

JANUARY 17, 2024

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, Yanez, Byrne, Yee, Benedicto (arrived: 8:15), Vice President Carter-Oberstone (arrived: 5:39) and President Elias

1. Weekly Officer Recognition Certificate

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

- Sergeant Patrice Heath, Star No. 4209, Forensic Services Division (CSI)

Director Mark Powell spoke about his unit's work, spoke about Sgt. Heath and her work. Presented the certificate to Sgt. Heath.

PUBLIC COMMENT:

Did not state name: Expressed gratitude for a female Officer being recognized.

GENERAL PUBLIC COMMENT

Name not stated: Provided opinion regarding the Commission. Provided examples along with her opinion. Is for the Commission partnering with SFPD.

William Marotz: Resident of San Francisco. Thanked all that have worked on reforms. Made suggestions to the Commission for San Francisco and spoke about qualified immunity.

Paulette Brown: Spoke about son, Aubrey Abrakasa's, murder. Provided names of the perpetrators. Continues to bring awareness to unsolved homicides.

Jay Connor B. Ortega: Concerned resident. Advised Commission to assist and not be a roadblock for SFPD.

Chief's Report

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

Chief Scott reported on crime trends YTD: Violent Crime down 37 percent; homicide no change; rape down 22 percent; robbery down 28 percent; assault down 45 percent; human trafficking down 100 percent. Property Crimes down 40 percent; burglary down 25 percent; motor vehicle theft down 7 percent; arson down 31 percent; larceny theft down 49 percent. Gun violence is down 20 percent compared to 2023; One shooting incidents this week; total 6 fire-arm related incidents resulting in 5 victims YTD. One homicide for the week; there are a total of 1 homicides YTD with 8 resulting from a firearm; 50% overall clearance.

Significant Incident: Homicide this past week, 100 block of Barry, suspects have not been taken into custody, investigation ongoing. Another Homicide, earlier in the year that happened at 16th Street and Terry Francois near the area of Chase Center, investigation is still ongoing. There was also a shooting at 6th and Shipley, Southern District, 1/14/24 00:38, the victim was stopped at a red light when the subject approached the driver's side, the victim saw a flash of bright light and realized that he had been shot, he fled and then flagged down paramedics who were in the area, the victim was transported in stable condition, no arrests have been made, investigation ongoing. Robbery with a firearm occurred at the unit block of Niagara, Ingleside, 1/13/24 03:34, as two victims parked their vehicle in the driveway, they observed a suspicious vehicle parked two houses away, one of the victims exited his car when two subjects approached, opened the car door and forcibly took the

victim's purse from the car, as the other victim attempted to intervene. One of the suspects pointed a firearm at him and then struck him in the head, the suspects fled with the property and no suspects have been arrested, investigation ongoing. Major stunt driving event on 1/14/24, around noon, 900 block of Sansome, about 200 motorcycle riders gathered in the area, Officers were able to respond and disrupt this activity, no arrests at this time, did cause major traffic congestion, ongoing thing that is being looked in to happens. Vehicle versus pedestrian hit and run, Rutland and Visitacion, Bayview, 1/13/24 06:28, the victim was located in the middle of the intersection, suffering from injuries and unable to provide information, ongoing investigation handled by Traffic investigators.

Significant arrest: From 12/28/23 homicide that occurred at 05:37 when officers located victims suffering from stab wounds, both victims were transported, with one victim succumbing to his injuries, investigators have identified a 29 year old San Francisco resident as the suspect and obtained a warrant for the suspect's arrest on Thursday, 1/11, the officers SFPD officers were in the area of 8th and Mission when they observed the suspect standing on the corner, the suspect was placed under arrest for the outstanding warrants and booked on multiple charges including homicide. There was a carjacking that occurred in the 500 block of Beale Street, Southern District, 1/8/24 21:08, two subjects carjacked the victims using the firearm, the victim advised that the vehicle had a tracking device, and the vehicle was tracked to Vallejo, CHP located and took both subjects, an 18 year old and a 16 year old into custody, CHP also recovered a firearm, ski mask and clothing matching the description provided by the victim, both suspects were booked. Incident at Hyde and Turk, 11/10/2023, the victim sustained a gunshot wound when an unknown suspect shot into the crowd in the area, victim was transported in stable condition, the suspect was subsequently identified by night investigative unit detectives, based on the clothing worn during the incident, the subject was observed by a Tenderloin plainclothes Officer and detained the subject, subject was wearing the same clothes that were worn during the shooting incident, and was in possession of a firearm, he admitted to the shooting and advised the gun in his possession was the same one that was used in the shooting. 1/8/24 16:25, several people were on a Muni coach at Geary and Masonic when a few of the people were involved in a dispute, the suspect pulled out pepper spray and pepper sprayed two victims, upon exiting the suspect kicked the victims multiple times, Officers detained the suspect, in which time the suspect assaulted the Officers by biting one of the Officers, kicking other Officers, that suspect was arrested both for the crime on Muni and crime against the Officers.

Strategies Drug market enforcement, this week, 78 arrests were made, 5335g of narcotics, the majority of that fentanyl, have been seized over this past week. Since the inception of DMAC, 127,091g of narcotics have been seized and about 70-80% of that is fentanyl.

PUBLIC COMMENT:

Paulette Brown: Spoke about unsolved homicides, rewards for tipsters. Asked to agendize topic. Spoke about DPA possibly being involved.

*** Anyone with information on the murder of Aubrey Abrakasa, please call the 24/7 anonymous tip line at 415-575-4444 ***

DPA Director's Report

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

Executive Director Henderson reported the following: In the year 2024: 20 cases opened; 16 closed; 317 pending; 3 cases sustained; 26 cases past 270-day; 0 cases mediated. SFPD Cases

received in the week: 15. Central -2- Mental health detention involving the use of force resulting in injuries, inappropriate behavior/comments, handcuffing, failure to provide name/star number, missing property, seizure of personal property, failure to investigate, and intentionally damage property. Southern-1-Referral. Northern-1-The officer failed to take a statement from the complainant and demonstrated bias. Taraval-2-An officer disregarded the complainant's concerns regarding his children's injuries and inappropriately called the complainant during the night. Tenderloin-2-The officer improperly detained the complainant, used excessive force, and improperly searched the complainant's car. Airport-1. Pending-6-Pending further investigation.

Audits: Scheduled for future agenda.

Outstanding Issues: N/A

Outreach: Thanked those who shared the information about DPA 101, through the presentation at Manny's. Have put more into DPA's social media.

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:

Name not stated: Provided opinion regarding complaints filed against Officers. Asked questions directed towards DPA, asked for authority DPA has to add on allegations.

William Marotz: Made suggestion regarding complaints against Officers.

Commission Reports

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

President Elias: Discussed backlog on discipline cases. Advised Commissioners to review their cases. Asked for numbers from Chief and DPA.

Commissioner Yanez: Will be away from 1/25-2/12. Spoke about Language Access DGO, had discussion with multiple parties. Wanted to agendize DGO for improvements. Questioned where Annual and Bi-Annual reports for Language Access are. Discussed data received from DPA regarding vehicle pursuits, directed some questions to Chief Scott. Asked to agendize RIPA best practices for 2022 and 2023, wants to see what it would take for department to adopt some of those best practices.

Vice President Carter-Oberstone: Responded to Paulette Brown's public comments, discussed Commission unable to hire a Policy Analyst, continued to discuss DPA and Department working on Ms. Brown's requests, asked to agendize.

Commissioner Walker: Discussed Patrol Specials, would like to agendize for February. Touring the Tenderloin District.

PUBLIC COMMENT:

None

6. Presentation on SFPD's Budget Priorities (DISCUSSION)

Executive Director Catherine McGuire and Chief Scott presented. Former SFPD CFO Patrick Leung available for questions.

PUBLIC COMMENT:

None

7. Discussion on the Department of Police Accountabilities access to officer-involved shootings records where the DA's Office is leading the criminal investigation (DISCUSSION)

To be rescheduled.

8. Presentation on DPA's Annual Report (DISCUSSION)

DPA Director of Operations, Nicole Armstrong, presented.

PUBLIC COMMENT:

None

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

None

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

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

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

EXCUSED: President Elias, Commissioner Benedicto.

1st Open Session ended: 8:12 pm

Closed Session: (8:20 pm – 11:06 pm)

11. Closed Session

Roll Call;

- b. 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 labor union SEIU. The SEIU 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 members: SEIU

Anticipated Issues Under Negotiation: Discussion on DGO 11.13 (DISCUSSION)

(Present: Commissioners Yee, Benedicto, Walker, Byrne, Yanez, Vice President Carter-Oberstone, President Elias, Chief Scott, Acting Assistant Chief Peter Walsh, Deputy City Attorney Jon Givner, Deputy City Attorney Peter Cownan, Deputy City Attorney Kate Kimberlin, Deputy City Attorney Meera Bhatt, DHR Employee Relations Director Brown, Director LaWanna Preston, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

- a. **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 Yee, Benedicto, Walker, Byrne, Yanez, Vice President Carter-Oberstone, President Elias, Chief Scott, Acting Assistant Chief Peter Walsh, Deputy City Attorney Jon Givner, Deputy City Attorney Peter Cownan, Deputy City Attorney Kate Kimberlin, Director LaWanna Preston, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

- 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 decide guilt and penalty, if needed, or take other action, if necessary, on appeal of Chief's suspension filed in Case No. DPA 44475-20 (DISCUSSION & POSSIBLE ACTION)

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

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

- 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 re-hear guilt and penalty, if needed, or take other action, if necessary, on SFPD Case No.'s RMW C08-166 and RMW C08-167, per OAH's decision, in OAH Case No. 2022090221, granting the Officer's appeal of the Commission's March 7, 2022 decision (DISCUSSION & POSSIBLE ACTION)

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

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

- c. 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):**
Mitzey Davis, et al. v. City and County of San Francisco, et al., San Francisco Superior Court Case No. CGC-21-593819, filed July 14, 2021 (DISCUSSION & POSSIBLE ACTION)

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

- d. 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):**
Jocelyn Li v. City and County of San Francisco, San Francisco Superior Court Case No. CGC-22-600516, filed July 1, 2022 (DISCUSSION & POSSIBLE ACTION)

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

Closed Session Ended: 11:06 p.m.
2nd Open Session (11:07 pm – 11:08 pm)

- 12. Vote to elect whether to disclose any or all discussion on Item 11 held in closed session including vote on whether to assert the attorney-client privilege with regards to Item 11 (c) through 11 (f) (San Francisco Administrative Code Section 67.10) (ACTION)**

Commissioner Walker motioned to not disclose any or all discussion on item 11, held in Closed Session including vote on whether to assert the attorney-client privilege with regards to Item 11 (c) through 11 (f). Commissioner Yee Seconded. 5-1.

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

ADJOURNMENT

Thereafter, the meeting was adjourned at 11:08 p.m.

Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission