

DECEMBER 15, 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 5:05 p.m., in Closed Session.

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

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER WITH LEGAL COUNSEL. (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d))

Motion by Commissioner Keane to hold Closed Session. Second by Commissioner Marshall. Approved 5-0.

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

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

- a. Israel Flores v. City and County of San Francisco, USDC No. C03-4262 SBA
- b. Breslin et al. vs. City and County of San Francisco, Superior Court No. 04-504029

DECEMBER 15, 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 6:18 p.m., in a Regular Meeting.

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

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 any or all discussion held in Closed Session. Second by Commissioner Keane. Approved 6-0.

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Keane to approve the Consent Calendar. Second by Commissioner Marshall. Approved 6-0.

RESOLUTION NO. 101-04

ISRAEL FLORES v. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Israel Flores v. City and County of San Francisco," in USDC No. C03-4262 SBA, be, and the same is hereby

approved.

Date of Incident: September 18, 2002

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

ABSENT: Commissioner Chan

PUBLIC COMMENT

Mr. Stipman discussed concerns.

Unidentified discussed concerns regarding non-disclosure of discussion regarding the Breslin matter in Closed Session.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Chief Fong gave an update on the great work of the men and women of the Police Department during the past week.

Chief Fong asked to be excused at 7:15 p.m. because of a presentation of bicycles, a cooperation between the Elks Club, the Sunset Scavenger, and the California Medical Facility and Vacaville State Prison. Chief Fong stated that all these groups refurbish bicycles that are collected and these bicycles will be given to children who are identified from the Tenderloin District.

PUBLIC COMMENT

None

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Director Allen reported that revisions done on DGO 7.01 and the revisions for the translator DGO was put up on their website. He also asked if Samara Marion could come up and speak in regards to DGO 7.01.

PUBLIC COMMENT

Mesha Irizarry was wondering what the status of the OCC centralization intake to various community organizations.

Camilla Blake, Justice for Cammerin Boyd Campaign, discussed concerns regarding officer-involved shooting victims and information provided to the family.

Isabel Boyd, grandmother of Cammerin Boyd, discussed concerns regarding information provided to the Boyd family.

Francisco DeCosta discussed concerns regarding information released to the public.

Evan Pollack, on behalf of Gus Rugley & Cammerin Boyd, discussed concerns regarding release of information to the families.

Lorraine Altamorenno discussed concerns regarding OIS shootings.

DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE CHIEF OF POLICE TO APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM THE GOVERNOR'S OFFICE OF EMERGENCY SERVICES (OES) TO IMPLEMENT THE "VIOLENCE AGAINST WOMEN-LAW ENFORCEMENT SPECIALIZED UNITS PROGRAM"

Officer Phil Fleck, Grant Unit, explained the grant.

Commissioner Veronese stated that he might have to recuse himself in regards to this matter because he is on the California Commission of Justice and he believes that this grant may come before him.

Motion by Commissioner Keane to excuse Commissioner Veronese from voting on this matter. Second by Commissioner Marshall. Approved 5-0

PUBLIC COMMENT:

None

Motion by Commissioner Orr-Smith to authorize the Chief of Police to apply for the grant. Second by Commissioner Keane. Approved 5-0.

RESOLUTION NO. 102-04

APPROVAL TO AUTHORIZE THE CHIEF OF POLICE TO APPLY FOR, AND TO ACCEPT AND EXPEND FUNDS FROM THE GOVERNOR'S OFFICE OF EMERGENCY SERVICES (OES) TO IMPLEMENT THE "VIOLENCE AGAINST WOMEN-LAW ENFORCEMENT SPECIALIZED UNITS PROGRAM"

RESOLVED, that the Police Commission hereby approves to authorize the Chief of Police to apply for and to accept and expend funds from the Governor's Office of Emergency Services (OES) to implement the "Violence Against Women-Law Enforcement Specialized Units Program," including any augmentations, extensions, and modifications.

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

DISCUSSION AND POSSIBLE ACTION TO APPROVE REVISED GENERAL ORDER 7.01, "JUVENILE POLICIES AND PROCEDURES"

Commissioner Renne stated that she finds the title of this general order quite misleading because it is very limited as to what it covers. She stated there should be more broad policies.

Captain Ashe, Juvenile Unit, stated that she spoke with Chief Fong and they did agree to change the title of this general order. She stated that one of the choices was to change the title to put more accurately reflect what it actually is which is juveniles taken into a non-secure custodial confinement in police facilities and at the end to provide references to the other documents in the department that help illuminate the Department's juvenile procedures which addressed many of the comments received from CARC, the Youth Commission, the Public Defender's Office, Huckleberry House, and OCC. Captain Ashe stated that the Department needs a Juvenile Procedural Manual.

Commissioner Orr-Smith asked if there were any suggestions from the different agencies that possibly could be integrated and included in a general order at this time. Captain Ashe stated that yes and stated that some of David Steinberg's language can be incorporated and stated that hopefully this time next month the General Order can be revised.

Commissioner Veronese stated that the Commission should look at a protocol to make sure that approval of general orders can be moved along faster.

Ms. Samara Marion, OCC Attorney, highlighted some of the areas that can be remedied right now in 7.01. She stated that when juveniles are taken into detention but are not brought into the facility, there are no guidelines concerning this. She stated there needs to be guidelines. She stated that there is nothing in 7.01 that says that officers can only transport for a lawful purpose and nothing requiring parental notification when officers take children and

youth off the street. There is nothing requiring that kind of documentation. She stated that if this is a document that deals with juveniles being taken from the street to custodial facilities and it's covering detentions and it's covering arrestees, it needs to cover those kind of situations. She stated that the way this document is structured, it's for individuals who are taken to facilities.

She stated that juveniles should not be brought to district stations, which is the common practice, and these rules should state the exceptions as to when they need to be brought there but the philosophy that they're not brought there is embodied in the document so there's a situation where the practice does not represent what is going on.

She stated that OCC is happy that the Department would include language concerning Miranda but she asked that it be more than just who has to provide Miranda. She stated that nothing in this document lays out what the rights of juveniles are. This document addresses when juveniles are taken to the station and it should include the kinds of protections that juveniles should be given.

Commissioner Orr-Smith would like to get recommendations from the Department and the OCC about the various community organizations that would be included and involved in the making of this policy.

Commissioner Veronese asked that because the procedures regarding juveniles are so detailed, what kind of training will the Department provide the officers and what's the fiscal impact if at all. Captain Keohane stated that the Department welcomes working with OCC and all the agencies to put together the comprehensive policy but as far as the training goes and how much the Department will need, Captain Keohane stated that many of the recommendations that the OCC has put forward are already part of the General Orders that officers have been trained in. The number of the issues that have come up are within the Crowd Control Manual already.

Captain Keohane stated that other measures taken by the Department are some of the OCC policy recommendations for response to incidents on school grounds is being put together by FOB and they are pretty much set and are ready to move forward with those.

Commissioner Renne announced that there is a letter on file from the president of the San Francisco Unified School District asking to be informed of any policies that this Commission might be considering that have to do with the schools.

Captain Keohane stated that the school district did sign an MOU in regards to community policing on school campuses last night at their meeting.

PUBLIC COMMENT:

Peter Loderborne, SF Youth Commission, spoke about their concerns in regards to General Order 7.01.

Mark Hall, Youth Justice Committee, discussed concerns regarding the general order and read a written statement regarding changes to the general order.

Chanel Rose, Juvenile Justice Committee, talked about diversion for juveniles.

Francisco DeCosta, Director of Environmental Justice Advocacy, talked about issues in the environment that affect the youths.

Denise Coleman, Director of CARC, stated that this general order is of particular importance because there is a distinct difference between arrest, holding, and detention of adults and young people. She stated that this policy has to uphold that difference. She spoke about the Juvenile Detention

Alternative Initiative (JDAI). She stated that the JDAI is looking specifically at unnecessary detention with the focus on disproportionate minority confinement. She asked the Commission to approve the recommended changes as well as convening a committee to create a comprehensive juvenile justice policy and procedures manual.

Ioka Turner, SF Youth Commission, appreciates the Department's willingness to create a comprehensive policy, particularly Captain Ashe. She handed out letters from various community organizations who also supports the various recommendations mentioned tonight. She stated that her overall impression of the general order is the problem of tone. She stated that she thinks the philosophy of this document is wrong. She asked that the Commission consider the input made by the various community groups in making the changes to the general order.

Motion by Commissioner Marshall to continue this item. Second by Commissioner Orr-Smith. Approved 6-0.

DISCUSSION AND POSSIBLE ACTION TO SET THE LOCATION(S) OF ONE OR MORE OF THE MONTHLY "DISTRICT" COMMISSION MEETING, WHICH ARE HELD IN A NEIGHBORHOOD LOCATION, TO DISCUSS ISSUES ARISING IN THE PARTICULAR POLICE DISTRICT

RESOLUTION NO. 103-04

SETTING THE LOCATION(S) OF ONE OR MORE OF THE MONTHLY "DISTRICT" COMMISSION MEETINGS, WHICH ARE HELD IN A NEIGHBORHOOD LOCATION, TO DISCUSS ISSUES ARISING IN THE PARTICULAR POLICE DISTRICT

RESOLVED, that the Police Commission will hold community meetings on the last Wednesday of every month;

FURTHER RESOLVED, that the following District Meetings will be held in the following Police Districts:

January 26, 2005	Mission Station
February 23, 2005	Northern Station
March 30, 2005	Tenderloin Station
April 27, 2005	Central Station
May 25, 2005	Southern Station
June 29, 2005	Taraval Station

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

ABSENT: Commissioner Chan

DISCUSSION AND POSSIBLE ACTION TO ELECT COMMISSION OFFICERS

Commissioner Renne explained that she put this on the agenda because the bylaws under the old Commission states that officers have to be elected in December or the first meeting in January to take place in office in January. Commissioner Renne asked if the bylaws need to be changed because each member of the Commission term of office expire on April 30th and have officers elected in May or after April 30th.

Motion by Commissioner Keane to continue election of officers and to change bylaws in January so the officers will be co-terminus with the establishment of the new Commission. Second by Commissioner Marshall. Approved 6-0.

PUBLIC COMMENT:

Unidentified discussed concerns regarding having a police officer in the Commission.

COMMISSION ANNOUNCEMENTS

Commissioner Renne announced that there will be no meeting on the 22nd and the 29th of December due to the holidays.

PUBLIC COMMENT:

None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Veronese would like to see if the Department could get a clear understanding from the Health Department as to what its role is in the homeless issue.

Commissioner Sparks would like Director Allen on the progress in training community groups to do intake. She also asked that under the Chief's report a discussion as to OIS summaries when released, do family members receive those summaries and whether or not they are placed as an attachment to the agenda of the Commission. She also asked the Chief to report as to her progress in working with the DA's office in coming up with a process to expedite release of OIS reports.

Commissioner Keane asked that the Commission get the information in the Boyd case and stated that this Commission should see the materials.

Commissioner Orr-Smith asked for the Department's Efficiency Plan.

PUBLIC COMMENT:

Marylon Boyd, Campaign for Justice for Cammerin Boyd, thanked Commissioner Keane and Sparks and asked about the letter from the Commission to Kamala Harris.

Commissioner Renne announced that the Department and the District Attorney's Office have been meeting to create a protocol as to the processes that are to be followed between the District Attorney's Office and the Police Department.

Thereafter, the meeting was adjourned at 7:53 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission