

September 20, 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 5:36 p.m.

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

EXCUSED: President Elias

1. Weekly Officer Recognition Certificate

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

- Officer Michael Grande, Star No. 302, Investigations Bureau-General Work

Lieutenant Brian Greer, Officer in Charge of General Work Detail, spoke about Ofc. Michael Grande and provided examples of his work.

PUBLIC COMMENT

None

GENERAL PUBLIC COMMENT

Terry F.: Spoke about private property.

Jennifer Wagoner: Representing League of Women Voters. Spoke on DGO 9.07 and provided opinion on the status.

Did not state name: Spoke about SB50 and provided opinion on DGO 9.07. Provided opinion regarding state legislation and the Commission's ability to pass policies.

Did not state name: Spoke on the topic of civility and respectful discourse in regard to meetings.

Did not state name: Provided opinions regarding traffic stops and Officers responsibilities.

Paulette Brown: Spoke about son, Aubrey Abrakasa's, murder.

Chief's Report

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

Chief Scott reported on crime trends YTD: Violent Crime up 3 percent; homicide up 11 percent; rape down 18 percent; robbery up 17 percent; assault down 7 percent; human trafficking down 7 percent. Property Crimes down 4 percent; burglary down 7 percent; motor vehicle theft up 11 percent; arson down 7 percent; larceny theft down 6 percent. Gun violence is up 11 percent compared to 2022; One shooting incident this week; total 133 incidents resulting in 156 victims YTD. No homicides for the week; there are a total of 40 homicides YTD with 27 resulting from a firearm; 76% overall clearance.

Significant Incident: Two shooting homicides over the weekend, no suspects in custody, investigation ongoing. Homicide, Tenderloin, across from Union Plaza, 9/16/23 21:15, victim passed away the next day, subject walked up Jones Street from Golden Gate, fired two rounds at a group, one victim struck in chest, another struck in leg, both transported, no arrests made, investigation ongoing. Homicide, 9/17/23 02:03, Twin Peaks area, victim in vehicle when suspect pulled alongside victim, victim exited

vehicle and walked over towards suspect, suspect shot victim once in the upper body, suspect fled, victim transported and succumbed to injuries the next day, no arrests made, investigation ongoing, Anonymous tip line- 415-575-4444. Trend of street robberies, just under 300 robberies YTD, 16% increase, many are armed robberies. Two shootings. 1st shooting 700 block of Missouri, 2nd shooting Jones St. in Tenderloin, shootings happened same weekend.

Significant arrest: 9/14/23 09:24 600 block of Harrison, robbery and serial auto burglary crew with firearms, subjects pointed gun at two victims demanding their belongings, subjects fled in vehicle, department wide email issued with description of vehicle, multiple calls for service from Japan Town area matched vehicle description, plain clothes team conducted an auto burglary/robbery abatement, located vehicle at 19th and Mission, conducted surveillance in attempt to coordinate a safe arrest, spike strips deployed to deescalate situation, vehicle fled, pursuit, SF Sheriff followed suspect, CHP involved, vehicle became disabled and pursuit terminated at 101 South/Vermont St, three suspects fled onto freeway, two located on DeHaro and third suspect fled into UPS building at 17th and San Bruno, search conducted, all three suspects taken into custody, firearm and property located in vehicle, Chief commends all Officers involved. 2nd arrest, attempted robbery on 9/17/23 18:17, 900 block of Market, Central Officers responded to robbery and attempted robbery with a gun, during dispatch broadcast Officers from Tenderloin Night Violence Reduction Unit Team observed vehicle at 8th and Natoma, pursuit, vehicle crossed bridge to Oakland, Officers followed, once in Oakland all four suspects abandoned vehicle and ran different directions, assistance of several outside agencies- two subjects located and taken into custody, additional subject taken in to custody at an apartment complex, one suspect outstanding, investigation ongoing.

Strategies: Significant arrests for violent armed robbers, much work to be done. Efforts continue on Fentanyl seizures in Tenderloin and SOMA, Drug Market Coordination Center, since inception over 1100 arrests in total, majority for possession of sales, 392 are for public use or public intoxication. Coordination and collaborations with multiple agencies. Increased drug dealing arrests YTD.

PUBLIC COMMENT:

None

DPA Director's Report

- **Report on recent DPA activities, and announcement**

Attorney and Legal Team Manager, Diana Rosenstein, on behalf of Executive Director Henderson reported the following: In the year 2023: 570 cases opened; 529 closed; 295 pending; 40 cases sustained; 20 cases past 270-day; 29 cases mediated. SFPD Cases received in the past week: 12. – Central-1-The complainant faced discrimination from officers and faced unfair treatment. Bayview-2-Officers do not enforce laws and failed to take required action in the area. The complainant's report was not written up correctly and was not assigned to be investigated. Mission-3-Officers behaved inappropriately. Officers conducted unlawful searches of the complainant's vehicle and house and were racially profiling the complainant and her boyfriend. The officers also towed the complainant's vehicle without cause. Northern-1-The officer failed to take required action. Richmond-1-An officer conducted a warrant on the complainant's address without cause and threatened to shoot the complainant. All officers refused to provide identification when asked.

Taraval-1-An officer responded to the complainant's call for service but sided with the other party and dismissed the complainant's concerns. Tenderloin-2-Officers failed to accept a report and did not help the reporting person. Pending-1-Pending further investigation.

Audits: Misconduct Audit-DPA received last round of independent review notes from Controller's Office, once DPA has addressed notes and made necessary edits DPA will have a draft copy of the report for SFPD and Commission to review.

Outstanding Issues: N/A

Outreach: Going forward with mediation forum, 10/3/23 12pm, 188 Embarcadero. Can contact DPA at 415-241-7711. 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 Walker: Attended a Town Hall in the Tenderloin, to hear from community in District 6. Captain Martin, DA, Supervisor and several departments attended. Spoke on the work being done in the Tenderloin. Thanked Captain Martin for being there. Spoke about the department's Sojourn trip.

Commissioner Benedicto: Attended 279th Academy graduation. Meeting this week with DPA's Audit Team as liaison. Would like update on DGO 7.01, asked Chief for an update on the draft. Spoke on status of DGO 9.07 and its public comments. Advised that non privileged factual updates regarding labor negotiations is provided to the public.

Commissioner Yanez: Wants to coordinate meeting with Youth Commission, pre-booking program, coordinating with Supervisor's and Mayor's Office, and Juvenile Probation Department regarding pre-booking program. Spoke to Chief regarding the Use of Force topic. Wants to agendize the Use of Force topic. Continued to discuss the topic of the department's Sojourn trip, wants to measure Sojourn's impact.

PUBLIC COMMENT:

Did not state name: Spoke on system of checks and balances between agencies and task forces.

Paulette Brown: Spoke in support of the Sojourn Trip.

8. Discussion and possible action on Police Commission Resolution, "Police Commission Interprets Its General Orders to Permit the Preemptive Use of Tire Deflation Devices"
(DISCUSSION & POSSIBLE ACTION)

Vice President Carter-Oberstone led discussion.

Motion: Commissioner Benedicto, Second: Vice President Carter-Oberstone. 6-0.

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

EXCUSED: President Elias

PUBLIC COMMENT:

Did not state name: Executive Director of Fisherman’s Wharf Community Benefit District, thanked passing of Resolution.

6. Presentation and discussion on Patrol Specials, at the request of the Commission (DISCUSSION)

Commissioner Walker introduced item. Lieutenant Patrick McCormick presented.

PUBLIC COMMENT:

Alan Byard: Former Patrol Special. Spoke on topic and provided background information.

Did not state name: District 2 resident. Would like approval of candidates, at least in short term.

Supports Patrol Specials. Signed up for program. Provided opinion on topic.

Did not state name: Supports Patrol Specials. Provided reasoning for her support. Asked Commission to approve current applicants.

Randall Scott: President and CEO of San Francisco Benefit District Alliance, partners with multiple agencies, in support of Patrol Specials, offered his associations assistance.

7. Presentation and discussion on Safe Streets for All Report, 2nd Quarter 2023 (DISCUSSION)

Commander Nicole Jones, Special Operations Bureau, MTA Division, presented.

PUBLIC COMMENT:

None

9. Discussion on SFPD’s Stop Data pursuant to unit order 21-01, at the request of the Commission (DISCUSSION)

Executive Director of Strategic Management Bureau, Catherine McGuire spoke for the department.

Vice President Carter-Oberstone would like to re-agendize item.

PUBLIC COMMENT:

None

10. Public comment on all matters pertaining to Item 12 below, Closed Session, including public comment on Item 11, vote whether to hold Item 12 in closed session.

None

11. Vote on whether to hold Item 12 in Closed Session including vote on whether to assert the attorney-client privilege with regards to Item 12 (San Francisco Administrative Code Section 67.10) (ACTION)

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

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

1st Open Session ended: 8:29 pm

Closed Session: (8:40 pm – 10:16 pm)

12. **Closed Session**
Roll Call;

e. 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 officer-involved shooting (OIS 23-004) (DISCUSSION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Yee, Vice President Carter-Oberstone, Deputy City Attorney Manu Pradhan, Deputy City Attorney Kate Kimberlin, Assistant Chief Denise Flaherty, IAD Sergeant Grace Gatpandan, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

- a. **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 2019-0201 or take other action, if necessary (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Yee, Vice President Carter-Oberstone, Deputy City Attorney Kate Kimberlin, IAD Attorney, Officer's Attorney, 2nd Attorney for Officer, Subject Officer, Chief Scott, Assistant Chief Denise Flaherty, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

(These proceedings were taken in shorthand form., Ellen Bellen, Stenographer., Behmke Reporting and Video Services)

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 to sustain or not sustain disciplinary charges filed in DPA Case No. 46148-21, discussion and action to decide penalty, if necessary, or take other action, if necessary (DISCUSSION & POSSIBLE ACTION)

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

(These proceedings were taken in shorthand form., Ellen Bellen, Stenographer., 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:

Discussion and possible action to adopt Findings of Fact regarding Commission's decisions on 6/21/23 on disciplinary charges filed in Case No. IAD OIS 19-002 (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Yee, Deputy City Attorney Kate Kimberlin, Assistant Chief Denise Flaherty, Chief Scott, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

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 take off calendar non-disciplinary charges filed in Case No. IAD 2021-0328 and remand back to the Chief (DISCUSSION AND POSSIBLE ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Yee, Deputy City Attorney Kate Kimberlin, Assistant Chief Denise Flaherty, Chief Scott, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

Closed Session Ended: 10:16 p.m.
2nd Open Session (10:17 pm – 10:18 pm)

13. Vote to elect whether to disclose any or all discussion on Item 12 held in Closed Session including vote on whether to assert the attorney-client privilege with regards to Item 12 (San Francisco Administrative Code Section 67.10) (ACTION)

Commissioner Benedicto motioned to not disclose any or all discussion on item 11 held in Closed Session. Commissioner Walker Seconded. 5-0.

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

PUBLIC COMMENT

None

ADJOURNMENT

Thereafter, the meeting was adjourned at 10:18 p.m.

Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission