

JULY 6, 2011

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 5:35 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Turman

APPROVAL OF MINUTES

- **June 1st, 8th, 15th, & 22, 2011**

Commissioner Chan provided correct spelling of names for the June 22nd minutes.

Motion by Commissioner Kingsley, second by Commissioner Chan.
Approved 7-0.

PUBLIC COMMENT

None

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Unidentified spoke in regards to fireworks during the 4th of July and the night captains not responding to reports/complaints of illegal fireworks.

Ray Hartz, SF Open Government, spoke in regards to response during public comment and spoke in regards to violating his rights during public comment.

Clyde spoke in regards to on-duty officers harassing signature collectors.

Daniel, nonprofit community organization, spoke in regards to community guides on 6th Street corridor and discussed concerns regarding recent shootings and thanked Captains Orkes and Mannix for their work and went on to urge the Commission to move forward on a substation in the 6th Street corridor.

Juanita Pineda addressed the Commission in regards to not getting assistance from the police in regards to a 911 call for help.

REPORTS AND ANNOUNCEMENTS

- a. Chief's Report**
- **Report on crime statistics**
- **Review of recent activities**

Chief Suhr gave a brief report on crime statistics and talked about violence in the Bayview over the weekend. The Chief also talked about 6th Street and opening of a substation.

- b. OCC Director's Report**
- **Review of recent activities**

Director Hicks has no recent activities report.

- c. Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**
- **Discussion & possible action regarding scheduling of election of Commission officers**

Commissioner Mazzucco commended Captain Mahoney for the recent community meeting in the Ingleside District.

Commissioner DeJesus asked about election of officers and when rules say the election should be. Ms. Blits stated that Commission's Rules of Order have the rule about the election of officers and spoke about provision in the rules and its flexibility.

Commissioner Kingsley stated that she would like to keep current officers until May of 2012.

Commissioner Mazzucco asked that this be calendared for September 7th.

d. Commission Announcements, scheduling of items identified for consideration at future Commission meetings

PUBLIC COMMENT

Emile Lawrence spoke in regards to the use of microphone by the Commissioners and stated that the discussion was difficult to follow and suggested the public comment should be transcribed verbatim.

Clyde stated that the SFGov website has the verbatim transcripts.

Ray Hartz spoke in regards to reports provided to the Commission and submitted a 150-word document to be included in the minutes: "A recent discussion of the Police Commission had two members advocating setting goals with the new Police Chief. Other members, one in particular, said that would not be a good idea because it would be micromanaging the department. Simply agreeing on objectives is not micromanaging! Telling the Chief how to achieve those objectives would be. The real reason, unspoken, is so members of the public will not know the criteria used to evaluate the Chief's performance and, more critically, will not be able to decide if those criteria had been met by comparing objectives with outcomes. It not only protects the Chief, but, it also prevents the public from evaluating whether the Commission is carrying out their responsibilities to oversee the operations of the SFPD. It also protects the Police Commission, whose performance could be evaluated as to whether their selection of the Chief was a good one."

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Ray Hartz spoke in regards to closed session discussions by the Commission and not reporting discussions to the public. "Too many of the Police Commission functions are conducted in secret. It spends a significant portion, if not a majority of its time, in closed session. It consistently votes to "not disclose" discussion or outcomes of the closed sessions. The President of the Commission made the rather specious argument that the public learns the outcomes when indictments are issued by the District Attorney. The problem: indictments are seldom issued. To protect the reputation of the department, offenders are allowed to retire or resign, settling the matter out of sight of the public. Whether "politics" plays a part is also hidden, with some officers perhaps facing charges because they are "out of favor," while others commit the same offenses perhaps facing charges because they are "out of favor," while others commit the same offenses and are not charged. Why should members of the public have confidence the "secret hearings" are being conducted in a fair way and to the overall betterment of the SFPD?"

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Kingsley.
Approved 7-0.

CLOSED SESSION (6:37 p.m. – 8:00 p.m.)

- a. PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. IVF C10-219**
(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Blits, Attorney Hechler, Attorney Stiglich, Mr. Steve Johnson, member involved.) (Resolution 11-60)

Motion by Commissioner Slaughter, second by Commissioner Kingsley to accept stipulated agreement. Approved 7-0.

(Taken in shorthand form by Ms. Eastellar Bruihl, CSR)

b. PERSONNEL EXCEPTION: Discussion and possible action to determine and impose penalty on sustained specifications filed in Case Nos. JWA C09-128 and JWA C10-046, heard on March 16, 2011

(PRESENT: Commissioners Mazucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Blits, Attorney Hechler, Attorney Stiglich, Mr. Steve Johnson, member involved, and member's fiancé) (Resolution 11-37)

Motion by Commissioner DeJesus to recuse Commissioner Turman, second by Commissioner Mazucco. Approved 6-0.

(Taken in shorthand form by Ms. Eastellar Bruihl, CSR.)

c. PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 11-003) Taken out of order

(PRESENT: Commissioners Mazucco, Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, City Attorney Blits, Lieutenant Yick, Sergeant Juarez, Inspector Nevin)

d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases

No discussion.

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

Motion by Commissioner Slaughter, second by Commissioner Kingsley for non disclosure. Approved 7-0.

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Kingsley. Approved 7-0.

Thereafter, the meeting was adjourned at 8:20 p.m.

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission