. One, there should be further testimonies. Tapes should be seen in public forum and discussed. In regards to the OCC report, the people who are here from the department and the OCC are good people. Things happened at Thurgood Marshall that were wrong and should be addressed but in regard to the OCC constraints, they should look at their investigation in regards particular police officers. Commissioner Keane stated that he's troubled that so many have come to these meetings and spoken out and the OCC's investigation does not mention any who are present. It mentions talking to police officers but it does not mention talking to the community that is present here tonight. This should not be let go. Commissioner Keane asked if the Commission should appoint a special master to make findings relating to specific issues such as use of force, were there things that was done that should not have been done. There should be a determination. Commissioner Keane suggested this item be calendared when school is back in session and further testimony taken and look at tapes then the Commission should have a discussion and decide what needs to be done to proceed further.

Commissioner Sparks stated that this item is not close and thanked the young people and their parents for coming forward and thanked them for coming.

Motion by Commissioner Keane to set September 22nd to hear this item again and arrange for viewing of video. Second by Commissioner Chan. Approved 4-0.

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

Commissioner Keane asked Lt. Geeter to assemble for the Commission a roster of people who feel they can give information that would be helpful to an inquiry in this matter.

Commissioner Sparks asked President Kelly, and Commissioner Sanchez, and youth commission talked about public hearings held regarding this matter would be a good compilation to have as far as what has been determined, what other testimony and findings have been developed.

Commissioner Keane asked that copies of videos be made and given to the Commission.

PUBLIC COMMENT

Kim Maufus asked about special master who will receive information from the community and can that information be made public where that person will be.

Commissioner Orr-Smith stated that it's not been determined that there will be a special master. What have been requested is that the public make known their contact information to Lt. Geeter so that at such time that there may be a special master, that he would already have information to outreach to people.

Sandra Cooper, Idriss Stelley Foundation, thanked the Commission in hearing this incident.

Michael discussed concerns and stated that he was assaulted by police and stated that he made an OCC complaint.

Meesha Irizarry, Idriss Stelley Foundation, discussed concerns and asked the Commission to involved the different community organizations.

Ed discussed concerns regarding guns.

Unidentified stated that a sheriff officer called her names. She also asked that meetings be televised.

Francisco Delcosta stated that we should move forward and that mistakes should not be repeated.

Unidentified asked that Union for Teachers be allowed to participate in this matter. She asked Director Allen make sure that unions are involved so that teachers can be protected when they speak out.

Jonathan's mom stated that her son is shipping out on August 25th to the Navy and asked that her son be able to identify the officer who pulled the gun on him if at all possible before he leaves. Commissioner Orr-Smith asked that she sees Ms. Medley.

Thereafter, the meeting was adjourned 9:50 p.m.

Lieutenant Edward Geeter
Secretary
San Francisco Police Commission