

JUNE 16, 2004

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in Room 018, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 4:45 p.m. in Closed Session.

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

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

- a. Schiff v. City and County of San Francisco, U.S. District Court for the Northern District of California Case No. C03-04345 JCS

JUNE 16, 2004

REGULAR MEETING

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

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

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12(a))

No Public Comment

Commissioner Keane entered a motion not to disclose discussion held in Closed Session. Second by Commissioner Veronese. Approved 7-0

CHIEF'S REPORT

- a. **Report on Department's Response to the Demonstrations of June 7 - 9, 2004**
b. **Review of Recent Activities**

Chief Fong introduced Deputy Chief Suhr to make the presentation regarding the demonstrations.

Deputy Chief Suhr stated that Saturday was the first day of Biotech. He stated that the Department had planned for these events for approximately six months. The department polled a lot of information from the media that stated thousands will go to SF to shutdown biotech et cetera.

On Saturday, 10,000 people marched protesting the war. Five arrests were made. Out of the five arrests, three were charged by the District Attorney for failure to obey a traffic officer, blocking the roadway, and delaying arrest. On Sunday, there was only one arrest for a strong arm robbery. No arrest for the demonstrations.

Monday, the Department was in emergency mobilization. Five arrests were made by the CHP at the State Building. Tuesday was set to shut down biotech. It started at about 6:00 a.m. 28 persons were arrested. 24 protestors sat at 4th and Howard Streets. 12 of the 24 linked arms with sleeves (Chief Suhr showed the Commission an actual sleeve). Chief Suhr explained that before the sleeves were sawed off by the Fire Department. This year, the department picked up everybody that was sleeved and rolled them out of the way and placed in a safe area out of traffic. Five arrests were made when demonstrators went under buses. Of the 24 arrested, at 4th and Howard, 12 were charged and asked to pay for the citation. The 12 that were sleeved were charged with misdemeanor. Of those at 4th and Howard, they were rebooked

and the person was rebooked for aggravated assault on a motorcycle lieutenant.

At about 6:00 p.m. another march occurred and believing that people were going to SF Center, they were encircled, admonished, and arrested. None were juveniles. 110 were arrested and none were juveniles. Everybody that provided names were cited and released and the ones who didn't stayed in jail. 38 remained in jail until Friday morning. The judge ordered them to provide names or be held in contempt. Everybody gave names and by Friday evening everybody were released.

One unfortunate incident that took place, the deputy director for cancer research was stuck with a syringe as she moved from one building to another. The stick caused a rash. She was treated and released but it was a very traumatic experience for her. On Wednesday, the Department scaled back to cut down on overtime. The conference was not shut down. 12 cases were handled by the Inspectors Bureau including the needle stick. Nine of the 12 were rebooked and prosecuted by the District Attorney's office.

PUBLIC COMMENT:

Linda Magellum, Executive Director for the Union Square Association, thanked the Department for year round service. Also to say thanks for the efforts made by the Department to protect the area during the Biotech conference.

David Heller, President of the Greater Geary Blvd. Association, thanked SFPD for a great job done during the demonstration. He stated that it was amazing the way the Department handled the demonstration and hopes that the Commission will support the police.

Mark Intermagio, Executive Vice President of the Building Owners and Managers of SF, stated the men and women of department are trusted and praised members of the department and stated that it is a difficult job to be members of the SFPD. He stated that the department does a fine job and thanked the Department for providing public safety.

Chief Fong updated the Commission regarding the Lieutenant's list. The list expired Monday. As a result 14 sergeants were promoted to rank of Lieutenant and two positions filled to the rank of Captains. Chief Fong stated that the Department no longer have a lieutenant's list at this time but she will be meeting with the Civil Service Commission to outline the projected schedule to have an exam.

PUBLIC COMMENT:

None

OCC DIRECTOR'S REPORT

- a. Report on the Demonstrations of June 7-9, 2004**
- b. Review of recent activities**

Director Allen stated that one of the functions of the OCC is to monitor protests. OCC jackets and hats are worn to identify who they are. They do not try to interact with officers or protestors. Information about the protest were received early on. OCC contacted Deputy Chief Suhr who told them there was a training to observe and learn where police will be deployed.

On Sunday, OCC monitored the demo by PIC radio. Nothing happened on Sunday. On the 7th nothing occurred. Two investigators walked the area of Moscone to see if there's anything going on. On Tuesday, investigators went down to the scene. At about 1030 a.m. the team came back. Informational briefs were put in the files. All in all it seemed to be a fairly peaceful

demonstration.

Commissioner Keane asked about one incident where the person stated that she has seen one OCC investigator say to the police officer, "I'll be a witness for you" and asked Director Allen if he has checked into that. Director Allen stated that he has been informed by all incidents viewed by OCC investigators but he did not know which arrest was talked about and he reviewed information in the office and stated that OCC investigators will cooperate and try to maintain neutrality. Director Allen also stated that the incident has been discussed by the management team, himself, and as a result they have sat down and tried to work on a policy.

Commissioner Chan asked if OCC have any rules as to conduct of monitors or investigators in connections with demonstrations? Director Allen stated that the rules would mirror the same rules as if they are on a ride along. They are there as a neutral party and they will not interact with police and citizen. They are just there as neutral observers. There are existing guidelines. He will revisit and change policy.

Commissioner Chan asked about the word monitor? Director Allen stated that investigators generally have a tape recorder and they might keep a running log as to what is being observed. No strict guidelines as to what notes should be taken. Logs are transcribed and put in files.

Commissioner Chan asked to what extent are OCC personnel trained with respect to the evaluation of crowd control techniques? Director Allen stated that personnel are trained through the POST crowd control training and will try to get investigators to attend the training. There will always be somebody there during training.

Commissioner Sparks asked what is the identifying outfit worn by OCC personnel? Director Allen stated that a beige vest and the on back is says OCC, blue jacket with OCC writing, hats with OCC, orange vest with OCC Director, and for a ride along Kevlar vest had to be worn. He also stated that OCC people were present on Tuesday and monitored by radio on Sunday and on Monday, two individuals walked the perimeters, but they concentrated on Tuesday. There is one complaint made and normal investigation is on going.

PUBLIC COMMENT

Mariam McCune, General Manager of Yerba Buena Gardens, stated that her and her staff were invited in months ago by the Department and were made aware of all plans and she was asked by the entire community to address the Commission. She stated it was well thought out and well managed and stated that they were all present with all eyes on police and demonstrators. She was asked by SOMA Childcare Center address the Commission to thank the police on their behalf. There's 100 children in that facility and stated that Captain Dillon made sure that someone from the center is always present when dropping off and picking up children. Yerba Buena Center of the Arts also wanted to thanked the police for their presence during demonstrations. She extended thanks and appreciation for how well it went.

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE POLICE DEPARTMENT'S BUDGET FOR FISCAL YEAR 2004-2005

Deputy Chief Parra gave an update on the budget process. The budget has been submitted to Mayor's Office. Chief Parrra introduced Captain Lynch to give a brief update.

Captain Lynch, Fiscal Division, stated that on June 1st the Mayor submitted his overall budget to the Board of Supervisors. Captain Lynch described the SFPD budget. Captain Lynch described some of the highlights

of the proposed budget which include the addition of 40 members through a new academy class, improved technology through the Records Management System and the Justice System, increased police resources dedicated to the several of the city's Housing Authority sites and grand funding to support significant improvement in the Department's response to Homeland Security. Since reviewing this budget proposal, the Department has requested that a technical adjustment be made to the Police budget in the amount of approximately \$367,567. This request is to restore appropriate funding to the uniform and equipment budget in the amount of approximately \$344,000. The deletion of approximately \$36,000 in equipment request and personnel adjustments related to the funding of two current security guards positions and the addition of an injury and illness prevention program administrator. These requests are being evaluated by the Mayor's budget office.

Commissioner Chan asked under the proposed budget how many members will be in the Department's payroll, civilian & sworn? Captain Lynch stated approximately 2,087 and that's not including the Airport Bureau. Captain Lynch stated that Airport Bureau funding is treated as a work order agreement between the Airport Commission and the Police Department.

Commissioner Veronese asked about settlement and lawsuits. Captain Lynch stated that it is a lined item and is approximately \$825,000. Commissioner Veronese asked about gun replacement change and why and is the Department doing anything to get funds? Captain Lynch stated that the Department have been working with the Beretta and SIG-Sauer and there have been attempts to work with current manufacturers and there is also as buy-back. Chief Parra stated that discussions with Beretta and they do want weapons back and the Department will get some credit as part of the buy-back from Beretta. It's going to be an exchanged one for one from each officer in the field and then a buy back from Beretta to the department. Commissioner Veronese expressed concerns regarding fire wall for stations and stated that a wall would cost so much, is there someone in department looking to see if there is a better way to do this? Captain Lynch stated that a lot of the project are put together by the Department of Architecture or the Department of Public Works. Sergeant Julie Lynch explained that since 1997 funding to update three holding cells and that cost currently \$472,000. What is done is a request is put through Department of Public Works and they will contract out if they feel they don't have the resources immediately available to handle that job. The number is the estimate for this current fiscal year.

Commissioner Sparks asked clarification about what looked like an overall three and a half percent increase in the overall budget funding. Captain Lynch explained that if you look at the lined items, the budget does look like an increase but the budget looks higher due to fixed costs which are related to collective bargaining agreements that include worker's comp increases, contributions by the city for retirement by the employer, roughly about \$10M estimate for the next fiscal year. Overall budget increased due to fixed costs and collective bargaining and the department has no control over those fixed costs. Commissioner Sparks asked if there are increases on investigations, homeland security, or is it pretty much the same emphasis as far as personnel distribution as it was last year. Captain Lynch stated there was strong emphasis on investigations. The Department have made strong efforts to make sure the Crime Lab is fully funded and that appropriate funding is there to provide for materials and supplies requests within that division. Personnel transfers are also at a higher level than what investigations were at the beginning of this fiscal year.

Commissioner Keane asked what was history for going into supplementals? Captain Lynch stated that during the current fiscal year, the Department did not go in for any supplementals. Captain Lynch stated that there is a potential cost since it is an election year, however, the Department is

committed to live within its existing budget and beyond events that foreseen, he does see looking for supplemental. Supplementals are asked for overtime costs for example like the demos.

Commissioner Renne asked about guns purchased and what is Beretta going to do when guns are taken back and what they intend to do with the guns? Captain Lynch explained that was a concern for the department. Deputy Chief Parra stated that that was a concern with the SFPD and the gun manufacturer. Deputy Chief Parra stated that he will look into the question of what the gun manufacturer will do after the buy and report back to the Commission.

Commissioner Orr-Smith asked if with this budget will all stations be computerized. Captain Lynch deferred questions to Lt. Gitmed. Lt. Gitmed, MIS, stated that the department and all stations are equipped with old system and in process of reintegrating new system. The new RMS will provide real time information to the public and is also available through the website. It is the Department's intention to give real time information to the department and the community in either logs or reports.

Commissioner Sparks asked about budget regarding Public Health cuts and the Police Budget as possibly a target for reduction to cover public health cuts. Does the Dept have a plan B as to where reduction would come from and do you lobby or make presentation to the Board? Captain Lynch stated there is a plan B in the works and will try to stand by the current budget proposal.

Commissioner Orr-Smith asked if there are grants available for new technology. Lt. Gitmed stated yes there is and is working with several vendors for gift and grants coming from the feds.

PUBLIC COMMENT

Michael Petralis stated a copy of the actual budget is not available to public and asked that such documents be available. He stated he is concern about broadcast of meetings and asked that Chief Fong look for some money for community outreach to air commission meetings.

Commissioner Renne stated that it will costs \$1,000 per three hours and additional \$180 for every additional hour after that.

Leroy Moore, Advocate for People with Disabilities, stated that he doesn't understand why the Police Department's budget increases and other departments get cut.

Frank Martin Del Campo, SEIU Local 790, asked that copies be provided to the public and asked the Commission to look into televising the meetings.

Commissioner Renne asked if action should be taken. Ms. Morley stated that Commission have a duty to approve the Department's budget each year.

Motion by Commissioner Chan to approve the budget.

Commissioner Veronese stated that approval should be after the OCC budget is presented.

Commissioner Renne stated that budget have to be approved by July 1st and the Commission needs to approve the budget.

Commissioner Marshall asked that the Commission wait until the OCC

budget is presented.

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE OCC'S BUDGET FOR FISCAL YEAR 2004-05

Director Allen presented the OCC budget and stated that there are movements in separating the budget and but they are two separate budgets. One of the changes is that attorneys are reclassified to one step whereas before there were different steps. The attorneys have been reclassified. Three attorneys at the OCC. There was two reductions taken. One is \$115,000 and the other is \$126,000. The \$115,000 reflect the large number in the step increase with the attorneys. The \$126, 000 is what is considered the adjustment necessary, step adjustment necessary in the OCC office. OCC is budgeted at \$1,994,000 and there was question as to why such a large step decrease. There is a request with the Mayor's office to get that step increase back. If budget is not adjusted, OCC will request for a supplemental appropriation. Director Allen asked that the Commission adopts the budget.

Commissioner Renne stated that Mr. Rosenfeld, Mayor's Budget Director, stated there will be some adjustments by July 15th.

Commissioner Sparks discussed comments written in the budget by Director Allen. Commissioner Sparks asked that in approving the budget, direct the Director to seek for a supplemental increase to the budget after its approved by the Mayor's Office or the Board.

Commissioner Keane encouraged Director Allen to get in there and fight for the budget and fight for what he needs for the OCC office and its personnel.

PUBLIC COMMENT

None

Motion by Commissioner Chan, second by Commissioner Marshall with friendly amendment as it relates to OCC. And to increase the SFPD approximately \$65,000 to televise the Commission meetings.

Amendment to request for an additional \$75,000 increase for SFPD to televise Commission Meetings.

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

Approved 7-0

Motion for Amendment for supplemental for OCC as a condition of OCC budget, the OCC Director immediately requests a Supplemental to backfill the positions vacated.

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

Approved 7-0.

Motion to approved SFPD and OCC budgets with amendments.

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

Approved 7-0.

Commissioner Sparks also stated that the Commission would be happy to assist in lobbying the Board and asked the Department to feel free to call upon the Commission if they can be of service in lobby for the Department's budget.

RESOLUTION NO. 58-04

APPROVAL OF THE SFPD BUDGET FOR FISCAL YEAR 2004-2005

RESOLVED that the Police Commission hereby approves the SFPD budget for fiscal year 2004-2005 with an amendment to request for an additional \$75,000 to televise the Police Commission Meetings.

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

RESOLUTION NO. 59-04

APPROVAL OF THE OCC BUDGET FOR FISCAL YEAR 2004-2005

RESOLVED that the Police Commission hereby approves the OCC budget for fiscal year 2004-2005 on a condition that the OCC Director immediately requests a Supplemental to backfill vacated positions.

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

COMMISSION ANNOUNCEMENTS

a. Scheduling of items identified for future commission meetings.

Taken out of Order

Commissioner Renne announced the meeting for the 30th will be at the Southeast Community.

PUBLIC COMMENT

Mark Schlosberg, ACLU, asked that items be scheduled for a date certain in particular policy recommendation regarding OIS policy, the OCC Outreach plan, and Commissioner Keane's resolution.

Leroy Moore asked about outreach for community meetings.

Deputy Chief Suhr stated that in addition to the calendar by the Department, the email program by Captain Bruce has over 600 people that get that daily.

APPROVAL OF MINUTES FOR COMMISSION MEETING OF MAY 26, 2004 AND JUNE 2, 2004

PUBLIC COMMENT

None

Motion by Commissioner Marshall to approve the minutes for Commission meeting of May 26, 2004 and June 2, 2004. Second by Commissioner Veronese. Minutes approved 7-0.

Motion to Commissioner Chan to excuse Commissioner Renne. Second by Commissioner Veronese. Approved 7-0.

(The Commission took a break from 8:40 p.m. to 8:50 p.m.)

DISCUSSION AND POSSIBLE ACTION TO RESPOND TO A REQUEST FROM THE CURRICULUM COMMITTEE OF THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT FOR COMMENT ON THE DRAFT SCHOOL RESOURCE OFFICER MEMORANDUM OF UNDERSTANDING BETWEEN THE DISTRICT AND THE POLICE DEPARTMENT

Commissioner Orr-Smith stated this is a continuance of last week.

Commissioner Marshall asked that he be recused because he was part of the Community Task Force re: Thurgood Marshall Incident. Commissioner Marshall also asked if he has to excuse himself on the matter of the School Resource Officer MOU. Ms. Morley stated that he might want to be excused. Commissioner Marshall asked that he be excused.

Motion by Commissioner Chan to excuse Commissioner Marshall in regards to the Thurgood Marshall incident and the SRO MOU. Second by Commissioner Veronese. Approved 5-0.

Commissioner Orr-Smith explained that this item is the memorandum of understanding between the Department and the School District regarding the SRO program. This item is on the calendar for consideration for recommendation, either pro or con or any additional comments, to move this recommendation forward.

Motion by Commissioner Chan for discussion and move to approve draft of MOU in the form submitted to the Commission. Second by Commissioner Sparks.

Commissioner Orr-Smith asked Chief Fong if there is further update on MOU.

Deputy Chief Suhr introduced Officer Lois Perillo of the SRO Program. Officer Perillo stated she just came from the Curriculum meeting and stated that what they have done is they have taken more recommendations from various community organizations and agency and they moved to postpone their action on the item and it has gone back to Angela Miller who is the Board's attorney who will revise it and present it to the full Board on Tuesday but they are looking forward for Commission's input. Officer Perillo stated that the Youth Commission commented and the United Educators commented and added a little bit to what already existed.

PUBLIC COMMENT

Max Lyons, Youth Commission, presented recommendations to the Commission and asked that their recommendations be added to the Commission's recommendations.

Channel Williams, SF Youth Commission, stated that as far as the MOU, their recommendations are needed and stated that there should be a mutual respect and that students should be informed of the MOU.

Commissioner, Parent Advisory Counsel to the School Board, talked about the grievance process.

Commissioner Sparks asked if the Chief or the Department have any comments regarding the two amendments.

Chief Fong stated that they have seen the comments from the Parent Advisory Counsel and the Department have not seen the comments from the Youth Commission and would like to review those comments. Chief Fong stated that the Department have reviewed the MOU and agrees to the MOU

moving forward to the Commission.

Commissioner Sparks asked that the Commission defer the conclusion of item until after Item #10 to allow the Chief and the Department to review comments from the Youth Commission.

**OCTOBER 11, 2002 INCIDENT AT THURGOOD MARSHALL
ACADEMIC HIGH SCHOOL**

- a. Presentation of report from the OCC regarding the status of its investigation of the Thurgood Marshall incident**
- b. Presentation of report from the Police Department regarding any action taken with respect to the Thurgood Marshall incident**
- c. Discussion and possible action to calendar a hearing on the Thurgood Marshall incident for a date certain**

- a. Presentation of report from the OCC regarding the status of its investigation of the Thurgood Marshall incident

Director Allen stated that their investigation of the Thurgood Marshall incident was concluded on March 14, 2004 but the OCC is not at liberty to discuss its findings. In general there is policy failure found and will probably result in policy recommendations relating primarily to crowd control. He stated that he will discuss the policy failures at the hearing.

Commissioner Sparks asked if this will be presented to the Commission. Director Allen explained that if the OCC sustains a complaint against the Department and if it was deemed to be a Commission case, then it will be presented to the Commission. Director Allen stated if findings are found to be proper then findings are considered confidential.

Commissioner Keane asked about the investigation. Director Allen said it has been investigated and policy failures were found and stated nothing will be presented to the Commission.

Commissioner Veronese asked regarding policy recommendations and are they recommendations that should be considered by the Commission for the SRO agreement. Director Allen stated that there was failure in the policy and change in general order.

Commissioner Veronese asked what type of investigation was conducted as far as the report? Director Allen stated that this incident was handled by senior and chief investigators to determine allegations that came in. The senior investigator went through this to determine what is to be done and how far will it go. He stated that full resource of OCC was put into this investigation.

Commissioner Veronese asked that Director Allen look at the Task Force Report regarding Thurgood Marshall incident. Director Allen stated that the investigators will not be able to answer specific questions due to confidentiality of the investigation.

Commissioner Orr-Smith asked if the findings of the OCC relative to policy failure is already available to the public. Director Allen stated that the redacted form is available to the public but the OCC cannot reveal facts of the case. Preliminary findings are just preliminary. The Chief has the final say based on OCC's recommendations but those recommendations are available to the public.

Commissioner Keane asked about findings that are not sustained or findings to go to the Chief are confidential. How about complaints put in by citizens, are they confidential? Director Allen stated that the only people that

will receive the complaints are the citizens reporting and the officers involved. Commissioner Keane asked what policy commands confidentiality? Director Allen stated 832.5 is the policy. Commissioner Keane stated that he believes complaints are not confidential. Director Allen stated that he has to confer with the City Attorney.

Commissioner Keane stated concerns that the Commission never followed up on letter by Mark Sanchez, Board of Education.

Commissioner Orr-Smith stated that there was a letter from former Commissioner Perry in response to the letter sent by the Board of Education. Commissioner Perry recommended that two of the Police Commissioners will participate in a hearing but there was no subsequent response from the School Board. With all time that's lapsed, there should have been some follow up.

Commissioner Chan asked a few questions regarding letter written by Commissioner Perry. Lt. Geeter stated that he had a conversation with the Board and they stated they will get back to the Commission. Lt. Geeter stated that no return calls were made to him. Commissioner Chan stated that Commissioner Sanchez have mischaracterized the situation between the Board of Education and the Police Commission.

Commissioner Chan expressed concerns and urged the Commission to exercise caution. He asked Director Allen when will discussion happen regarding policy recommendation. Director Allen stated that amendments have been made and the minute he can hire a policy writer, he will work with the Chief, legal staff and so on to get the recommendation done as soon as possible. Commissioner Chan asked if Director Allen has any suggestions regarding what the Commission should do. Director Allen stated that a hearing be done as soon as possible and that he has spoken with the Secretary of the Board of Education as far as the policy recommendation and once recommendation is given to the Commission, it should be approved and adopted.

Commissioner Sparks asked event occurred October 11, 2002 and task force completed its recommendations on December 2002 and the OCC investigation was completed in March, 2004. Commissioner Sparks asked that the Commission need to proceed on this as quickly as possible and expedite this as quickly as soon as possible and try to get this done by July 1st. Director Allen expressed frustration and defended his investigators and stated they worked hard in obtaining information. The office did have a difficult time obtaining information from the public but it is not lack of neglect on the part of the investigators of the OCC.

- b. Presentation by the Police Department regarding any action taken with respect to the Thurgood Marshall Incident

Deputy Chief Suhr presented a report regarding the Thurgood Marshall incident and explained what happened during the incident. All these are included in the report furnished to the Commission. Deputy Chief Suhr stated that in the morning of October 11th, three juvenile males were in an altercation which was broken up by the two SROs assigned to the school. They were taken to the principal's office where their parents were called because they were going to be suspended and then attempted to be relocated. One of the kids, when his family member arrived with a friend, that friend became engaged in an altercation in the hallway right when classes were breaking and the hallways were very crowded. The officers were with the family member and the child from the earlier fight. The officers heard the altercation in the hallway, saw a big crowd, there was a fight. The kids thought that the officers were taking the friend of the family relative because he was in custody as a suspect after he had been hit in the head. That is not why the officers were

taking him to the office. They were taking him to the office because they wanted to get him out of the hallway so he can get medical attention. The kids started to pull at this guy, saying that he was the wrong person. By both accounts, Lt. Williams' account and the independent reports, speak to the fact that there were large crowds, there were multiple fights, fire alarms were going off, and in the middle of all these were two officers. They called for assistance and officers responded into the school. Several incident took place within the different fights. Officers were banged around. Kids were bumped and jostled. One officer's baton was taken from his baton ring. He drew his firearm, recovered his baton, reholstered his firearm. All these happened, not in the course of a few minutes, but in the course of several hours. Chief Suhr stated that he ended up responding about an hour and a half after it started because when it first happened and the officers arrived, the Department thought it would end. The school administrator thought that it would be best to recess school, and then everything took to the streets in and around Thurgood Marshall, down to Silver Avenue. The Sheriff's Department had been training down the block and was in full SWAT or riot gear. They responded in a van and that exacerbated an already hectic situation in the area of Bayshore and Silver. After some time, it did calm down. There were multiple factors that were involved: 20 percent of the teachers called in sick that day. There were some issues with a very popular SRO having been relocated. And its one of those incidents that the Police Department would certainly have gone a hundred percent a different way.

Deputy Chief Suhr stated there were meetings with the School Board at Thurgood Marshall within days of the incident. There were a number of students present and by the end of the meeting there were good interaction and recommendations came up and many of which are included in the MOU.

Deputy Chief Suhr stated there were no charges filed against any of the children arrested.

Commissioner Orr-Smith asked Deputy Chief Suhr to stop with his presentation and to reserve the rest of his presentation.

Commissioner Keane moved to set date certain for a hearing regarding the incident of Thurgood Marshall and that Commissioner Orr-Smith write a letter to Board of Education to invite them to the hearing, and that at the hearing, the Commission get as much public testimony as well as further presentation by Deputy Chief Suhr and any other departmental observations that might be germane to it.

Commissioner Veronese would like to see that the Department or the OCC have some report at that time to have more understanding from the Police Department and the OCC.

Commissioner Keane asked City Attorney to take a look if actual complaints are confidential and that the City Attorney come back with answer before hearing date so that that can be discussed before the hearing.

Commissioner Veronese asked that a Closed Session be set so that it can be discussed what is confidential or what is not confidential. Ms. Morley stated that it can be done through attorney- client.

Commissioner Chan expressed concerns as to the scope and objective to be served by having such a hearing. He asked that if we do convene that it be with a specific purpose in mind to solicit testimony responsive to evaluating need for specific policy reforms or modification of current practices and that the Commission view this process with point of view of actually taking action rather than simply a recounting of events that now have occurred many many months prior and that the Commission's objective is to evaluate whatever

policy recommendations might be made and that be the end product of the hearing.

Commissioner Orr-Smith stated that the Commission is a policy body and its function and its purpose is to review all reports and what is before the Commission is the opportunity to make a policy but we have not taken input from the Community.

Commissioner Chan stated the public be informed as to the hearing.

Commissioner Sparks asked if the Department did a separate investigation on this incident. Deputy Chief Suhr stated no that is the OCC's duty to do the investigation. Commissioner Sparks asked if there is pending litigation in this matter. Ms. Morley stated she doesn't know if there is any litigation filed with the City. Commissioner Sparks asked if the Department can respond to questions by the Task Force and give the Commission and the public the benefit of those answers. Deputy Chief Suhr stated yes.

PUBLIC COMMENT

Mark Schlosberg, ACLU, clarified some of the backgrounds about how this whole process developed. He asked the if Commission is going to have a hearing that it focus on policy recommendation.

Leroy Moore, Advocate for People with Disability, stated that it's too long for investigation and that public be notified.

Vannessa Moses, Bay Area Police Watch, suggested that have a concrete date and asked that location be close to the school or at the school so that community can access it easily.

Commissioner Keane stated that the Commission will not have any power to impose discipline as a result of the hearing.

Kim Fremont, former PTSA President for Thurgood Marshall, thanked Commission for having a hearing and that the new Commission and new administration has provided a more spirit of openness.

Max, Youth Commission, thanked the Commission for having the hearing. And would like to give the Commission videos and information taken during their hearings.

Michelle stated that there needs to be an end to secrecy. SRO and police officers should not be in the business of criminalizing young people.

Commissioner Sparks asked Lieutenant Geeter to get all the information so that the Commission can have as much background information before going in to the hearing.

Commissioner Keane motion set hearing on a date certain and suggest that it be done four weeks from today and that as much public publicity be made and that Commissioner Orr-Smith write a letter to the Board telling them about the hearing and incorporate that Commissioner Veronese and Commissioner Keane's request of the city attorney. Second by Commissioner Veronese.

Commissioner Sparks asked that cite be chosen.

Commissioner Orr-Smith asked that Commission have it at City Hall so that it's clear what the Commission is doing and would like to have it as part of a hearing.

Commissioner Sparks asked that it be held in the Southeast Community Center to hold it somewhere in the community. Commissioner Sparks asked that it be held in the community so that it be accessible to the community.

Motion to have hearing on July 14th in regards to the Thurgood Marshall Incident. Approved 5-0

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

Motion by Commissioner Veronese to accept the MOU as written.
Second by Commissioner Keane. Approved 5-0

AYES: Commissioners Orr-Smith, Chan, Keane, Sparks, Veronese 5-0.
EXCUSED: Commissioners Renne, Marshall.

Captain O’Leary asked about grievances. The Department needs to find out what that means and whether or not an SRO can take part in that process. 832.7 of the Penal Code regarding how much information can be released. The department can release regarding #, type, and disposition but will not identify persons involved.

Commissioner Orr-Smith asked if the Department needs more time regarding additions by the Youth Commission and if the Department can be ready to talk to the Commission in a week.

PUBLIC COMMENTS

Elizabeth Frantez discussed concerns regarding medical marijuana.

Reuben Goodman discussed youth commission meeting. He suggests that having a music event so that youth can be involved.

Mark, Youth Commission, talked about a great injustice and discussed incident that happened on June 13th on Harrison Street.

Unidentified, worked for GE, discussed concerns about being stopped by a cop and pulled over and cops asked him to get out of vehicle. He stated that he saw that guns were drawn and that his car was searched. He discussed concerns when police stopped him and that the incident was a case of mistaken identity.

Nicole Dursey, Youth Commission, addressed the Commission and asked that the Commission addressed the issues by young people.

Meeting was adjourned at 9:35 p.m.

Lieutenant Edward Geeter
Secretary
San Francisco Police Commission