

June 21, 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 5:39 p.m.

PRESENT: Commissioners Walker, Byrne, Yanez, Vice President Carter-Oberstone, President Elias (arrived: 5:40 p.m.)

EXCUSED: Commissioners Yee and Benedicto

1. Weekly Officer Recognition Certificate

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

- Officer Michael Ferraresi, Star No. 1900, Taraval Station

Lieutenant Ray Cruz, Acting Captain at Taraval Station, spoke about Ofc. Ferraresi and provided an account of an incident.

PUBLIC COMMENT

Terry F.: Expressed opinion about San Francisco and solutions.

GENERAL PUBLIC COMMENT

Name not stated: Spoke about crimes being committed against him in his neighborhood and continued to elaborate and provide opinion.

Paulette Brown: Spoke about son, Aubrey Abrakasa, Jr.'s, murder. Anniversary in August. Provided names of those involved. Asked how to focus on unsolved homicides.

Terry F.: Spoke about responsibility, solutions.

Name not stated: Spoke on the topic of Fentanyl, open air drug controversy, in San Francisco.

3. Consent Calendar (RECEIVE & FILE; ACTION)

- DPA Monthly Statistical Report, March and April 2023

Motion to receive and file: Commissioner Walker. Second: Commissioner Byrne. Approval: 5-0.

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

EXCUSED: Commissioners Yee and Benedicto

PUBLIC COMMENT:

None

Chief's Report

- Weekly crime trends

- Major/Significant Incidents

Chief Scott reported on crime trends YTD: Violent Crime up 3 percent; homicide up 10 percent; rape down 22 percent; robbery up 13 percent; assault down 3 percent; human trafficking down 40 percent. Property Crimes down 6 percent; burglary down 10 percent; motor vehicle theft up 6 percent; arson up 5 percent; larceny theft down 8 percent. Gun violence is up 11 percent compared to 2022; Four shooting incidents this week; total 86 incidents resulting in 105 victims YTD. One homicide for the week; there are a total of 23 homicides YTD with 16 resulting from a firearm; 91% overall clearance.

Significant Incident: Pier 39 area shooting, 18:49 6/18/23, car to car shooting between occupants of both vehicles, victims injured, incident started at Stockton and Beech traveled toward Pier 39, south on Embarcadero and ended at Howard, 4 people injured, two individuals transported are to be believed to be involved, one subject booked under a warrant, investigation open and ongoing. Shooting in Tenderloin, Turk Street, 6/13/23 01:37, resulted in death, Officers responded to a shooting, found victim lying on sidewalk, Officers rendered aid, victim transported to hospital, succumbed to injuries, no arrests made, investigation ongoing. Four shooting incidents this week, four victims and two unknown victims. Shooting 500 block of Turk, numerous subjects involved in altercation, victim stabbed, victim left scene and collapsed on 200 block of Leavenworth, 2nd victim shot on 500 block of Ellis, witnesses flagged down Tenderloin patrol unit who summoned an ambulance, call for stabbing victim received after and located that victim, investigation ongoing, no arrests. McAllister and Hyde, 6/14/23 23:35, Officers responded to SFGH for a self-transported gunshot victim, driver detained and interviewed by Sheriffs, location of shooting not determined, investigation ongoing, no arrests. Polk and Post, 03:38 6/17/23, Officers responded to several calls for shots fired, callers reported two victims lying in street with possible gunshot wounds, Officers did not locate any victims on scene, search of local hospitals was negative, did not verify anyone shot from incident, did recover multiple rounds from scene and located several witnesses, investigation ongoing.

Significant arrest: Aggravated assault, hate crime, commercial robbery, occurred 6/10/23 17:55, 1200 block of Thomas, Towing business, two subjects entered and confronted two victims- owner and customer in the middle of a transaction, subjects ordered victims to ground at gunpoint and kicked victims multiple times, subjects grabbed money from counter and fled from scene in two different vehicles, Officers attempted to stop both vehicles, Officers located one vehicle which was abandoned, witnesses directed Officers to one subject who had changed clothing, Officers located items used during robbery inside vehicle, one subject and one vehicle remain outstanding, investigation ongoing.

Strategies: Tenderloin – Officers seized 341 grams of Fentanyl (YTD seized 61,790 grams of Fentanyl-increase of 159% compared to 2022). Narcotics seized YTD 95,426 grams (148% increase from 2022). Arrests for possession of sales, 390 arrests. Effort to curb street usage, 62 arrests, 4 people have identified as being from San Francisco. CHP released statistics – 92 total arrests.

PUBLIC COMMENT:

Paulette Brown: Spoke about an article published on 10/19/22 regarding homicide reward money. Asked for department to hire someone to work on reward money or payment for tipsters. It has been 17 years since the murder of her son.

DPA Director's Report

- Report on recent DPA activities, and announcement

Executive Director Henderson reported the following: In the year 2023: 346 cases opened; 366 closed; 265 pending; 29 cases sustained; 21 cases past 270-day; 14 cases mediated. Cases received in the past week: 19 new cases; - Central 3- The officer would not allow to speak with a supervisor, lied about information, referred to file the report request online and classified her issues as a civil matter. An officer failed to display a front license plate on their personal vehicle. Southern 1- The complainant alleges that the officer was rude at the police station. Bayview 2- the complainant stated that he was fixing his car earlier at a handicapped parking spot but was issued a citation later when his car was parked on the street. Mission 2- Officers detained the complainant for a mental health hold without cause and used unnecessary force causing injury. Northern 2 - The officer failed to arrest the complainant's property manager who entered her home and replaced her shower head and set up cameras multiple times. Advised of up to a six-hour delay for officers to respond to a low priority call. Park 3- An officer did not make an arrest, filed an inaccurate report and sided with the other person involved. Officers failed to address the complainant's call for service regarding a violation of a restraining order and improperly sided with the alleged violator. Richmond 1- The complainant stated that officers failed to take a report and rushed him out of the station. Ingleside 2- The complainant stated that officers failed to take a report and rushed him out of the station. Tenderloin 1- Officers failed to confirm service of TRO and released perpetrator. Not Applicable 1- The officer made a stop without cause, used excessive force, and foul language towards the complainant. Another officer used unnecessary force against the complainant's partner. Pending 1.

Audits: N/A

Outstanding Issues: Two administrative cases in closed session.

Outreach: N/A. Continuing with intern program.

Can be found on community calendar on the DPA's website and posted on Twitter, Facebook, Instagram and on DPA's website.

PUBLIC COMMENT:

Terry F.: Spoke about boundaries being blurred.

Commission Reports

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

Vice President Carter-Oberstone: Working group meeting for DGO 8.10, First Amendment Surveillance, another meeting in two weeks.

Commissioner Walker: Ongoing discussions regarding Patrol Specials. Toured the Crime Lab. Spoke on a different reward for incident information that helps investigations move forward.

Commissioner Yanez: Thanked Chief on timely turnaround of Social Media DGO. Requested timeline on DGO to start in July. Visited Community Assessment Referral Center. Asked Chief regarding Initiating/beginning juvenile pre-booking program, wants a resolution to be drafted for this.

Community policing plans, Community Engagement Division- how can department be used to improve community relationships.

PUBLIC COMMENT:

None

7. Discussion with San Francisco Police Officers' Pride Alliance on SFPD's Pride patches, at the request of the Commission (DISCUSSION)

(On April 8, 2019, the Police Commission unanimously approved Resolution No. 19-26, which approved the issuance of Department Bulletin 19-063, "Pride Patch Project to Support Homeless Youth in San Francisco" temporarily modifying Department General Order 10.01, "Uniform & Equipment.")

Sergeant Kathryn Winters presented on the SFPD Pride patch and the Pride Alliance.

PUBLIC COMMENT:

None

8. Public comment on all matters pertaining to Item 10 below, Closed Session, including public comment on Item 9, vote whether to hold Item 10 in closed session.

None

9. Vote on whether to hold Item 10 in Closed Session including vote on whether to assert the attorney-client privilege with regards to Item 10 (San Francisco Administrative Code Section 67.10) (ACTION)

Motion: Vice President Carter-Oberstone. Second: Commissioner Byrne. Approval: 5-0.

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

EXCUSED: Commissioners Yee and Benedicto

1st Open Session ended: 6:54 pm

Closed Session: (7:08 pm – 8:18 pm)

10. **Closed Session**
Roll Call;

- b. 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 9.07 (DISCUSSION)

(Present: Commissioners Walker, Byrne, Yanez, Vice President Carter-Oberstone, President Elias, Chief Scott, Deputy City Attorney Kate Kimberlin, Deputy City Attorney Alicia Cabrera, SFPD Labor Relations Director LaWanna Preston, Acting Assistant Chief Denise Flaherty, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

- 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):**

Wayne Kha v. City and County of San Francisco, et al., San Francisco Superior Court Case No. CGC-21-595136 filed September 7, 2021 (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Vice President Carter-Oberstone, President Elias, Chief Scott, Deputy City Attorney Alicia Cabrera, Deputy City Attorney Kate Kimberlin, 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:**

Discussion and possible action to decide penalty on sustained specifications on disciplinary charges filed in IAD OIS Case No. 19-002 (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Vice President Carter-Oberstone, President Elias, Chief Scott, Deputy City Attorney Kate Kimberlin, Acting Assistant Chief Denise Flaherty, Subject Officer, Subject Officer's Attorney, Department's Attorney, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

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

- 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:**

Discussion and possible action to accept or reject Settlement Agreement filed in Case No. IAD 2019-0229 or take other action, if necessary (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Vice President Carter-Oberstone, President Elias, Chief Scott, Deputy City Attorney Kate Kimberlin, Acting Assistant Chief Denise Flaherty, Subject Officer, Subject Officer's Attorney, Department's Attorney, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

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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:

Discussion and possible action to take off calendar disciplinary charges filed in DPA Case No. 43120, IAD 18-0005 (DISCUSSION AND POSSIBLE ACTION)

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

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:

Discussion and possible action to adopt Findings of Fact regarding Commission's decisions on November 2, 2022 on disciplinary charges filed in Case No. ALW IAD 2018-0213 & 2019-0078 (DISCUSSION & POSSIBLE ACTION)

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

Discussion and possible action to adopt Findings of Fact regarding Commission's decisions on January 11, 2023 on disciplinary charges filed in Case No. ALW IAD 2019-0123D (DISCUSSION & POSSIBLE ACTION)

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

h. 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 April 19, on the appeal from chief's suspension in Case No. DPA 00043112A (Legacy #0258 - 19) (DISCUSSION & POSSIBLE ACTION)

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

Closed Session Ended: 8:18 p.m.

2nd Open Session (8:19 pm – 8:20 pm)

11. Vote to elect whether to disclose any or all discussion on Item 10 held in closed session including vote on whether to assert the attorney-client privilege with regards to Item 10 (San Francisco Administrative Code Section 67.12(a)) (ACTION)

Commissioner Byrne motioned to not disclose any or all discussion on item 10 held in Closed Session, including to assert the attorney-client privilege with regards to Item 10 (San Francisco Administrative Code Section 67.12(a)). Commissioner Walker Seconded. Approval 5-0.

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

PUBLIC COMMENT

None

ADJOURNMENT

Thereafter, the meeting was adjourned at 8:20 p.m.

Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission