

JULY 12, 2006

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:47 p.m., in a Regular Meeting.

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

PUBLIC COMMENT

Meesha Irizarry discussed concerns regarding police report on officer-involved shooting of Oliver Lefiti.

Rudy Huertas discussed concerns regarding actions of police.

Francisco DeCosta discussed concerns regarding officer-involved shootings.

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

Mr. David Onek, Deputy Director of the Mayor's Office of Criminal Justice, appeared for Director Nance. He talked about the organizational and operational development of SFPD. Mr. Onek talked about recommendations from the Police Executive Research Forum (PERF). Mr. Onek talked about the three phases recommended by PERF. The first phase would be Information Gathering. This phase would include meeting with the stakeholders and also having a series of community meetings and community stakeholders for input into what they think the operational issues are with the Department that PERF could come in and assist with. The second step would be to bring in professionals to do an assessment based on national best practices of what the department is currently doing. PERF can make recommendations for areas where SFPD might be able to take examples of national best practices from other cities and perhaps develop a way to use them in San Francisco. The third phase is implementation where PERF would come up with an implementation plan and provide technical assistance to implement the recommendations that they made.

Mr. Onek talked about the five focus areas. The first being the Department's strategic vision. The second is the use of force and the early intervention systems. Third is the review of the overall staffing. Fourth is human resources issues which includes recruitment and hiring. The fifth focus area is information technology.

Commissioner DeJesus asked how this is being funded. Mr. Onek stated that this has not be costed out in the proposal. He stated that his office is providing some of the funding for this and would check as to how much the Department may be able to pitch in and they are looking at private foundations to see if they can get contributions from them.

Commissioner Sparks asked how was PERF selected. Mr. Onek stated that they received a lot of information from different agencies but PERF was the one that has the best national reputation and they have a focus not only on recommendations but also on assisting with implementation, and PERF has dealt with some of the issues here in San Francisco in other cities.

Commissioner Sparks asked about community input. Mr. Onek stated that the first step is to meet with a wide range of stakeholders including community stakeholders.

Commissioner Renne asked that this item be calendared for next week for further discussion.

PUBLIC COMMENT:

Meesha Irizarry discussed concerns that a national expert is not consulted.

Francisco DeCosta discussed concerns regarding selection of PERF.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Chief Fong responded to some of the inquiries presented to her last week. Chief Fong stated that, for the record, on Monday evening after 5:00 o'clock, she received a letter from Supervisor Daly stating that the Lefiti family had been asking for information. Chief Fong stated that on Monday afternoon, a redacted copy, was provided to the family, and Sgt. Gitten did place a call today to the Lefiti family in order to provide the other additional information that was requested in Supervisor Daly's letter. Chief Fong stated that the Department did not receive a call back but she will be speaking with them after the meeting tonight to provide the information to them and explain why certain areas may not be provided at this time.

Chief Fong explained what happens after an officer-involved shooting. She stated that three investigations are initiated. The first by the Homicide Detail to determine whether or not there was any criminality in terms of the incident. Secondly, the Management Control Division starts their investigation. MCD reviews the case and determines whether or not there are any violations of administrative or department policies. Third, the District Attorney's office responds to the scene and initiates a separate and independent criminal investigation. Chief Fong stated that in 45 days the Homicide Detail will report to the Commission as to whether or not the investigation has been completed and as to why it has or has not been completed. In another 15 days the MCD, after the completion of the Homicide investigation, have to complete their investigation in 60 days. Chief Fong stated that that is the process that is in place and ongoing since the incident occurred. After the investigations are completed, the whole investigation is reviewed by the Firearm Discharge Review Board in terms of the administrative side of the case. On the criminal side of the case, the District Attorney's office makes the determination as to whether or not there is any criminality involved in the case and then issues a letter to the Department indicating what their actions will be.

Chief Fong explained that as part of that investigation, there is contact that must occur with the family. Chief Fong stated that the Department has two entities that have contact with the family. One is the investigators that are assigned to the Homicide Section that handle all the criminal investigations. Chief Fong stated that another is the Department's liaison. The Department has designated Sergeant Neville Gittens as the family liaison.

Chief Fong also stated that the Department has prepared two letters for the Commission in regards to outreach that has been done in two cases and since the date of the letters on Friday, there has been subsequent contact.

Commissioner Sparks asked if there has been a time line defined as to when the first contact is made by the Homicide Investigators or the family liaison. Chief Fong stated that that is not documented but it will be part of the DGO that will come before the Commission in regards to the liaison and a specific time frame. Chief Fong stated that in this case, the contact was made within the first 24 hours of the incident. Chief Fong stated that it is key for the family to tell the Department who their liaison will be. Chief Fong stated that a sheet that provides the case number, the liaison's name, who are the

investigators assigned to the case, the medical examiner's contact information, what they can provide, the Department of Public Health Crisis Intervention, the Department of Public Health Office of Vital Records in terms of various certificates or documents that must be obtained, and the District Attorney's Victims Services Division. This sheet is being prepared by the Department to give to the family.

Commissioner Sparks asked about reports from the District Attorney or from the Coroner's Office. Is the Department assuming that as a role as a facilitator to do that or just to direct the families to those agencies since the Department has no control over when those reports are completed. Chief Fong stated that Sgt. Gittens, as the liaison, would notify the Medical Examiner's Office that these two people are the family liaison and that they will be contacting the Medical Examiner's Office. Chief Fong stated that the Department can only release documents that are police documents and appropriately redacted. Chief Fong stated that the liaison will be a facilitator. Chief Fong also explained that the Department will contact the family but when there is someone who is injured, the social worker staff at the hospital will be that contact for the family, and if someone has expired, the medical examiner makes the first contact and the notification to the family member.

Commissioner Sparks asked if it would be useful if the Department designates someone to actually sit down with those families who have been in this situation over the last couple of years and try to get some feedback as to what the issues have been, how it could be expedited, how it could be made better, how it could be made more compassionate, so that the Department can get dialogue and feedback as to what has gone on and what the Chief is proposing as to whether or not that really address the issues that the families have spoken of. Chief Fong stated that that's a point well taken and that she will request guidance from the City Attorney's office prior to making any contact.

Commissioner DeJesus thanked the Chief for her report and asked if there is a general time frame as to when a police report can be released. Chief Fong stated that the Department's goal is to release the report at the earliest time possible depending on the situation.

PUBLIC COMMENT

Meesha Irizarry stated that a time line is important.

Yvette Wyler, friend of Asa Sullivan, discussed concerns regarding contact of Mr. Sullivan's family and that there is no response from the Department and asked the Commission to hold officers accountable.

Mike Lefiti, brother of Mr. Lefiti, asked that evidence be preserved in regards to his brother's case.

Kathleen Espinoza, Mr. Sullivan's mother, stated she was not contacted by anyone. She stated she asked for a police report but was not provided with anything.

Son of Ms. Espinoza discussed concerns regarding information being withheld.

Commissioner Sparks asked if there was a liaison appointed for the Sullivan case. Chief Fong stated that there was no liaison appointed and the Department has to work through a legal counsel because the Department has a letter and stated that she will prepare a correspondence to the legal counsel expressing the request heard tonight.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

and

DISCUSSION REGARDING OCC PRACTICES IN NOTIFYING OFFICERS OF COMPLAINTS

Director Allen stated that he had a conversation with Mr. Steve Johnson and that Mr. Johnson had requested that they meet this week or early next week and asked that this item be put over for the following week. He stated that they are going to try to meet by the next meeting.

This item will be put over for next week.

PUBLIC COMMENT

None

DISCUSSION AND POSSIBLE ACTION TO TAKE OFF CALENDAR INDEFINITELY THE DISCIPLINARY CHARGES FILED IN CASE NO. C04-224 JCT WHO RESIGNED FROM THE DEPARTMENT. SAID DISCIPLINARY CHARGES WILL BE PLACED BACK ON CALENDAR SHOULD THE OFFICER BE WITHIN THE JURISDICTION OF THE POLICE COMMISSION IN THE FUTURE

(Resolution No. 46-06)

PUBLIC COMMENT

None

Motion by Commissioner Sparks, second by Commissioner Marshall to take this item off calendar. Approved 4-0.

DISCUSSION AND POSSIBLE ACTION TO TAKE OFF CALENDAR INDEFINITELY THE DISCIPLINARY CHARGES FILED IN CASE NOS. C04-223JCT AND C04-240 JWA WHO RESIGNED FROM THE DEPARTMENT. SAID DISCIPLINARY CHARGES WILL BE PLACED BACK ON CALENDAR SHOULD THE OFFICER BE WITHIN THE JURISDICTION OF THE POLICE COMMISSION IN THE FUTURE

(Resolution No. 47-06)

PUBLIC COMMENT

None

Motion by Commissioner Sparks, second by Commissioner Marshall to take this item off calendar. Approved 4-0.

COMMISSION ANNOUNCEMENTS

Commissioner Renne announced that the Patrol Special item was supposed to be calendared for next week, however, the report from the City Attorney's Office is quite thick and that it would be advisable to continue this matter to another date.

Commissioner Sparks would like an opportunity to sit down with the City Attorney to go over her findings prior to the time of calendaring the patrol special item.

PUBLIC COMMENT

Jane Warner, Patrol Special Police POA, asked for a copy of the report and would like to be included in the discussion with the City Attorney.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

David Onek will be back next week and item regarding OCC Practices in notifying officers will be put over for next week.

Commissioner Sparks asked that a tentative agenda be added to the Commission's weekly agenda of items to be scheduled for future agenda.

Commissioner Sparks asked the Chief for a presentation on use of force as far as the process on training as far as officers coming to conclusion on what force to use.

PUBLIC COMMENT

None

Motion by Commissioner DeJesus, second by Commissioner Marshall t adjourn the meeting.

Thereafter, the meeting was adjourned at 7:13 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission