

September 6, 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 (remotely), Yee, Vice President Carter-Oberstone

EXCUSED: President Elias, Commissioner Benedicto

1. Weekly Officer Recognition Certificate

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

- Sergeant Victor Hui, Star No. 1370, Burglary Unit

Captain Mark Cota, Major Crimes Unit, spoke about Sgt. Hui, his work and presented award.

PUBLIC COMMENT

None

GENERAL PUBLIC COMMENT

Paulette Brown: Thanked everyone that came out for her son's vigil. Spoke about son, Aubrey Abrakasa's, murder. Asked for other ways to help unsolved cases, hiring staff, reward money for tipsters. Seventeen years since her son's murder. Spoke on behalf of other families with unsolved cases, that can't be at the meeting.

Name not stated: Spoke about DGOs that are on the agenda, asked about updates on DGO 9.07.

3. Consent Calendar (RECEIVE & FILE; ACTION)

- Approval for four (4) members to travel and attend the 2023 Benchmark Analytics EIS Leadership Conference at the cost of \$3804.00 with \$3606.00 being gifted to members.
- Approval to accept cash awards and gifts for the recipients of the Police Officer of the Month award for the months of April, May, and June of 2023, value of \$6000.00.
- Semi-Annual Report to the Police Commission Sexual Assault Evidence Kit (SAEK) Jan 1 – Jun 30, 2023
- SFPD 2nd Quarter 2023 Audit of Electronic Communication Devices for Bias
- Crisis Intervention Team's 2022 Annual Report - Required per Department General Order 5.21.V.B.
- SFPD's 2023 SFPD-DPA 2nd Quarter Document Protocol Report 04/01/2023 - 06/30/2023
- DPA's 2023 DPA-SFPD 2nd Quarter Document Protocol Report
- SFPD 1421 and SB 16 Monthly Report (July 31, 2023)
- DPA 1421 and SB 16 Monthly Report (August 3, 2023)

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

Vice President Carter-Oberstone would like to agendize "Crisis Intervention Team's 2022 Annual Report" Required per Department General Order 5.21.V.B." for future discussion.

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

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

PUBLIC COMMENT:

None

**4. Adoption of Minutes (ACTION)
- for the Meetings of July 12th and July 19th, 2023**

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

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

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 15 percent; rape down 17 percent; robbery up 17 percent; assault down 6 percent; human trafficking down 14 percent. Property Crimes down 4 percent; burglary down 7 percent; motor vehicle theft up 12 percent; arson up 3 percent; larceny theft down 6 percent. Gun violence is up 10 percent compared to 2022; Two shooting incidents this week; total 130 incidents resulting in 152 victims YTD. One homicide for the week; there are a total of 38 homicides YTD with 25 resulting from a firearm; 78% overall clearance.

Significant Incident: Couple of homicides, actively working on. August 24th homicide incident, 3900 Block of Richmond, victim worked at convenient store, confronted subject who attempted to leave store with merchandise, victim/owner armed himself with a baseball bat and moved toward the front of the store when he realized the subject took merchandise without paying, subject took the baseball bat from victim and struck the victim several times, subject fled in vehicle that had been parked outside, victim transported and passed away five days later on August 28th. Two non fatal shootings. 1st shooting – 8/30/23 11:06 25th and Connecticut in Bayview, victim in area, heard a pop and realized he was shot, transported himself to hospital, investigation ongoing, no arrest. 2nd shooting – 1600 block of Quesada – 9/1/23 19:31 3rd and Quesada, Officers responded to multiple shot spotter activations, located several spent casings, two victims self-transported to hospital in stable condition with gunshot wounds, investigation ongoing, trying to determine if this is tied to other violence in the city and neighboring cities, not been able to confirm.

Significant arrest: 9/4/23 19:04 1000 Block of Post, Northern, Officers assigned to the Community Violence Reduction Team in area and saw a wanted subject in a nearby vehicle, vehicle was stolen, determined subject was not part of a previous CVRT investigation, CVRT asked for Northern Officers to assist with vehicle stop on stolen vehicle, as uniformed Officers attempted to detain subject/driver subject intentionally rammed vehicle into unoccupied patrol vehicle, unoccupied marked police vehicle and two parked private vehicles, subject then drove onto sidewalk and turned vehicle toward an Officer, however the vehicle became lodged between light pole and building, subject exited vehicle and short foot pursuit ensued, subject was placed under arrest for multiple charges and warrants, booked into custody, no Officers injured. Armed Robbery at Northpoint and Larkin, Central, 8/31/23 17:50, two victims in a rental van, subject smashed out one of the windows as victims in vehicle, two victims confronted the subject as subject went to a nearby vehicle to retrieve a firearm, subject returned with a 2nd subject brandished firearms, two victims and a third victim returned to the van and ran from subjects, two subjects proceeded to remove victim's personal belongings and fled in suspect's vehicle, at 21:45 Tenderloin Officers observed the suspect's vehicle and observed matching license plate and other identifying features, suspect vehicle was followed to Oakland where one suspect was arrested with firearms by Tenderloin Officers, second suspect escaped and is outstanding. Sexual Assault that occurred at Crocker Amazon Park, 8/31/23, 19:15, Officers responded to a call and met with juvenile victim and juvenile's father, victim assaulted by unknown male while in the restroom, search for suspect was negative, victim transported to hospital and treated, SVU responded to scene and is leading investigation, no arrest made, requesting public to call if any information 415-575-4444, incident occurred at a park with kids at soccer practice, suspect lying in wait in the restroom.

Strategies: No stunt driving events to report.

PUBLIC COMMENT:

Terry F.: Spoke on several topics.

DPA Director's Report

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

Executive Director Henderson reported the following: In the year 2023: 544 cases opened; 501 closed; 298 pending; 39 cases sustained; 21 cases past 270-day; 19 cases mediated. Cases received in the past week: 56 new cases; Central 6 The complainant was assaulted and officers failed to cite and arrest the subject. Officers failed to accept a citizen's arrest. Southern 3 Officers failed to contact the complainant and failed to investigate properly and take required action. An officer also spoke dismissively to the complainant. Officer pointed his firearm at the complainant and took his property. Bayview 6 The officer failed to take required action regarding the complainant's property being released. Officers interviewed the complainant in custody without a lawyer present and ignored the complainant's request to use the bathroom. The officer touched the complainant inappropriately while handcuffing and then slammed the car door on him, hitting his shoulder. Mission 5 The officers kept bothering the complainant at their residence and did not provide their identification when asked. An officer used excessive force and improperly applied handcuffs.

Northern 5 The officer displayed rude behavior and lied about the closure time of the park. Officers detained the complainant without cause. The complainant stated that police grabbed her and forced her into an ambulance. An officer was observed drinking in a bar in full uniform. In addition, The San Francisco Police Department is actively shielding the inappropriate actions of one of its members. Park 3 Officers drove improperly. The officer failed to investigate the complainant's report of assault from the other party involved in the motor vehicle accident. Richmond 3 The officers pretended to eat at a restaurant in order to spy on the complainant. Tennant dispute and constantly calling officers on the property owner. Ingleside 3 Officers unlawfully detained, arrested, used excessive force, and failed to mirandize the complainant. The officers inappropriately searched, questioned, and used excessive force on the occupants while serving a court order. The officers damaged the residence. Taraval 3 The officer did not act like he took the complainant's incident seriously and the officer did not request an ambulance for the complainant's injury when requested. Tenderloin 7 Officers failed to respond to call for service. The officer did not act like he took the complainant's incident seriously and the officer did not request an ambulance for the complainant's injury when requested. Officers made an unwarranted arrest and improperly towed two vehicles. Officers failed to investigate a missing persons report. The officer failed to investigate a shooting. Airport 2 An officer unlawfully used the complainant's FedEx account to mail packages. The complainant was picking up their family member at the terminal and was given a citation without cause. Not Applicable 9 Referral Out of Town 1 The complainant alleges that they were assaulted.

Audits: Misconduct Audit, waiting for independent review, still with Controller's Office. Will provide a report to SFPD for their response. In August it was reported to DPA that the department did not conduct any investigations governed by DGO 8.10 in 2022. Following up with department on the status recommendations made to the prior audits, policy clarification, destruction of privacy files, amongst other issues.

Outstanding Issues: Complaints related to Dolores Hill Park Bombing, rolling allegations into an Audit- crowd control and event management. Will give Commission an update/report on the Dolores Hill incident. Investigating OIS.

Outreach: Community events, staffed community engagement events. Sharing info via Meta's Thread application. Planning a community even on Mediation. Participated in an event with the department honoring retirement of A/Captain Nevin. Introduced newest DPA Outreach Director, Carolyn W. 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: Ongoing meetings with AC Flaherty, members from department, Director Ellis on recruiting women to the force, childcare programs for Officers. Meeting with various people, groups regarding Patrol Specials, were present as private security prior to the creation of SFPD, continuing to meet with department. Given email by Sergeant to attend Policy Development Division's policy writing and looking at DGO regarding drafting DGO, addressed reviewing DGOs and complicating law enforcement in ways that don't work. Looking at Commission's Jurisdiction, Chief's day to day operations, evaluate Chief's performance- encourages this conversation. Thanked department on coordination of process.

Commissioner Yee: Was at Chinatown Night Out, new Captain at Central Station Eric Kim, thanked A/Cpt. Mark Moreno. 9th Anniversary of Chinatown Night Out. Labor Day Weekend, 9/2, Chinatown 3rd Annual car show and parade. Thanked Sgt. Reynolds, part of recruiting team, for bringing out the Ford Fairlane. Presented a Certificate of Appreciation to Chief Scott.

Vice President Carter-Oberstone: Working group for DGO 8.10 First Amendment Investigations concluded. Thanked DPA, Department and community members that participated. Wanted to agendize DPA requesting OIS material, department declining request and nature of dispute, wants both parties to provide Commission with an explanation of their respective positions. Wants to agendize the Vehicle Pursuit Policy. Addressed the internet's opinion on the Commission's chase policy. On chase policy, in addition to a Commission hearing would like a town hall meeting with Officers to hear directly from Officers regarding this policy and possible amendments. Wants to agendize the department's deployment practices, elaborated.

Commissioner Yanez (remotely): Ongoing meetings with Community Assessment Referral Center, prebooking program design. Met with members of the community, interested in cross-training around youth development needs, versed in Community Policing DGO, asked for introductions. Met with Juvenile Probation Commissioner to discuss what dynamics and collaboration with Juvenile Probation should look like for a pre booking program. Inquired and wants to agendize an update on DGO 7.01 Juveniles, questioned Chief.

PUBLIC COMMENT:

None

8. Presentation and discussion on SFPD and DPA Sparks Reports 2nd Quarter 2023 (DISCUSSION)

Quarterly reports to the Commission regarding policy proposals under consideration.

- SFPD

- DPA

SFPD Captain Dennis Toomer presented and DPA's Director of Policy Janelle Caywood presented. SFPD Policy Development Division Manager Asja Steeves and DPA's Chief of Staff Sarah Hawkins assisted in responding to the Commission's questions.

PUBLIC COMMENT:

None

9. Discussion and possible action on revised Department General Order 5.01 "Use of Force Policy and Proper Control of a Person" (DISCUSSION & POSSIBLE ACTION)

(Previously adopted on November 2, 2022 with an implementation date of December 8, 2022, Resolution No. 22-147)

Lieutenant Steve Jonas, Field Operations Bureau, presented.

Motion to approve to send to meet and confer with the following amendment:

P.16 of redline version, Section 2(b)(III) the word recklessly be struck at the end of the last sentence; and subject to Resolution 23-30 with Labor Instructions.

Motion to adopt with amendments: Commissioner Carter-Oberstone. Second: Commissioner Walker. Approval: 5-0.

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

PUBLIC COMMENT:
None

10. Discussion and possible action to adopt revised Department General Order 2.01, "General Rules of Conduct" (DISCUSSION & POSSIBLE ACTION)

(Previously approved for meet and confer on May 10, 2023, Resolution No. 23-45)

Acting Commander Mark Im, Risk Management, and SME's Acting Captain Angela Wilhem and Sergeant Ramesh Shangaran available from Department.

Motion to adopt, with implementation in 30 business days: Vice President Carter-Oberstone. Second: Commissioner Walker. Approval: 5-0.

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

PUBLIC COMMENT
None

11. Discussion and possible action to adopt revised Department General Order 2.02, "Alcohol Use by Sworn Department Members" (DISCUSSION & POSSIBLE ACTION)

(Previously approved for meet and confer on May 3, 2023, Resolution No. 23-37)

Acting Commander Mark Im, Risk Management, and Department Doctor, Dr. Jessica Chuang, available from Department

Motion to adopt, with implementation in 30 business days: Vice President Carter-Oberstone. Second: Commissioner Yee. Approval: 5-0.

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

PUBLIC COMMENT

Name not stated: questioned why this DGO is coming up now.

12. Discussion and possible action to adopt revised Department General Order 2.03, "Use of Intoxicants or Drugs by Sworn Department Members" (DISCUSSION & POSSIBLE ACTION)
(Previously approved for meet and confer on May 3, 2023, Resolution No. 23-38)

Acting Commander Mark Im, Risk Management, and Department Doctor, Dr. Jessica Chuang, available from Department

Motion to adopt, with implementation in 30 business days: Vice President Carter-Oberstone. Second: Commissioner Yee. Approval: 5-0.

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

PUBLIC COMMENT

None

13. Discussion and possible action to adopt revised Department General Order 5.07, "Rights of Onlookers" (DISCUSSION & POSSIBLE ACTION)
(Previously approved for meet and confer on February 1, 2023, Resolution No. 23-14)

Captain Thomas Harvey available from Department.

Motion to adopt, with implementation in 90 business days: Vice President Carter-Oberstone. Second: Commissioner Walker. Approval: 5-0.

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

PUBLIC COMMENT

None

14. Discussion and possible action to adopt revised Department General Order 5.16, "Search Warrants" (DISCUSSION & POSSIBLE ACTION)
(Previously approved for meet and confer on March 15, 2023, Resolution No. 23-23)

Captain James Aherne and Department Attorney Kara Lacy are available for the Department.

Motion to adopt, with implementation in 90 business days: Vice President Carter-Oberstone. Second: Commissioner Walker. Approval: 5-0.

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

PUBLIC COMMENT

None

15. Discussion and possible action to adopt revised Department General Order 9.01, "Traffic Enforcement" (DISCUSSION & POSSIBLE ACTION)
(Previously approved for meet and confer on May 17, 2023, Resolution No. 23-46)

Officer Crispin Jones available from Department.

Paragraph repeats itself on page 6. Paragraph 5 be stricken, Paragraph 6 be renumbered as Paragraph 5 and Paragraph 7 be renumbered as Paragraph 6.

Motion to adopt, with non-substantive amendments, with implementation in 30 business days: Vice President Carter-Oberstone. Second: Commissioner Walker. Approval: 5-0.

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

PUBLIC COMMENT

None

16. Discussion and possible action to adopt revised Department General Order 9.02, "Vehicle Crashes" (DISCUSSION & POSSIBLE ACTION)
(Previously approved for meet and confer on May 17, 2023, Resolution No. 23-47)

Sergeant Kevin Edison and Traffic Officer Olkiewicz are available for the department.

Motion to adopt, with implementation in 30 business days: Vice President Carter-Oberstone, Second: Commissioner Walker. Approval: 5-0.

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

PUBLIC COMMENT

Name not stated: Asked for when DGO will be updated on website.

17. Discussion and possible action to adopt revised Protocols for Release of SB 1421 and SB 16 Documents (DISCUSSION & POSSIBLE ACTION)
(Protocols last amended and adopted on April 7, 2021, Resolution No. 21-26)

Deputy City Attorney Alicia Cabrera spoke on the drafting of document and policy.

Motion to adopt: Vice President Carter Oberstone. Second: Commissioner Walker. Approval: 5-0.

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

PUBLIC COMMENT

None

- 18. Public comment on all matters pertaining to Item 20 below, Closed Session, including public comment on Item 19, vote whether to hold Item 20 in closed session.**

None

- 19. Vote on whether to hold Item 20 in Closed Session (San Francisco Administrative Code Section 67.10) (ACTION)**

Motion: Commissioner Walker. Second: Commissioner Byrne. Approval: 5-0.

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

1st Open Session ended: 9:20 pm

Closed Session: (9:21 pm – 9:48 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 9.07 (DISCUSSION)

(Present: Commissioners Walker, Byrne, Yanez (remotely), Yee, Vice President Carter-Oberstone, SFPD Director LaWanna Preston, Chief Scott, Acting Assistant Chief Denise Flaherty, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds)

b. 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 23-003) (DISCUSSION)

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

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 disciplinary charges filed in DPA Case No. 00052664-22A (ACTION)

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

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: Assignment of a Commissioner for the taking of evidence on the disciplinary charges filed in DPA Case No. 00052664-22B (ACTION)

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

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: Assignment of a Commissioner for the taking of evidence on the disciplinary charges filed in Case No. IAD 2022-0093 (ACTION)

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

Closed Session Ended: 9:49 p.m.

2nd Open Session (9:50 pm – 9:55 pm)

21. Vote to elect whether to disclose any or all discussion on Item 20 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

Vice President Carter-Oberstone, motioned to not disclose any or all discussion on item 20 held in Closed Session, except non-privileged information from item 20a. Commissioner Yanez Seconded. Motion failed 2-3.

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

EXCUSED: President Elias, Commissioner Benedicto

Second Motion:

Commissioner Walker moves to not disclose any or all discussion on item 20 held in Closed Session.
Commissioner Yee seconds. 4-1.

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

PUBLIC COMMENT

None

ADJOURNMENT

Thereafter, the meeting was adjourned at 9:56 p.m.

Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission