

April 5, 2023,

REGULAR MEETING, CITY HALL

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 5:33 p.m.

PRESENT: Commissioners Walker, Byrne, Yanez, Benedicto, Yee (arrived: 5:44p.m.), Vice President Carter-Oberstone (arrived: 5:46) and President Elias

1. Weekly Officer Recognition Certificate Presentation
- Officer Jason Nord # 912, Central Station

President Elias and Chief Scott introduced new weekly agenda item.

Assistant Chief Lazar led presentation, introduced Acting Captain Doug Farmer. Acting Captain Doug Farmer spoke about Officer Jason Nord and highlighted his work.

PUBLIC COMMENT

None

GENERAL PUBLIC COMMENT

Yolanda P.: Worked in the school district as a teacher. Provided opinion on no knock warrants and spoke on public comment. Spoke about money to C.A.R.T. and helping the unhoused.

Paulette Brown: Spoke about son, who was murdered. Wants answers regarding reward money and unsolved homicides.

Vaughn Foster: Gave condolences to a man that was killed and other victims. Spoke on a personal incident involving police on 6th Street.

3. **Consent Calendar (RECEIVE & FILE; ACTION)**
- SFPD Collaborative Reform Initiative: Quarterly Update

Motion to receive and file: Commissioner Benedicto, Second: Commissioner Walker.
Approval: 7-0.

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

PUBLIC COMMENT

None

4. Adoption of Minutes (ACTION)
- for the Meetings of March 1st, 8th and 15th, 2023
Motion to Adopt: Commissioner Benedicto. Second: Commissioner Walker. Approval 7-0.

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

PUBLIC COMMENT

None

Chief's Report

- Weekly crime trends
- Major/Significant Incidents
- *Provide a brief overview of information related to sustained DPA and IAD cases pending a Chief's hearing as requested by the Commission.*
- ***to include brief summary of narcotic enforcement operations***

Chief Scott reported on crime trends YTD: Violent Crime up 6 percent; homicide up 20 percent; rape down 22 percent; robbery up 14 percent; assault up 2 percent; human trafficking down 67 percent. Property Crimes down 11 percent; burglary down 11 percent; motor vehicle theft down 8 percent; arson up 6 percent; larceny theft down 12 percent. Gun violence is up 6 percent compared to 2022; Three shooting incidents this week; total 48 incidents resulting in 51 victims YTD. No homicides for the week; there are a total of 12 homicides YTD with 8 resulting from a firearm; 90% overall clearance.

Significant Incident: Two homicides. April 1, 2023, 13:04, Golden Gate and Leavenworth, victim located with gunshots, victim shot by suspect, succumbed to injuries, no arrests made. April 4, 2023, 02:34, Folsom and Harrison, Department awaiting approval from Medical Examiner to release specific information, victim called 911 advised he had been stabbed but did not provide location, Officers located victim, Officer rendered aid until SFFD arrived, victim succumbed to injuries, ongoing investigation. Three shootings- 1st on March 29, 2023, 9:40 p.m., 800 block of Missouri, Officers responded to a shot spotter activation, located victim who advised he heard loud bangs and realized they were shot, victim did not see suspect, recovered video from area, video being followed up on, no arrests made, investigation ongoing. 2nd on March 20, 2023, 11:14 p.m., Willow and Van Nuys, victim and witness passenger in their parked vehicle, unknown subject fired gun at victim, victim struck a bystander with vehicle as they were leaving scene, victim transported for gunshot wound, non-life-threatening injury, bystander received minor injuries, no arrests made, investigation ongoing. 3rd on April 1, 2023, 10:36 p.m., Officers responded to a shot spotter activation, 1100 block of Scott Street, Northern District, juvenile victim located with a gunshot wound to leg, juvenile near their residence, victim transported with non-life-threatening injuries, no arrests made, ongoing investigation.

Significant arrest: 1/22/23 Homicide, victim suffering from gunshot to chest located on 300 block of LaGrande Ave, arrest made on that case, 10-15 people involved in this incident, received information to serve warrant, suspect taken into custody. Invasion of privacy 11/15/2022, secret recording device in changing room at business, suspect identified 3/25/23, search warrant served, arrested on 6 misdemeanor counts.

Strategies: Tenderloin Narcotics arrests on going, 2018- 175 Buy Busts, 2021- 194 Buy Busts, 2022- 97 Buy Busts, YTD- 22 Buy Busts. Tenderloin Officers- plain clothes and narcotics investigation training, deployed by Captain to engage in narcotics enforcement, made 18 arrests, Narcotics unit 4 arrests. Fentanyl seizures increases YTD 169% compared to 2022, 883% compared to 2021, 70% of all seizures this year have been Fentanyl. Mission – 16th and 24th - illegal vending, narcotics, quality of life, Officers posted in area, keeping track of.

Chief's Hearings: cases still pending hearing from 2018- 6 cases (2 DPA, 4 IAD), 2019- 3 cases (3 DPA), 2020- 26 cases (13 DPA, 13 IAD), 2021- 53 cases (29 DPA 24 IAD), 2022-15 (11 DPA, 4 IAD), total 103 over last 4 years (58 DPA, 45 SFPD).

PUBLIC COMMENT

Yolanda P.: Speaks about drug and drug use issues, about focus needing to be on the unhoused. Paulette Brown: Speaks on unsolved homicides. Feels that certain homicides get pushed to the back. Provided feedback on calling in for public comment. Son's case number 060862038.

****Any information regarding the murder of Aubrey Abrakasa Jr., please call the anonymous 24/7 tip line at 415-575-4444.****

DPA Director's Report

- Report on recent DPA activities, and announcement
- **DPA January and February Statistical Report.**

Executive Director Henderson reported the following: In the year 2023: 188 cases opened; 191 closed; 278 pending; 14 cases sustained; 22 cases past 270-day; 5 cases mediated. Cases received in the past week: 30 new cases; - Central (4) Making an inaccurate report and comments. Southern (2) Failing to investigate a traffic accident. Failing to return firearm seized by SFPD. Mission (7) Improperly restraining a person. Failing to take a private citizen's arrest. Failing to obtain an emergency protection order. Northern (3) Failing to respond to calls for service. Failing to arrest for trespassing. Richmond (2) Failing to respond to calls for service. Driving improperly. Ingleside (4) Failing to investigate a claim of assault. Making inappropriate comments and failing to prepare an accurate police report. Tenderloin (5) Using excessive force during an arrest and failing to take a report. Not Applicable (3) Referral. Officers failed to respond to a traffic collision.

Audits: March 20th DPA issued a key issue report on SFPD's monitoring of departmental communications for bias. Report available online, includes 4 key solutions.

Outstanding Issues: on March 25th Association of Governmental Auditors announced DPA's Audit of SFPD received national award for an audit review. Acknowledged their audit team, 2nd award won.

Outreach: Legal team, Diana Rosenstein, met with Deputy Director of King County in Seattle, working with their oversight agency, looking at San Francisco's model(s).

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 Disciplinary Review Board. DPA and IAD going to district stations to provide training. *Recalled Commission Reports item to discuss another Commissioner’s comments regarding process of interviewing of analyst position and questions on other committees.

Commissioner Yanez: Attended recruitment event at Scottish Rite. Attended Mission Town Hall Meeting, topics 16th Street Corridor, 24th Street Corridor, Capp Street. Commended Chief and Department for quick action in these areas. Final meeting for DGO 7.01, have a good draft. Conversation around diversion, talking to Juvenile Probation Commission. Meeting with Benchmark regarding new EIS system.

Commissioner Benedicto: DGO 7.01 working group concluded successfully. Thanked SME Sean Frost and all members involved. DGO 10.11 Body Worn Camera working group. As Audit Liaison for Commission, met with DPA’s Steve Flaherty on most recent audit.

Vice President Carter-Oberstone: Working group for DGO 8.10 starting towards end of month, April 28th. Attended meeting of Command Staff.

Commissioner Walker: Attended Recruitment Day at Scottish Rite. Attended Mission Town Hall Meeting. Spoke on surveillance/camera technologies, met with department and DPA.

Commissioner Yee: Attended two community events. March 17th Brandon Tsay, person who took gun away from gunman in Monterey Park shooting, spoke at CCBA and Japan Town. March 25th Wong Kim Ark 125th Anniversary of Birthright decision at CCBA.

Commissioner Byrne: DGO 1.03 with DPA. DGO 1.06 in concurrence, update in May. DGO 5.18 DPA in final stages, update April 12th. Was not notified regarding an interview and panel for an Analyst, would like to be informed.

PUBLIC COMMENT

None

8. Discussion on C.A.R.T. ‘s (Compassionate Alternative Response Team) proposal of reducing police as primary responders to homeless calls for service (DISCUSSION)

Chris Herring, a Professor of Sociology presented.

PUBLIC COMMENT

Jennifer: Member of CART Coalition. Asking that city provide funding.

Name not stated: Provided feedback and opinion on presentation and spoke on specific incidents.

Jennifer Friedenbach: Coalition on Homelessness. Provided feedback. Highlighted an element of C.A.R.T., hiring peers, geographically assigned.

9. Discussion and possible action to adopt a resolution urging the Board of Supervisors to retroactively authorize the Chief of Police to accept and expend an in-kind gift of 900 units of Naloxone valued at \$48,750 through the Naloxone Distribution Project (NDP), which is funded by the Substance Abuse and Mental Health Services Administration and administered by the Department of Health Care Services. Naloxone from this project will be used to help combat opioid overdose-related deaths. (DISCUSSION & POSSIBLE ACTION)

SFPD Chief Financial Officer, Patrick Leung, presented.

Motion: Commissioner Benedicto. Second: Commissioner Walker. Approval: 7-0.

AYES: Commissioner Walker, Byrne, Yanez, Benedicto, Yee, Vice President Carter-Oberstone and President Elias.

PUBLIC COMMENT

None

10. Discussion and possible action to approve a Labor Relations Resolution, drafted by the Commission, that will provide labor negotiation instructions for the Department to use when meeting and conferring with the effected bargaining units, as required by law, on Department General Orders (DISCUSSION & POSSIBLE ACTION)

Commissioner Benedicto presented on Resolution he drafted.

Motion: President Elias, with non-substantive edits to be made by Commission staff. Second: Commissioner Benedicto. Approval: 7-0.

AYES: Commissioner Walker, Byrne, Yanez, Benedicto, Yee, Vice President Carter-Oberstone and President Elias.

PUBLIC COMMENT

None

11. Discussion and possible action to approve revised Department General Order 6.02 “Physical Evidence and Crime Scenes” for the Department to use in meeting and conferring with the effected bargaining units as required by law (DISCUSSION & POSSIBLE ACTION)

SFPD Deputy Chief Raj Vaswani presented.

Per Commission, new draft of DGO to be submitted for next week’s meeting.

PUBLIC COMMENT

None

12. Discussion and possible action to approve revised Department General Order 9.07, "Restricting The Use Of Pretext Stops," for the Department to use in meeting and conferring with the effected bargaining units as required by law (DISCUSSION & POSSIBLE ACTION)
Vice President Carter-Oberstone presented.

Motion: Commissioner Benedicto, along with Labor Resolution instructions. Second: Vice President Carter-Oberstone. Approval: 7-0.

AYES: Commissioner Walker, Byrne, Yanez, Benedicto, Yee, Vice President Carter-Oberstone and President Elias.

PUBLIC COMMENT

None

13. Public comment on all matters pertaining to Item 15 below, Closed Session, including public comment on Item 14, vote whether to hold Item 15 in closed session.

None

14. Vote on whether to hold Item 15 in Closed Session including vote on whether to assert the attorney-client privilege with regards to Item 15 (a) (San Francisco Administrative Code Section 67.10) (ACTION)

Commissioner Benedicto motions to hold item 15 in closed session and assert the attorney-client privilege with regards to Item 15 (a). President Elias seconds. Approval 7-0.

AYES: Commissioner Walker, Byrne, Yanez, Benedicto, Yee, Vice President Carter-Oberstone and President Elias.

1st Open session ended: 8:53 p.m.
CLOSED SESSION (9:05 p.m. – 9:09 p.m.)

15. Closed Session
Roll Call;

a. CONFERENCE WITH LEGAL COUNSEL – Existing Claim. Pursuant to Government Code Section 54956.9(d)(1) and San Francisco Administrative Code Section 67.10(d)(1):
Claimant v. City and County of San Francisco, UNLITIGATED FILE NO.: 22-00890, filed December 21, 2021, (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Yee, Vice President Carter-Oberstone, President Elias, Deputy City Attorney Alicia Cabrera, Chief Scott, Acting Assistant Chief Denise Flaherty, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, 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:

Assignment of a Commissioner for the taking of evidence on the appeal of the chief's suspension filed in UOF Case No. 19-0002A (ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Yee, Vice President Carter-Oberstone, President Elias, Chief Scott, Acting Assistant Chief Denise Flaherty, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

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 UOF Case No. 19-0002B (ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Yee, Vice President Carter-Oberstone, President Elias, Chief Scott, Acting Assistant Chief Denise Flaherty, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

CLOSED SESSION ENDED: 9:08 p.m.

OPEN SESSION (9:08 p.m.- 9:09 p.m.)

16. Vote to elect whether to disclose any or all discussion on Item 15 held in closed session including vote on whether to assert the attorney-client privilege with regards to Item 15 (a) (San Francisco Administrative Code Section 67.12(a)) (ACTION)

Commissioner Benedicto motions to not disclose any or all discussion on item 15 held in closed session and assert the attorney-client privilege with regards to item 15 (a), Commissioner Carter-Oberstone Seconds. Approval 7-0.

AYES: Commissioner Walker, Byrne, Yanez, Benedicto, Yee, Vice President Carter-Oberstone and President Elias.

PUBLIC COMMENT

None

ADJOURNMENT

Thereafter, the meeting was adjourned at 9:09 p.m.

Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission