

**FIRE COMMISSION SPECIAL MEETING
Minutes from the June 24, 2022 – 9:00 AM**

President Feinstein called the meeting to order at 9:22 a.m.

Item No.

1. ROLL CALL

President	Katherine Feinstein
Vice President	Stephen A. Nakajo
Commissioner	Armie Morgan
Commissioner	Marcy Fraser

Also present: Court Reporter Kayla Knowles
Member
Chief Jeanine Nicholson
Deputy City Attorney Jennifer Stoughton
Deputy City Attorney Carmen Leon
Deputy City Attorney Brad Russ
Attorney David Garcia
Fire Commission Secretary Maureen Conefrey

2. CASE NO. 2022-03: HEARING AND DELIBERATIONS ON VERIFIED COMPLAINT FILED WITH THE COMMISSION BY CHIEF OF DEPARTMENT
[Discussion and possible action]

On April 8, 2022, Chief of Department Jeanine Nicholson filed a Verified Complaint with the Commission recommending termination for the following violations:

Section 2805 – Leadership
Section 2814 – Profane and Abusive Language
Section 3923 – Acts Detrimental to the Welfare of the Department
Section 3925 – Insubordination
Section 4002 – Off Duty Conduct
General Order 19 A-88 – Social Media Policy

This case may be heard in Closed Session pursuant to Government Code Section 54957(b) and San Francisco Administrative Code Section 67.10(b).

A. Public Comment on Special Meeting Agenda Item; Possible Closed Session

Members of the public may comment on all matters pertaining to Agenda Item 2 and whether to consider the matter in closed session. [Government Code §54954.3(a), Administrative Code §67.15(b)]

PUBLIC COMMENT: Hi, my name is Jamie Boyle, retired San Francisco Fire Department out of Station 16, calling on behalf of my friend, David Morris. David is an excellent firefighter. He's conscientious, fair, intelligent, a great teacher. And one of my favorite David Morris stories that best describes him is, when we had a call on Rescue Boat 1, he was an inexperienced lieutenant, to the surf rescue program. David talked to the Coast Guard on the radio. Talking their jargon can almost be like a second language. I could tell he was embarrassed and ashamed of his performance. A week later, we had

another surf rescue call, and he spoke to the Coast Guard with such professionalism it was as if he'd been a coastee his whole life. I guarantee you he had been studying the surf rescue manuals every day that week. He was not going to make the same mistake twice. Dave has an internal motor that drives him to greatness. He has no tolerance for those who do not take their job seriously, those who are lackadaisical, those who don't care to improve. If you are willing to learn, Dave is more than happy to help. I know this firsthand because he made me a much better firefighter. If you fire this man, you are going to lose a great asset, an inspirational leader, and your department will be worse off because of it. And, lastly, I am frustrated by this department's lack of compassion for those who question what gets injected into their body. Dave has always made it a priority to be in top physical condition in order to help the citizens of the City in times of an emergency. He has always kept a strict healthy diet and exercise routine, and it didn't surprise me at all when he was upset and emotional when his body -- bodily autonomy was taken away by people who don't have his discipline to health and physical fitness. His mistake was pressing "send," which he has apologized. Please don't let this mistake ruin a stellar career of one of the best firefighters that have ever been around. Thank you.

PUBLIC COMMENT: My name is Josh Perria. I'm off duty. I currently work with SFFD. I'm a battalion chief. I'm going to try to talk quick. I only have two minutes. I got to know Morris -- Lieutenant Morris in 2004. We were hired together in the class. We've worked together for 18 years. I think he's a very skilled, motivated individual that is constantly trying to get better than I can count on in any incidence. I saw the video. I think it was a huge mistake, and I think he knows it also, and I feel like the Commission and the fire department can go one of two routes here: One, you can get upset, offended, punish him, and ultimately fire him; or, two, I feel like you can see an 18-year veteran with a great reputation that needs help. I think this is a cry for help. I think PTSD in our fire department and in the country is a huge issue. We see things in one shift that people don't see in their entire lives. I also think working through a pandemic on the front lines was extremely taxing, and, also, the mandate also put stress on people. We do not have good tools in our fire department to help with PTSD and mental illness. It's something we're always trying to improve on, but we just don't have a good system in place, and I think that system failed Morris. We didn't recognize certain things, and I think PTSD comes out and stress comes out randomly, and this happened to happen. He recorded it, he posted it, which was a huge mistake. But this is an 18-year veteran, and I feel like the Commission and fire department can choose to help and recognize that he needs our help. What can we do to get him better? What can we do that he can still do the job he loves, support the citizens of San Francisco, and also be able to support his family? I think we shouldn't abandon him; I think we should help him. Thank you very much.

PUBLIC COMMENT: Yes. This is Firefighter Ryan Takuda. I am not sure if I'm getting through or not. Good morning, commissioners. Good morning, Chief. I'm calling on behalf of David Morris. I've known Lieutenant David Morris for five-plus years now, and I've taught with him at the Santa Rosa Junior College, where he has impacted many, many lives there and influenced many young firefighters to strive to be better, just as he has. His conduct on the video, he is very remorseful for it, and I can tell you I spoke with him a lot about it, and he does regret it. He did speak from the heart. It was very stressful for him. He's a man of very high value, and he has put his family first, and I think the stresses that he was under, thinking about his three sons, is what may have pushed him over the top. Like I said, he does regret it, and he does strive to be a very strong role model for his kids, and he's a definite role model for myself. I can tell you I have worked with Lieutenant Morris at three different firehouses as members, and he has always, always raised the bar and the expectation for every member there, pushing them to get better, and those that want to have become exceptionally better. I can say that there are quite a few new lieutenants on the list that place very high that have

worked under Lieutenant Morris, and I can guarantee that I can say that they attribute a great deal of their success to his leadership. I've been on many incidents with Lieutenant Morris as well, and you will not find a finer lieutenant in the Department, someone who leads by example.

PUBLIC COMMENT: I recently watched the video of Lieutenant Morris, and I implore the Fire Commission to take a look at what has gone on in the last few years with mental health in first responders and how the City and County of San Francisco champions mental health and breakdown of first responders, and this would be a perfect time to make sure he is remorseful of what he did and offer help and guidance to move on from this incident. As we look through the ranks of SFPD with all the recent suicides, one of them being my best friend, people should not move to terminate this man, to make his life worse and more stressful; they should work to help these people who go out day in and day out to help the City and County of San Francisco and all its citizens. This was clearly a cry for help in frustration and feeling left behind; so to further put more stress on this man would be, I think, an absolute catastrophe, not only to the Department, its members, but to this man and his family. Please reconsider the chief's decision here to terminate him, reinstate him, get him help, offer him programs, just like our city champions to try to help all other people through their problems and keep the values of San Francisco going. Thank you

PUBLIC COMMENT: This is Michael Kricken, and I'm just calling on behalf of Dave Morris. Classmate of mine, top-shelf guy. I don't know any one of my classmates that were even more proud to be a fireman. Speaking to his family and the city, they talk about how Dave didn't want to be anything else but a San Francisco firefighter. I still remember that. There's nothing I can really say that's going to, you know, be able to follow what all these guys have said before me, but they're all true. This guy is a top-shelf guy. I am glad he was my classmate. He sets the bar high, sets a precedence in the fire department, and I consider him more than a coworker. He's a brother, always checked up on me. Solid dude, Dave, and I hope nothing but the best for you, brother. All right.

B. Vote on Closed Session

Member requested a closed session hearing.

1. Whether to hold the hearing on the verified complaint in closed session [Action]

President Feinstein Moved to hold the hearing in closed session. Commissioner Morgan Seconded. The motion was unanimously approved.

Convened in closed session at 9:44 a.m.

Also in closed session was President Feinstein, Vice President Nakajo; Commissioner Morgan; Commissioner Fraser; Court Reporter Kayla Knowles; Member; Chief Jeanine Nicholson; Deputy City Attorney Jennifer Stoughton; Deputy City Attorney Carmen Leon; Deputy City Attorney Brad Russ Attorney David Garcia; Deputy City Attorney Brad Russi and Fire Commission Secretary Maureen Conefrey.

2. Whether to conduct deliberations in closed session [Action]

Commissioner Morgan Moved to hold deliberations in closed session. Commissioner Fraser Seconded. The motion was unanimously approved.

Deliberations resumed in closed session at 8:02.

Present in closed session deliberations was President Feinstein, Vice President Nakajo; Commissioner Morgan; Commissioner Fraser; Deputy City Attorney Brad Russi and Fire Commission Secretary Maureen Conefrey

C. Hearing and Deliberations

1. Hearing on verified complaint (in open or closed session, per the Commission's vote)

Vice President Nakajo Moved to find that the Chief of the Department proved by a preponderance of the evidence that Member violated the charges as alleged in the Chief's Verified Complaint and to uphold the Chief's recommendation of termination. Commissioner Fraser Seconded. The Motion was unanimously approved.

2. Deliberations and possible action on charges (in open or closed session, per the Commission's vote) [Discussion and Possible Action]

D. If Closed Session is held, reconvene in Open Session

Reconvened in open session at 8:40 p.m.

1. Report on any action taken in Closed Session as specified in California Government Code Section 54957.1(a)(5) and San Francisco Administrative Code section 67.12(b)(4).

2. Vote to elect whether to disclose any or all discussions held in Closed Session, as specified in San Francisco Administrative Code Section 67.12(a). [**Action Item**]

Commissioner Morgan moved to not disclose discussions held in Closed Session. President Feinstein Seconded. The motion was unanimously approved.

3. **ADJOURNMENT:** President Feinstein adjourned the meeting at 8:42 p.m.