

**NOVEMBER 1, 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 5:31 p.m.

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

EXCUSED: President Elias

**GENERAL PUBLIC COMMENT**

Name not stated: Addressed the Commission and provided her opinion on the Commission, asked to help and not hinder the Police. Asked who is holding Commission accountable.

Jay Ortega: Thanked members of the SFPD for the work they do on the streets. Provided opinion on the Board of Supervisors and their responsibilities. Does not want Officers to feel as if they will get in trouble. Advised that if the Commission fails SFPD, the people will not.

Alan B.: No comments of own prepared. Thanked Jay Ortega for his comment and for representing a portion of the community that isn't heard.

- 3. Consent Calendar (RECEIVE & FILE; ACTION)  
- DPA August and September 2023 Monthly Statistical Reports

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

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

EXCUSED: President Elias

**PUBLIC COMMENT**

None

**1. Weekly Officer Recognition Certificate**

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

- Sergeant Justin Bugarin, Star No. 1728, Academy

Lieutenant Meehan read and provided award to Sergeant Bugarin. Chief Scott spoke about Sergeant Bugarin. DPA's Janelle Caywood provided a background on Sergeant Bugarin's accomplishments and spoke about Sgt. Bugarin.

**PUBLIC COMMENT**

Terry F.: Provided opinion on uniforms.

- 4. Adoption of Minutes (ACTION)  
- for the Meetings of October 4<sup>th</sup>, October 11<sup>th</sup> and October 18<sup>th</sup>, 2023

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

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

EXCUSED: President Elias

## **PUBLIC COMMENT**

None

### **Chief's Report**

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

Chief Scott reported on crime trends YTD: Violent Crime up 2 percent; homicide up 7 percent; rape down 15 percent; robbery up 14 percent; assault down 7 percent; human trafficking down 13 percent. Property Crimes down 8 percent; burglary down 7 percent; motor vehicle theft up 8 percent; arson down 10 percent; larceny theft down 11 percent. Gun violence is down 6 percent compared to 2022; Three shooting incidents this week; total 147 incidents resulting in 174 victims YTD. Three homicides for the week; there are a total of 46 homicides YTD with 28 resulting from a firearm; 72% overall clearance.

**Significant Incident:** Stabbing, Market and Octavia, 10/26/23 01:26, the victim was stabbed during an altercation with the subject. Officers rendered aid until medics arrived and then the victim was transported with life threatening injuries. The victim succumbed to his injuries and during the investigation, a possible suspect was identified. The suspect was located and later detained that morning by Bayview officers in the area of Gerald Avenue and Upton street. The investigation is ongoing. The next homicide to report is a homicide that occurred on 10/26 at 15:18. This was on the 1100 block of Buchanan. One victim received fatal injuries and one victim non-fatal injuries. And this was a shooting, approximately 15:18. Witnesses heard an argument between the subject and one of the victims then heard several gunshots. One victim fell to the ground and then the subject shot victim to run over to victim one. Victim two was also struck by gunfire and the subject fled. And the two victims were transported to the hospital and treated for gunshot wounds. Unfortunately, one of the victims succumbed to her injuries and the suspect appeared to be known by the victims. There has been an arrest in that case. Third homicide was a stabbing that occurred at Courtland and Hilton, on 10/29 16:13, Bayview following an altercation, officers located two victims suffering from stab wounds, both victims were transported where one did not survive the stabbing. The second victim is in critical condition. No arrest currently. There is evidence to follow up on this case and I will keep the commission and the public posted on this case. Another stabbing that occurred in September, that victim just died this week. So that is another homicide that will be recorded for the month of October. 10/23/23 at 00:40, 16th and Florida in the Mission, a victim which was a passenger in a vehicle. The vehicle pulled over, the victim exited, and the driver shot the victim twice and then fled. The victim was transported and is in stable condition. That investigation is ongoing. Then at 05:11, 10/28, in the 1000 block of Quesada in the Bayview, the victim was in a vehicle and heard several gunshots. The victim then realized that they had been shot and was transported to the hospital in stable condition. That is also still under investigation. No arrest currently. And finally, and the 900 block of Geary in the Northern, 10/29 02:01, the victim of this case sustained gunshot wounds following an altercation with the suspect. The victim was transported in stable condition and that is still also under investigation. Following up on leads on that case.

**Significant arrest:** A couple of significant arrests. Thursday morning announced through a press conference that we had additional arrests from a shooting that occurred on 6/18/23. This was the shooting along the Embarcadero. Stretched about a mile and a half. Initially, there was an individual that was arrested in that case, but that person was later released. And these arrests, which in total two arrests and one identification of a suspect that is in custody on other charges. Three individuals in all, we were able to connect to this crime. The two individuals were booked. The third individual

has not been booked on this particular case as of yet. But we have identified that person and we expect charges to be filed on that case as well as you all might remember, this was on the Embarcadero with two vehicles exchanging gunfire as they travel from Beach Street, basically down the Embarcadero, almost to the baseball stadium. As the suspects were driving, one of the vehicles struck. A ten-year-old and the second vehicle struck a 16 year old victim. Both of who were crossing the street at the Embarcadero. Thanked the investigators who really put in a lot of work on this case to put this together. They served five search warrants. They recovered 13 handguns, four assault rifles and a large volume of ammunition. There is still work to be done on this case. We're not done yet. There are other aspects of this case to investigate. But our officers and our investigators led by Lieutenant Tom McGuire, did an outstanding job at this point in this case. Two incidents. First, the auto burglary arrest that occurred on 100 block of Santa Rosa in the Ingleside on 10/28. This was a stolen vehicle that was spotted by officers after being involved in an attempted robbery in the Mission district, in which shots were fired. Multiple plainclothes units followed the vehicle to the 700 block of York Street where the driver exited, attempted, and committed an auto burglary. The vehicle then fled to the 2000 block of Burrow Street, where the suspect fled on foot and was later taken into custody by SFPD officers. The subject, who is a juvenile, was booked into the juvenile justice center and the attempted robbery that occurred in Mission district connected to this individual is still under investigation. Lastly, this incident was a very high-profile incident. This was explosives related incident that occurred, started at the 600 block of Filbert on 10/29 17:52, officers responded to a call of a battery aggravated assault at the location, which was a church witness has pointed the officers to the subject as he fled in a vehicle as officers followed the subject vehicle, the subjects threw an explosive device at their vehicle, which exploded as officers pursued the vehicle. The subject threw a second explosive device out of his vehicle, and that device also exploded as the suspect got on the freeway and fled toward the east bay. The CHP took over the pursuit and SFPD officers terminated their portion of this pursuit. The CHP took the suspect into custody in the city of Martinez. Several crime scenes were located and processed. And this investigation is ongoing. That subject or suspect has been charged with multiple crimes.

**Strategies:** Provided update regarding APEC.

**PUBLIC COMMENT:**

Terry F.: Provides opinion regarding APEC, spoke on topic of responsibility.

Jay Ortega: Addressed Chief, asked if there's any way for the public to assist during APEC.

Mark Bruno: Spoke about homelessness, with the help of Police to have volunteers to help the homeless population that isn't on drugs or alcohol.

Name not stated: Spoke to Commissioner Yanez, questioned who Commissioner was faulting for overdoses.

Alan: Provided opinion regarding Commissioners speaking on overdoses. Continued to speak on topic of overdoses.

Paulette Brown: Spoke about the digital posters at the stations. Acknowledged Day of the Dead.

Spoke about the unsolved Homicides, provided photographs she brings with her. Spoke about son, Aubrey Abrakasa and his unsolved case.

**\*\*For anyone with information on the murder of Aubrey Abrakasa please call the 24/7 anonymous tipline at 415-575-4444\*\***

**DPA Director's Report**

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

Director Henderson reported the following: In the year 2023: 668 cases opened; 610 closed; 316 pending; 48 cases sustained; 21 cases past 270-day; 35 cases mediated. SFPD Cases received in the past week: 46. Central-2-Officer wrote an inaccurate incident report and refused to take a supplemental report. An officer improperly parked an unmarked vehicle. Southern-4-The Officer spoke inappropriately with the complainant, placed the handcuffs too tight, and drove their patrol vehicle in a reckless manner. The complainant was issued citations without cause. The complainant stated that police failed to attend to reports of violent threats. Bayview-1-The complainant stated that officers failed to investigate a crime as it was reported and in turn wrote an inaccurate report. Mission-7-Officers used unnecessary force on 16-year-old juvenile during arrest, resulting in injuries. The complainant witnessed an officer behaving aggressively toward street vendors. The complainant stated that the officer and the entire police station dismissed him while he was trying to provide more evidence about his assault and attack. Northern-5-The officers failed to investigate a battery and did not write a report. The officer was rude and unhelpful when the complainant requested a protective order for her juvenile daughter who was assaulted at her middle school by another student. Park-1-An officer responded rudely to an inquiry made by the complainant. Richmond-4--Officers failed to investigate a reported vehicle and money theft despite being provided with the suspect's information by the complainant. Officers' failure of duty regarding enforcement, professionalism, and proper investigating. Ingleside-1-The officer wrote an inaccurate citation and failed to provide a copy of the citation to the complainant. Taraval-3-The complainant stated that officers violated his 4th amendment rights. The complainant stated that officers failed to investigate and apply handcuffs appropriately. The complainant also stated that officers did not document nor return all of her property and were overall rude and discourteous throughout the encounter. Tenderloin-5-The officer at the district station failed to take a police report. Officers used excessive force while making an arrest. Not Applicable-9-During a phone call, the officer made inappropriate comments/behavior and used profanity. The officer made inappropriate comments on social media. Referrals. Pending-4-The officer failed to aid the complainant in making a police report and treated him poorly. Officers failed to investigate a shooting and falsely accused an innocent person of the crime.

**Audits:** Sent over the draft of the last audit, waiting for responses from the Department.

**Outstanding Issues:** N/A

**Outreach:** 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: Asked to agendize the APEC coordination for next week. Asked to agendize to define for the Commission – "Weekly crime trends and public safety concerns (Provide an overview of offenses, incidents, or events occurring in San Francisco having an impact on public safety.

Commission discussion on unplanned events and activities the Chief describes will be limited to determining whether to calendar for a future meeting.)” (from Chief’s report line item).

Commissioner Benedicto: Attended Officer of the Month ceremony, with Commissioner Walker. DGO 7.01, Juveniles, draft posted on SFPD website for public comment.

Vice President Carter-Oberstone: Spoke about interviewing for the Policy Analyst position and unable to hire due to hiring freeze. Spoke about topic of rewards specifically related to Paulette Brown’s, member of the public, concerns. Agendize presentation on what other jurisdictions are doing on reward policies, ideas, asked for DPA and SFPD to work together, again specifically related to a member of the public’s concern. Addressed properly agendizing topics.

Commissioner Yanez: Spoke on topic of staffing. Acknowledged First day of Indigenous Heritage month and Dia de los Muertos. Wants to agendize Community Policing Manual. November 2<sup>nd</sup> have district community policing plans. Met with Youth Commission and Juvenile Probation Commission, will provided update at Juvenile Probation Commission Meeting on progress on establishing juvenile pre booking program.

Commissioner Yee: Reported on October 19<sup>th</sup> Town Hall meeting, OIS at Chinese Consulate.

**PUBLIC COMMENT:**

Alan B.: Provided opinions regarding Commissioners discussing topics, advises that its not censorship.

- 8. Discussion and possible action to adopt revised Department General Order 5.01, “Use of Force Policy and Proper Control of a Person” which reflects changes made to tire deflation devices (DISCUSSION & POSSIBLE ACTION)

*(Previously approved for meet and confer on September 6, 2023, Resolution No. 23-80)*

Chief Scott spoke on DGO. Vice President Carter-Oberstone spoke, commended Lt. Jonas and DPA’s Janelle Caywood for their work on DGO. Lieutenant Jonas spoke for Department.

Motion: Vice President Carter-Oberstone with 30 business day delay in implementation.  
Second: Commissioner Walker. 6-0.

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

**PUBLIC COMMENT:**

None

- 9. Presentation and discussion on the increase of Use of Force on people of color, at the request of the Commission (DISCUSSION)

SFPD Director Catherine McGuire, Program Manager Jason Cunningham and Sgt. Gabriel Rivera presented.

**PUBLIC COMMENT:**

Jay Ortega: Added and would like to see two suggestive breakdowns.

Alan B.: Had questions and comments regarding presentation. Asked Commission to focus on compelling compliance, to educate, have more outreach.

Paulette Brown: Provided opinion on Use of Force, Sojourn Trip. Asked to not take the Sojourn Trip

away.

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 (San Francisco Administrative Code Section 67.10) (ACTION)

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

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

EXCUSED: President Elias

**1<sup>st</sup> Open Session ended: 8:43 pm**

**Closed Session: (9:00 pm – 9:19 pm)**

12. **Closed Session**  
**Roll Call;**

**a. 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 23-005) (DISCUSSION)

(Present: Commissioners Walker, Benedicto, Byrne, Yanez, Yee, Vice President Carter-Oberstone, Chief Scott, Assistant Chief Denise Flaherty, Deputy City Attorney Alicia Cabrera, Sergeant S. Degand, Sergeant Stacy Youngblood, Kristine Singh)

**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:**

Discussion and possible action to take off calendar non-disciplinary charges filed in Case No. IAD 2021-0255 (DISCUSSION AND POSSIBLE ACTION)

(Present: Commissioners Walker, Benedicto, Byrne, Yanez, Yee, Vice President Carter-Oberstone, Chief Scott, Assistant Chief Denise Flaherty, Sergeant Stacy Youngblood, 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:**

Status and calendaring of pending disciplinary cases (DISCUSSION)

(Present: Commissioners Walker, Benedicto, Byrne, Yanez, Yee, Vice President Carter-Oberstone, Chief Scott, Assistant Chief Denise Flaherty, Sergeant Stacy Youngblood, Kristine Singh)

Closed Session Ended: 9:19 p.m.

2nd Open Session (9:20 pm – 9:20 pm)

**13. Vote to elect whether to disclose any or all discussion on Item 12 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 12 held in Closed Session. Commissioner Walker Seconded. 6-0.

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

**PUBLIC COMMENT**

None

**ADJOURNMENT**

Thereafter, the meeting was adjourned at 9:20 p.m.

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Sergeant Stacy Youngblood  
Secretary  
San Francisco Police Commission