JANUARY 9, 2008

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 5:22 p.m., in a Regular Meeting.

PRESENT:Commissioners Sparks, Marshall, Veronese, DeJesus, Lee,
MazzuccoABSENT:Commissioner Campos
(Commissioner Marshall arrived at 6:28 p.m.)

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

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

CLOSED SESSION (5:23 p.m. to 6:15 p.m.)

a. Discussion and possible action to grant or deny Motion for Dismissal of disciplinary charges file din Case No. C03-290 JWA and adopt Written Findings (Present: Commissioners Sparks, Veronese, DeJesus, Lee, Mazzucco,

(Present: Commissioners Sparks, Veronese, DeJesus, Lee, Mazzucco, Deputy City Attorney Stump, Lieutenant Reilly)

b. CONFERENCE WITH LEGAL COUNSEL: <u>Kelly Medora v. CCSF, et al.</u>, United States District Court No. C06-0558

(Present: Commissioners Sparks, Veronese, DeJesus, Lee, Mazzucco, Deputy City Attorney Stump, Director Tidwell, Lieutenant Reilly)

Open Session

- PRESENT: Commissioners Sparks, Marshall, Veronese, DeJesus, Lee, Mazzucco ABSENT: Commissioner Campos
- -

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

Motion by Commissioner DeJesus, second by Commissioner Mazzucco for non disclosure. 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:
<u>Kelly Medora v. CCSF, et al.</u>, United States District Court No. C06-0558

Motion by Commissioner DeJesus, second by Commissioner Mazzucco to approved Consent Calendar. Approved 5-0.

RESOLUTION NO. 1-08

KELLY MEDORA v. CCSF, et al.

RESOLVED, that the recommendation of the City Attorney for

settlement of the litigation of "Kelly Medora v. CCSF, et al.," in United States District Court No. C06-0558, be, and the same is hereby approved.

Date of Incident: January 23, 2005

AYES:Commissioners Sparks, DeJesus, Lee, MazzuccoABSENT:Commissioners Marshall, CamposRECUSED:Commissioner Veronese

ADOPTION OF MINUTES

- Regular meeting of December 5th and 12, 2007

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

PUBLIC COMMENT

Francisco Decosta discussed concerns regarding Bayview Hunter's Point area development.

Barbara Growth discussed concerns regarding death penalty.

REPORTS TO THE COMMISSION

- a. Chief's Report
 - Update on significant policing efforts by Department members
- b. OCC Director's Report
 - Review of Recent Activities
- c. Commission Reports
 - Commission President's Report
 - Commissioners' Reports

CHIEF'S REPORT

Chief Fong updated the Commission in regards to incident that happened at the zoo. Chief Fong commended the officers who responded and searched the zoo. The officers are Officers Scott Biggs, Kevin O'Leary, Daniel Cruz, and Chris Oshita.

Commissioner Sparks thanked the officers for their courage in responding to that incident.

Commissioner Veronese asked about officers being kept out of the zoo. Chief Fong stated that since this event she met with the zoo Director to discuss the need to have walk-throughs with officers from Taraval so that if there is an incident responding officers will know where to go. Chief Fong also stated that maps of the zoo will be included in radio cars for districts involved. The Chief also talked about protocols with UCSF and SF State University.

Commissioner Marshall commended the officers who responded to this incident.

Chief Fong talked the State's Sex Offender Board and public hearing held in San Francisco in regards to gathering comments, not only from law enforcement, but to bring feedback and recommendations back to the legislature and to the Governor. Commissioner Veronese stated that he did attend the hearing as well as Supervisor McGoldrick and stated the he voiced his opposition to it and will continue to do it on the state level.

Chief Fong talked about recent change in command staff and promotions effective Saturday, January 6th. Commissioner Sparks

congratulated Sergeant Reilly for his promotion to the rank of Lieutenant.

Commissioner Sparks asked about homicides in the city. Chief Fong updated the Commission on two homicides that occurred earlier in the week.

Commissioner Marshall and Commissioner Mazzucco stated basically the same thing about violence in the city and that the Police Department can only do so much and that at some point there need to be a partnership with the Police Department because the men and women of the Department can't do it all.

OCC DIRECTOR'S REPORT

Director Hicks reported on OCC outreach, complaints received and closed, and OCC personnel.

COMMISSION REPORTS

Commissioner Sparks stated that she and Commissioner Lee attended a memorial service for Officer Brian Tuvera at the Taraval Station before Christmas. Commissioner Sparks wanted to recognize that and stated that the Department, as well as the City, should not forget officers like Brian Tuvera who gave his life for the people of San Francisco and asked that the meeting be adjourned in memory and in recognition of Officer Tuvera.

PUBLIC COMMENT

Mr. Gary Delagnes, POA President, stated that San Francisco is at the bottom 10 percent for homicides per capita in the United States. He also asked for help from the Commission in regards to promotions and individuals that was passed over from the list and questions asked by those individuals as to why they were not given positions. Mr. Delagnes asked that there be a provision in regards to explaining to individuals why they were passed over.

Mr. John Tennant, POA Counsel, stated that in San Jose there is a provision in a separate promotion's MOU that governs what happens when somebody is passed over. Commissioner Sparks asked for a copy of what Mr. Tennant just read.

Commissioner Sparks asked the Chief to look at what Mr. Tennant just read and talk to Civil Service and Department of Human Resources if it is possible to get an opinion from DHR. Chief Fong stated yes and that she will talk with the City Attorney as well.

Barbara Growth discussed concerns.

ROUTINE ADMINISTRATIVE BUSINESS

- a. Commission Announcements
- b. Scheduling of items identified for consideration at future Commission meetings

Sergeant Reilly announced that the District Meeting will be in the Richmond District on January 30th, Roosevelt Middle School, Geary and Arguello.

Commissioner Sparks asked that scheduling of district meetings be put on the calendar. She also asked that discussion in regards to Commission staffing be on the calendar. Commissioner Sparks also asked that a public hearing be placed for next week's agenda in regards to Supervisor Dufty's legislation on tracking of handguns. Also the list of Commission priorities be added. Discussion on Gang Injunctions be on the agenda for January 23rd.

Commissioner DeJesus asked about DGO 7.01. Deputy Chief Keohane stated that the DGO is with the stakeholders for final review and will be ready

for presentation to the Commission shortly.

Commissioner Sparks also wants to calendar the resolution in regards to civil actions in a couple of weeks.

Commissioner Veronese asked for an update on EIS as far as the technology aspect of it.

ADJOURNMENT

Motion by Commissioner Sparks to adjourn in memory and in recognition of Officer Brian Tuvera, second by Commissioner Veronese. Approved 6-0.

Thereafter, the meeting was adjourned at 7:00 p.m.

Lieutenant Joseph Reilly Secretary San Francisco Police Commission

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