## JUNE 16, 2010

#### **REGULAR MEETING**

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

PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Chan, Hammer, Onek

#### PUBLIC COMMENT ALL MATTERS PERTAINING TO CLOSED SESSION

None

#### VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Hammer. Approved 6-0.

#### CLOSED SESSION (5:48 p.m. to 7:32 p.m.)

a. PERSONNEL EXCEPTION: Discussion and possible action to grant or deny Department's Appeal of Denial of Motion to Admit Evidence Relating to prior offense and request for Judicial Notice filed in Case Nos. RMW C08-166 & RMW C08-167

(Present: Commissioners Marshall, DeJesus, Chan, Hammer, Onek, Lt. Reilly, Deputy City Attorney Blits, Attorney Alden, Attorney Nicco, and member involved)

Motion by Commissioner Hammer, second by Commissioner Onek to recuse Commissioner Mazzucco. Approved 5-0.

# b. PERSONNEL EXCEPTION: Discussion and possible action to decide disciplinary charges filed in Case Nos. RMW C08-166 & RMW C08-167

(Present: Commissioners Marshall, DeJesus, Chan, Hammer, Onek, Lt. Reilly, Deputy City Attorney Blits, Attorney Alden, Attorney Nicco, and member involved)

Motion by Commissioner Hammer, second by Commissioner Onek to recuse Commissioner Mazzucco. Approved 5-0.

## c. CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation. City as Defendant; Number of Potential Cases: One

(Present: Commissioners Marshall, DeJesus, Chan, Hammer, Onek, Lt. Reilly, Deputy City Attorney Blits)

# VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner DeJesus, second by Commissioner Chan for non disclosure. Approved 5-0.

## PUBLIC COMMENT

Shawna, Axis of Love, discussed raid on Axis of Love and asked that all equipment and medicine be returned.

Catherine Smith asked for a joint hearing between the Police Commission and the Safety Commission in regards to cannabis raids.

Stuart Rhodes, chair of cultivation subcommittee, discussed concerns about raid on the Axis of Love cultivator and concerns about legal status of caregivers.

Orlon Rayo spoke in regards to being attacked in the Tenderloin and went on to thank Officers O'Brian & Delaney for their help and went on to talk about his medicines being confiscated by the department.

Unidentified discussed concerns about raid on Axis of Love and talked about benefits of medical marijuana.

John Martinelli, compassionate Chef for Axis of Love, talked about Article 33 of the Medical Cannabis Act and asked that the Commission review Article 33.

Michael Goldman, patient and member of Axis of Love, talked about the patients and their needs for medicine.

Nicholas Burke, disabled veteran, asked that medicine be returned to the Axis of Love patients and discussed concerns about raids on Axis of Love.

Emile Lawrence asked that George Gascón reduce his salary by 10 percent and discussed concerns about losing his license and concerns about the OCC.

Unidentified, cancer patient, talked about medical cannabis and its advantages and discussed concerns about raid on Axis of Love.

Joe, disabled veteran, talked about side effects of pharmaceutical medications and reason why he started medical cannabis and discussed concerns about actions by police.

Clyde discussed the crime lab.

## **APPROVAL OF THE CONSENT CALENDAR**

Request by the Chief of Police to accept donation of used Gym Equipment from Mr. Darren Levy, Club One Gyms, valued at approximately \$3,000.00, for use in the Ingleside Station Gym

Motion by Commissioner Hammer, second by Commissioner Mazzucco. Approved 5-0.

## **RESOLUTION NO. 69-10**

# APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO ACCEPT DONATION OF USED GYM EQUIPMENT FROM MR. DARREN LEVY, CLUB ONE GYMS, VALUED <u>AT APPROXIMATELY \$3,000.00, FOR USE IN THE INGLESIDE STATION</u>

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of used gym equipment from Mr. Darren Levy, Club One Gyms, valued at approximately \$3,000.00, for use in the Ingleside Station.

AYES: Commissioners Marshall, Mazzucco, DeJesus, Chan, Hammer

## **REPORTS TO THE COMMISSION**

- a. Chief's Report
- Review of recent activities
- Status report regarding DNA Backlog
- Status report regarding development of Brady Policy
- Presentation of the Department's First Quarter 2010 Document
  Protocol Report

Chief Gascón gave a brief crime statistical report.

Commander McEachern presented the status report regarding the DNA backlog.

Chief Gascón presented the status report regarding development of the Brady Policy.

Lieutenant Simon Silverman, Legal, presented the Department's first quarter 2010 Document Protocol Report.

- b. OCC Director's Report
- Review of recent activities
- Presentation of Annual Audit for the year 2009 under SFPD General Order 8.10, Guidelines for First Amendment Activities

Director Hicks have no report under recent developments. She went on to talked about the supplemental audit under SFPD General Order 8.10.

- c. Commission Report
- Commission President's Report
- Commissioners' Reports

No president's report.

## PUBLIC COMMENT

Emile Lawrence discussed budgetary issues and concerns about the district attorney.

# DISCUSSION AND POSSIBLE ACITON TO ADOPT REVISED DEPARTMENT GENERAL ORDER 3.01, "WRITTEN COMMUNICATION SYSTEM"

Continued to next week.

PUBLIC COMMENT None

# DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION REQUIRING THE SAN FRANCISCO POLICE DEPARTMENT TO AUDIT THE IMPACT OF "S-COMM" OR "SECURE COMMUNITIES"

Presented by Commissioner Chan and stated that this matter will be continued to next week.

## PUBLIC COMMENT None

# DISCUSSION AND POSSIBLE ACTION TO RECONSIDER THE ISSUING OF FOUR POLICE COMMISSION SUBPOENAS IN EACH OF THE DISCIPLINARY HEARINGS OF OFFICERS JAMES LEWIS AND WENDY HURLEY (FILE NO. C06-186 & C06-187) <u>SCHEDULED TO BEGIN ON JUNE 17, 2010</u>

Motion by Commissioner Hammer to table this item, second by Commissioner Chan. Motion fails as to lack of quorum. Commissioners Mazzucco and DeJesus are recused from this item.

Item continued for a future date.

# **ROUTINE ADMINISTRATIVE BUSINESS**

- a. Commissioner Announcements
- Assignment of disciplinary charges filed in Case No. ALW C153-09 to an individual Commissioner for the taking of evidence on a date to be

**determined by the Commission** (Resolution No. 70-10) Assigned to Commissioner Angela Chan.

Assignment of disciplinary charges filed in Case No. JWA C10-145 to an individual Commissioner for the taking of evidence on a date to be determined by the Commission (Resolution No. 71-10) Assigned to Commissioner Angela Chan.

Lieutenant Reilly also announced that the Commission will meet in the Park District at the Grattan Elementary School, Grattan & Cole, on June 30<sup>th</sup>.

# b. Scheduling of items identified for consideration at future Commission Meetings

Commissioner DeJesus would like a hearing in regards to the issue of Medical Cannabis in about a month and would like to put it on for an action item for next week for a vote as to have a hearing or not.

Commissioner Mazzucco would like to calendar the issue of Patrol Specials and would like a status report on calendar for next week.

Commissioner Marshall would like to take a look at the Commission's priority list and also a status report regarding disciplinary matters.

## **ADJOURNMENT**

\_

Motion by Commissioner Mazzucco, second by Commissioner Hammer. Approved 5-0.

Thereafter, the meeting was adjourned at 8:59 p.m.

Lieutenant Joseph Reilly Secretary San Francisco Police Commission

/rct