<u>JUNE 9, 2010</u>

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 5:36 p.m.

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

(Commissioner DeJesus arrived at 6:50 p.m.)

Commissioner Marshall thanked Commissioner Mazzucco for covering for him while he was going through the reappointment process.

PUBLIC COMMENT

Raj Naicher discussed concerns regarding direct energy weapons.

Clyde welcomed Commissioner Marshall back and discussed concerns about the crime lab.

REPORTS TO THE COMMISSION

- a. Chief's Report
- Review of recent activities
- Status report regarding DNA Backlog
- Status report regarding development of Brady Policy
- Report regarding the Department's procedure for responding to Pitchess Motions

Chief Cashman, for Chief Gascon, introduced Assistant Chief Godown who presented the status report regarding DNA backlog.

Chief Tabak presented the status report regarding the Brady Policy. Chief Tabak then introduced Attorney Ronny Wagner who presented the Department's procedure for responding to Pitchess Motions.

Chief Godown gave a brief update regarding the crime lab investigation.

Commissioner Hammer would like a report in two weeks in regards to the crime lab investigation.

b. OCC Director's Report

Review of recent activities

Director Hicks gave a brief statistical report.

Commissioner Chan asked about the audit pursuant to DGO 8.10. Director Hicks stated that additional information was received and will have the report revised to included added info.

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

Commissioner Marshall had no report.

Commissioner Hammer asked the Commission to issue a special commendation for Patrol Special Jane Warner who recently passed away.

PUBLIC COMMENT

Barbara Groth discussed concerns regarding Debra Madden. Clyde discussed concerns regarding Pitchess Motions.

ROUTINE ADMINISTRATIVE BUSINESS

a. Commissioner Announcements

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

No announcements.

Commissioner Chan would like to introduce a resolution next week regarding audit of secure communities.

Commissioner Hammer suggested putting it on the agenda for the first meeting in July since it is a new program. Commissioner Hammer would also like an ongoing report in regards to the Crime lab, DNA backlog, and the Brady Policy.

PUBLIC COMMENT None

DISCUSSION AND POSSIBLE ACTION TO SET THE LOCATIONS OF FUTURE DISTRICT COMMISSION

RESOLUTION NO. 65-10

SETTING THE LOCATIONS OF FUTURE DISTRICT COMMISSION MEETINGS

RESOLVED, that future Commission District Meetings will be held in the following Districts:

June 30, 2010 - Park July 28, 2010 – Richmond August 25, 2010 - Tenderloin

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

DISCUSSION AND POSSIBLE ACTION TO ESTABLISH EXPANDED CRITERIA TO REFLECT STATUS OF POLICE COMMISSION DISCIPLINARY CASE DOCKET

Commissioner Onek talked about tracking disciplinary cases from the Commission level, the individual commissioners' level, and disciplinary case level.

Commissioner Hammer talked about timely hearings and suggested the following:

- 1. Numbers of officers with current discipline cases pending
- 2. Number of officers on limited duty status due to pending discipline cases
- 3. Chronological listing of pending cases, with oldest cases listed first, identifying Commissioner assigned to case and next hearing date scheduled
- 4. Number of cases resolved by the Commission during prior month and year-todate, number of discipline hearings held by the Commission during the prior month and year-to-date
- 5. For each commissioner: current case load; cases resolved year to date; discipline hearings completed or in-progress year-to-date
- 6. Number of new cases assigned to Commission during preceding month
- 7. Report by the Commission secretary regarding any significant deviation from time limits in the Police Commission's Rules regarding discipline hearings.

Commissioner DeJesus suggested dedicating two meetings a month to hear disciplinary cases to move cases faster.

Motion by Commissioner Hammer to revised the six points he made to include suggestions by both Commissioners Onek and DeJesus in Number 3 to insert "notes regarding age of case," and under Number 5 to insert "date assigned to commissioner," and asked that this item be agendized next week for action.

Motion by Commissioner Hammer to adopt a new monthly status report on police discipline cases: That the Secretary of the Police Commission place on the agenda, at the first meeting of each month, and report in open session a monthly status

report on police discipline cases. The report shall included (1) Number of officers with current discipline cases pending; (2) The number of officers with limited duty status due to pending discipline cases; (3) The chronological listing of pending cases with the oldest cases listed first and notes regarding the age of any case, identifying the commissioner assigned to the case and the next hearing date scheduled; (4) The number of cases resolved by the Commission during the prior month and year-to-date, the number of discipline hearings held by the Commission during the hearing month and year-to-date; (5) For each commissioner, the current case load, and the date each case was assigned to the commissioner, cases resolved year-to-date, discipline hearings heard or in progress year-to-date; (6) Number of new cases assigned to the Commission during the preceding month; (7) A report by the Commission secretary on any significant deviation from the time limits set in the Police Commission's Rules regarding disciplinary hearings. Second by Commissioner Onek. Approved 6-0.

PUBLIC COMMENT

Mr. Steve Johnson, POA, stated that this is a great idea and that the POA has no problem with hearings before the full commission and suggested hearings before the Commission start earlier than 5:30 p.m.

Commissioner DeJesus motion to set aside the second Wednesdays of each month, starting in July, for the Commission to hear and decide disciplinary case(s) and that no other matters be set on this Wednesday except for urgent police matters, second by Commissioner Hammer. Approved 6-0.

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

Attorney McCoy & Spencer Smith on behalf of Officers Hurley & Lewis.

Attorney Alden on behalf of the Department.

RESOLUTION NO. 66-10

APPROVAL TO ISSUE A POLICE COMMISSION SUBPOENA TO RETIRED CAPTAIN RICHARD BRUCE FOR THE DISCIPLINARY HEARINGS OF OFFICERS JAMES LEWIS AND WENDY HURLEY (FILE NO. C06-186 & C06-187) SCHEDULED TO BEGIN ON JUNE 17, 2010

RESOLVED, that the Police Commission hereby approves request of Defense Counsel to issue a Police Commission subpoena to retired Captain Richard Bruce for the disciplinary hearings of Officers James Lewis and Wendy Hurley (File No. C06-186 & C06-187) scheduled to begin on June 17, 2010.

AYES:Commissioners Marshall, Onek, Hammer, ChanRECUSED:Commissioners Mazzucco, DeJesus

DISCUSSION AND POSSIBLE ACTION TO ISSUE A CERTIFICATE OF COMMENDATION POSTHUMOUSLY PATROL SPECIAL OFFICER JANE WARNER

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

RESOLUTION NO. 67-10

APPROVAL TO ISSUE A CERTIFICATE OF COMMENDATION POSTHUMOUSLY TO PATROL SPECIAL JANE WARNER

RESOLVED, that the Police Commission hereby approves to issue a Certificate of Commendation posthumously to Patrol Special Jane Warner.

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

Continued in two weeks for an action item.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

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

<u>Closed Session</u> (8:20 p.m. – 8:45 p.m.)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 10-004)

(Present: Commissioners Marshall, Mazzucco, DeJesus, Chan, Onek, Hammer, Lt. Reilly, Chief Cashman, Sergeant Nevin)

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

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

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

Motion by Commissioner Mazzucco, second by Commissioner Onek for non disclosure. Approved 6-0.

ADJOURMENT

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

Thereafter, the meeting was adjourned at 8:46 p.m.

Lieutenant Joseph Reilly Secretary San Francisco Police Commission

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