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 5:39 p.m., in a Regular Meeting.

PRESENT: Commissioners Mazzucco, DeJesus, Hammer, Onek

ADOPTION OF MINUTES

- Regular Meeting of February 17th, and 24, 2010

Commissioner Onek stated that February 24th be amended from meeting at the City Hall to District Meeting.

Motion by Commissioner Onek, second by Commissioner Hammer to approve minutes as amended. Approved 4-0.

PUBLIC COMMENT

Raj Naicher discussed concern regarding mind control weapons. Scott discussed concern regarding the sit and lie issue and urged the Commission to take action to make sure that the police is abiding by the law.

REPORTS TO THE COMMISSION

- a. Chief's Report
- Review of recent activities
- Status report regarding DNA Testing Backlog

Chief Gascón reported the following crime numbers: Part 1 crime is down 13 percent; violent crime is up 13 percent for the 4-week period but overall crime is down 12 percent year-to-date for the 4-week cycle and 13 percent year-to-date for the year.

Assistant Chief Godown reported on the DNA Testing Backlog: Homicides: there are 23 homicide cases that date from 2010 to 2005 that the Department is looking at as far as backlog cases; sexual assault cases: there are 86 backlog cases as far as DNA testing; burglary: 187 cases; robbery: 13 cases; other crimes: 265 cases; total cases pending DNA testing: 374 cases.

Commissioner Hammer asked how old is the oldest untested sample as far as sexual assault. Chief Godown stated that 2005 is the date that he has and prior to 2005, the Department is hand-searching each case. Commissioner Hammer requested more stats by the first meeting in June.

Questions and comments by Commissioners Onek and Mazzucco.

Assistant Chief Godown went on to give a status report in regards to the criminal lab.

Commissioner DeJesus asked about submitting fingerprint data to Department of Justice.

Deputy City Attorney Linda Ross explained that the Chief's Report is for brief updates and not for extensive questions by the Commissioners.

Commissioner DeJesus stated that she will put this item on for next week's agenda and that she will propose a resolution in regards to secured community.

Assistant Chief Tabak gave a brief update in regards to the Brady Policy.

b. OCC's Director's Report

Review of recent activities

Director Hicks reported that the OCC opened 364 cases to date versus 344 in 2009; closed 321 year to date versus 376 in 2009; 424 pending cases, 160 from 2009 and 264 from 2010; 25 sustained year to date versus 16 sustained in 2009. As far as mediation, Director Hicks reported that the OCC medicated 13 cases year to date and in May, 6 cases were mediated. She also reported that in all eligible cases both the officers and complainant agreed to mediation.

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

None

PUBLIC COMMENT

Kim, Local 21 represents criminalists in lab, discussed concerns that the lab is severely under staff and discussed the expense in outsourcing the testing.

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

Lt. Silverman, Legal, presented DGO 3.01.

Commissioner Hammer asked if the Commission itself can initiate a general order and asked if a sentence can be added stating that the Commission may also initiate a general order.

Ms. Samara Marion, OCC, approves of the DGO.

Commissioner DeJesus asked what happens when a unit order conflicts with a department general order. Lt. Silverman stated that per the DGO, a unit order cannot conflict with the DGO.

Motion by Commissioner Hammer to add the following language, "The Commission may also adopt a Department General Order on its own initiative after notice and public hearing."

Commissioner Mazzucco suggested this item be put over to next week to give the City Attorney more time to research.

PUBLIC COMMENT

Barbara Growth stated that the officers should have the right to make general orders.

Motion by Commissioner Mazzucco to put this over to June 2nd, second by Commissioner Hammer. Approved 4-0.

ROUTINE ADMINISTRATIVE BUSINESS

- a. Commissioner Announcements
- b. Scheduling of items identified for consideration at future Commission Meetings
 - Lt. Reilly announced that there will be no meeting next week.

Commissioner Onek announced that he will be attending the Local, State, Federal Law Enforcement Executive Symposium in Monterey and will report back to the Commission at its next meeting.

Commissioner Mazzucco would like to have DGO regarding vehicle pursuits in the next three or four weeks and also the Patrol Special Study.

Commissioner Hammer would like the DNA backlog and the Brady issue on the calendar for updates. Commissioner Hammer would also like transparency measures to hold Commissioners accountable by June 2nd.

Commissioner DeJesus talked about her draft resolution in regards to supporting the Sheriff's Department in regards to secured communities and be placed on the agenda by June 2^{nd} .

Commissioner DeJesus also asked about First Amendment Rights Audit per DGO 8.10. Director Hicks stated that the audit was done, however, the report was not presented and stated that the OCC will present it on the next available date. Commissioner DeJesus stated that the 2nd week of June is fine.

PUBLIC COMMENT

None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Hammer, second by Commissioner Onek. Approved 4-0.

CLOSED SESSION (6:36 p.m. to 7:29 p.m.)

a. PERSONNEL EXCEPTION; Discussion and possible action to adopt proposed Findings of Fact and Conclusions of Law in support of Police Commission Decision to sustain or not sustain Disciplinary Charges filed in Case Nos. ALW C07-076, ALW C09-004, ALW C09-208

(PRESENT: Commissioners Mazzucco, DeJesus, Hammer, Onek, Chief Gascón, Deputy City Attorney Blits, Lt. Reilly)

Motion by Commissioner Mazzucco, second by Commissioner Onek to continue this item.

b. CONFERENCE WITH LEGAL COUNSEL

<u>Jeffrey Bitton, et al., v. CCSF</u>, U.S. District Court No. C08-5585 (PRESENT: Commissioners Mazzucco, DeJesus, Hammer, Onek, Chief Gascón, Deputy City Attorney Ross, Lt. Reilly)

- c. CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation: City as Defendant; Number of Potential Cases: One
- d. PERSONNEL EXCEPTION; Status and calendaring of pending disciplinary matters

(PRESENT: Commissioners Mazzucco, DeJesus, Hammer, Onek, Chief Gascón, Deputy City Attorney Blits, Lt. Reilly)

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

Motion by Commissioner Mazzucco, second by Commissioner DeJesus for non disclosure. Approved 4-0.

APPROVAL OF CONSENT CALENDAR

a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:

<u>Jeffrey Bitton, et al., v. CCSF</u>, U.S. District Court No. C08-5585

RESOLUTION NO. 52-10

JEFFREY BITTON, et al. v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement in the litigation of "Jeffrey Bitton, Sandra Bitton, Micha Bitton v. CCSF, et al.," in United States District Court, Northern District, Case No. C08-5585, be, and the same is hereby approved.

Date of Incident: October 13, 2008

AYES: Commissioners Mazzucco, DeJesus, Onek, Hammer

ADJOURNMENT

Motion by Commissioner Hammer, second by Commissioner Mazzucco. Approved 4-0.

Thereafter, the meeting was adjourned at 7:29 p.m.

Lieutenant Joseph Reilly Secretary San Francisco Police Commission

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