

**MARCH 2, 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 5:37 p.m.

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

(Commissioner Marshall was excused at 8:30 p.m.)

**CONSENT CALENDAR**

- **Request of Sergeant Kenneth Esposto to accept a certificate for a hotel stay and \$300.00 certificate from the Rotary club of San Francisco at their San Francisco Police Officer of the Year Award recipient**

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

**RESOLUTION NO. 11-29**

**APPROVAL OF THE REQUEST OF SERGEANT KENNETH ESPOSTO TO ACCEPT A CERTIFICATE FOR A HOTEL STAY AND \$300.00 CERTIFICATE FROM THE ROTARY CLUB OF SAN FRANCISCO AS THEIR SAN FRANCISCO POLICE OFFICER OF THE YEAR AWARD RECIPIENT**

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RESOLVED, that the Police Commission hereby approves the request of Sergeant Kenneth Esposto to accept a certificate for a hotel stay and \$300.00 certificate from the Rotary Club of San Francisco as their San Francisco Police Officer of the Year Award recipient.

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

**PUBLIC COMMENT**

David Sneider, Taxicab Workers, discussed concerns regarding problems about obtaining records and statistics in regards to crimes against cab drivers. 864-8294

Emil Lawrence addressed the issues of the search for the new police chief, tasers, and the issue of the cost of tasers.

Barbara Growth discussed concerns about probate department.

Unidentified read a verse from the bible.

Paulette Brown addressed the Commission regarding the homicide of her son Aubrey Abrakasa, Jr., and about solving the case of her son and asked for help.

Commissioner Hammer asked that Assistant Chief Shawyer come back and next week to follow-up.

Clyde addressed the Commission about Captain Greg Suhr.

Commissioner Morgan Gurano, Civil Service Commission, addressed the Commission in regards meeting held by the Civil Service Commission in regards to the recent Captain's Exam and explained that Commander Lazar did his job as a rater.

James Salinas, former Police Commissioner, discussed concerns regarding not having a meeting in the Latino community about the selection of the new police chief.

Steve, SEIU 1021, thanked the Commission for giving the SEIU the chance to give their input for the selection of the new police chief.

**DISCUSSION AND POSSIBLE ACTION TO ACCEPT OR REJECT STIPULATED AGREEMENT ON CHARGES FILED AGAINST PATROL SPECIAL OFFICER ROBERTO ORTEGA, FILE NO. ALW C10-242**

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Ms. Ashley Worsham, Attorney at Law, representing the San Francisco Police Department presented the stipulated agreement.

Put over to March 16<sup>th</sup>.

## **REPORTS TO THE COMMISSION**

- a. Chief's Report**
- **Report on crime statistics**
- **Review of recent activities**
- **Status report on preparation of SFPD's 2011-2012 budget**

Assistant Chief Shawyer reported on crime statistics and reported that there have been 15 homicides to date.

Commissioner Mazzucco explained that the budget was discussed on February 2<sup>nd</sup>, and on the calendar again on February 16<sup>th</sup> and the Commission has not voted to approve the budget. Assistant Chief Shawyer explained that a tentative budget has been received by the Mayor's Office.

Commissioner Slaughter explained that the budget is the Mayor's budget then went on to discuss the upcoming staff attrition for the Department and what can be done sooner than later.

Commissioner Hammer stated that cutting out academy classes from the budget is a concern.

Commissioner DeJesus explained that there are 300 police officers that are eligible to retire next year so it is a concern. She asked for a presentation in regards to retirement and the DROP program.

Commissioner Mazzucco asked that the budget be calendared on March 23<sup>rd</sup>.

Commissioner Kingsley asked about laterals versus people coming from the academy.

Commissioner Mazzucco would like numbers as to how many are eligible to retire and how many are in the DROP program so that the Department is not caught off guard.

- b. OCC Director's Report**
- **Review of recent activities**
- **Status report on preparation of OCC's 2011-2012 budget**

Director Hicks will provide the OCC statistics next week. Director Hicks stated that the OCC submitted its budget to the Controller's Office and discussed the reduction of the OCC's budget.

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

Commissioner Mazzucco explained that the Commission has been extremely busy with the issues of mental health, less lethal weapons, and the search for the new police chief.

Commissioner Kingsley reported on attending the Taraval Station Lunar New Year celebration and reported back also on revamping the disciplinary process.

Commissioner Hammer reported on the meeting at the LGBT Center in regards to the police search and going out to district stations midnight watch and getting input from officers at the district stations.

Commissioner Mazzucco stated that he had about 40 officers in the Northern Station that spoke about the search for the new chief.

Commissioner Chan reported on the meeting at the Southeast Community Center in the Bayview.

PUBLIC COMMENT

Barbara Growth discussed concerns regarding new positions in the department and about not having money for new recruits.

**ROUTINE ADMINISTRATIVE BUSINESS**

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

Commissioner Mazzucco discussed the joint meeting with the Public Safety Committee of the Board of Supervisors and that the time is premature to have a joint meeting now and suggested postponing that meeting until a new Chief is in place.

Commissioner Chan asked that a resolution be agendized for next week's meeting in regards to definition of community policing.

Commissioner Slaughter agreed with Commissioner Mazzucco that the meeting be postponed a few weeks until a new Chief is in place.

Commissioner Marshall agrees to not having the meeting because of the process and stated that it should be discussed by the full commission.

Commissioner DeJesus stated that the Commission should have the joint meeting because of the importance of community policing.

Commissioner Kingsley agrees to postpone the meeting and agrees that the community should be part of community policing.

Commissioner Hammer deferred to Supervisor Campos in light of the Commission's busy schedule.

Commissioner Mazzucco suggested having this meeting after the new chief is selected and asked to continue this joint meeting after three weeks and suggested not having a meeting on Wednesday, March 9<sup>th</sup>.

Motion by Commissioner Mazzucco to postpone this meeting until three to four weeks and not have a meeting on Wednesday, March 9<sup>th</sup>.

Motion by Commissioner Hammer to talk to Supervisor Campos to ask him to reschedule and if he agrees then postpone. Second by Commissioner DeJesus. Motion fails 3-4.

AYES: Commissioners DeJesus, Hammer, Chan

NAYS: Commissioners Mazzucco, Marshall, Kingsley, Slaughter

Motion by Commissioner Mazzucco to continue joint meeting, second by Commissioner Marshall. Approved 4-3.

AYES; Commissioners Mazzucco, Marshall, Kingsley, Slaughter

NAYS: Commissioners DeJesus, Hammer, Chan

Commissioner Slaughter asked Commissioner Mazzucco to inform the full Commission after he speaks with Supervisor Campos.

PUBLIC COMMENT

Barbara Growth discussed concerns.

Commissioner Kingsley would like to set date regarding the Commission's priorities.

**PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION**

None

**VOTE ON WHETHER TO HOLD CLOSED SESSION**

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

**CLOSED SESSION** (7:30 p.m. – 8:10 p.m.)

- c. **PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. ALW C10-158, and decision to decide penalty, if necessary** (Resolution No. 11-31)

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Hammer, Slaughter, Lieutenant Falvey, Risa Tom, Deputy City Attorney Blits, Assistant Chief Shawyer, Commander Mahoney, Attorney Worsham, Mr. Steve Johnson, Lt. Mahoney, Captain Corriea, and member involved)

Motion to recuse Commissioner Kingsley. Approved 7-0.

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

- a. **PERSONNEL EXCEPTION: Assignment of Disciplinary Charges filed in Case No. JWA C11-035 to a Commissioner for taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner Thomas Mazzucco, Resolution NO. 11-30)

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Hammer, Slaughter, Lieutenant Falvey, Risa Tom, Deputy City Attorney M. Blits, Assistant Chief Shawyer, Commander Mahoney, Attorney Alden, Attorney Furst)

- b. **PERSONNEL EXCEPTION: Discussion and possible action issue Police Commission subpoena in the matter of Case No. JWA C10-189**

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Hammer, Slaughter, Lieutenant Falvey, Risa Tom, Deputy City Attorney Blits, Assistant Chief Shawyer, Commander Mahoney, Attorney J. Alden)

Motion by Commissioner Hammer, second by Commissioner Marshall. Approved 5-0.

- d. **PERSONNEL EXCEPTION: Discussion and possible action to grant or deny Motion for Dismissal of Disciplinary Charges filed in Case Nos. KMO C08-127 & KMO C08-162 pursuant to Government Code Section 3304(d)**

Taken off calendar.

- e. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Hammer, Slaughter, Lieutenant Falvey, Risa Tom, Deputy City Attorney Blits, Assistant Chief Shawyer)

No discussion

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

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Motion by Commissioner Hammer, second by Commissioner Marshall for non disclosure. Approved 6-0

**PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION – PUBLIC EMPLOYEE APPOINTMENT: CHIEF OF POLICE**

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None

**VOTE ON WHETHER TO HOLD CLOSED SESSION**

Motion by Commissioner Hammer, second by Commissioner Mazzucco.  
Approved 6-0.

**CLOSED SESSION** (8:15 p.m. to 8:30 p.m.)

**PUBLIC EMPLOYEE APPOINTMENT: Chief of Police**

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Hammer, Slaughter,  
Lieutenant Falvey, Risa Tom, Lieutenant Reilly)

**VOTE TO ELECT WHETHER TO DISCLOSE DISCUSSION HELD IN CLOSED SESSION**

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

**ADJOURNMENT**

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

Thereafter, the meeting was adjourned at 8:35 p.m.

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Lieutenant Timothy Falvey  
Secretary  
San Francisco Police Commission

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