JANUARY 5, 2011

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Northern District, Claire Lilienthal Elementary School, 3630 Divisadero Street, San Francisco, at 6:00 p.m., in a Regular Meeting.

PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Hammer,

Slaughter

ABSENT: Commissioner DeJesus

The Commissioners welcomed the audience and went on to introduce themselves.

Supervisor-elect Mark Farrell addressed the Commission and the audience and commended Captain Ann Mannix.

REPORTS TO THE COMMISSION

a. Chief's Report

- Update on significant policing efforts by Department members

Chief Gascón gave a brief update on crime statistics comparison between 2009 and 2010. Closed the year with 8 percent reduction but compared to two years, 12 percent reduction. Homicide is at 50 in 2010 as compared to 45 in 2009. The Chief stated the goal is to get crime down to 34/35 crimes per 1000 residence. The Chief also talked about the total number of officers impacted by the Brady Policy and stated .03 percent of employees are impacted; 20 members retired are impacted; 75 members active; of the 75 there are 61 currently working with the public and 9 will members removed from field work and 5 that are on leave. The Chief explained that the numbers will change as this is an ongoing process of review.

b. OCC Director's Report

- Review of recent activities

Director Hicks addressed the Commission and the audience and introduced members of her staff present. Director Hicks then went on to talk about the duties and responsibilities of the OCC.

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

Commissioner Mazzucco talked about the Medal of Valor ceremony that was held in December and thanked the Chief for putting it together. He also talked about the press conference held today at the Scottish Rite Auditorium and commended the officers for doing a lot more with less and thanked the Chief for full transparency on OIS incidents.

Commissioner Marshall talked about the Medal of Valor ceremony and urged that everyone watch it to hear what the officers did to get the commendations.

Commissioner Chan talked about the Police Activities League (PAL) and stated that applications for future classes are coming out soon. She also talked about the Lunar New Year. Commissioner Chan also talked about the community meeting at the Portola/Visitation Valley area and talked about mentally-ill individuals being shot by officers. She also stated that she, along with Commission Mazzucco will be meeting with the OCC in regards to dealing with mental health.

Commissioner Hammer stated that he will be joining in with the subcommittee on Mental Health.

Commissioner Mazzucco talked about mental health and how officers are trained to deal with the mentally ill. The Chief also talked about the Memphis model and stated that he will be sending officers to Memphis to look at their training model. He stated that the officers are not trained psychologists and that the officers do need additional tools. The Chief talked about bringing Tasers back before the Commission in mid January or February.

Commissioner Chan wanted to clarify that the issue of Tasers and mental health are two separate items.

PUBLIC COMMENT

Unidentified asked about Memphis not deploying Tasers to their officers and how does Memphis deal with the mentally ill. Chief Gascón stated that he is not sure but he does want to learn and see what they are doing.

CAPTAIN ANN MANNIX, COMMANDING OFFICER OF NORTHERN STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE NORTHERN DISTRICT

Captain Mannix addressed the Commission and talked about police activities and demographics of the Northern District. Captain Mannix also presented a commendation to Inspector Tim Plyer.

PUBLIC COMMENT

Alan Hopper, ACLU Police Practice Director, expressed concerns regarding officer-involved shootings of mentally ill individuals and concerns about the use of tasers and training of officers in dealing with the mentally ill individuals.

Cindy Branden, SF Safe, thanked Captain Mannix and the Northern Station officers for promoting neighborhood watches in the Northern and for working with the community police advisory boards.

Clyde thanked Captain Mannix and talked about homicides and stated that the police needs help from the community in solving these cases.

Patricia, Cow Hollow Merchants, discussed homeless problems and concerns regarding calling the non-emergency number. She also talked about looking for safe homes for homeless youths and tour buses in the neighborhood that are not cited.

Max Celasati, Lyons Street resident, discussed the MTA adopting a resolution allowing tour buses to go through restricted streets to bring children to the Exploritorium.

Alan Silverman, Marina Community Association, commended Captain Mannix, Lt. Plyer, and members of the Northern Station. He also discussed homicide in the Marina and asked about licensing of clubs.

Captain Mannix then went on to addressed questions from the audience.

ROUTINE ADMINISTRATIVE BUSINESS

- a. Commission Announcements
- Assignment of disciplinary charges filed against Assistant Patrol Special Officer Robert Ortega, File No. C10-242, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

RESOLUTION NO. 11-1

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST PATROL SPECIAL ROBERT ORTEGA (FILE NO. ALW C10-242)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charged filed against Patrol Special Robert Ortega, Star No. 2608, Mission, was called it having been set for this date; and

WHEREAS, Commissioner James Hammer is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Robert Ortega; therefore be it

RESOLVED, that Commissioner James Hammer is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Robert Ortega, and is to be set at a later date.

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

Slaughter

ABSENT: Commissioner DeJesus

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

Commissioner Marshall requested a report from the Chief as far as the Chief's Accomplishments and Goals.

The Chief stated that he can talk about technology, the hiring of civilian investigators which have been held back due to concerns from the Union. The Chief also talked about the budget reduction of 10 percent and talked about the upcoming America's Cup and would like to create an America's Cup Planning Group for the event of 2013.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Kingsley. Approved 6-0.

CLOSED SESSION (7:55 p.m. to 8:50 p.m.)

a. PUBLIC EMPLOYEE PERFORAMNCE EVALUATION: Chief of Police: Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 10-014)

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Hammer, Slaughter, Chief Gascón, Assistant Chief Shawyer, Commander Mahoney, Lt. Falvey, Risa Tom, Sergeant Nevin and Sgt. Tomioka)

b. PERSONNEL EXCEPTION: Assignment of an Appeal of the Chief's Suspension filed in Case NO. KMO D10-188, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (Resolution No. 11-2, Assigned to Commissioner Carol Kingsley)

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Hammer, Slaughter, Chief Gascón, Assistant Chief Shawyer, Commander Mahoney, Lt. Falvey, Risa Tom, Director Hicks, Attorney Alden, Attorney Fortes)

c. PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. ALW C10-259, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (Resolution No. 11-3, Assigned to Commissioner Thomas Mazzucco)

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Hammer, Slaughter, Chief Gascón, Assistant Chief Shawyer, Commander Mahoney, Lt. Falvey, Risa Tom, Attorney Alden, Attorney Hechler, and member involved)

d. PERSONNEL EXCEPTION: Discussion and possible action to appoint a Commissioner to monitor disciplinary Cases No. KMO C08-127 & KMO C08-162 currently assigned to an outside hearing officer (Resolution No. 11-4, Assigned to Commissioner R. James Slaughter) (PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Hammer, Slaughter, Chief Gascón, Assistant Chief Shawyer, Commander Mahoney, Lt. Falvey, Risa Tom, Attorney Alden)

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

Motion by Commissioner Chan, second by Commissioner Kingsley for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Slaughter, second by Commissioner Kingsley. Approved 6-0.

Thereafter, the meeting was adjourned at 9:00 p.m.

Lieutenant Timothy Falvey Secretary San Francisco Police Commission

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