

November 2, 2022,

REGULAR MEETING, CITY HALL

The Police Commission of the City and County of San Francisco met via videoconference at 5:40 p.m.

PRESENT: Commissioners Walker, Benedicto, Yanez, Byrne and President Elias, Vice President Carter-Oberstone (arrived at 5:45 p.m.)

ABSENT: Commissioner Yee

GENERAL PUBLIC COMMENT

Paul Allen – Retired lawyer and resident of the city. Spoke on May 6th draft traffic enforcement order.
Paulette Brown – Spoke on son Aubrey Abakasa’s murder. Discusses constant concern and status of his case.

Caller- Name not stated. Spoke on incident involving Paul Pelosi. Spoke on an article in the Examiner regarding urban alchemy.

Caller- Name not stated. 26-year resident of the Castro. Discusses policy regarding camping on sidewalk, voluntarily homeless, treatment, support.

David Aaronson- States quote from Wealth & Disparities. Speaks on SFPD and SFDA MOU.

Susan Buckman- States quote from Wealth & Disparities. Discusses meetings and process for DGO 9.01.

Jean Bridges-States a quote from Wealth & Disparities. Discusses Use of Force policies and demographics.

Adoption of Minutes (ACTION)

- For the meeting of October 12, 2022

President Elias motions to adopt, Commissioner Walker moves. Commissioner Benedicto seconds. Approval 6-0

Ayes: Commissioners Walker, Benedicto, Yanez, Byrne, Vice President Carter-Oberstone, President Elias

PUBLIC COMMENT

None

Consent Calendar (RECEIVE & FILE; ACTION)

- SFPD Family Code 6228 Quarterly Report, 2nd and 3rd Quarter 2022
- Request for approval to accept four (4) tickets from the SF Police Credit Union for members of the department to participate in the SF PAL Golf Tournament, valued at \$900

Commissioner Benedicto makes motion to receive and file. Commissioner Walker seconds. Approval 6-0

Ayes: Commissioners Walker, Benedicto, Yanez, Byrne, Vice President Carter-Oberstone, President Elias

PUBLIC COMMENT

None

7. “Racial Disparities in Traffic Stops” presented by Magnus Lofstrom, a policy director of criminal justice and senior fellow at Public Policy Institute of California (DISCUSSION)

Vice President Carter-Oberstone introduces Magnus Lofstrom. Mr. Lofstrom presented on “Racial Disparities in Traffic Stops”.

PUBLIC COMMENT

Sameena Usman- Senior Government Relations Coordinator for CAIR-SFBA, speaks on presentation and pretext stops. Urges commission to protect community members from these types of stops. Speak on racial statistics. Hopes that community organizations are heard regarding some of the recommendations.

Brian Cox- Deputy Public Defender, Member of Coalition- End Bias Stops. Spoke on presentation report, pretext stops, traffic policy and 9.01.

David Aaronson- Resident of District 1. Spoke on 9.01 and impact of bias and marginalized stops. Made comments on presentation and policy changes.

Evan Sean Gwynn- Community Outreach and Partnership manager for Walk SF. Partnered in coalition to end bias stops. Speaks on pretexts stops and statistics. Speaks on vision zero and unsafe driving practices.

Gloria Barry- Speaks on concern regarding grants and traffic stops.

Susan Buckman- Spoke on Commissioner Walker’s comments. Speaks on police officers’ involvement with process.

Chief’s Report

- **Weekly crime trends**
- **Major/Significant Incidents**

Chief Scott reported on crime trends YTD: Violent Crime up 8 percent; homicide down 2 percent; rape up 7 percent; robbery up 6 percent; assault up 11 percent; human trafficking down 55 percent. Property Crimes up 7 percent; burglary down 21 percent; motor vehicle theft up 4 percent; arson down 13 percent; larceny theft up 15 percent. Gun violence is up 1 percent compared to 2021; Four shooting incidents for the week ending on 10/30/22; total 162 incidents resulting in 185 victims YTD. No homicides for the week ending 10/30/22; there are a total of 43 homicides YTD with 30 resulting from a firearm; 61% overall clearance. Guns seized 890; ghost guns seized 163 YTD.

Significant Incident: Attack on Speaker Pelosi’s husband, Paul Pelosi. Chief Scott read incident. Federal and local charges have been filed against suspect. Multiple agencies investigating and coordinating.

Chief Scott thanked dispatcher, Heather Grimes, who took initial call and responding Officers Kolby Willmes, Kyle Cagney and Sergeant Edmund Huang. Referred to Speaker Pelosi's statement.

Significant arrest: No reported homicides for the week. Homicide on 10/30- Ingleside, 2200 block- 7/11 on Bayshore, suspect arrested, victim succumbed to injuries at scene, investigation ongoing, charges expected to be filed. Four non-fatal shootings, injuries to four victims. 1st shooting: Ingleside- victim shot, no arrest, investigation ongoing. 2nd shooting: 10/26, 1500 block of Oakdale, Bayview, victim in vehicle, suspects drive by and fire single shot, no arrest made, victim is expected to survive. 3rd shooting: 10/29 Pine and Van Ness, Northern, attempted robbery and shooting of victim, victim struck once, video evidence recovered, investigation ongoing. 4th shooting: 10/29, 4900 Block of Mission, Ingleside, victim working as security guard at Safeway, shoplifter shot victim and fled on foot/bus, Officers arrested suspect and recovered firearm. Banana Republic series of shoplifting incidents, arrested suspects, investigators assigned to the Organized Retail Theft Task Force reviewed similar incidents, on 10/20 subjects arrested. Two fatal collisions, single vehicle incidents- Harrison and 14th Street, lost control of moped, victim did not survive. 2200 block of Market in the Mission, motorcyclist lost control and ejected from vehicle, did not survive injuries.

Strategies: None.

PUBLIC COMMENT

Paulette Brown- Speaks on unsolved homicide and reward money. Questions when topic will become a line item on Agenda. Speaks on son's case.

President Elias requests Ms. Brown to submit questions to the commission office to properly agendaize item.

DPA Director's Report

- Report on recent DPA activities, and announcement

Executive Director Henderson reported the following: In the year 2022: 570 cases opened; 603 closed; 251 pending; 52 cases sustained; 22 cases past 270-day; 18 cases mediated. Cases received in the past week: 13 new cases; Central (1) Violating a court order, Bayview (1) Assaulting a person, Mission (1) Using excessive force, Northern (1) Rude and unprofessional behavior, Park (1) Rude and unprofessional behavior, Richmond (2) Arresting a person without cause and failing to respond to a call for service, Ingleside (1) Entering a home without permission, Tenderloin (2) Forcing a victim to identify an incorrect person as the subject and officers forcing intercourse with children and elderly, Airport (1) Inappropriate behavior, Not Applicable (1) Harassing a person.

Audits: Held an exit conference with SFPD for misconduct audit that is coming. Exit conferences are opportunity for DPA to present preliminary findings and recommendations to SFPD, as well as SFPD to verify accuracy. Audit will come out in a series of recommendations. Interim report deliverables being drafted, issuance is pending quality assurance review. Spoke on DGO 8.01 audit.

Outreach: Presented to the public in community meetings. Participated in city hall resource fair. Can be found on community calendar on the DPA's website and posted on Twitter, Facebook, Instagram and on DPA's website.

PUBLIC COMMENT

None

Commission Reports

- **Commission President's Report**
- **Commissioners' Reports**
- **Commission announcements and scheduling of items identified for consideration at future Commission Meetings.**

President Elias- Attended listening session with Glide and HRC regarding DGO 9.01. Thanked Glide for hosting. Thanked Reverend Miguel Bustos. Addressed programs that Officers can attend that Glide offers. Requested Reverend to present at a meeting. Chief Scott commented that SFPD has participated. Discussed Commissioners reaching out to DPA regarding their DGOs.

Commissioner Benedicto- DGO updates. Meeting with SFPD and DPA. Spoke on DGO 9.01, four more listening sessions, information will be posted.

Commissioner Yanez- Discussed working on Social Media DGO, had conversations with DPA. Inquiring about policing in Tenderloin and Juveniles. Spoke with Chief Scott regarding information on juvenile breakdown.

Commissioner Walker- has reached out to DPA and community regarding DGOs.....

Commissioner Byrne—DGO 1.03 1.04 1.05 1.06 1.07 – 90 day clock started. DGO 5.18 – working group, no deadline, DPA and SFPD working together. DGO 9.06 – SFPD and DPA holding off until completion of 9.01. Immigration DGO.

PUBLIC COMMENT

None

8. Discussion and possible action to adopt revised Department General Order 5.01, "Use of Force Policy and Proper Control of a Person," *meet and confer draft was approved by the Commission on September 16, 2022* (DISCUSSION & POSSIBLE ACTION)

President Elias discusses DGO 5.01 and process. Chief Scott speaks on DGO 5.01 and policy revisions. Chief Scott requests December 8 implementation date.

President Elias and Chief Scott thanked those involved, Administration Bureau, Training Division, FTFO, DPA-Janelle Caywood, Sergeant John Crudo, Lieutenant Mike Nevin, Captain Tom Harvey, AC Lazar, Command and Professional Staff in meetings, Director Diana Oliva-Aroche.

Commissioner Benedicto motions to adopt with implementation on December 8, 2022.
Commissioner Walker seconds. Approval 6-0

Ayes: Commissioners Walker, Benedicto, Yanez, Byrne, Vice President Carter-Oberstone, President Elias

PUBLIC COMMENT

Susan Buckman- Member of Wealth & Disparities. Provides comments on DGO 5.01. Speaks on specific incidents.

9. **Discussion and possible action to urge the Board of Supervisors to adopt a Resolution retroactively authorizing the Police Department to accept and expend a grant in the amount of \$6,000,000.00 from the California Board of State and Community Corrections for the Fiscal Year 2022 California Violence Intervention and Prevention Program to reduce shootings and homicides, reduce recidivism and victimization, and build trust in the legitimacy of the San Francisco Police Department, specifically individuals impacted by gun violence (DISCUSSION & POSSIBLE ACTION)**

SFPD's CFO Patrick Leung discussed grant. Will research on the permissible uses. President Elias requests to agendaize how grant money is spent.

Commissioner Yanez motions to adopt. Commissioner Walker seconds. Approval 6-0

Ayes: Commissioners Walker, Benedicto, Yanez, Byrne, Vice President Carter-Oberstone, President Elias

PUBLIC COMMENT

Kitt Hodge- Wealth and Disparities volunteer. Provided opinion on grant and analyses on previous grants.

10. **Discussion and possible action to approve the draft Memorandum of Understanding between the San Francisco Police Department and the San Francisco District Attorney's Office regarding the Investigation of Serious Uses of Force and In-custody Deaths for meet and confer purposes as required by law.** Judge Walker (Retired) assisted with the negotiation of the draft MOU that the DA's Office and SFPD have agreed upon. (DISCUSSION & POSSIBLE ACTION)

Rescheduled for November 16th.

Chief Scott speaks on draft MOU and working with DPA. Chief Scott requests more time for decision, refers to November 16th meeting. This coming Friday there is a meeting regarding this MOU.

Commissioner Benedicto motions to not adopt and calendar for November 16th meeting. Commissioner Walker seconds. Approval 6-0

Ayes: Commissioners Walker, Benedicto, Yanez, Byrne, Vice President Carter-Oberstone, President Elias

PUBLIC COMMENT

None

11. Public comment on all matters pertaining to Item 13 below, Closed Session, including public comment on Item 12, vote whether to hold Item 13 in closed session.

None

12. Vote on whether to hold Item 13 in Closed Session (San Francisco Administrative Code Section 67.10) (ACTION)

Commissioner Walker motions, Commissioner Benedicto seconds. Approval 6-0

Ayes: Commissioners Walker, Benedicto, Yanez, Byrne, Vice President Carter-Oberstone, President Elias

1st Open session ended: 9:17 p.m.

CLOSED SESSION (9:28 p.m. – 10:25 p.m.)

Roll Call;

13 a. PERSONNEL EXCEPTION. Pursuant to Government Code section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: Discussion and possible action to adopt Findings of Fact regarding Commission's decisions on 10/12/22 on non-disciplinary charges filed in Case No. IAD 2021-0273 (DISCUSSION & POSSIBLE ACTION)

(present: Commissioners Walker, Benedicto, Yanez, Byrne, Vice President Carter-Oberstone, President Elias, Deputy City Attorney Zachary Porianda, IAD Attorney Ashley Worsham, Chief Scott, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Risa Tom, Kristine Singh)

b. PERSONNEL EXCEPTION. Pursuant to Government Code section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: Hearing on Penalty Portion of disciplinary charges filed in Case No. ALW IAD 2018-0213 & 2019-0078 (DISCUSSION & POSSIBLE ACTION)

(present: Commissioners Walker, Benedicto, Yanez, Byrne, Vice President Carter-Oberstone, President Elias, Deputy City Attorney Zachary Porianda, IAD Attorney Ashley Worsham, Chief Scott, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Risa Tom, Kristine Singh, Subject Officer, Attorney Donald Nobles)

(These proceedings were taken in shorthand form, Maryann Boyd, CSR., Behmke Reporting and Video Services)

c. PERSONNEL EXCEPTION. Pursuant to Government Code section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: Assignment of a Commissioner for the taking of evidence on the appeal of the chief's suspension filed in DPA Case No. 00044475-20 (ACTION)

(present: Commissioners Walker, Benedicto, Yanez, Byrne, Vice President Carter-Oberstone, President Elias, Deputy City Attorney Zachary Porianda, IAD Attorney Ashley Worsham, Chief Scott, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Risa Tom, Kristine Singh)

d. PERSONNEL EXCEPTION. Pursuant to Government Code section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: Status and calendaring of pending disciplinary cases (ACTION)

(present: Commissioners Walker, Benedicto, Yanez, Byrne, Vice President Carter-Oberstone, President Elias, Deputy City Attorney Zachary Porianda, IAD Attorney Ashley Worsham, Chief Scott, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Risa Tom, Kristine Singh)

OPEN SESSION (10:26 p.m. – 10:27 p.m.)

14. VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (ACTION)

Commissioner Benedicto moved to not disclose, Walker seconds. Approval 6-0.

Ayes: Commissioners Walker, Benedicto, Yanez, Byrne, Vice President Carter-Oberstone, President Elias

PUBLIC COMMENT

None

ADJOURNMENT

Thereafter, the meeting was adjourned at 10:27 p.m.

Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission