

May 3, 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 5:35 p.m.

PRESENT: Commissioners Walker, Byrne, Benedicto, Yee (arrived: 6:09 pm), Vice President Carter-Oberstone and President Elias (arrived: 5:49 pm)

EXCUSED: Commissioner Yanez

1. Weekly Officer Recognition Certificate Presentation

Presentation of an Officer who has gone above and beyond in the performance of their duties.

- Officer Alfredo Oropeza, Star No. 432, Mission Station
- Officer Jose Canchola, Star No. 268, Mission Station

Captain McEachern introduced and spoke about both Officers. Captain Harvey provided a specific incident that both Officers responded to. Both Officers spoke and thanked the Captains, Chief and Commission. Captain McEachern presented both Certificates.

PUBLIC COMMENT

Francisco DaCosta: Provided opinion on virtual public comment.

GENERAL PUBLIC COMMENT

Terry F.: Spoke about safety and responsibility in the city.

Paulette Brown: Spoke about son, Aubrey Abrakasa, Jr., who was murdered 8/14/2006. Asks for justice and closure on her son's murder.

Francisco DaCosta: Spoke about a Board of Supervisors meeting. Spoke about issues affecting youth.

Anyone with information on the murder of Aubrey Abrakasa, please call the anonymous tip line at 415-575-4444

3. Consent Calendar (RECEIVE & FILE; ACTION)

- Collaborative Reform Initiative: Monthly Update
- SFPD First Quarter 2023 Audit of Electronic Communication Devices for Bias

Motion to receive and file: Commissioner Vice President Carter-Oberstone, Second: Commissioner Benedicto. Approval: 5-0.

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

ABSENT: Commissioners Yanez and Yee.

PUBLIC COMMENT

None

4. Adoption of Minutes (ACTION)

- for the Meetings of April 5th, 12th, 2023

Motion: Commissioner Benedicto, Second: President Elias. Approval: 5-0.

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

PUBLIC COMMENT

None

Chief's Report

- Weekly crime trends
- Major/Significant Incidents

Chief Scott reported on crime trends YTD: Violent Crime up 4 percent; homicide up 13 percent; rape down 25 percent; robbery up 12 percent; assault down 0.26 percent; human trafficking down 50 percent. Property Crimes down 9 percent; burglary down 10 percent; motor vehicle theft down 1 percent; arson up 7 percent; larceny theft down 10 percent. Gun violence is down 3 percent compared to 2022; Two shooting incidents this week; total 58 incidents resulting in 65 victims YTD. Two homicides for the week; there are a total of 17 homicides YTD with 12 resulting from a firearm; 100% overall clearance.

Significant Incident: Two Homicide incidents, 1st- 4/27/23 18:30, 800 block of Market, Security guard at a business and shoplifter, attempted to detain shoplifter, physical altercation occurred, shoplifter/victim left the store and turned to the security guard, spat on the guard, victim raised their arm toward security guard, security guard drew a firearm and shot toward the victim, victim struck, victim died of injuries, security guard detained and arrested, open investigation, DA did not file charges on case, investigation still ongoing . 2nd Homicide, 4/30/23 04:35, 900 block of Folsom, Subject shot victim at close range as victim sat in car, two friends in car were unharmed, witnesses gave detailed account of subjects involved, no arrests, investigation ongoing. Two shooting incidents, 1st- 100 block of Sadowa, Taraval, 4/26/23 14:05, Officers arrived in area of shooting, victim outside of vehicle with multiple gunshot wounds, several witnesses, investigation ongoing, victim status, non-life threatening. Stabbing 4/27/23 02:18 300 block of Grant, Tenderloin, victim told an Urban Alchemy staff member that he had been stabbed, when Officers arrived victim provided no further information, victim transported in stable condition, investigation ongoing. Battery with serious injury/Elder Abuse, 4/28/23 20:39, Market and Noe, Mission District, two victims walking when unknown subject ran towards their direction, flung his body into victim 2 causing victim 2 to fall into victim 1, victim 1 fell to concrete hit her head and lost consciousness, investigation ongoing.

Significant arrest: 2nd shooting- 4/30/23 21:38, 7th and Stevenson, Tenderloin, Officers located a victim with gunshot wound, victim transported in stable condition, victim did not provide any information, witnesses saw a possible suspect boarding a bus heading towards Mission District,

subject located at 16th and Mission, firearm recovered, suspect taken into custody. Shooting incident on 4/23/23 20:58 Grant and Columbus, on 4/24/23 suspect taken into custody. Robbery with gun series, 2/22-3/9/23 along area of 16th and Mission, suspects identified through video footage, third suspect identification not confirmed, warrants issued for two identified subjects, two subjects located on 4/21/23 at 18th and Mission, foot pursuit and taken into custody, Officers recognized a subject as the third suspect, subject vehicles towed.

Strategies: Tenderloin, 8,058 gross grams on Fentanyl seized this passed week, seized 47,125 grams in 17 weeks YTD, increase of 177% compared to 2022. 15 arrests for possession of sales, mostly in Tenderloin, total arrests YTD 284. CHP deployment, started on 5/1, discussed objectives.

PUBLIC COMMENT

None

DPA Director's Report

- Report on recent DPA activities, and announcement

Executive Director Henderson reported the following: In the year 2023: 252 cases opened; 262 closed; 270 pending; 23 cases sustained; 26 cases past 270-day; 6 cases mediated. Cases received in the past week: 35 new cases; - Central (7) Detaining, harassing, and a person without cause. Using excessive force during an arrest and behaving inappropriately. Southern (6) Refusing to take a report, failing to receive a private person's arrest, and issuing a citation without cause. Bayview (4) Traffic violations and making inappropriate comments. Mission (2) Failing to take required action. Failing to address a crime witnessed by officers. Northern (2) Failing to take required action. Park (2) Failing to write an accurate incident report. Making an inappropriate comment. Richmond (2) Detaining a person without reasonable suspicion. Harassing and displaying threatening or intimidating behavior. Ingleside (1) Failing to write an accurate incident report. Making an inappropriate comment. Tenderloin (5) Failing to write an accurate incident report. Making an inappropriate comment. Engaging in selective enforcement. Not Applicable (1) Referral. Pending (3) Pending further investigation.

Audits: DPA and Controller's Office are following up with SFPD on status of open recommendations from 2020 Use of Force Audit. 37 Recommendations made, 10 are considered open after the last review. DPA issued another key issue report as part of misconduct audit-report on SFPD's handling of Officer discipline and discusses SFPD's use of holding discipline in abeyance and timeliness of Chief's disciplinary hearings.

Outstanding Issues: Joint Discipline Tracker- program where SFPD can independently log in to track Officers' cases, waiting for funds to be approved by COIT.

Outreach: Invited members of the public to provide feedback and recommendations on policy revisions, currently three policies that are receiving public comment- 1. Critical Incidents, Critical Response Team, 2. Foot Pursuits, 3. SFPD's Training Plans.

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.

Commissioner Benedicto: Attended brunch for families and victims of violent crimes. Commemorated Denim Day, attended SFPD event, day recognizing sexual assault victims. Attended memorial for fallen heroes, honoring Officers that have died in the line of duty. DGO 10.11 Body Worn Camera working group. DGO 2.01 returning to Commission.

Commissioner Walker: Attended memorial for fallen heroes, honoring Officers that have died in the line of duty. Meeting with department staff regarding Patrol Specials. Working with A/Assistant Chief Flaherty with recruiting women.

Vice President Carter-Oberstone: First working group for DGO 8.10, next meeting May 19th. Will introduce Resolutions to rescind Bureau Orders.

Commissioner Yee: Asian American Pacific Islander Month. Wanted to recognize AAPI city workers.

PUBLIC COMMENT

None

8. DPA presentation and discussion on Audit of Department Communications for Bias (DISCUSSION)
Key Issue Report: SFPD's Monitoring of Department Communications for Bias, Interim Report for the Audit of SFPD's Handling of Officer Misconduct

DPA's Steve Flaherty, Director of Audits, presented.

PUBLIC COMMENT

None

9. Discussion and possible action to approve revised Department General Order 2.02 "Alcohol Use by Sworn Department Members" for the Department to use in meeting and conferring with the effected bargaining units as required by law (DISCUSSION & POSSIBLE ACTION)

Commander Yep and Subject Matter Experts, A/Commander Robert Yick and Department Physician, available for questions.

Motion: Commissioner Walker, Second: Commissioner Benedicto, with Labor Relations Resolution.
Approval: 6-0.

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

PUBLIC COMMENT

None

10. Discussion and possible action to approve revised Department General Order 2.03, "Use of Intoxicants or Drugs by Sworn Department Members" for the Department to use in meeting and conferring with the effected bargaining units as required by law (DISCUSSION & POSSIBLE ACTION)

Commander Yep and Subject Matter Experts, A/Commander Robert Yick and Department Physician, available for questions.

Motion: Commissioner Benedicto, with Amendment. Second: President Elias, with Labor Relations Resolution. Approval: 6-0.

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

PUBLIC COMMENT

11. Discussion and possible action to adopt revised Department General Order 5.24, "Disengagement Procedures" (DISCUSSION & POSSIBLE ACTION)
(Previously approved for meet and confer on October 19, 2022, Resolution No. 22-143)

Lieutenant Mario Molina and Lieutenant Donald Anderson available for questions.

Motion: Commissioner Benedicto, Second: President Elias. Approval: 6-0.

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

PUBLIC COMMENT

None

12. Discussion and possible action to adopt revised Department General Order 2.08, "Peace Officer Rights in Disciplinary Investigations" (DISCUSSION & POSSIBLE ACTION)
(Previously approved for meet and confer on October 5, 2022, Resolution No. 22-133)

Commander Yep available for questions.

Motion: Commissioner Walker, Second: Commissioner Byrne. Approval: 6-0.

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

PUBLIC COMMENT

None

13. Discussion and possible action to adopt revised Department General Order 8.01, "Major and Critical Incident Evaluation and Notification" (DISCUSSION & POSSIBLE ACTION)
(Previously approved for meet and confer on October 12, 2022, Resolution No. 22-140)

Deputy Chief Daniel Perea and Lieutenant Kim available for questions.

Motion: Commissioner Walker, Second: Commissioner Benedicto. Approval: 6-0.

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

PUBLIC COMMENT

None

14. Public comment on all matters pertaining to Item 16 below, Closed Session, including public comment on Item 15, vote whether to hold Item 16 in closed session.

None

15. Vote on whether to hold Item 16 in Closed Session including vote on whether to assert the attorney-client privilege with regards to Item 16 (San Francisco Administrative Code Section 67.10) (ACTION)

Commissioner Benedicto motions to hold item 16 in Closed Session including vote on whether to assert the attorney-client privilege with regards to Item 16. Commissioner Walker seconds. Approval 6-0.

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

1st Open session ended: 8:47 p.m.
CLOSED SESSION (9:00 p.m. – 9:03 p.m.)

10. **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):**
David Cordero v. City and County of San Francisco, United States District Court Case No. 19-cv-01834 filed April 9, 2019 (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Walker, Byrne, 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. **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):**
Xavier Pittman v. City and County of San Francisco, United States District Court Northern District Case No. 22-cv-02412-LB filed April 19, 2022 (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Walker, Byrne, Benedicto, Yee, Vice President Carter-Oberstone, Deputy City Attorney Alicia Cabrera, 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 Vaccine Case No. IAD 2021-0328 (ACTION)

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

CLOSED SESSION ENDED: 9:03 p.m.
OPEN SESSION (9:03 p.m.- 9:04 p.m.)

17. Vote to elect whether to disclose any or all discussion on Item 16 held in closed session

including vote on whether to assert the attorney-client privilege with regards to Item 16 (San Francisco Administrative Code Section 67.12(a)) (ACTION)

Commissioner Benedicto motions to not disclose any or all discussion on item 16 held in closed session and assert the attorney-client privilege with regards to item 16. Commissioner Walker Seconds. Approval 5-0.

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

ABSENT: Commissioner Yanez and President Elias

PUBLIC COMMENT

None

ADJOURNMENT

Thereafter, the meeting was adjourned at 9:04 p.m.

Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission