

June 14, 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, Yanez, Benedicto, Yee (arrived: 5:39 p.m.), Vice President Carter-Oberstone, President Elias (arrived: 5:46 p.m.)

GENERAL PUBLIC COMMENT

Zac Dillon: Public Defenders Office, spoke on DGO 9.07, requested status and expediting.
Paulette Brown: Spoke on son, Aubrey Abrakasa Jr.'s, case. Unsolved homicide. Provided names of subjects involved. Spoke on homicide rewards, asked for tips called in to be provided with reward.

3. Consent Calendar (RECEIVE & FILE; ACTION)

Consent Calendar (RECEIVE & FILE; ACTION)

- Internal Affairs Division Quarterly Case Update-First Quarter 2023 Report
- SFPD 1421 and SB 16 Monthly Report, Data Run: April 28, 2023
- DPA 1421 and SB 16 Monthly Report

Pursuant to the request of the Police Commission, the Department provides this monthly update on the status of Public Record Act Requests received relating to Senate Bill 1421, Peace Officers: release of records. This report is a cumulative record of all requests and the production of documents since SB 1421 became effective on January 1, 2019 and is calculated for a month-over-month comparison

Motion to receive and file: Commissioner Benedicto. Second: Commissioner Walker. Approval: 6-0.

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

LATE: President Elias

PUBLIC COMMENT:

None

DPA Director's Report

- Report on recent DPA activities, and announcement

Executive Director Henderson, reported the following: In the year 2023: 326 cases opened; 344 closed; 261 pending; 28 cases sustained; 22 cases past 270-day; 14 cases mediated. Cases received in the past week: 12 new cases; Central, 1, Officers took too long to respond to a reported stabbing. Southern, 2, Officers failed to investigate a report of a stolen van. Officers failed to notify a security guard of their operation, placing the guard in danger. Bayview, 1, The complaint witnessed a person in distress and called 911 for help. The officers' response was poor and delayed. Mission, 2, The officer conducted a traffic stop on the complainant. During the stop, the officer made inappropriate comments and acted aggressively toward the complainant. The officer also failed to call a supervisor to the scene. Officers detained a person for a mental health hold

without cause and used unnecessary force, causing injury. Park, 1, The complainant alleges that the officers behaved and spoke to them inappropriately. Ingleside, 2, The officers used excessive force on the complainant. Officers failed to contact the complainant when responding to her call for service. Tenderloin, 1, Officers failed to investigate the theft of property properly. Additionally, a district station refused to accept the complainant's request to speak to a superior officer. Not applicable, 1, Referral. Out of Town, 1, The officer harassed the complainant during his last arrest by making comments and having his car sold off after being seized.

Audits: Reviewed SFPD's 30-month responses to DPA's Use of Force Audit, a presentation forthcoming.

Outstanding Issues: N/A

Outreach: Asking the public to provide input on updates to DGO 3.05 "Department Weapon Return Panel". 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

1. Weekly Officer Recognition Certificate
Presentation of an Officer who has gone above and beyond in the performance of their duties.
 - Officer Susie Der, Star No. 4265, Ingleside Station

Acting Captain Kevin Knoble introduced, provided a history and spoke about Ofc. Der.

Acting Captain Knoble acknowledged the passing of both Retired SFPD Commander Kitt Crenshaw and active Officer Christopher R. Anderson.

PUBLIC COMMENT

None

DPA Director's Report (ITEM RECALLED)

Director of Recruitment, Tinnetta Thompson, Attorney, introduced DPA's largest summer law and justice cohort. Over 25 people, representing 9 colleges and 4 law schools. Including the first HBCU cohort, intentionally recruiting from Howard University and Morehouse College. Other city agencies are also working with these interns.

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 10 percent; rape down 22 percent; robbery up 15 percent; assault down 3 percent; human trafficking down 40 percent. Property Crimes down 8 percent; burglary down 11 percent; motor vehicle theft up 5 percent; arson up 6 percent; larceny theft down 10 percent. Gun violence is up 5 percent compared to 2022; three shooting incidents this week; total 82 incidents resulting in 100 victims YTD. One homicide for the week; there are a total of 22 homicides YTD with 15 resulting from a firearm; 91% overall clearance.

Significant Incident: Shooting in Mission District, 9 individuals shot, no deaths, progress on case, not connected to any other incidents. Shooting in Ingleside District, 3 individuals shot at a nightclub, independent of any other incidents. One person shot and killed in Tenderloin. Sixteen people total shot in reporting period, one did not survive. Turk Street homicide, 01:37, no suspect in custody, investigation ongoing. Stunt driving events, response teams rallied resources to break up events, cars made it to bridge, headed east, one citation, in general impounded a total of 75 cars for stunt driving after the fact.

Significant arrest: From a June 5th incident, victim was being followed by an unknown male shouting anti LGBTQI+ hate slurs, suspect threw object at victim, during investigation suspect was identified, located and arrested.

Strategies: Tenderloin, YTD recovered/seized 61,449 grams of Fentanyl (this time last year was 23,801 gross grams of Fentanyl)

PUBLIC COMMENT:

Paulette Brown: Spoke about son, Aubrey Abrakasa Jr. Asked about paying tipsters for people to come forth for unsolved cases. Asked to look into resources to solve cold cases. August 14th will mark 17 years of her son's death.

Commission Reports

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

Commissioner Benedicto: Attended Philippine Independence Day flag raising. Participated in Pride photo op. Gifford Law Center 30 anniversary law gala, Gaby Giffords and Dr. Jill Biden spoke, showed a pin made by an elementary school student who attended Robb Elementary school from the Uvalde Shooting, raising awareness for gun violence.

Commissioner Yanez: Had meeting with JPD, pre booking alternative efforts, waiting for updated report on where department is at with current diversion efforts. DGO 7.01, requested timeline, update in concurrence. Met with Safer Inside and Treatment on Demand Coalition, interested in policing strategies, shared research (impact of mortality rates) and wanted to get thoughts from Chief about addressing current open air drug crisis.

Vice President Carter-Oberstone: Attended Haight Ashbury Neighborhood Counsel regarding Public safety. DGO 8.10, one more working group meeting.

Commissioner Walker: Working with department on status of women being recruited, partnering with neighborhood groups, events and reaching out. On going discussions regarding Patrol Specials and opportunities in the private sector. Agendize Patrol Specials in September.

Commissioner Yee: Visited the new crime lab. DGO 6.14, spoke with DPA and SFPD Members.

President Elias: Acknowledged and provided historical information on Juneteenth.

PUBLIC COMMENT:

None

8. Discussion and possible action urging the Board of Supervisors and the Mayor's Office to fully support, fund and implement the CART model that was the result of two years of meetings and endorsed by dozens of community stakeholders and engage with the CART (Compassionate Alternative Response Team) Coalition on the implementation process of a broad, coordinated, public health response to homelessness. (DISCUSSION AND POSSIBLE ACTION)

Commissioner Benedicto led discussion.

Motion: Commissioner Benedicto, Second: President Elias. Approval: 7-0.

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

PUBLIC COMMENT

Jennifer Wagoner: League of Women Voters of San Francisco. Was not a part of the original CART conversations but wants the hard work continued, supports Resolution.

Nicholas Diaz: Resident of San Francisco, District 5. Supports CART Resolution. Provided opinion regarding partnership with CART. Provided statement in support.

Jennifer Friedenbach: Coalition on Homelessness. Supports CART Resolution. Spoke on anti-homeless sentiment present in the city. Can utilize the community.

Theresa R.: UC Law SF student. Urged the Commission to support the CART Resolution.

Yoel Haile: Director of the Criminal Justice Program at the ACLU of Northern California, supports CART Resolution. Provided statement in support.

Lidia B.: Good Wheel Project in the Mission, people from new CART program has reached out to her program to work together. Their program invites people to St. John's Evangelist Church in the Mission to rest and connect to services.

Francisco Herrera: Latino Task Force Street Needs Assessment Committee. Supports this project. Provided stories in support.

7. Discussion addressing the Sales and Open-Air Use of Narcotic in the Tenderloin including Deployment Strategies from California Highway Patrol, National Guard, and San Francisco Sheriffs (DISCUSSION)

Chief Scott presented. Commissioners and DPA continued with discussion.

PUBLIC COMMENT

Laura Guzman: Worked for thirty years with drug users. Does not support law enforcement over public health.

Starchild: Chair of libertarian party of San Francisco. Agrees with previous speaker. Does not want to see arrests/prosecution of people for non-violent victimless crimes. Continues to provide opinion for stance.

Lidia B.: Good Wheel Project. Has been on the Safer Inside groups. Supports supervised consumption sites, wants Police collaboration.

Sheeba: Resident of District 6. Member of Treatment on Demand Coalition. Urges opposing current response to overdoes crisis. Provides data.

Sarah Short: Treatment on Demand Coalition. Provided joint statement from 80 organizations. Doesn't support current response.

Brian Cox: Deputy Public Defender, commented on report, spoke on war on drug topic.

Rianne B.: Chief Operating Officers of UC Law SF. Asked to address violence in the Tenderloin.

Paul Allen: Spoke on topic of Policing, continued to provide opinion. Asked for more support to close drug markets.

Name not stated: Homeless Service Provider. Provided opinion and examples on topic. Questioned current response.

- 9. Discussion and possible action to adopt revised Department General Order 6.02, "Physical Evidence and Scene Preservation" (DISCUSSION & POSSIBLE ACTION)
(Previously approved for meet and confer on April 12, 2023, Resolution No. 23-35)

Forensic Services Director Mark Powell available from department.

Motion: Commissioner Walker, with 60-day implementation, Second: Commissioner Yee.
Approval: 7-0.

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

PUBLIC COMMENT

None

- 10. Discussion and possible action to adopt revised Department General Order 6.04, "Assaults on Police Officers" (DISCUSSION & POSSIBLE ACTION)
(Previously approved for meet and confer on February 1, 2023, Resolution No. 23-15)

Commander Nicole Jones available for department.

Motion: Commissioner Walker, with 60-day implementation, Second: Commissioner Yee.
Approval: 7-0.

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

PUBLIC COMMENT

Starchild: Does not support policy. Provided opinion.

11. Discussion and possible action to adopt revised Department General Order 6.05, "Death Cases" (DISCUSSION & POSSIBLE ACTION)
(Previously approved for meet and confer on March 15, 2023, Resolution No. 23-26)

Captain James Aherne available for department.

Motion: Commissioner Walker, with 60-day implementation, Second: Commissioner Yee.
Approval: 7-0.

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

PUBLIC COMMENT

None

12. Discussion and possible action to adopt revised Department General Order 11.08, "Grooming Standards" (DISCUSSION & POSSIBLE ACTION)
(Previously approved for meet and confer on December 14, 2022, Resolution No. 22-160)

Commander Nicole Jones available for department.

Implementation to begin after 60-day training period.

Motion: Commissioner Benedicto, with 60-day implementation, Second: Commissioner Walker.
Approval: 7-0.

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

PUBLIC COMMENT

Starchild: Supports policy. Provided opinion.

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.

Starchild: Does not support items being in Closed Session.

14. Vote on whether to hold Item 15 in Closed Session (ACTION)

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

AYES: Commissioners Walker, Byrne, Yanez (remotely), Benedicto, Yee, Vice President Carter-Oberstone, President Elias

1st Open Session ended: 9:53 pm

Closed Session: (10:03 pm – 10:55 pm)

15. Closed Session

Roll Call;

a. THE COMMISSION IS NOT MEETING WITH THE SF POLICE OFFICERS ASSOCIATION IN CLOSED SESSION. CONFERENCE WITH LABOR NEGOTIATOR – COLLECTIVE BARGAINING.

This item is for the Commission to meet in closed session with their labor negotiator and provide direction for bargaining with the San Francisco Police Officers Association (POA). The POA is not permitted to attend this closed session meeting. Pursuant to Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e):

City Negotiator: LaWanna Preston, SFPD Labor Relations Director

Organization representing Police Officers: SF Police Officers Association

Anticipated Issues Under Negotiation: Discussion on DGO 2.01, DGO 5.07 and DGO 5.16 (DISCUSSION)

(Present: Commissioners Walker, Byrne, Benedicto, Yanez, Yee, Vice President Carter-Oberstone, President Elias, Chief Scott, Deputy City Attorney Alicia Cabrera, Commander Nicole Jones, SFPD Labor Relations Director LaWanna Preston, Labor Relations Analyst Isabelle Choy, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

b. THE COMMISSION IS NOT MEETING WITH SEIU LOCAL 1021 IN CLOSED SESSION.

CONFERENCE WITH LABOR NEGOTIATOR – COLLECTIVE BARGAINING. This item is for the Commission to meet in closed session with their labor negotiator and provide direction for bargaining with labor union SEIU Local 1021. SEIU Local 1021 is not permitted to attend this closed session meeting. Pursuant to Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e):

City Negotiator: LaWanna Preston, SFPD Labor Relations Director

Organization representing members: SEIU Local 1021

Anticipated Issues Under Negotiation: Discussion on DGO 2.01 and DGO 11.13 (DISCUSSION)

(Present: Commissioners Walker, Byrne, Benedicto, Yanez, Yee, Vice President Carter-Oberstone, President Elias, Chief Scott, Deputy City Attorney Alicia Cabrera, Commander Nicole Jones, SFPD

Labor Relations Director LaWanna Preston, Labor Relations Analyst Isabelle Choy, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

Closed Session Ended: 10:55 p.m.

2nd Open Session (10:56 pm – 10:57 pm)

16. Vote to elect whether to disclose any or all discussion on Item 15 held in closed session (ACTION)

Commissioner Benedicto motioned to not disclose any or all discussion on item 15 held in Closed Session, except for factual updates, Commissioner Walker Seconded. Approval 7-0.

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

Commissioner Benedicto Disclosures:

6.14.2023 Closed Session Update

The Police Commission met with its labor negotiator, Director LaWanna Preston to receive an update on labor negotiations with the San Francisco Police Officers Association (SFPOA).

Regarding DGO 2.01, Director Preston provided an update on negotiations with the SFPOA. The SFPOA sent correspondence to SFPD with proposed modifications. The Commission provided direction to Director Preston to respond to the SFPOA's proposals.

Regarding DGO 5.07, Director Preston provided an update on further negotiations with the SFPOA. After responding to the SFPOA's proposals at the previous direction of the Commission, Director Preston prepared a proposal after consultation with the Training Division. The Commission provided direction to Director Preston to provide the proposal to the SFPOA.

Regarding DGO 5.16, Director Preston provided an update on further negotiations with the SFPOA. Director Preston confirmed the previous instructions provided by the Commission. The Commission provided direction to Director Preston to provide the proposal to the SFPOA.

The Police Commission met with its labor negotiator, Director Preston to receive an update on labor negotiations with labor union SEIU Local 1021 (SEIU).

Regarding DGO 2.01, Director Preston provided an update on negotiations with the SEIU. SEIU sent correspondence to SFPD with proposed modifications. The Commission provided direction to Director Preston to respond to SEIU's proposals. Director Preston also provided an update regarding correspondence with other unions notified about DGO 2.01 and their opportunity to bargain.

Regarding DGO 11.13, Regarding DGO 11.13, Director Preston provided an update on negotiations with the SEIU. SEIU sent correspondence to SFPD with proposed modifications. The Commission provided direction to Director Preston to respond to SEIU's proposals.

PUBLIC COMMENT

None

ADJOURNMENT

Thereafter, the meeting was adjourned at 10:57 p.m.

Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission