

New TL police captain a short-timer

BY TOM CARTER

OFFICERS on the foot patrols that started in the Tenderloin on Nov. 24 may resort to bicycles for better mobility, according to the new but likely temporary TL station commander, Capt. Gary Jimenez.

Two two-officer teams are working the day watch: 8 a.m. to 6 p.m., Ellis Street from Market to Hyde, plus side streets. The two teams working the swing watch, 3 p.m. to 1 a.m., ply Market Street from Hyde to Powell, including McAllister, Golden Gate, Turk and Eddy.

"By regulation, foot patrols must be in uniforms, but the most effective officers are the plainclothes police," he said.

In November, Jimenez replaced Capt. Kathryn Brown who was on the job less than three years. She now heads Homeland Security and Youth Services for the department, Jimenez said. Brown, who requested the TL post, had served on the TL Task Force in the 1990s and claimed it was where, as a sergeant, she learned to be a good cop.

Jimenez came from Park Station, where he made captain. He says he is temporary.

"I asked for new business cards but they told me to hold off on that," he said. In the TL Station's community newsletter, he said the next community forum would be Jan. 30, "if I am still here."

"But I'm giving 150%," Jimenez said. "I'm confident I'll remain through the end of the year."

Jimenez joined the SFPD in 1970 when Joe Alioto was mayor. He was a sergeant at Central Station covering the Tenderloin 1989-90. For two more years he was on the Task Force stationed at the Hibernia Bank at 1 Jones St.

In 1990, then-Sgt. Jimenez was taking a man arrested for cocaine possession to jail in his squad car when the handcuffed man broke out of the back seat and ran into the Dalt Residence on Turk Street. Jimenez pursued him inside and, as the man was running upstairs, Jimenez shot him twice in the back.

Jimenez was quoted in an Examiner story five years later saying he thought the man might have been armed and was going upstairs where he thought elderly tenants would be in danger.

As the wounded man collapsed on the third floor, Jimenez said the perpetrator cracked to him, "Thank you very much. You just made me a lot of money."

The man recovered and the city settled his lawsuit for \$35,000. Jimenez, cleared in the shooting, was reprimanded for not securing the man in the car.

"The use of lethal force is probably one of the hardest aspects of our job because it's not always clear-cut," Jimenez was quoted in the Examiner. "I don't think any of us want to hurt somebody."

Jimenez has already tried to make a major change in the neighborhood. He requested a fulltime officer at U.N. Plaza, which he describes as a one-stop shopping center for drugs and stolen goods. It meant overtime and headquarters refused, citing budgetary reasons. Even so, U.N. Plaza is getting heightened attention.

"Our night watch patrol hits it four times between 4 p.m. and 9 p.m.," he said. "BART (police) will start walking it, a park ranger, Marcus Santiago, is there now and today (Dec. 20) the Federal Protection Services will start a foot patrol there."

Compared with 15 years ago, he said, the Tenderloin has changed for the better and attributed that to Care Not Cash, the mayor's program to house the homeless. He guessed there are only half the number of homeless people on the streets now.

"It's a great improvement," he said. "but the crime is worse."

Like his predecessor Capt. Brown, Jimenez talked as if police were making arrests as fast as they can but can't staunch the flow of drug dealers.

"We arrested 355 drug dealers, buyers and users in October and 367 in November," Jimenez told an Alliance for a Better District 6-sponsored Safety Forum attended by about 50 people at the police station. "We are addressing this constantly on every street and every corner."

But some sophisticated sellers use text messaging and know when the police are coming, he said. "Because they're greedy they'll sell to anyone and they'll sell to us (plainclothes)," Jimenez said. "It's still



PHOTO BY TOM CARTER

TL station commander Capt. Gary Jimenez.

very lucrative, and as soon as we arrest one, two others are there to take their place."

Many of the drug dealers among the 722 cases sent to the district attorney go to drug diversion programs meant for addicts, Jimenez said, "an expedient way to deal with caseloads." The DA needs a bigger budget to resolve the issue, he said. "The solution can't come from the SFPD."

Jimenez was asked about a number of quality of life issues caused by street people, but he said police can only detain people to talk to them and can only frisk them if "there's probable cause." Officers are doing very little about the dangers of skateboarders and bicyclists on sidewalks, he said, and admitted he was almost clocked by a skateboarder that week. But it's an item of low priority, he indicated.

At the end of the meeting, Dina Hilliard was introduced as the new Safety Network community organizer. The Alliance also gave recognition awards to Deputy City Attorney Neli Palma for her work in code enforcement, Francis and Chi Ying Poon Cheung, who have run a convenience store at Hyde and Turk streets since 1989, and activist apartment manager Jim Thompson for his many contributions to the neighborhood. ■

No one knew about snafu till too late

► CONTINUED FROM PAGE 1

our office and the Tax Collector's office," said Smyly, "and the letters were never sent." When no one showed up at the 90-minute meetings that ran all day on Sept. 20 and Oct. 2, the snafu was discovered and letter No. 3 was sent the third week in October. It offered eight meetings over two additional days in December. That letter, too, had glitches.

"We got the list (of off-sale license holders) from the state Alcoholic Beverage Control department and it was four months old," Smyly said. The majority of license holders were notified, she estimated, but some owners weren't reached at their place of business and others, she surmised, misplaced or ignored the mail.

"We got a lot of calls," she said. "Some were anonymous. And some said they no longer used their license."

"Where we held the meetings was downtown, too. These are small business owners and maybe they couldn't get away during the day. We screwed up. We didn't know what we were doing, and we need to find the best way to communicate with them."

After the police station meeting, Palma said a small group of Arab American grocers came to the Nov. 15 meeting. "But usually at other meetings it was just one or two (owners)," she said. "Sometimes no one showed up. I have no idea why. And people just sat around waiting."

The cost of the ordinance's administration, including \$111,000 for education and public outreach, is to be covered by the \$240 annual fee. But there are also hidden time and material costs for all departments, according to Smyly. A member of the seven-member Oakland team that oversees a similar ordinance there told The Extra 10 months ago that San Francisco's ordinance was "way underfunded." Oakland charges its 400 license

holders a \$1,500 fee.

The San Francisco legislation largely duplicates state and federal nuisance laws. It holds store owners responsible for keeping order inside their business and outside on the sidewalk, and allows no more than a third of the surface of windows and doors to be covered. What's new is the administrative structure that provides for noncompliance hearings if the standards are violated, and an appeal system. Penalties range from \$500 to \$1,000 and escalate to a license suspension.

Maxwell said the purpose of the ordinance is "to educate all of the liquor store owners on how to be good neighbors." The Youth Leadership Institute, a youth advocacy group with offices in San Francisco and San Rafael, came to Maxwell almost five years ago with a survey it had done on San Francisco liquor stores showing many violations. YLI works with communities to adopt standards to reduce liquor sales to minors and criminal activity. Maxwell's legislation grew from that relationship. DPH had been involved with one of YLI's grant projects and as Maxwell's bill grew, DPH got included, although more "education" was planned, but in the end not realized, Smyly said.

Maxwell called the ordinance a "hammer," if liquor store owners don't hew the line. With its passage, all businesses in San Francisco with off-sale licenses became "deemed approved," the status a business keeps as long as it complies with the standards.

The main opposition to it came from the 425-member Arab American Grocers Association. The group didn't like that a store owner, after two non-compliance violations, could be prohibited from selling alcohol, tantamount to losing the license. The ABC revokes a license after three violations. The association also opposed the ordinance because any violations remain with the business even after it's sold. Dissenting Supervisor Ross Mirkarimi called

this condition "a pox on the property," affecting its sale value.

"Poison covered with sugar," is how Arab American Grocers President Kamel Karagah described Maxwell's measure after it passed.

Asked if any Arab American grocers might have shunned the informational meetings for spite, Jimmy Shamieh, the association's vice president, said no.

"The association opposed the measure," Shamieh said at his new California Grocery location at 123 Eddy St. "But it passed and we intend to fully comply with every part of it. We want our members to come to meetings and get their questions answered."

He blamed the paltry attendance on the communications snafu and said different scheduling could have attracted owners who were "inconvenienced" by daytime meetings.

Shamieh attended a Nov. 15 meeting, he said, after being notified by letter No. 3. But more than 800 store owners missed the opportunity they were entitled to under the legislation.

Every license holder who pays the fee deserves "a-face-to-face" explanation of the measure but the DPH budget for outreach couldn't afford that, Smyly told The Extra last February. "We suggested group meetings in neighborhoods as a compromise," she said. But the final plan was to schedule meetings at Civic Auditorium.

Now that the informational meetings are complete, the departments involved will have a debriefing in January to thrash over what has happened, Smyly said. For information they would have gotten, liquor store owners will have to wait for DPH and other representatives to attend monthly community meetings that are held by district police captains. Those assignments have yet to be made.

"I hope it gets worked out," Shamieh said. "Any assistance the association can give, we'd be glad to help and we'd work with other grocers' associations." ■