

**APRIL 5, 2006**

**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 5:48 p.m., in a Regular Meeting.

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

**PUBLIC COMMENT**

Ace Washington asked the Commission to review his request regarding his press pass.

Barbara Growth discussed concerns regarding the case of Officer Nelson.

Matt Leroy discussed demonstration where an officer got hurt.

**CHIEF' S REPORT**

- a. **Update on significant policing efforts by Department members**
- b. **Report on progress toward development of the Early Intervention System**
- c. **Presentation of Officer-Involved Discharge Fourth Quarter 2005 Report**

Chief Fong updated the Commission on a barricading suspect incident last night. The incident was resolved peacefully.

Chief Fong also stated that on Monday, April 10<sup>th</sup>, the 211<sup>th</sup> Academy class will begin.

Commissioner Sparks asked about the officer that was injured during an officer-involved shooting incident. Chief Fong updated the Commission on the incident and stated that officers were taken to SF General Hospital and released that evening with no serious injuries.

Commissioner Sparks asked the Chief, due to recent violence in the city, to reassure the community that the violence reduction resources are being made available or not made available and whether the overtime situation may or may not impact the recent incidents. Chief Fong stated that the violence reduction overtime allotments were provided to the Captains on the Friday of the week of the budget hearing. Chief Fong stated that that was the first priority of the Department and the Department did put that as the primary priority with all other overtime secondary.

Chief Fong explained that on every shooting and homicide, the Department of Public Health Crisis Response Unit is immediately notified because there are a lot of things that can be helpful to the public, to the family, where through intervention in terms of emotional support as well as helping a family that is going through a traumatic situation. Also, through DPH, they actually work with the various community CBOs in order to do even more within the community. Chief Fong also explained that in terms of the enhanced staffing that can be deployed through overtime means, foot patrol officers is one of the options that the captains use. Chief Fong stated that in the Bayview, in the Western Addition, and in the Mission, there have been enhanced foot beats based on the violence reduction staffing.

Captain Keohane reported on the progress toward development of the Early Intervention System. Captain Keohane stated the purpose of the presentation tonight is to inform the Commission of the progress we've made with the Early Intervention System, to clarify some concerns, and advise the Commission and the public on what our next steps would be.

You all have the copy of the discussion draft and letters from both the ACLU and the OCC citing their objections. I think we're already moving in the right direction. The purpose of this is to bring all the parties together to clarify some of these issues, begin a good dialogue, and be able to complete this part of the project within the next eight to 12 weeks so we've already accomplished part of our goals here. Along with the POA, who has been part of the process in the last few months, we will now have all the major concerned parties together.

What I'd like to do this evening is bring the new Commissioners up to snuff, shall we say, is begin by discussing a little bit of the past history, where we are now, where we want to be.

The history of the Early Intervention System, where we are currently in the process right now began approximately three years ago with a report by the Controller's Office and also a document by the ACLU documenting the deficiencies in the current order 3.19 or the Early Warning System. The Department recognize the need to update that document. We wholeheartedly agree that it should be updated. The POA also demanded changes on other areas that they also wanted changes.

The main problem with the old order was it focused on one issue and one issue only, and that was citizen complaints lodged against members. New studies in this field show that citizen complaints in and of themselves are not a valid measure if we can improve an officer's performance. When this was first B when we first began this process approximately three years ago, the Department worked with Mark Schlosberg from the ACLU in putting together a draft or a proposal. However, in putting this draft together, the OCC and the POA were not included in the process. The Department recognizes that this was a mistake. The order was also presented to the Command Staff. The Command Staff provided feedback that it was negative in nature where this should be a positive order to include performance. Some of the indicators were duplicative; staffing issues were not addressed; training was not addressed; and, at that time, there was no technology infrastructure in place that would support this program nor was there a reasonable expectation when it could be anticipated.

The POA looked at the order. They also found that it was negative. The indicators were overly broad. There was a question of fairness in the indicators; also, issues of confidentiality of records, and the question of supervision and responsibility.

Now, the last update that the Commission received on this order was on October 12, 2005. Many issues of the ACLU and the OCC in their letters that you have now before you were addressed at that time. Number 1 was we felt that the policy statement should be positive.

Commissioner Marshall, while reading the draft, stated that he felt it addressed the issue of making it positive and it was good nature. However, his question was it addressed just stress of the officers and he wanted something that would address the community and the service to the community. To this, we added the last line in the second paragraph where it states, >The intent of this system is to provide non disciplinary intervention whenever possible to assist our members in a professional discipline in order to provide the highest level of service and professional conduct to the public.= Commissioner Sparks also made reference to that. We added those issues.

Also, we looked at the indicators. The indicators that are placed in the order by the ACLU are all based on indicators that are taken from other agencies. These agencies received their indicators from the court mandated Consent Decree that they were forced to enter into due to a pattern of practice

of misconduct that was specific to their agencies. Any Consent Decree literature you will read will state that indicators for an agency should be specific to that agency and be able to be justified by that agency. You can't take a round peg and put it in a square hole.

Many of the indicators that are taken for the ACLU document were derived from the Oakland Consent Decree. Some of their indicators B one of them, for example, is how many time an officer signs out for a pepper spray cannister from the property clerk. The Department did not feel that was a relevant indicator as anytime an officer uses pepper spray that would be required to be entered into the use of force log which would be an indicator into itself in San Francisco. We don't know how Oakland tracks their use of force indicators.

We went through all the indicators. The indicator in the first draft also listed all FTAs should be part of the process. That's failure to appear. In San Francisco, anytime there's a failure to appear, that would generate the Management Control Division complaint which is listed as one of the indicators. Therefore, it's duplicative. They also list any arrests by a member. Anytime a member is arrested, that generates a Management Control Division investigation. Therefore, that would be duplicative.

As I said, we went over each of these suggested indicators that were proposed in the original proposal in detail and this was in meetings that were attended by both Commissioner Gayle Orr-Smith at the time and also the City Attorney, and this is how we came up with the indicators and the associated factors that you'll see in the order before you.

One of the indicators that was removed was that all in-custody deaths would be an indicator. Commissioner Sparks, at the October 12<sup>th</sup> meeting, asked how would you place any kind of responsibility on a person if they were sitting somewhere in the police car and died of a heart attack, for instance, and there was no physical force used or more appropriate to compound the problem. But if two people arrested an individual on the street, he or she is transported into a holding facility by another officer, came in contact with another officer in charge of the holding facility, who would get the indicator for the in-custody death. These are some of the questions that arised.

Also, Commissioner Veronese, in dealing with OCC complaints as indicators wanted those to be more specific in nature so we could track what the actual violation was in terms of Department General Orders, and we're looking forward to discussing this with the OCC to see how we can add that to the program.

We have provided this draft document. It's a compilation of our discussions with the City Attorney, the POA, and Commission Smith before she left. It also presents some of the best practices from other agencies throughout the nation. One thing B and that's how we put this order together. But as you notice, at the top of this order, this is not a finished draft. We are not presenting this for action. We're presenting this so all people can enter into dialogue and we can come up with the best possible program there is.

One of the things that we learned and we're wishing to share with those people that have concerns is the original order was drafted from the ACLU three years ago. Many of the suggestions that are in that order are put forth by a person by the name of Samuel Walker who is a doctor of criminology, recently retired from the University of Nebraska at Omaha.

Members of the Department had the opportunity to attend the conference in Phoenix last week. Mr. Walker was the opening speaker. The way he opened his presentation was he held up his book, which I have here,

that was published three years ago, and he just started saying, he goes, "This was the bible three years ago." He goes, "Now you might as well consider that the old testament." He goes, "So much has happened and I have learned." Sam Walker says, "I have learned so much. Material in that book is outdated." He provided two new documents where he says this is the future of early intervention. We are hoping to share this with all concerned parties once again so we can have the best possible program that can be put in place.

At this four-day conference we've learned the state of the art. We also learned what we can use to make this successful. And besides just the policy, which we will be addressing, there's also training concerns. There's also, as we said, I.T. concerns and, of course, human resources.

What you read in this order, the Department itself, we recognize, after coming back I circulated this before we left we want to make changes. We want to hold front line supervisors more accountable for the conduct of their employees, and we will bring this forth in discussions.

What we also learned at this meeting was we are ahead of many agencies that have supposedly early intervention systems in place. One of the major themes that was put forth there was labor has to be included at the very onset. Everybody has to understand the benefits that this is a program to save people's jobs, to help them rather than be a disciplinary system.

San Francisco was pointed out as being at the forefront there. Not only did we have members of the Department there, we also had the POA sent three members so that they can learn what the benefits of this program were and how to use it. From there, we've learned that also the training should be a two-stage process and this is where we're going to be going now. Within the next quarter training process first is that we believe that we're going to have to educate all members, not only the Department but the community where the early intervention system is, where it is going, and what it can be. With that, Captain Roth at the Academy will be developing lesson plans for the next 8 to 12 weeks so that we can review them and possibly disseminate those to all our members, through roll call training, video messages, and so on.

We're also going to have to develop training, and this will come later, but for our supervisors. What you'll see in these programs are supervisors are the linchpins of any successful program. We are going to have to train our supervisors how to be coaches, mentors, and trainers. We will undertake that responsibility.

I.T.: We are going to continue to move on the I.T. process. We have looked forward, once again this is incumbent on the infrastructure that we were hoping to have in place. I have Ms. Anita Sevilla from our I.T. Unit here that will be able to address some of those issues for you, and we're moving forward with that. Hopefully, we will be able to present a R.F.P. within the next 8 to 12 weeks. During this time, as we're going through the technology and the training things, I hope to begin and complete the policy discussions with the OCC, the ACLU, the POA, and other community groups that wish to come forward. That is our goal for the next 8 to 12 weeks.

Hopefully we'll begin training in the fall and be able to move forward. Once again, if we are able to make our deadlines, one of the key elements are we going to have the resources, both the financial and technological and human resources, to move forward. As I have stated to you and I believe you'll see we're not waiting, we're doing everything within our power at this time to keep the process moving forward. I'd be happy to answer any questions you may have.

Commissioner DeJesus: I mean the policy statement. I think the original policy statement was a very strong statement. I don't see that it was a negative thing that when the Police Department says misconduct complaints will be taken seriously and it's the responsibility of the commanding officer to systematically review the complaints in order to be aware of the behavior patterns which may need to be addressed. I don't see that as negative. I think that's a very important policy statement. I don't know why it was deleted. I would ask you to reconsider that and look at that because I think we need to make a strong statement to this community that we do take it seriously and the commanding staff is B it is they're obligation to review that. So B I just wanted to say B

Captain Keohane: I think maybe B I don't think anything you said is an error. I think it's maybe appropriate. And I think and I agree that the Police Department does agree but does it belong in this order? That is the question. The question maybe more appropriate as we redraft General Order 2.04 which deals with citizen complaints against members. That would be the most appropriate. This order, if you look at it, citizen complaints of misconduct is one facet of approximately 23 indicators and associated factors.

Commissioner DeJesus: Right but you have B I mean, I guess you need to put it into perspective. It does deal with police misconduct. It does deal with citizen complaints, officer discharging his gun, officer shooting. These are the trigger factors that your command staff is going to look at. This is something the public looks to us as what are we doing about this and I think we need to let them know that we take it very seriously and we are addressing it. And I understand this is non disciplinary action but it encompasses such serious issues that we need to make a strong policy statement.

Captain Keohane: And we will talk that but just the one thing that I think members may cringe about, Commissioner, is when you say officers firing guns and then you put that B that is not misconduct

Commissioner DeJesus: I understand that.

Captain Keohane: Sometimes officers have to defend themselves.

Commissioner DeJesus: I understand that. But some of the triggers are when officers involved in shootings.

Captain Keohane: And it's not misconduct.

Commissioner DeJesus: I understand that and I apologize to you and the Department. I don't mean to mis-speak but since the triggers are so serious and the fact that, you know, that the Chronicle report that we couldn't even address the statistic that the Chronicle put forward, that we don't have a computer that can talk to each other, that we can't at a moment's touch come up with the statistics to refute the Chronicle arguments that it made. The fact that they were able to point that officers had number of complaints or had civil actions that had been paid out money from the city and these officers have been promoted through the Department and in fact have been training the recruit officers is really a serious area of concerned and I think with the early warning system, hopefully, can put the Department in the right path to identify officers that not only have personal, you know personal assisted issues or job stress but may have problematic behavior. I mean I think we need to put it out there that is something it's looking for.

But let me ask you some questions. I looked at the points system. I do not understand how this points system works. I would ask you to give me an idea of what the points system. I believe it's on page 4, Early Intervention System Indicator Entries. I'm not sure when you say five or more EIS

indicator points or three or more citizen complaints, if you can explain how you came up with these numbers and how it=s really gonna work in reality.

Captain Keohane: Okay and once again this will probably be modified as we move on. One of the issues it raised at the convention is numerical point values in and of themselves are not an accurate reflection of whether there=s a problem or not. What is now held up is the model with the ratios. For an example, to give you that B here we have three complaints within six months. Now, just to make it very simple, if all complaints had to do with an arrest. If a person made three arrests in a month and had three complaints, that would be a trigger. I think anybody would agree that there might be an issue there. If an officer made 3,000 arrests in a month and there were three complaints, that should not be looked at in the same manner as somebody who got three complaints with three arrests. So we=re trying to move towards ratios. What this is built on is this builds further out than what we currently have in place. Currently in the early warning system, if a person gets three citizen complaints within six months or four complaints within a year, that would trigger a performance review. Okay. Also what we have it=s not covered even in the early warning system is use of force issues where if an officer uses use of force three or more times in a quarter, it goes to a performance review. That=s not covered in the orders so that would be here. So when we start talking about points, if I refer you back to page 3, let=s say a person had one OCC complaint, one MCD complaint, one EEO complaint, one civil suit, and two vehicle pursuits within the allotted time frame, if we just went down 3, 3, 3, that would not necessarily trigger a performance review. That means totality, we would have five or more indicator points within the six-month period which would cause us to look due to the compilation of all the indicators.

Commissioner DeJesus: And I guess that was the question that was confusing when it said five or more indicator points. There is no time frame associated at the first prong and then it says or 3 citizen complaints within six-month period. So I wasn=t sure what the five indicator points, what the time frame would be for that.

Captain Keohane: That would go to the next line. So we should take the point off where it says three. Once again I believe this will be changing when we come back in 8 to 12 weeks.

Commissioner DeJesus: So what you=re saying then is if there=s five indicator points B

Captain Keohane: Within six months.

Commissioner DeJesus: Within six months. Okay. And you have six or more indicator points or four citizen complaints within a year. Is that a separate prong?

Captain Keohane: That=s correct. Yes, it is.

Commissioner DeJesus: Okay. And then you have three or more documented use of force as mandated in General Order 5.01 or involved in officer-involved shooting. Now is there a time frame associate with that.

Captain Keohane: No. If three or more documented use of force, that would be within the quarter because what we did we took the measures that we have in place now so we=re not expanding on it this time. But then on any officer involved shooting or discharge that would automatically mandate a performance review and that=s due to the severity and the nature.

Commissioner DeJesus: One of the things B in the 2003 audit they

talked about the officer can have two serious complaints in the beginning of the year and then that=s it and it=s not triggered because it=s not three and then they have another serious event in the last six months of the year. So we have three over the year but it wouldn=t come up on radar at all. In this particular system, is there any loopholes like that because I mean you have three serious incidents in a year but depending on when it occurred, it may not be triggered at all under the old system and I=m just wondering if you have the same scenario under this system.

Captain Keohane: Under this system it possibly could but there=s other factors that may be recognized that will bring it to our attention but to inform you of something else B this is not the only method and this is stressed also and this is what we have to educate our supervisors for. The Early Intervention System is a management tool to help people recognize where things are and provide accountability. If a person is actually has real performance problems, it should come to that supervisor=s attention before they ever reach a threshold and action should be taken. One of the things we will build into the system is a supervisory intervention program where if we could see that a certain supervisor is having a number of his or her subordinates reaching these levels, we=re going to be looking at that supervisor and asking questions why isn=t appropriate interventions being taken before the person reaches that level.

Commissioner DeJesus: Okay. And then if you could go back to page 3. I guess I was looking for two systems. We have the indicators from 1 through 10 and we have associated factors. I=m really not sure how the associated factors will work or how it=s going to be B its envisioned is going to play out.

Captain Keohane: Okay. Associated factors will reflect on the above B will begin B use of force required by DGO 5.01. We have those statistics. We have those paper base. We have shall we say data based the paper base whatever, but we can create a baseline so we know where officers are or what may be appropriate or what not due to the environment they are operating in. Officer-involved shootings: you have that information. Officer-involved discharges: we have that information. OCC, MCD, EEO complaints, civil suit, tort claims, on-duty accidents and vehicle pursuits: we have that. We can build a database. Look at a picture of the department and see where our performances are and possibly go back two years when we create this system to see who might be candidates.

Just to digress for a second. All agencies that start building these systems they put in indicators from what we=ve learned in the initial review. Sometimes they come up with 25 to 20 percent of their officers on this list which is not appropriate. They have to adjust the indicators for that organization. We have those measures. We can look at those. Now if we look down at the associated factors: Citizen initiated complements and commendations, those are in there also to show that officers do good work. This is not strictly misconduct. Department commendations and awards show what the officers also do. I don=t want this to be confused. This just shows a total picture of an officer. This is not a math class where we say two accommodations negate one complaint. They are looked at separately but they do give us a picture of the whole officer. Arrest by officers: Once again it=s associated factor. If a person has three complaints with three arrests, we have a problem. If there=s three complaints with 3,000 arrests, maybe not necessarily so unless maybe those were the last three arrests the individual made.

Commissioner DeJesus: So that=s actually numerical arrests B

Captain Keohane: That is correct.

Commissioner DeJesus: B total arrests, total arrests by officers.

Captain Keohane: Total arrests. That is saying the citations by officer, motor vehicle stops, pedestrian stops, those are all issues that will be total so we can look at the total package of the officer. Training histories and associated factor to see if we do identify a problem just to help that supervisor to be able to look and see if this is a training issue. Has the individual been provided the proper training in order to succeed. Voluntary overtime work: Is this person working so much overtime that they may be B might contribute to their performance up above that they might not be able to perform their duty.

Commissioner DeJesus: And will this overtime also include the 10B work when they come off the shift, they do 10B and when they come back on so they do even more hours.

Captain Keohane: Yes. Sick pay: same thing and this was a discussion we=re still talking with the city attorney about. Tracking this kind of issues, there=s many issues involved. Principle participant in a critical incident: Many times you=re involved in a critical incident and it may affect the officer psychologically and sometimes it=s not just the officer in a, shall we say a officer-involved shooting that fired the shot. It=s also he/her partner who didn=t fired the shot and wondered if they should. These are questions that may affect the officer=s performance down the line. Criminal cases not filed or dismissed due to documented concerns: We don=t have this information. This has never been put in place. We=re talking with the district attorney on how we=re going to compile this data. If we B if they wish to go forward with it, how is it going to be complied? How is it going to be transmitted to the Police Department? And then let=s take a look at it. We have no baseline but we do feel that we can put data there; see if it will be a concern in the future and start tracking it and look for it.

Commissioner DeJesus: Right. Now, that=s one of the things that the ACLU I think raised is that they sent a letter over a year ago saying pretty much where are we with that and how can we put that in place, and I=m sure the district attorney keeps statistics on which cases they cannot charge or they have to dismiss due to either concerns with an officer=s arrest and/or concerns with an officer violating the civil right and they can=t go forward because the motion to suppress are granted. Certainly we have to agree that those are the indicators. If an officer makes 10 arrests and 9 of them are thrown out for violating civil rights, I mean that could certainly B at the very least if not counseling certainly maybe retraining.

Captain Keohane: Yes. We have talked with the city attorney. We=ve continued those discussions and we will be working at that. At one point this was, at one point of all the discussions it was removed from the order completely and we put it back in.

Commissioner DeJesus: But I guess that concern that I have is for a year this has been out there, that this is something that you may not have at your fingertips but it=s certainly something the district attorney has and B

Captain Keohane: I=m not sure of that, Commissioners.

Commissioner DeJesus: Okay. Alright. But I just want to know what=s been done over the last year.

Captain Keohane: I=m not sure that the D.A. has that.

Commissioner DeJesus: So the question is have you asked them? I mean what=s been done over the last year since that letter went out.

Captain Keohane: We've requested two or three times and we have no definitive answers.

Commissioner DeJesus: Okay. That's fine.

Captain Keohane: The last two: Charging and resisting or obstructing a police, Charges of assault on police: Once again we don't have those indicators. Also, it's been my experience as a police officer for over 33 years that there is one of those charges, I'm not going to say all the time, but in a great majority of those they are going to result in either a use of force, a complaint, or something along those lines. Additionally, this is B as I say we don't track that and we would like to track it to see where it is. We'd also like to find out what other charges may be appropriate in there such as the police officer's threats against a police officer and so on. These are other things we would be looking at. We will be talking with the ACLU and OCC about.

Commissioner DeJesus: How about officers charged with a crime? I don't see that in here.

Captain Keohane: Officers charged with a crime, that automatically begins an MCD complaint so that would be redundant.

Commissioner DeJesus: Alright. Now, I do have a question on prong number 12, 13, and 14. I did review the best practices audit that was done in 2003 and I understand you say that, you said throw those out but one of the things that it pointed out there was that 148s, the 240, the assault on the police officers that those were triggers that at least should be looked at. Doesn't necessarily mean acted on but certainly looked at so that B the same thing would go for number of arrest. If you have 10 arrests and 9 of them are 148s or primarily bad or (unintelligible) or something, that certainly can be an indicator and I'm wondering why those were moved out of the top 10 indicators and put down as an associated factor.

Captain Keohane: Once again you said that is something that should be looked at and we agree with that wholeheartedly and we want to look at that and associate it with the total, the totality of the officer's performance and if after, shall we say, as it stands now if after a year or so and we compile these data and we will have those statistics, if we can show that it's a valid indicator possibly we would move it up, and that would be actual discussions with B discussion by, I should say, the Early Intervention System Board, which will meet to discuss policy and make recommendations to the Commission for improvements.

Commissioner DeJesus: So, did you say you were going to meet with the ACLU over these, some of these issues. Did I hear you say that earlier?

Captain Keohane: Absolutely.

Commissioner DeJesus: Okay. I want to know the rationale, I understand you said labor should be involved. What's the rationale for putting the POA on the committee that's here that you have outlined here. I forgot what's it's called but the EIS.

Captain Keohane: EIS committee?

Commissioner DeJesus: Yes.

Captain Keohane: Because it affects labor and as you quoted best practice, that was best practice in 2003 and it continues to be in 2006.

Commissioner DeJesus: Not clear to me what you mean by that. Do you mean political organization, political association or labor organization. What do you mean by that? I'm not hearing that.

Captain Keohane: A person representing the labor of the officers.

Commissioner DeJesus: Who represents the labor of the officers B now, I guess the question that I have is how many cities actually have the labor representatives on the committee and (2) do those labor committee, do they actually have an active role in terms of hiring attorneys to represent their police officers in misconduct before this Commission and/or at the OCC level and they actually have personnel that also will defend their officers at that level? So do they have an active role in terms of defending officers from misconduct and are they sitting on the committee that is evaluating the triggers whether an officer should be counseled or should have anything put in their personnel record or anything like that? I mean do we have the same organization.

Captain Keohane: I will have to research that for you, Commissioner. We'll get back to you on that.

Commissioner DeJesus: Okay. And so I think the ACLU raised that that's possibly a conflict. It's certainly, if it's not an actual conflict, it's certainly has the appearance of a conflict. But I also want to add there some other concerns for me because the way I see this is a non disciplinary action. This is something that will be a trigger that will bring in front of the command staff B not the command staff but the board B and if they will decide whether the officer needs training or the officer needs counseling and whatever actions taken will be put in the officer's personnel file. And I guess the question I have, if that's true, the issue or the specter of personnel files an individual officers, you know, action within the police department, is this not a disclosure of the confidential personnel records to give individual personnel information to a third party such as the POA and if they do that, the POA here is a non city agency. Are we disclosing then and making that officer's personnel record available or subject to availability to other members of the public given the Sunshine Act that we have and the Public Records Act that we're under?

Captain Keohane: That's an excellent question. We've discussed that with the City Attorney and we may be modifying the way the board operates or the reports may be without individual names or so on. That's an excellent question and we've recognized that ourselves. We're in discussion with the City Attorney on that.

Commissioner DeJesus: The other thing is I particularly think that the POA has no B it's just inappropriate to have them as part of that. You may want to give them as the labor representative the results and have them weigh in at that level. I also think that the OCC shouldn't be there. I think we let the prosecuting arm that prosecutes the police officers, I think the POA defends the police officers, I just think to put them in the chicken coup and have them review, you know, who's where, who's getting most hits, what are you doing with it, and how is it being sanctions, is it going into the personnel record or not B I just think it's really a bad idea. I don't think the OCC should be there and I don't think the POA should be there. I honestly don't. I think this is a personnel issue. It's non disciplinary. As you said it's to protect the officers. You don't need a political arm in there, the labor arm in there, or the prosecuting arm in there. However, if you think the POA should be there, then I think you need to give consideration that the OCC have representation as well. So those are the issues that I have in mind. I am concern that if the OCC is excluded from the process and given the data though and the report is made to the Police department, I don't understand

why the OCC=s report shouldn=t come to the Commission the way that it comes now.

Captain Keohane: I agree.

Commissioner DeJesus: That was easy. The second think is, the second thing is B I mean I can go on and on. The way it=s set up right now is there=s a lot of discretion built into this draft and the problem I have with the discretion is I think there=s some parameters that need to be set. You can have certain discretion but it=s within certain set parameters. I do not think it=s full and complete discretion because then we may never see anybody coming through or anybody being counseled and everybody being excused on a discretionary basis, and I just think that=s a real dangerous thing to do. I think you need to sit down and say it=s within the board=s discretion but within the board, here are the options that they have within the discretion. So I think you need to evaluate that. There=s a lot of vagueness in the draft as it=s given to us right now. I think the ACLU has pointed out many of them and I think B I=m trying to cover as many that I also was kind of alarmed at when I was reading it. I think that it=s not clear what role the Commission is playing and what information the Commission is given. I think the OCC pointed out in their letter in terms of the report and I think you=ve heard this before and the OCC has heard this before, when you get the reports, they=re very difficult to read. It=s four incidences and two quarters or one quarter or whatever. It doesn=t give us the information we really need and I think the reports to the Commission must include, you know, what officers have been identified, the nature of such behavior and action taken whether it=s intervention or no intervention. We need to know that. And the way we get the report now, we don=t know that and so I think we all need to be on the same page here. I do think you need to B I think it=s a good start. Don=t get me wrong. I think it=s a good start. I would prefer if you went back to the draft that you had already handed out with the ACLU and work with that, with those factors, and work with them, the POA, and the OCC, not individually but work with them as a team so you get a group effort out of this rather than one. It seems you threw out the old report and drafted a whole new report and I think the only access was the POA or the other information coming in was from POA on this report as you=ve seen the criticism coming in from the OCC and the ACLU that they didn=t have access to this new draft. So I think you should go back and perhaps negotiate some of these things.

Captain Keohane: Very good. Thank you.

Commissioner Marshall: I=m not going into the specifics but Captain, I do B specially we=re on the fast track here, I am a little bit no I=m a lot disappointed. Specially in the light of the letter, the letter produced by the ACLU and the OCC. It seemed that the Department itself has backtracked off the number of agreed upon pieces, either through the Chief or B and to get a document B you really want to start it from scratch here. There was a previous DGO that B at least a draft had been put together. There was agreement on certain things or belief of an agreement on certain things, and, again, just to reiterate since we=re on the fast track here to B now, you=re going to have to go back and re-agree on the things that you know B maybe they should have gone to this conference with you because B

Captain Keohane: That would have been an excellent idea.

Commissioner Marshall: B that=s where they were then and you were in the same place and you moved somewhere else because of B what=s the guy=s name that written a new book B

Captain Keohane: Timmy Walker.

Commissioner Marshall: B maybe he should have been there with you because that=s going to set us back and it=s really disappointed, you know, to see all this stuff from you. I mean when the ACLU send you something, they send you everything they did for the last 30 years and so you get this and you go wow. It is B it=s very disappointing. And let me say this, as far as I=m concern, this document has got to serve two purposes. It=s got to B and it=s got to serve both of them. I mean you=ve got to convince your members that it=s not a punitive piece and that it=s in your best interest and at the same time, whether you like it or not, you=re going to have to convince the public it=s also in their best interest. So and that=s not B I guess it=s going to be a B it shouldn=t be a tough sell, you know. My whole thing to the department, to the members of the department, is that, again, it=s like I tell my young people, you know, if you get picked up or something happens to you with the police, if you don=t do anything you don=t have anything to worry about so don=t do anything. And that=s the way I see it with officers. This has got to be a document that has a lot of teeth in it for the public specially in light of, you know, the Chronicle, and I think when you=re asking for more officers, like I say, there=s going to be segments of the population say we=ve got enough problems with the ones we=ve got, what do we need more for. So this has got to do that and, you know, that=s why B and I thought we had made progress in that, you know, with some of the work that had been done previously but that=s why this is so disappointing to me. I mean to get this long thing from the ACLU and the OCC saying we had agreed upon stuff well this is what work. It is B I=m very disappointed and I=m wondering, you know, you say 12 weeks, to me you=ve got a long way to go here, a long way to go here. And just the scrutiny that obviously that Commissioner DeJesus= is like what. So, I know I=m going to be watching very very closely and you got a lot of ground to cover as far as I=m concern and to make up. I=m sure we=re going to get public comments by both of them to that effect but I=m very disappointed. I hope you can do it quickly but if this thing doesn=t have the teeth in it that it needs to have, it=s not going to mean a thing. It really is not going to mean a thing. I have to say that.

Commissioner Campos: I think it=s really hard to find the words to express what I think what message I think this sends. I think that to be sitting here April 5<sup>th</sup> getting this document in light of the comments that I think many perhaps every Commissioner has made and to get a document of this type, I think B it=s really hard to find the words. I think that disappointing is certainly one word. I guess what I would say is that I think that it should be clear that certainly this Commissioner will not support a document that does what this document has done, and I think that we owe the officers of this department and we owe the public much better than that. And I have a lot of questions so let me begin by saying this. I cannot imagine how we can say that having in the introductory paragraphs of a document statements that make it clear that misconduct complaints will be taken seriously. How B having something like that is in anyway anything but positive and it=s positive not only for members of the public but it=s positive for members of this department, because I think that we owe it to the many police officers in this department. There are so many of them who do everything by the book, who do everything right to make sure that we send the message that the people who are in this department and who will be allowed to remain in this department are people who will follow the rules and who will treat people with respect and I think that=s that=s our officers. And there=s nothing negative about making that statement in the introductory paragraphs of those documents. It does belong in this order. With all due respect, I disagree with your statement that it doesn=t belong here. So let me begin by saying that.

The second thing is that I think that there is a tension between some of the statements that have been made and the reality that I think is reflected in

this document because you make the statement that this is a non disciplinary system whose goal is to provide a service, a benefit to police officers to identify potential problems, not necessarily problems, potential problems so that we can provide them support. And you have a process that identify some triggers that might point to some of those problems and yet, you have a document that, to my mind, maybe this was not the intent, but to my mind tries to reduce the number of triggers you can have. And therefore, in my mind, reduce the number of potential problems that could be identified. And I think that=s a dis-service to the rank and file because I think that we owe it to them if this document is really meant to assist them, to provide them that service, those support services, we need to have a meaningful, a realistic picture of what is happening. And to me the fact that something is identified as a trigger doesn=t necessarily mean that indeed you have a problem. That=s why you have a process that has B going back to your document, you have a B early intervention system that has two steps, right. You have the early intervention system unit and then you have the early intervention system board. The fact that the unit receives information about an officer doesn=t mean that the unit, the way the process you described is supposed to work, will automatically think that you have a problem. But I would imagine that as a unit you want to have as much information as possible if the goal is truly to provide support services to our officers. So I don=t know if you have any comments to that point because I do feel that tension in this presentation.

Captain Keohane: I agree with you. Perhaps early on I stated that to this conference we went to. We want to move the accountability further down so that=ll be the first line of supervisors. The EIS committee, possibly it isn=t in there, they will be the ones tracking all this information and they will be in touch with those supervisors, notifying them as soon as the trigger should be reached. However, if that happens, possibly the system=s failed because this could be built into the system and also, which is not in the document, is the day to day operation of it which we=ll have a manual. On that the supervisors will have access to this. They will be reviewing this or they should be reviewing this on a daily basis. The officers in question will have access to his/her own records so that they=ll be able to know where they are at any time. And they=ll have to take ownership of their own performance. So, perhaps, I didn=t make that clear, Commissioner.

Commissioner Campos: I appreciate that. Another point that I do want to make is I think that when you come before a commission like this, I think that when you=re talking about best practices, at least to me it is not sufficient to say that these are best practices based on the fact that you attended a conference. I want to see why it is in writing that these are best practices. I want to see where it=s happening because if it is the case that this person who previously said that best practices were defined a different way is now giving you a different definition, I mean who is to prevent that person from writing a different book two months from now. We need to look at the materials that you=re basing these statements, these are best practices. You have to show me that.

Captain Keohane: I=ll provide that to you, Commissioner.

Commissioner Campos: Okay. What I will say is also I do have a problem with some of the structures that you have described. For instances, there=s no specificity about this EIS Unit. Who is going to be on this unit? Not only who, but how are they going to make a determination that there might be something there when they look at a report? What criteria will be followed, and I think we owe that to our officers to describe those criteria. And, also, what is the interactions specifically in very concrete steps between the unit and the board? And finally, structurally, where is the Commission in all of these because in this proposal, we get an audit, as I understand the proposal, we get an audit every six months. I don=t really know what the terms of the audit are

because I don't think they're clearly defined here. But one thing the Commission, at least as I read the document, does not get are the names of officers that meet the criteria that identifies some problems, some issues for us. As I read the report, the Commission doesn't get that. Am I correct in making that statement?

Captain Keohane: I think we talked about that. You'll be getting the same reports that you have gotten in the past.

Commissioner Campos: Well, I think that we need to maybe have more discussion about what those reports look like. I do think that's an issue. And I do have to go back to a comment that Commissioner DeJesus made about the makeup of this board. I would like to ask the City Attorney's Office if that's appropriate to provide some information about the issue of whether or not there is a conflict of interest here. And I do think that there is validity to the point that this should be to the extent that it's a non disciplinary system, this should be a personnel matter, and I do wonder why the POA needs to be there and if you believe that they need to be there, if you can explain to me why then the OCC is not there. I think that's important information that we need to have. I think those basically, those comments summarize sort of my general impression but once again, I want to reiterate, that I do think that we have a long way to go and I don't know what needs to be happening between now and the time line that we have in place, but maybe there need to be a round the clock meetings with all the parties involved because I don't see how you get this done unless you do that given where you are with this document.

Commissioner Marshall: Just one other thing, Captain, because I want this to be in your mind and all of the interested parties of when they're putting this document together and I guess at this point I'm looking at it from the community side, dual job, dual sell job. In the minds of a lot of people, and the thing that this 100 officers that they read about and, you know, since I deal a lot with the community, it's not even a specific number, it's an attitude or things they feel that happened to them by officers. To me, this thing, they've got to feel that this document is going to catch these folks. They got to feel that as B they got to feel B these folks are going to be weeded out, caught, dealt with, their behaviors is gonna be changed, and it has to do with all of that. If it doesn't, if they don't feel that way, then I don't think it's, you know, you got to do that. And I just want that as much to be in your mind as you're putting this thing together as it is, you know, it's a system, you know, for officers B because I believe you can do both, but I think you got to have both things in your head and I want to say that and I know I've got to feel that way. I really do. I've got to feel that B I'm not going to name names because I get poked talking about certain officers all the time B these folks are going to be B and new ones are coming in. You know they won't turn that way. So, please take that with you and all the parties. You got to do that. I think you have a unique opportunity, do it, but you got to have both twin things running through your head if you put it together.

Commissioner Sparks: Captain Keohane, I don't think there's much I could add to either one of these and I'm trying to stay away from piling on, but a couple of comments, just procedural. One, Commissioner Orr-Smith was involved in many of these discussions on this committee and both Commissioners Campos and DeJesus have asked to be included in that committee, so if you would include them if you would, please, in the committee. Secondly, you commented 8 to 12 weeks, could you make a preliminary report in four weeks as to what your progress is on this, which would be anywhere from a third to a half the time that you specified. So, I'd appreciate if you could give a report in four weeks. And, also, the Commissioners, I think, made excellent excellent points and I know this is a little unusual but I would asked that if they could to summarize their comments

and provide them to Captain Keohane and to the Commission so that these aren't lost for posterity. I think that would be an excellent thing if we could do that. And, thirdly, maybe this is a little irregular, but this is kind of an irregular discussion, I guess, is I'd like to take public comment on this item only, individually, so that individuals within the community would have an opportunity to comment on this specific item without diluting their comments on the other two items under the Chief's Report. So if we could do that please.

#### PUBLIC COMMENT:

Samara Marion: We've submitted a letter and I just would like to highlight a few things concerning the Department's presentation. I think what's critical is what was missing from the Department's presentation. There's no explanation for why the Department failed to take action in April 2003 when the Controller issued a report that said the Early Warning System lacks sufficient scope and detail to be effective. We've had three years to resolve this. What's missing from the Department's presentation was there's no explanation for why the ACLU with the agreement of the OCC engaged in negotiations throughout 2003, 2004. There were agreements made and now the Department reneged on those agreements. There is no explanation for that. The statement that now they want to bring the OCC into the process, we were kept apprised throughout 2003 and 2004. All the negotiations we fully supported it. We were a part of that process and we don't need to be brought in now B or we do now because of how disillusioned we are with the end result. We were happy with the steps that were made in 2004. What's missing from the Department's presentation is what about the 16 indicators that the ACLU negotiated. You didn't hear that now the best practice has thrown those 16 indicators. You haven't heard that they're not valid, that they don't indicate risk activities. What you've heard is there this shifting sands but nothing specific about those indicators. I just want to highlight a few of them as to why they are critical. If they are not a serious charge, arrested, or charged, is that not significant in terms of activity. What the Department says is MCD will file a complaint. That's a huge loophole. MCD has the discretion as to whether or not to file a complaint. Across the nation, an officer's arrest is used as an indicator of risky activity that can trigger, along other things, the early warning system. That's one factor among many others. Pitches, when a pitches complaint has been granted, that's a factor that the Department didn't address as to why it's been omitted. They've in fact omitted eight factors that were agreed upon which are being used throughout the country. No explanation as to those eight factors other than a few or duplicative. Again, I would point out that those duplicative factors involve a lot of discretion. We want a comprehensive indicator list. We want the best. We want to be able to prevent misconduct and its escalation. Obviously we don't want a system that's full of loopholes. A few other things that weren't talked about which is suddenly there's this two-tiered system of associated factors and indicators. Associated factors are not defined other than they might shed light on the topic. Again, it's vague. We have been given no information as to what it actually means, and it appears that if there are two perhaps commendations of an officer, that that could counter three officer-involved shootings or two officer-involved shootings, that kind of balancing, misconduct against a commendation, I don't think that's something that we would tolerate. The Department talked about if there's three complaints but there's 3,000 arrests, on the surface, yes, that's compelling. But if those three arrests involved shootings within a six-month period of time, that would be highly problematic. There's a few other areas I would like to address.

Commissioner Sparks: You're done with your three minutes, so if you could put those in writing, if you would, the other issues and make sure the Commission Secretary gets them so he can distribute both to the

Commission and also to the Department and the ACLU.

Ms. Marion: If I could B just indulged you for a moment in that B

Commissioner Sparks: Ms. Marion, we=re have to B

Ms. Marion: Okay. Alright. It=s just our agency is not a member of the public and so I was hoping B we=re not providing our report B but I understand.

Commissioner Sparks: I think you could=ve asked under OCC Report to be included in the presentation of this. You did not and so unfortunately B

Ms. Marion: I apologize.

Commissioner Sparks: B you=re in the public comment section.

Ms. Marion: I understand. Thank you.

Mr. Mark Schlosberg: Good Evening, Commissioners, Chief, Command Staff, members of the public, OCC: My name is Mark Schlosberg, Police Practices Policy Director at the ACLU, Northern California. I want to start by first pointing out that it is a good thing that we do have a draft before the Commission at the Commission level at this time. This is B it=s been three years, it has made it to this level, and we=re having this discussion, and I think B I view that as a positive, a positive thing. I=m not gonna go into the characterization of the previous history of this that were done by Captain Keohane in his presentation. I think my June 22, 2005 letter speaks for itself in terms of the prior discussions. I do want to point out though that the latest draft that the last draft that we had come up with was not three years ago but a year and a half ago, and it was really B and the number of the factors that were talked about as being duplicative were already removed from the draft at that time. I do want to say that I think the two key problems with this draft general order, in my view, is (1) certain things were removed as indicators that should be included as indicators. Some are listed as associated factors now and I think that those things need to be indicators. And one of those things is the cases that are dismissed. I talked about that in the letter. Another one is, you know, those resisting arrest charges. Not necessarily that one would trigger the system but that that=s a factor that should be included as an indicator. The second thing that is incredibly problematic about this DGO is the placement of the Police Officers= Association on the EIS Board. It does present a conflict of interest as a number of you pointed out, and Captain Keohane talked about, well, you know, there is this report that was done by Sam Walker three years ago and now he says it=s not worth the paper it=s written on and here=s a new report from him. I actually spoke with Sam Walker a day or two ago about this general order and about the placement of the Police Officers= Association on this board and he was unaware of another department that had an association in this similar position with regard to an early warning system. I think that=s problematic and I think that that aspect needs to be fixed. I also don=t think that just because Sam Walker wrote a new report that now he is saying that every factor that was mentioned in, you know, three years ago now is no longer a factor that should be considered. And, I think if we=re going to be, you know, referencing experts and consulting them, it would be worthwhile to solicit their opinion as well. I look forward to working with the Department, with the OCC, and with the Police Officers Association to try and remedy some of these problems. I don=t think it=s gonna require that that there=s many things that need to be fixed. I think the things that need to be fixed are incredibly important. The change in those indicators, changing some of the language in the introductory statement, and specially changing the role of the Police Officers= Association. I appreciate the work that the

Department=s is doing but there are some major changes that need to be made and hopefully they can be made in the near future. Thank you.

Matt Leroy thanked the Commission for their comments during this discussion.

Kelly Welsh, ACLU, support the need for a comprehensive early warning system. She discussed some of the problems she sees with it.

Ace Washington discussed concerns that information has not been filtered down to the community.

Barbara Growth discussed some concerns.

Mr. Steve Johnson, POA: I just want to say I think for those of you who deal with the public sector, I think you realize how hard it is sometimes to get labor and management together. But I just wanted to complement the Chief and I wanted to complement Captain Charlie Keohane for the committees they put together to work with the POA committee. I think it=s been working very well, and I=m a little disappointed myself. I=m a little disappointed that the fact that none of you have taken, I mean you=ve taken an interest but you haven=t asked any questions prior to this when you could=ve phoned Captain Keohane up. You could=ve come to any of our meetings. Some of you are new here. I know two of you are brand new members but for the other members of this Commission, we have issued that invitation before that we meet at the Police Officers= Association, some times at the Hall of Justice. So you have a right to come by, sit in. Gayle Orr-Smith when she was here she sat in on the meetings and she saw what we were doing, and she appreciated all the work that was going on. So, disappointed? Yeah. I=m a little disappointed too. I=m very disappointed in the fact that every week, practically every week, I get up here and talk about the fact that OCC is still charging people, officers, with unwarranted action for arrests. They won=t tell us what is unwarranted about the arrest. Inappropriate and inaccurate police reports: they won=t tell us what=s inappropriate or inaccurate about those police reports and yet one officer has been fired. Allegations. I=m disappointed? I=m very disappointed. We bring these issues to you week after week, nothing is done. And all of a sudden now you=re upset with a few little indicators aren=t included in the EIS system? I think you=ve got bigger problems than that. You=re telling us that we=re going to have difficulty selling this EIS to our members, you=re right, we are. Because the system right now has been corrupted The system is not working and until you fix the base of the system, you=re not going to have anything to deal with after that. So, thank you.

#### PRESENTATION OF OFFICER-INVOLVED DISCHARGE FOURTH QUARTER 2005 REPORT

Captain Keohane presented the Firearm Discharge Review Board of Officer-Involved Discharges for the fourth quarter 2005.

Commissioner Sparks asked about article in the Chronicle. Chief Fong stated that she was not aware of the article but that she has had conversation with Director Nance of the Mayor=s Office of Criminal Justice about outreach and about having an organization who works extensively with law enforcement agencies and is very well aware of a number of best practices in a number of arenas and that she had conversation with the executive director about the possibility of them assisting the City and the Department. The Chief stated that she will have follow up conversations with Director Nance to try to get a sense of exactly what the plan is.

Commissioner Sparks stated that hopefully in the Chief=s discussions with the Mayor=s office and Director Nance that have been discussed at Commission meetings be included. Chief Fong stated that she will have a follow up conversation with Director Nance and she will report back to the

Commission next Wednesday or that she will ask Director Nance to make a presentation.

Commissioner Campos ask where all this fit in terms of the Commission mandate. Commissioner Sparks stated that that question should be raised with the Mayor=s Office.

**PUBLIC COMMENT:**

Ace Washington discussed concerns regarding programs created by the Mayor.

Barbara Growth discussed concerns regarding electronic voter fraud.

Samara Marion discussed concerns regarding policy recommendation regarding officer-involved shooting incidents involving dogs.

**OCC DIRECTOR=S REPORT**

**a. Review of Recent Activities**

Ms. Marion, for Director Allen, reserved time for the next agenda item.

Commissioner Campos asked about specificity of the charges that the OCC files against police officers. Ms. Marion stated that officers are provided what=s called a 293, Complaint. On the complaint it provides the charges and it also provides a statement from the complainant as to the nature of the charge in addition to statements from the investigator. Commissioner Campos also asked that once a complaint is made, at what point in the process is the officer interviewed as part of the investigation. Ms. Marion stated that she will provide a packet to the Commission.

*(The Commission took a break from 7:46 p.m. to 7:54 p.m.)*

**DISCUSSION AND POSSIBLE ACTION TO ADOPT COMMISSIONER SPARK=S RESOLUTION REQUIRING THE POLICE DEPARTMENT AND THE OFFICE OF CITIZEN COMPLAINTS TO TRACK AND REPORT TO THE POLICE COMMISSION ALL PROPOSALS FOR CHANGES TO POLICE DEPARTMENT GENERAL ORDERS**

Motion by Commissioner Marshall, second by Commissioner DeJesus to adopt Commissioner Sparks= resolution. Approved 4-0.

**PUBLIC COMMENT**

Mark Schlosberg, ACLU, thanked Commissioner Sparks for offering her resolution and the Commission for considering it.

**RESOLUTION NO. 27-06**

**RESOLUTION REQUIRING THE POLICE DEPARTMENT AND THE OFFICE OF CITIZEN COMPLAINTS TO SUBMIT A QUARTERLY REPORT TO THE POLICE COMMISSION REGARDING POLICY PROPOSALS**

WHEREAS, the operations of the San Francisco Police Department are governed, in part, by Departmental General Orders adopted by the San Francisco Police Commission; and,

WHEREAS, from time to time, new General Orders or amendments to General Orders are advisable due to, for example, changes in community conditions or needs, evolution of best practices, or changes in applicable law; and,

WHEREAS, the Chief of Police is responsible for the operations of the San Francisco Police Department, including implementing the Departmental General Orders; and,

WHEREAS, the both the Chief of Police and the Director of the Office of Citizen Complaints are charged under the Charter with recommending changes to policies governing the operations of the Police Department; and,

WHEREAS, the large number of General Orders and proposed amendments to General Orders creates challenges for monitoring and oversight by the San Francisco Police Commission; and,

WHEREAS, over the past several years, the Office of Citizen Complaints has recommended a number of changes to General Orders that have yet to be reviewed by all appropriate parties and forwarded to the Commission for consideration; now, therefore, be it

RESOLVED, that the Chief of Police and the Director of the Office of Citizen Complaints each shall submit a quarterly report to the Police Commission regarding all policy proposals described below. These reports shall be submitted in time to be calendared for the first Police Commission meeting of the quarter. At the time of submission to the Commission Secretary, the Chief and Director shall copy their reports to each other.

Each report shall include at a minimum:

1. A list of all proposals, currently under consideration by the Department or the OCC, for:
  - § Amendments to General orders
  - § New General Orders
  - § Policy recommendations that could result in new or revised General Orders
  - § Policy recommendations that could result in the issuance of new or revised Departmental Bulletins that supplement or amend General Orders, supplement Department Manuals that affect policy, or announce legal update, and
  - § Policy recommendations that could result in a resolution issued by the Commission
2. The Department shall include proposals and recommendations made by OCC, where OCC has notified the Department of the proposal or recommendation. Similarly, OCC shall include proposals and recommendations made by the Department, where the Department has notified OCC of the proposal or recommendation.
3. The status of the proposal or recommendation, including the date it was first submitted for consideration and review and due dates for each step that will be required. Depending on the nature of the proposal, required steps may include:
  - § Internal consideration and drafting
  - § Under review or discussion with parties outside the Department or the OCC.  
(Where appropriate, depending on the nature of the proposal, such parties may include the OCC, the Police Department, the City Attorney, other City agencies, the Police Officers= Association, and community stakeholders.)
  - § Under consideration by the Police Commission
4. The Department or OCC=s assessment of the priority of the proposal or recommendation.

5. A list of issues that the Department or the OCC believes are likely to require resolution by the Commission, but only after the Department, OCC, and relevant outside parties, as appropriate, have met, exchanged views and attempted to resolve any differences.
6. Any other information that the Chief or Director believes would be helpful to the Commission.

The quarterly report of the Chief of Police shall also include copies of all Departmental Bulletins that are within 120 days of expiration. It shall also include any changes to policy made by the Chief that could result in a change to a DGO or that required the issuance or modification of a new Departmental Bulletin that supplemented or amended a General Order, supplemented a Department Manual, or announced a legal update.

This Resolution shall take effect at the beginning of the quarter following adoption, and shall remain in effect until rescinded or changed.

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

#### **APPROVAL OF MINUTES FOR THE MEETING OF MARCH 22, 2006**

Motion by Commissioner Marshall, second by Commissioner Campos to approve the minutes. Approved 4-0.

#### **COMMISSION ANNOUNCEMENTS**

None

#### **SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS**

Commissioner DeJesus would like a status update on draft revision of DGO 7.01 and status report on policy recommendation regarding K-9s.

Commissioner Marshall would like a letter written to the District Attorney requesting to make a presentation to the Commission. Commissioner Sparks stated that the Commission can offer an invitation.

Commissioner Campos following up on training protocols relating to dealing with vicious K9s. Commissioner Campos would also like a presentation regarding policies and protocols for how the Department interacts with non-English speakers. Ms. Marion stated that the OCC has a draft but would like to meet with the Chief before presenting it to the Commission.

Motion by Commissioner Campos, second by Commissioner Marshall to adjourn the meeting.

Thereafter, the meeting was adjourned at 8:05 p.m.

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Sergeant Joseph Reilly  
Secretary  
San Francisco Police Commission