

OCTOBER 5, 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, Kingsley, Slaughter, Turman
ABSENT: Commissioner DeJesus

Commissioner Mazzucco explained why the matter of the JTTF resolution is not on the agenda.

Commissioner Slaughter also talked about the meeting with Ms. Dubal and Mr. Crew of the ACLU.

PUBLIC COMMENT

Paul Henderson, Deputy Chief of Staff Mayor's Office & Director of Public Issues, stated that the Mayor's Office is comfortable with the order addressed in terms of public safety and is receiving information with the Federal Government and stated that the Mayor's Office supports what the Commission is doing.

Theresa Sparks, Executive Director Human Rights Commission, expressed her appreciation to the community for their work and thanked the Commission and Chief Suhr for continuing to work with the HRC and the community in this matter.

Tina Sehan, Asian Law Caucus, discussed concerns about the Commission not knowing what the problem is. She then went on to explain the problem.

Dr. Jasca, Arab American Cultural Center, expressed concern and asked that the MOU between the FBI and the Department be suspended and urged the Commission to build relationships based on trust and transparency.

Hared Hamwe discussed concerns regarding stereotyping of Arabs and Muslims and spoke about the Lavon Affair of the 1950s.

Sadi Hussein stated that his Community Center has a strong relationship with SFPD and spoke in regards to issues of racial profiling.

Rachel Roberts, Civil Rights Coordinator Northern California, asked the Commission to work with the community to come up with a local resolution.

Unidentified (through an interpreter) spoke of civil liberty rights and that everyone should be treated as a dignified human being and talked about the agreement between the FBI and local law enforcements.

Morris Hamash, Attorney, spoke in regards to how Arabs and Muslim immigrants have been impacted by the FBI and how their civil rights have been repeatedly violated.

Ms. Abdulla asked the Commission to pass a resolution to opt out of the MOU with the FBI.

Mr. Sumaha discussed concerns about being approached by the FBI for no reason except for the way he look and his background. He stated that these acts of discrimination are impacting the Arab American community and urged the Commission to act now to end this tragedy.

Mariam, Arab Resource and Organizing Center, stated that most of the people she talked to have been approached by the FBI and how the public are scared to give a testimony and urged the Commission to opt out of the MOU.

Christopher Banks urged the SFPD to opt out of the collaboration with the FBI. Unidentified talked about civil rights.

Nadia stated the San Francisco have different standards from the FBI and went on to thank the SFPD for genuinely wanting to work with the community and stated that the bureau order does not cover the terms of the MOU and asked for a resolution.

Tom Silhorst spoke in regards to patrol specials.

Sparrow spoke in regards to reasons to sever ties with the FBI. (newspaper article)

Clyde spoke in regards to the Department's crime lab and an internal email.

John Crew, ACLU, discussed concerns on how this topic has been pending for a long time and suggested putting an item on the calendar that will force the FBI to answer questions.

Chris, Asian Law Caucus, spoke in regards the JTTF MOU and asked the Department to opt out of the MOU.

Unidentified spoke in regards to getting a call from the FBI asking how he sends money back home and concerns about how the bank put a hold on his account.

Unidentified, international student, spoke in regards to receiving a call from the FBI wanting to meet him and spoke in fear of the FBI.

Commissioner Mazzucco explained that the Department have DGOs in regards to Racial Profiling and against violating civil rights.

Chief Suhr explained the Bureau Order issued and stated that the policies and the department general orders take precedence over whatever is on the MOU when it comes to governing the actions of San Francisco police officers on the JTTF. Chief Suhr further talked about the letter authored by Special Agent Douglas stating, "... As to the activities of the JTTF, I, SAC Douglas, have stated that the San Francisco Police Department may participate in the JTTF while abiding by their general orders ..." The letter also stated, "... she has the right to assign FBI JTTF cases but will insure that the SFPD does not receive any case inconsistent with its general orders."

Commissioner Slaughter stated that it is important for the officers to have timely access to information in case of an emergency and stated that San Francisco has a better solution in making sure our officers when they are assigned to participate in the JTTF, do so under the Department's guidelines and consistent with the Department's values and its bureau orders and its general orders.

REPORTS AND ANNOUNCEMENTS

- a. Chief's Report**
- **Presentation of Certificate of Appreciation**
- **Review of recent activities**

Chief Suhr talked about recent activities and the recent OIS incident involving victims of stabbing and spoke of a community meeting in the Richmond.

- b. OCC Director's Report**
- **Review of recent activities**
- **Presentation of the OCC's 2011 Community Outreach Strategic Plan**

Director Hicks stated that she has no recent activities to report.

Samara Marion presented the OCC's 2011 Community Outreach Strategic Plan.

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

Commissioner Mazzucco suggested going dark on the last Wednesday of October.

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

Commissioner Kingsley updated the Commission in regards to the priorities.

Commissioner Chan would like to know where the Commission is at in regards to the JTTF issue. Commissioner Mazzucco asked what would the Commission calendar and what would be the resolution. He stated that this is an ongoing process and stated that the Commission is not the FBI.

Commissioner Kingsley would like to have a discussion amongst commissioners in regards to the JTTF issue to bring clarity as to the FBI, their role, and how to convey to the public the distinction of their role.

Commissioner Turman agrees that the commission should have a discussion amongst themselves in regards to the JTTF situation with the Chief and with the ACLU to see what is in place and how it can be improved.

Commissioner Marshall stated that a discussion item among the commissioners is fine and would like to hear from Commissioners Mazzucco and Slaughter.

Commissioner Slaughter stated that this should be scheduled for a discussion but not for an action item.

PUBLIC COMMENT

John Crew stated that he will not be available on October 19th as he will be in Portland. He went on to speak about an incident involving an SFPD inspector.

DISCUSSION AND POSSIBLE ACTION TO INTERPRET INTERIM RULES AND PROCEDURES FOR PATROL SPECIAL OFFICERS AND THEIR ASSISTANTS REGARDING ABILITY OF PATROL SPECIAL OFFICER SERGE WHITE TO SPONSOR AN APPLICATION BY AN ASSISTANT PATROL SPECIAL OFFICER

Lieutenant Robert Yick explained why this item is on the agenda.

Deputy City Attorney Katie Porter explained the rules and some of its ambiguities.

PUBLIC COMMENT

Tom Silhorst discussed concerns about patrol specials and how they break the law.

Motion by Commissioner Chan cannot sponsor an Asst Patrol Special, second by Commissioner Slaughter. Approved 6-0.

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

Lieutenant Yick introduced Sgt. Hector Jusino who will be taking over as the new Patrol Special Officer liaison.

RESOLUTION NO. 11-82

INTERPRETATION OF THE INTERIM RULES AND PROCEDURES FOR PATROL SPECIAL OFFICERS AND THEIR ASSISTANTS REGARDING ABILITY OF PATROL SPECIAL OFFICER SERGE WHITE TO SPONSOR AN APPLICATION BY AN ASSISTANT PATROL SPECIAL OFFICER

RESOLVED, that the Police Commission interprets the Interim Rules and Procedures for Patrol Special Officers and Their Assistants that Patrol Special Serge White cannot sponsor an application by an Assistant Patrol Special Office due to his ineligible status as a Patrol Special Officer.

AYES: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman
ABSENT: Commissioner DeJesus

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Commissioner Mazzucco read a script from the City Attorney in regards to item 6(e). Commissioner Slaughter will not be participating in this item due to conflict of interest.

No public comment.

VOTE ON WHETHER TO HOLD ITEM 6 IN CLOSED SESSION, INCLUDING VOTE ON WHETHER TO ASSERT THE ATTORNEY-CLIENT PRIVILEGE WITH REGARD TO ITEMS 6(d) and 6(e)

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

CLOSED SESSION (7:30 p.m. to 8:40 p.m.)

- a. **PERSONNEL EXCEPTION: Assignment of Disciplinary Charges filed in Case No. JWA C11-194/IAD 2010-0210 to a Commissioner for taking of evidence on a date to be determined by the Commissioner** (Resolution No. 11-78)

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Porter, Deputy City Attorney Hoeper, Attorney Alden, Mr. Steve Johnson)

Assigned to Commissioner Turman.

- b. **PERSONNEL EXCEPTION: Assignment of Disciplinary Charges filed in Case No. ALW C11-211 to a Commissioner for taking of evidence on a date to be determined by the Commissioner** (Resolution No. 11-79)

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Porter, Deputy City Attorney Hoeper, Attorney Alden, Steve Johnson)

Assigned to Commissioner Chan.

- c. **PERSONNEL EXCEPTION: Withdrawal of an Appeal of the Chief's Suspension filed in Case No. ALW D10-231** (Resolution No. 11-80)

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Porter, Deputy City Attorney Hoeper.)

- d. **CONFERENCE WITH LEGAL COUNSEL: Existing Litigation Jane Warner v. City and County of San Francisco, Worker's Compensation Appeals Board Case No. ADJ7115612 (filed 1/12/10) and No. ADJ7778316 (filed 5/6/11)**

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Porter, Deputy City Attorney Hoeper)

- e. **CONFERENCE WITH LEGAL COUNSEL: Anticipated litigation as defendant Discussion with counsel on anticipated litigation; possible action to recommend that the Board of Supervisors approve request for advance approval of Federal Rules of Civil Procedure Rule 68 Settlement Offer or to take other action**

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Porter, Deputy City Attorney Hoeper)

Commissioner Slaughter is recused from this item.

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

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman, Lieutenant Falvey, Risa Tom, Deputy City Attorney Porter)

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

Motion by Commissioner Turman, second by Commissioner Chan for non disclosure. Approved 5-0

PUBLIC COMMENT

None

ADJOURNMENT

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

Thereafter, the meeting was adjourned at 8:45 p.m.

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct