

OCTOBER 19, 2022,

REGULAR MEETING, CITY HALL

The Police Commission of the City and County of San Francisco met via videoconference at 5:36 p.m.

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

LATE: Commissioner Yee

PRESENT: SFPD Chief Bill Scott, DPA Chief of Staff Sarah Hawkins

Presentation of Certificate of Appreciation

To Mr. Anthony Clewis – for outstanding bravery in service to others

Sergeant Lee, SFPD General Work Investigations Unit, read details of incident.
Chief Scott presented Award to Mr. Clewis.

PUBLIC COMMENT

Mary Vo- spoke on son, Alan Vo's, murder, and article in SF Standard regarding Homicide reward money. Had questions regarding the reward money

REMINDER GIVEN: This Public Comment is for Line 1: Presentation of Certificate of Appreciation

Paulette Brown- Speaks on own son and commends Mr. Clewis. Speaks about other children to be commended.

Susan Buckman- Spoke on and gave opinion on collaborative policing and opinion regarding the incident Mr. Clewis assisted on.

GENERAL PUBLIC COMMENT

Paulette Brown- Paulette Brown- spoke on son, Aubrey Abrakasa, Jr.'s, murder. Discussed an article titled, "SFPD Has Paid Zero Rewards to Solve Homicides for Nearly a Decade".

David Aaronson- Volunteer with Wealth & Disparities, speaks to Ms. Brown regarding her comment. States Wealth & Disparities quote by Felicia Jones. Spoke on and had questions regarding September 7th Commission meeting specifically the 4th Amendment Training mentioned.

Susan Buckman- Stated quote by Felicia Jones. Spoke on DGO 9.01 Traffic Stops process and inquiring with multiple people. Discusses an email sent regarding an October working group.

Anna Oliver- Spoke on Case No. 081277856 involving her brother, Pierre Oliver, from 2008. Has questions regarding the location of incident, prevention of murders, who is investigating case and unsolved cases.

Mary Vo- Mother of Alan Vo, who was murdered 11/17/2007, unsolved case. Spoke on case and process.

Jean Bridges- Volunteer with Wealth & Disparities, states a quote. Spoke on DOJ recommendations, specifically 69.3 on accountability and SFPD reporting.

Name not stated- Spoke of SF Standard article and requested focus group on topic. Provided opinion on public comments.

Adoption of Minutes (ACTION)

- For the meeting of October 5, 2022

President Elias motion to adopt, Commissioner Walker seconds. Approval 7-0.

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

Consent Calendar (RECEIVE & FILE; ACTION)

- SFPD SB 1421/ SB 16 Monthly Report
- DPA SB 1421/ SB 16 Monthly Report
- Police Commission Report of Disciplinary Actions, 3rd Quarter 2022
- Collaborative Reform Initiative: Monthly Update

President Elias motion to adopt, Commissioner Benedicto makes motion to receive, Commissioner Walker Seconds. Approval 7-0

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

Chief's Report

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

Chief Scott reported on crime trends YTD: Violent Crime up 7 percent; homicide down 5 percent; rape up 9 percent; robbery up 4 percent; assault up 12 percent; human trafficking down 56 percent. Property Crimes up 7 percent; burglary down 21 percent; motor vehicle theft up 5 percent; arson down 11 percent; larceny theft up 15 percent. Gun violence is down 1 percent compared to 2021; Seven shooting incidents for the week ending on 10/16/22; total 152 incidents resulting in 175 victims YTD. Two homicides for the week ending 10/16/22; there are a total of 42 homicides YTD with 28 resulting from a firearm; 61% overall clearance. Guns seized 849; ghost guns seized 163 YTD.

Significant Incident: Two reported incidents. Homicide in Tenderloin occurred on 10/18/22. No suspect in custody, still investigating. Seven non-fatal shootings, 23rd and Mission 10/11, Mission and Lilac 10/11, Baker and Oak 10/12, two victims at 600 Block of Larch 10/16, Parking lot Broadway and Kearny 10/14- all investigations ongoing. Bomb calls related to schools, fake call, FBI involved, cause of concern, active shooter protocols. Bomb call in Mission District, under investigation.

Significant arrest: None. 10/14 lowrider event without incident. Northern had concerts, no incidents or security issues.

Strategies: President Elias asked Chief Scott to speak on homicide reward money article. Chief Scott speaks on topic and requests to agendaize. Chief Scott takes questions from Commissioners. President Elias requests public to submit questions to the commission office for when the matter is on agenda.

PUBLIC COMMENT

Paulette Brown- spoke on and provided documentation regarding son's murder and investigation. Stated names of perpetrators.

President Elias announcement: Domestic Violence awareness month, resources, work on DV DGO and Manual.

DPA Director's Report

- Report on recent DPA activities, and announcement

Chief of Staff Sarah Hawkins for Executive Director Henderson reported the following: In the year 2022: 546 cases opened; 574 closed; 256 pending; 51 cases sustained; 24 cases past 270-day; 18 cases mediated. Cases received in the past week: 9 new cases; 5 (Southern) Failing to write an incident report, improperly driving a vehicle, and failing to respond to a car break-in. 1 (Tenderloin) failing to remove a drug dealer. 3 (Airport) Failing to provide a name and badge number, acting aggressively towards a person.

Audits: Two audits in progress. Handling of Officers' misconduct by SFPD and Compliance with SFPD DGO 8.10. Interim Audit on Officer Misconduct update in December.

Outreach: DPA tabled at Phoenix Day event over the weekend. Providing outreach materials to libraries. 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- DGOs and working groups. Working with Chief and DPA. DPA would help Commissioners, working groups with assigned DGOs. Update on Commissioners moving DGOs along. Met with DPA and SFPD regarding 5.08, SME identified, SFPD working on draft DGO.

Commissioner Benedicto- Along with Commissioner Walker and DPA, attended SFPD's CMCR (Critical Mindset Coordinated Response) training, other Officers and Departments attended training. Discussed scenarios, such as civilian response to situations. DGO 9.01, Traffic Stops, another working group session, additional listening sessions. Will continue to work on assigned DGOs. Gave recognition to A/Captain Altorfer and DPA Attorney Janelle Caywood for their work on request for information. President Elias also gives thanks to both A/Captain and DPA Attorney.

Commissioner Yanez- Social Media DGO, discusses A/Captain Altorfer's recommendations regarding combining Social Media and Media Relations DGOs. Commissioner Yanez does not want to combine DGOs or work groups, recommends activating working group for Social Media DGO- independent of Media Relations DGO. Mentions DPA also on board, asks to start clock on that. Language Access DGO will be initiated next year.

Vice President Carter Obertstone- Spoke on Committee who recommends changes regarding penal codes. Two are particularly relevant, discussed low level offenses (stated offenses) for traffic stops and consent searches. Mentions because of similarities for 9.01.

Commissioner Yee- On 10/21 will attend recruit graduation. Planning on attending 9.01 meeting.

Commissioner Walker- No updates regarding DGOs. Spoke on CMCR training attended

President Elias- Speaks on CMCR training. Commissioner Walker to collaborate on 6.13 Prejudice based Incidents, asked for President Elias for assistance. DGO 9.01, asked Commander Yep and Jones to provide data regarding banned traffic stops. Wants data and racial makeup from department of how many stops have been made for the banned offenses. Department agreed to provide data. President Elias says they have not received data. Director McGuire has not yet provided. Chief Scott discusses data being sent today 10/19/22. Continues to discuss working group and providing data to Commissioners involved. Human Rights Commission (HRC) agreed to help facilitate, work with Glide.

Commissioner Benedicto- Working group 10/26 collaboration with Glide and HRC.

Commissioner Byrne- Had question regarding protocol on use of stationary. Agendize uses of Letterhead.

Commissioner Yanez- In contact with SFPD Policy Director, Diana Oliva-Aroche, regarding impact on juveniles. Juvenile DGO revision, with Commissioner Benedicto.

DPA Chief of Staff Sarah Hawkins made requests and comments regarding Commissioners updates.

PUBLIC COMMENT

None

8. 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 meeting and conferring with the San Francisco Police Officer's Association, 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)

Chief Scott presented on the process and major changes on MOU. DPA Acting Director Hawkins provided and spoke on concerns and recommendations. Commander Yep, Attorney Betz and Deputy City Attorney Porianda spoke on behalf of SFPD. DPA Attorney Diana Rosenstein spoke on behalf of DPA.

Motion by Commissioner Benedicto to not approve the MOU as written as this time to direct the Chief to go back to the District Attorney and the Mediator to consider the changes suggested tonight including forthcoming changes suggested by the Police Accountability and present them to the

District Attorney and the Mediator and once that is done, return to the Commission for discussion and action. Second by Commissioner Carter Oberstone. Approved 4-3.

AYES: Commissioners Benedicto, Yanez, Carter-Oberstone, Elias

NAYS: Commissioners Walker, Byrne, Yee

Motion by Commissioner Byrne for the Department and DPA to meet and confer about items discussed and to report back within 45 days. Second by Commissioner Walker. Approved 7-0.

AYES: Commissioners Walker, Benedicto, Yanez, Byrne, Yee, Carter-Oberstone, Elias

Commissioner Elias stated that she will be agendaizing the motion at the next commission meeting both in open and closed session since there is a pending legal question.

Commissioner Byrne asked DCA Porianda, "Since we didn't vote to extending the MOU because we couldn't, does that now make my motions still valid about approving the MOU because we couldn't vote to extend the MOU so the part of my motion to adopt the new MOU to February 15th is distinct from the other motion because we couldn't vote. The Chief gave us assurances that he would extend it but the result is there has been not vote on it and I'd like to make the record clear as to what this Commission is doing tonight, and I believe that my motion is distinct because it can't rule on the extension so can you tell us whether or not we can have a vote on this?" DCA Porianda responded by saying that the portion of Commissioner Byrne's motion to provisionally adopt the MOU is moot because of the motion that was adopted rejecting it.

PUBLIC COMMENT

Name not stated- Supports MOU, opinion on MOU, agrees with Commissioner Byrnes

Name not stated- Supports MOU, provides opinion.

Stephanie- Supports DA Jenkins, Chief Scott and MOU. Asks Commission to support MOU. Provides opinion.

Gloria Barry- District 10- does not support MOU draft. States opinion regarding draft MOU. Speaks on DA election year and political motivation.

David Aaronson-District 1- does not think MOU should be approved. Continues to speak on what MOU should include and process of drafting MOU.

Karina Velasquez- Supports MOU. Provides opinion on status of MOU.

Caller name not stated- Supports draft MOU.

Paulina – discusses thoughts on MOU, supports MOU as is.

Dr. McIntock- supports draft MOU

Jan- supports MOU

2ND PUBLIC COMMENT

Lily Ho-supports MOU

David Aaronson- District 1-does not support draft MOU

Caller did not state name- stated opinion, supports MOU

9. Presentation of the Internal Affairs Division Open and Closed cases for 1st and 2nd Quarter 2022 (DISCUSSION) *(As required by Commission Resolution 97-04 requiring the Department to prepare a quarterly report with the number and type of IAD investigations initiated during the quarter, the outcome of completed investigations including the number of cases sustained and number of cases dismissed.)*

Commander Yep, Risk Management Office, presented on Internal Affairs Division Open and Closed cases for 1st and 2nd Quarter 2022.

Commander Yep, per the request of Commissioner Yanez, will inquire with staff services regarding Officers resigning or retiring to go to other departments. Would like to know how to improve training and retention. What are findings and the patterns that Officers are leaving department for. Discipline and reprimands etc.

PUBLIC COMMENT

None

10. Presentation of the Disciplinary Review Board Findings and Recommendations, 2nd Quarter 2022 (DISCUSSION) *(As required by Department General Order 2.04.08, DRB shall report quarterly to the public and to the Commission policy and training changes it recommends, and the measurement of the success or failure of each change, in a manner consistent with individual police officer privacy rights.)*

Acting Assistant Chief Flaherty co presenting with Acting DPA Director Hawkins.

PUBLIC COMMENT

None

11. Discussion and possible action to approve draft Department General Order “Disengagement Procedures,” for meeting and conferring with the San Francisco Police Officers Association, as required by law (DISCUSSION & POSSIBLE ACTION)

Chief Scott speaks on draft DGO.

Janelle Caywood from DPA spoke on draft Department General Order “Disengagement Procedures”

Commissioner Benedicto motions to adopt. Commissioner Walker seconds. Approval 7-0

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

PUBLIC COMMENT

Susan Buckman- supports DGO. Had question regarding “special relationships”.

12. Public comment on all matters pertaining to Item 14 below, Closed Session, including public comment on Item 13, vote whether to hold Item 14 in closed session.

Caller name not stated- speaks on approach and disengagement. Supports MOU. Caller advised that comments are regarding line item 14.

13. Vote on whether to hold Item 14 in Closed Session (San Francisco Administrative Code Section 67.10) (ACTION)

Commissioner Benedicto motions, Commissioner Walker seconds. Approval 7-0

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

CLOSED SESSION (10:58/11:08 p.m. – 11:55p.m.)

Roll Call;

- 14 a. PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police Pursuant to Government Code Section 67.10(b) and Penal Code Section 832.7: Review of findings and Chief's decision to return or not return officers to duty following an in-custody death (ICD 22-002) (DISCUSSION)

(present: Commissioners Walker, Benedicto, Yanez, Byrne, Yee, Vice President Carter-Oberstone, President Elias, Deputy City Attorney Zach Porianda, Acting Assistant Chief Flaherty, Sergeant Graig Wells, Chief Scott, Sergeant Youngblood, Sergeant 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 Motion to Dismiss filed in Disciplinary Case No. IAD 2020-0149, or take other action if necessary (ACTION)

(present: Commissioners Walker, Benedicto, Yanez, Byrne, Yee, Vice President Carter-Oberstone, President Elias, Deputy City Attorney Zach Porianda, Acting Assistant Chief Flaherty, Chief Scott, Sergeant Youngblood, Sergeant Reynolds, Risa Tom, Kristine Singh, IAD Attorney Pantaleo, Attorney Chris Shea, Subject Officer)

(These proceedings were taken in shorthand form, Kayla Knowles, 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: Hearing on the Appeal of the Chief's suspension filed in Case No. ALW IAD 2019-0123 A & B, or take other action if necessary (ACTION)

Rescheduled to a later date

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: Hearing on the Appeal of the Chief's suspension filed in Case No. ALW IAD 2019-0123 C, or take other action if necessary (ACTION)

Rescheduled to a later date

e. 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 the Appeal of the Chief's suspension filed in Case No. ALW IAD 2019-0123 D, or take other action if necessary (ACTION)

Rescheduled to a later date

f. 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 disciplinary case no. IAD 2022-0013 (ACTION)

(present: Commissioners Walker, Benedicto, Yanez, Byrne, Yee, Vice President Carter-Oberstone, President Elias, Deputy City Attorney Zach Porianda, Acting Assistant Chief Flaherty, Chief Scott, Sergeant Youngblood, Sergeant Reynolds, Risa Tom, Kristine Singh)

g. 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, Yee, Vice President Carter-Oberstone, President Elias, Deputy City Attorney Zach Porianda, Acting Assistant Chief Flaherty, Chief Scott, Sergeant Youngblood, Sergeant Reynolds, Risa Tom, Kristine Singh)

OPEN SESSION (11:56 p.m. – 11:57p.m.)

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

Commissioner Walker moved to not disclose, President Elias seconds. Approval 7-0.

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

PUBLIC COMMENT

None

ADJOURNMENT

Thereafter, the meeting was adjourned at 11:57 p.m.

Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission