

OCTOBER 20, 2010

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., in a Regular Meeting.

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

APPROVAL OF CONSENT CALENDAR

- a. **Quarterly Report by the Police Department and the Office of Citizen Complaints regarding Policy Proposals (Sparks Resolution)**
- b. **Office of Citizen Complaints 3rd Statistical Report**

Motion by Commissioner Chan, second by Commissioner Hammer. Received & filed. Approved 7-0.

PUBLIC COMMENT

Ray Hartz addressed the Commission in regards to traffic stops.
Clyde addressed the Commission regards police suicides.

PUBLIC COMMENT

Ray Hartz addressed the Commission in regards to the agenda and comments made during public comment.

REPORTS TO THE COMMISSION

- a. **Chief's Report**
- **Presentation of a Purple Heart Certificate to the family of Officer Charles W. King who died in the line of duty on June 7, 1931**
- **Review of recent activities**

Chief Gascón reported on recent crime statistics: 9 percent reduction in part 1 crimes year to date. For the last 4-week reporting period: 7 percent increase in violent crimes, 521 versus 558 for this reporting period; 16 percent reduction in property crimes, 2721 versus 2295; total part 1 crime, 12 percent reduction for the four-week reporting period.

The Chief also reported that he will be attending the bi-annual Major City Chief's Conference, the PERF Semi-annual Meeting as a member of the Board, and the International Association of Chiefs of Police Meeting. He will be travelling on Friday and back on Wednesday next week.

The Chief also talked about the Kennedy School of Executive Sessions and stated that the paper he worked on will be presented in January at Harvard University and will forward the information to the Commission.

Commissioner DeJesus attended the first half of the Community Police Advisory Board meeting and stated how she was impressed by how it was put together.

Commissioner Kingsley attended the second half of the meeting and stated how impressed she was in how the groups came together and recommended doing outreach to the different groups to get feedback to the Commission.

Chief Gascón presented the Purple Heart Award Certificate to the family of Officer Charles W. King who died in the line of duty on June 7, 1931, great grandfather of Sergeant Jack Hart.

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

No report.

- c. **Commission Reports**

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

Commissioner DeJesus attended the Guardians of the City Museum and Memorial at 1152 Oak Street and stated that the museum is dedicated to preserving the history of the San Francisco Fire Department, the Police Department, the Sheriff's Department, California Highway Patrol, EMS Paramedics and the 911, and would like to draft a resolution supporting the Police & Fire museum and to urge the Park and Rec Department to find them a permanent space.

Commissioner DeJesus also talked about attending the Latino Peace Officers dinner and the Asian Peace Officers dinner.

Commissioner Mazzucco attended the Press Conference in regards to crime stats and thanked the Chief for his hard work.

Commissioner Mazzucco also discussed concerns regarding a violation in regards to disclosure of confidential information to an outside agency.

Commissioner DeJesus stated that an investigation should be conducted and would like a motion filed with the Superior Court to retrieve the information improperly disclosed and a gag order on the third party disseminating information.

Commissioner Hammer reported that he and Commissioner DeJesus met with members of the Patrol Special in regards to the Boston report and would like a response from the Patrol Specials to be agendaized for discussion with the full Commission.

PUBLIC COMMENT

Ray Hartz commended the Department in its efforts to reach out to the community.

Barbara Growth discussed concerns.

APPROVAL OF THE AWARDS COMMITTEE RECOMMENDATION (Resolution No. 107-10)

Commissioner Mazzucco stated that he attended the meeting of the Awards Committee and asked that the Commission review two of the awards and asked that there be a representation for medals in regards to Lt. Parra and Sgt. Gordon.

Lt. Reilly read excerpts from DGO 3.01, Department Awards.

Chief Gascón stated that he agrees with the assessment of Commissioner Mazzucco in this case.

Commissioner Mazzucco then read the summary of the incident involving Lt. Henry Parra and Sgt. Russell Gordon.

Commissioner Hammer motion to amend the recommendation and award the Gold Medal of Valor to Lt. Parra and Sgt. Gordon. Second by Commissioner DeJesus. Approved 7-0

Commissioner Hammer requested that the Chief review the award process.

PUBLIC COMMENT

Steve Johnson thanked Commissioner Mazzucco and Chief Gascón for bringing this matter forward.

Ray Hartz discussed concerns and comments made during the discussion.

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

DISCUSSION AND POSSIBLE ACTION TO RECOMMEND THAT THE BOARD OF SUPERVISOR APPROVE AN ORDINANCE AUTHORIZING THE SAN FRANCISCO POLICE DEPARTMENT, ON BEHALF OF THE CITY AND COUNTY OF SAN FRANCISCO, TO

RETROACTIVELY ACCEPT AND EXPEND GRANT FUNDS, IN THE AMOUNT OF \$424,107 FROM THE UNITED STATES DEPARTMENT OF JUSTICE/NATIONAL INSTITUTE OF JUSTICE “SOLVING COLD CASES WITH DNA” PROGRAM; AND AMENDING ORDINANCE NO. 191-10 (ANNUAL SALARY ORDINANCE, FY 2010-2011) TO REFLECT THE ADDITION OF THREE PART-TIME INVESTIGATOR POSITIONS (1.50 FTE TOTAL) IN THE SAN FRANCISCO POLICE DEPARTMENT

Commissioner Hammer asked about backlog DNA testing. Commander Lazar stated that there are 20 burglary cases waiting for assignment.

PUBLIC COMMENT
None

Motion by Commissioner Mazzucco, second by Commissioner Kingsley.
Approved 7-0.
RESOLUTION NO. 108-10

RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE AN ORDINANCE AUTHORIZING THE SAN FRANCISCO POLICE DEPARTMENT, ON BEHALF OF THE CITY AND COUNTY OF SAN FRANCISCO, TO RETROACTIVELY ACCEPT AND EXPEND GRANT FUNDS, IN THE AMOUNT OF \$424,107 FROM THE UNITED STATES DEPARTMENT OF JUSTICE/NATIONAL INSTITUTE OF JUSTICE “SOLVING COLD CASES WITH DNA” PROGRAM; AND AMENDING ORDINANCE NO. 191-10 (ANNUAL SALARY ORDINANCE, FY 2010-2011) TO REFLECT THE ADDITION OF THREE PART-TIME INVESTIGATOR POSITIONS (1.50 FTE TOTAL) IN THE SAN FRANCISCO POLICE DEPARTMENT

RESOLVED, that the Police Commission hereby recommends that the Board of Supervisors approve an ordinance authorizing the San Francisco Police Department, on behalf of the City and County of San Francisco, to retroactively accept and expend grant funds, in the amount of \$424,107 from the United States Department of Justice/National Institute of Justice “Solving Cold Cases with DNA” Program; and amending ordinance No. 191-10 (Annual Salary Ordinance, FY 2010-2011) to reflect the addition of three part-time investigator positions (1.50 FTE total) in the San Francisco Police Department.

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

DISCUSSION AND POSSIBLE ACTION TO RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO RETROACTIVELY ACCEPT AND EXPEND A GRANT TOTALING \$320,274 FROM THE U.S. DEPARTMENT OF JUSTICE/NATIONAL INSTITUTE OF JUSTICE FOR THE FY 2010 FORENSIC DNA BACKLOG REDUCTION PROGRAM

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

PUBLIC COMMENT
None

RESOLUTION NO. 109-10

RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE A RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO RETROACTIVELY ACCEPT AND EXPEND A GRANT TOTALING \$320,274 FROM THE U.S. DEPARTMENT OF JUSTICE/NATIONAL INSTITUTE OF JUSTICE FOR THE FY 2010 FORENSIC DNA BACKLOG REDUCTION PROGRAM

RESOLVED, that the Police Commission hereby recommends that the Board of Supervisors approve a resolution authorizing the Police Department to retroactively accept and expend a grant totaling \$320,274 from the U.S. Department of

Justice/National Institute of Justice for the FY 2010 Forensic DNA Backlog Reduction Program.

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

DISCUSSION AND POSSIBLE ACTION TO RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO RETROACTIVELY ACCEPT AND EXPEND A \$750,000 GRANT FROM THE U.S. DEPARTMENT OF JUSTICE/OFFICE OF COMMUNITY ORIENTED POLICING (COPS) FY 2010 TECHNOLOGY PROGRAM FOR A GUNSHOT LOCATION SYSTEM

Lieutenant Mikail Ali explained and described the Gunshot Location System and presented the grant.

PUBLIC COMMENT
None

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

RESOLUTION NO. 110-10

RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE A RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO RETROACTIVELY ACCEPT AND EXPEND A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE/OFFICE OF COMMUNITY ORIENTED POLICING (COPS) FY 2010 TECHNOLOGY PROGRAM FOR A GUNSHOT LOCATION SYSTEM

RESOLVED, that the Police Commission hereby recommends that the Board of Supervisors approve a resolution authorizing the Police Department to retroactively accept and expend a grant from the U.S. Department of Justice/Office of Community Oriented Policing (COPS) FY 2010 Technology Program for a Gunshot Location System.

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

ROUTINE ADMINISTRATIVE BUSINESS

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

Commissioner Mazzucco would like to reschedule the discussion regarding 8.10 because the Chief will not be present at next week's meeting.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

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

CLOSED SESSION (7:24 p.m. to 9:35 p.m.)

- a. **PERSONNEL EXCEPTION:** Discussion and possible action to adopt proposed Findings of Fact and Conclusions of Law regarding the Commission's September 15, 2010 decision granting the Motion to Dismiss all Disciplinary Charges filed in Case No. IVF C10-059 (*Resolution 111-10*)

(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Chan, Hammer, Kingsley, Slaughter, Chief Gascón, Director Hicks, Deputy City Attorney Blits, Lt. Reilly, Lt. Falvey, Risa Tom)

Motion by Commissioner Hammer, second by Commissioner Chan to recuse Commissioner Slaughter. Approved 6-0.

Motion by Commissioner Hammer, second by Commissioner Mazzucco to adopt the findings.

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

b. PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain Disciplinary Charges filed in Case No. ALW C10-169 (Resolution 112-10)

(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Chan, Hammer, Kingsley, Slaughter, Chief Gascón, Assistant Chief Shawyer, Commander Mahoney, Deputy City Attorneys Blits and Porter, Lt. Reilly, Lt. Falvey, Risa Tom, Attorney L. Stiglich, Attorney A. Worsham, Steve Johnson, member involved)

c. PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain Disciplinary Charges filed in Case No. ALW C153-09 (Resolution 113-10)

(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Chan, Hammer, Kingsley, Slaughter, Chief Gascón, Assistant Chief Shawyer, Commander Mahoney, Deputy City Attorney Blits, Lt. Reilly, Lt. Falvey, Risa Tom, Attorney C. Shea, Attorney A. Worsham, Steve Johnson, member involved)

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

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

ADJOURNMENT

Motion by Commissioner Mazzucco second by Commissioner Hammer Approved 7-0.

Thereafter the meeting was adjourned at 9:35 p.m.

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission