

MAY 31, 2006

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 263, City Hall, # 1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:42 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Campos, De Jesus, Marshall, Sparks
ABSENT: Commissioner Veronese

CHIEF'S REPORT

- a. **Update on significant policing efforts by Department members**
- b. **Presentation of the First Quarter 2006 Officer-Involved Discharges Report**

Taken out of order.

Chief Fong introduced Ms. Amber Morgan, 6th grader at A. P. Gianini School, grand prize winner of GREAT essay contest. GREAT stands for Gang Resistance Education and Training. Amber Morgan read her prize-winning essay to the Commission. Chief Fong presented Amber with a Certificate of Recognition from the Department.

PUBLIC COMMENT

Consaco, Mission District resident, discussed concerns regarding parking issue on Dolores Street.
Ace Washington discussed issue of press pass.
Richard Bartie discussed concerns regarding being assaulted by police.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER WITH LEGAL COUNSEL. (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d))

Motion by Commissioner Marshall, second by Commissioner DeJesus to hold closed session. Approved 5-0.

CLOSED SESSION

- a. **Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1):
CONFERENCE WITH LEGAL COUNSEL
Alfonso Helena, et al. v. CCSF, USDC No. C04-0260 CW**
- b. **Pursuant to Government Code Section 54956.9 (c) and S.F. Administrative Code Section 67.10(d)(2):
CONFERENCE WITH LEGAL COUNSEL - Anticipated Litigation (as Plaintiff)**

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

Motion by Commissioner DeJesus, second by Commission Marshall for non disclosure of discussions held in Closed Session. Approved 5-0.

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:

Alfonso Helena, et al. v. CCSE, USDC No. C04-0260 CW

RESOLUTION NO. 40-06

HELENA, et al. v. SALAZAR, et al.

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Helena, et al. v. Salazar, et al.," in U.S. D.C. Case No. C04-0260 CW, be, and the same is hereby approved.

Date of Incident: March 8, 2003

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

DISCUSSION AND POSSIBLE ACTION TO ISSUE A COMMISSION SUBPOENA TO A MEMBER OF THE DEPARTMENT FOR SPECIFIED INFORMATION AND MATERIALS, INCLUDING BUT NOT LIMITED TO INFORMATION AND MATERIALS CONTAINED ON THE HARD DRIVE OF APPLE-IMAC COMPUTER (SERIAL #QT226075INT), REASONABLY RELATED TO POSSIBLE VIOLATIONS OF DEPARTMENTAL GENERAL ORDERS
(Resolution No. 41-06)

Motion by Commissioner Sparks, second by Commissioner Campos to recuse Commissioner DeJesus from this item. Approve 4-0.

Motion by Commissioner Campos, second by Commissioner Marshall to issue the subpoena. Approved 4-0.

CHIEF'S REPORT (conclusion)

- a. Update on significant policing efforts by Department members**
- b. Presentation of the First Quarter 2006 Officer-Involved Discharges Report**

Chief Fong introduced Deputy Chief Parra to present the First Quarter 2006 OID Report and Deputy Chief Pengel to present the City Controller's Report on Police Staffing Needs at San Francisco International Airport.

Deputy Chief Parra presented the First Quarter 2006 Officer-Involved Discharges Report.

Commissioner Sparks asked for a brief report on where the Department is at relative to officer-involved shooting investigations as compared to the schedule that Captain Keohane has given periodically. Captain Keohane stated that he has just presented the material to update the list to the commanding officer of MCD and the Commission will receive it shortly. Captain Keohane stated that in August of 2004, there were 26 cases where the Department was behind. Out of those 26, Captain Keohane believes that the Department have completely closed those books. The only OIS case that are open to date are those where the Department has not received the material from either the Coroner or the District Attorney in order to close the case. Captain Keohane stated there are three OIS where the commanding officer of the Homicide Detail has come and reported to the Commission that the cases are still open. The MCD investigators have completed those three investigations except for the materials needed from the Homicide Detail to close those cases. Captain Keohane stated those investigations will be closed within two weeks.

Deputy Chief Pengel presented Controller's Office Report on Police Staffing Needs at San Francisco International Airport. Chief Pengel stated that

there are seven findings and 15 recommendations.

Commissioner Sparks asked how does SFPD determine the priorities of where officers are needed relative to being a world class airport as opposed to possibly putting more officers on homicide prevention and who makes those decisions and how are those decisions made. Chief Pengel stated that it is a matter of joint discussion and ultimately will be the decision of the Chief.

PUBLIC COMMENT

None

OCC DIRECTOR’S REPORT

a. Review of Recent Activities

Director Allen updated the Commission on the OCC’s meetings with the new recruits at the Academy. He stated that they recently met with the 210th Academy class and the 211th class. He stated that it was a productive meeting.

Director Allen passed out a copy of DGO 7.01 for the Commission’s priority list.

Commissioner Campos asked if there should be more interaction between the OCC and the new recruits at the Academy. Director Allen stated before there was only one meeting with the recruits but it was increased to two.

Commissioner Marshall asked Director Allen about the OCC’s Annual Report. Director Allen stated that one will be done by mid July.

Commissioner Sparks asked for what year. Director Allen stated the 2005 will be done by mid July and he can get the 2003/2004 out at the same time.

Commissioner DeJesus asked about the status of DGO 7.01. Director Allen stated that there’s an agreement and it just needs to be presented to the Commission.

PUBLIC COMMENT

None

DISCUSSION AND POSSIBLE ACTION TO FINALIZE THE COMMISSION’S PRIORITY LIST

June 7, 2006	- Joint Meeting w/ Board
June 14, 2006	- Budget Discussion <i>(Commissioners Renne & Sparks will be absent)</i>
June 21, 2006	Board of Supervisors Budget Meeting <i>(Commissioner Renne will be absent)</i> June 21 st meeting may be moved to the 20 th or earlier on the 21 st . - Early Intervention Report (EIS)
June 28, 2006	No Commission Meeting Board of Supervisors Budget Meeting Law Enforcement Day at ballpark
July 5, 2006	- Update from DGO Subcommittee (Subcommittee: Sparks, Veronese, DeJesus) - Sparks Resolution Quarterly Report

- July 12, 2006
- Nance proposals
 - Protocols between Chief/OCC
 - OCC Report re POA Notices
- July 19, 2006
- Patrol Specials
- July 26, 2006
- Recruitment/Retention/Staffing
 - DGO 7.01

PUBLIC COMMENT
None

**DISCUSSION AND POSSIBLE ACTION TO AWARD A CITIZEN'S
COMMENDATION POSTHUMOUSLY TO MR. MARLIN COATS**

Motion by Commissioner Campos, second by Commissioner DeJesus to award a Citizen's Commendation. Approved 5-0.

RESOLUTION NO. 42-06

**APPROVAL TO AWARD A CITIZEN'S COMMENDATION
POSTHUMOUSLY TO MR. MARLIN COATS**

RESOLVED, that the Police Commission hereby approves to award a Citizen's Commendation posthumously to Mr. Marlin Coats.

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

**APPROVAL OF THE MINUTES FOR THE MEETINGS OF MAY 10TH
AND MAY 17, 2006**

Motion by Commissioner DeJesus, second by Commissioner Campos to approve the minutes. Approved 5-0.

COMMISSION ANNOUNCEMENTS

Commissioner Sparks announced that there is an Academy Graduation, Class 210th, on Friday, at 6 p.m., at Washington High School.

Commissioner Marshall stated that he met with District Attorney Harris to plan the summit for June 16th.

PUBLIC COMMENT
None

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

None

PUBLIC COMMENT
None

Motion by Commissioner Campos, second by Commissioner Marshall to adjourn the meeting. Approved 5-0.

Thereafter, the meeting was adjourned at 8:18 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct