

July 12, 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 5:34 p.m.

PRESENT: Commissioners Walker, Byrne, Yanez, Yee, Benedicto,

EXCUSED: Vice President Carter-Oberstone, President Elias

1. Weekly Officer Recognition Certificate

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

- Officer Ryan Gonzalez, Star No. 592, Tenderloin Station

Lieutenant John Casper, Tenderloin Station, introduced and spoke about Ofc. Gonzalez.

PUBLIC COMMENT

None

GENERAL PUBLIC COMMENT

Commissioner Benedicto spoke on Dolores Park Hill topic, advised public that this topic will be on the July 19th Agenda.

Paulette Brown: Spoke on son, Aubrey Abrakasa's, murder. August will be anniversary of son's death. Provided an article from Governor Gavin Newsom and names of those involved. Provided article Regarding rewards for unsolved crimes.

Approximately 53 members of the public provided their opinions and stance on the Dolores Hill incident during general public comment. Members of the public included parents of youth present at the event, community members, individuals present at the event. A majority of the public questioned the Police responses to the incident and juveniles as well as requested information regarding Police response to the incident.

Commissioner Yee provided time for Chief Scott to speak regarding Dolores Hill incident. Commissioners spoke on Dolores Hill incident.

- ***Anyone with any information on the murder of Aubrey Abrakasa, please call the anonymous tip line at 415-575-4444***
- DPA advised public that a senior investigator is present at meeting.

3. Consent Calendar (RECEIVE & FILE; ACTION)

- Police Commission Report of Disciplinary Actions, 2nd Quarter 2023

- SFPD 1421 and SB 16 Monthly Report

- 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 Yee. Approval: 5-0.

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

PUBLIC COMMENT:

None

4. Adoption of Minutes (ACTION)
- for the Meetings of May 17th, June 7th, June 14th and June 21st, 2023

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

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

PUBLIC COMMENT:

None

RECESS

Chief's Report

- Weekly crime trends
- Major/Significant Incidents

Chief Scott reported on crime trends YTD: Violent Crime up 2 percent; homicide up 8 percent; rape down 24 percent; robbery up 12 percent; assault down 5 percent; human trafficking down 42 percent. Property Crimes down 6 percent; burglary down 8 percent; motor vehicle theft up 8 percent; arson up 4 percent; larceny theft down 9 percent. Gun violence is up 11 percent compared to 2022; Two shooting incidents this week; total 100 incidents resulting in 120 victims YTD. Two homicides for the week; there are a total of 28 homicides YTD with 19 resulting from a firearm; 85% overall clearance.

Significant Incident: Two homicides. 1st on 800 block of Jamestown, 7/4/23, 22:30, victim saw his son, confronted his son, son ran away, victim followed at that time son shot victim, victim was transported but succumbed to injuries, no arrest, investigation ongoing. 2nd on 3rd and Egbert, victim and husband walking in area, unknown person walked up and pushed victim, victim lost balance, fell and struck her head, transported but succumbed to injuries, investigation ongoing, have good leads. Two non-fatal shootings. 1st on 1800 block of Sunnydale and Ingleside, 7/4/23, victim sitting in vehicle, unknown subject opened fire and struck subject, victim transported in stable condition, no

life-threatening injuries, no arrests, investigation ongoing. 2nd on Golden Gate and Leavenworth, 7/8/23, 05:08, victim located in streets with gunshot wound, no suspect information at this time, victim has life threatening injuries, no arrests. Shots fired at Franklin and Broadway, Northern, 7/5/23, 18:47, witnesses heard gunshots, two vehicles traveling near each other, occupants of both vehicles discharges their weapons at each other, one vehicle located unoccupied with casings inside at California and Octavia, uninvolved vehicle damaged, CHP stopped another vehicle at 8th and Stevenson, confirmed driver matched video of the driver leaving the vehicle at the scene of the shooting, investigation ongoing for subject.

Significant arrest: Narcotics- on 6/26/23 search warrants were obtained for two subjects identified as selling Narcotics in the Tenderloin. On 6/28 Subjects located and probable cause was developed for arrests. Subjects placed into custody. Search resulted in seizure of Fentanyl, Cocaine salt, Cocaine base, Meth, Heroin and Oxycodone. Search at residence in Oakland located narcotics and large amounts of US currency. Both subjects booked for multiple charges.

Strategies: Tenderloin- Officers seized 3519 gross grams of Fentanyl. YTD seized 72,036 gross grams of Fentanyl in 27 weeks, 3 times more than 2022, increase of just under 200%. Total Narcotics seized year to date 110,500 grams of Narcotics, compared to 2022 169% increase. Enforcement on drug dealers 463 arrests this year, double from 2022.

PUBLIC COMMENT:

Name not stated: Provided opinion on population on the street.

Gloria Barry: Expressed opinion regarding no report tonight on Dolores Hill incident. Provided opinion on Tenderloin, arrests, overdoses. Provided opinion on reparations.

Name not stated: Provided opinion and asked about Chief's statistics/data.

Name not stated: Provided personal stories regarding police, continued with opinion regarding Officers in patrol vehicles.

DPA Director's Report

- Report on recent DPA activities, and announcement

Chief of Staff, Sara Hawkins, on behalf of Executive Director Henderson reported the following: In the year 2023: 390 cases opened; 392 closed; 283 pending; 32 cases sustained; 19 cases past 270-day; 15 cases mediated. Cases received in the past week: 39 new cases; - Central 7-An officer parked a personal vehicle of redlines and failed to curb the front wheels. Officers did not investigate properly and misconstrued the incident as a "Hate Crime" and was taken to hospital for Mental Health. Southern 7- Officers failed to provide assistance to a person who sought their help. This person was actively being followed, harassed, and threatened. The officer did not arrest a burglary suspect and did not write an incident report. Bayview 5- Officers illegally search a home. They were aggressive and unprofessional while doing so. Mission 6 -Officers failed to properly investigate a battery and improperly cited an individual. An officer threatened to harm a person and did not activate their body-worn camera during the exchange. Northern 3 -The officers were verbally aggressive towards the complainant. Officers failed to notify when the owner's vehicle was recovered. Richmond 1-An officer-involved shooting occurred involving one officer and a male subject. Ingleside 3- The complainant stated that officers failed to take a report and rushed him out

of the station. Taraval 1 - The officer behaved inappropriately and issued an inaccurate citation. Tenderloin 3 - The officer arrested the complainant without cause and treated the complainant unfairly. Airport 1- An officer spoke inappropriately and issued a citation without reason. 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. Out of Town 2- An officer was removed from the Narcotics Unit at the same time as one of the drug cases the officer was involved in was dropped at court due to potential disciplinary issues. The complainant alleged a failure to protect an informant.

Audits: Last week sent draft of full misconduct audit to controller's office for an independent review. As soon as it is cleared at the controller's office DPA will submit to SFPD for their response.

Outstanding Issues: Increase of case load compared to 2022.

Outreach: Senior Investigator Steve Ball was present for any concerns that may arise at meeting. Can be found on community calendar on the DPA's website and posted on Twitter, Facebook, Instagram and on DPA's website.

PUBLIC COMMENT:

Aaron Breetwor: Discussed investigations, policy making. Asked to be included in policy making.
Gloria Barry: Asked DPA to make it clearer for youth to contact DPA. Asked for a special youth protocol.

Commission Reports

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

Commissioner Benedicto: Working group for 10.11 Body Worn Cameras having last meeting on 7/13. Marched in Pride Parade. Spoke about Policy Analyst position and process.

Commissioner Yanez: Investigative Social Media DGO, working with Janelle Caywood, ACLU, Berkeley University and other organizations. Draft DGO posted. Asked for public feedback. Pre booking, has had conversations. Ask to speak at Latino Task Force regarding prebooking topic.

Commissioner Yee: Went to New York, visited safe injection sites, non profit in partner with the city.

PUBLIC COMMENT:

None

8. Presentation and discussion regarding the update on the Juvenile Diversion Program, at the request of the Commission (DISCUSSION)

SFPD Attorney Kara Lacy presented.

PUBLIC COMMENT:

Aaron Breetwor: Asking for preventative solutions, budget to be used for preventative measures for youth.

9. Presentation of the Disciplinary Review Board Findings and Recommendations, 4th Quarter 2022 (DISCUSSION) *(As required by Department General Order 2.04.08, DRB shall report quarterly to the public and to the Commission policy and training changes it recommends, and the measurement of the success or failure of each change, in a manner consistent with individual police officer privacy rights.)*

Assistant Chief Denise Flaherty and DPA Chief of Staff Sara Hawkins presented.

PUBLIC COMMENT:

None

10. Presentation of the Quarterly Activity and Data Report, 4th Quarter 2022 (DISCUSSION) (The Quarterly Activity and Data Report (QADR) (previously named the “96A report,” short for the Administrative Code Sec. 96A: Law Enforcement Reporting Requirements) serves to meet the quarterly reporting requirements and includes data pertaining to stops, searches, arrests, use of force and alleged bias-related complaints)

Executive Director Catherine McGuire and SFPD’s Program Manager Jason Cunningham presented.

PUBLIC COMMENT:

Aaron Breetwor: Spoke on topic of skateboarding and their laws, racial identity.

11. Discussion and possible action to approve revised Department General Order 7.03, “Information Dissemination Regarding Registered Sex Offenders Megan’s Law” for the Department to use in meeting and conferring with the effected bargaining units as required by law (DISCUSSION & POSSIBLE ACTION)

Deputy Chief Raj Vaswani, Investigations, and Captain Sean Perdomo, SVU, presented.

Motion: Commissioner Benedicto, with Labor Relations Resolution instructions. Second: Commissioner Walker. Approval: 5-0.

AYES: Commissioners Walker, Byrne, Yanez, Yee, Benedicto

EXCUSED: Vice President Carter-Oberstone, President Elias

PUBLIC COMMENT:

None

12. Discussion and possible action to adopt revised Department General Order 11.13, “Directed and Recommended Referrals to the SFPD Behavioral Science Unit” (DISCUSSION & POSSIBLE ACTION) *(Previously approved for meet and confer on February 15, 2023, Resolution No. 23-18)*

Commander Nicole Jones available for department.

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

AYES: Commissioners Walker, Byrne, Yanez, Yee, Benedicto

EXCUSED: Vice President Carter-Oberstone, President Elias

PUBLIC COMMENT:

None

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.

None

14. Vote on whether to hold Item 15 in Closed Session (San Francisco Administrative Code Section 67.10) (ACTION)

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

AYES: Commissioners Walker, Byrne, Yanez, Yee, Benedicto

EXCUSED: Vice President Carter-Oberstone, President Elias

1st Open Session ended: 9:33 pm

Closed Session: (9:44 pm – 9:54 pm)

15. **Closed Session**
Roll Call;

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 23-002) (DISCUSSION)

(Present: Commissioners Walker, Byrne, Yanez, Yee, Benedicto, Deputy City Attorney Alicia Cabrera, Chief Scott, Assistant Chief Flaherty, IAD Sergeant, 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):

Ike Ohannesyan v. City and County of San Francisco, et al., San Francisco Superior Court Case No. CGC-21-591955 filed June 3, 2021 (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Yee, Benedicto, Deputy City Attorney Alicia Cabrera, Chief Scott, Assistant Chief 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 disciplinary charges filed in DPA Case No. 00051160-22 (ACTION)

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

Closed Session Ended: 9:54 p.m.

2nd Open Session (9:55 pm – 9:55 pm)

16. Vote to elect whether to disclose any or all discussion on Item 15 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

Commissioner Benedicto motioned to not disclose any or all discussion on item 15 held in Closed Session, (San Francisco Administrative Code Section 67.12(a)). Commissioner Walker Seconded. Approval 5-0.

AYES: Commissioners Walker, Byrne, Yanez, Yee, Benedicto

EXCUSED: Vice President Carter-Oberstone, President Elias

PUBLIC COMMENT

None

ADJOURNMENT

Thereafter, the meeting was adjourned at 9:55 p.m.

Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission