

FEBRUARY 7, 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 5:39 p.m.

PRESENT: Commissioners Benedicto, Walker, Byrne, Yee, Vice President Carter-Oberstone and President Elias (arrived: 5:43 p.m.)
EXCUSED: Commissioner Yanez (joined remotely at 10:05 pm)

1. Weekly Officer Recognition Certificate
Presentation of an Officer who has gone above and beyond in the performance of their duties.
 - Sergeant Kyra Delaney, Star No. 1320, Homicide Unit

Homicide Lieutenant Kelvin Sanders spoke about and thanked Sergeant Delaney, presented Sergeant Delaney with certificate.

PUBLIC COMMENT

Michael Petrelis: Provided opinion regarding line item order of Officer of the Week and continued with opinion regarding topic.

GENERAL PUBLIC COMMENT

Michael Petrelis: Spoke about a specific tweet, referred to it as a threat. Spoke about metal barricades near Mission Station, provided his opinion.
Paulette Brown: Spoke about son, Aubrey Abrakasa's, murder. Provided a list of names and referenced an article regarding her son's case.

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

8. Presentation on the Office of the Controller's audit of SF SAFE in relation to their grant agreement with SFPD (DISCUSSION & POSSIBLE ACTION)

From the Controller's Office, Mark de la Rosa, Director of Audits, Amanda Sobrepeña, Lead Audit Manager, presented, and Selena Wong, Senior Auditor, available.

Commissioner Benedicto motioned to request the Controller's Office conduct a comprehensive audit of SF Safe, expanding on its work done from this assessment to specifically include financial assessments and audit of the entire 2018 to 2023 grant period, and also include a test of internal controls at SF Safe, and whether SF Safe achieved program deliverables for the entire grant period
President Elias amended motion to include extension and initial period and Seconded. 6-0.

AYES: Commissioners Benedicto, Walker, Byrne, Yee, Vice President Carter-Oberstone and President Elias
EXCUSED: Commissioner Yanez (joining remotely at a later time)

PUBLIC COMMENT:

Michael Petrelis: Provided opinion regarding remote public comment for this item. Provided opinion regarding Mayor taking responsibility for non profits, referenced separate presentation to question monitoring funds.

3. Consent Calendar (RECEIVE & FILE; ACTION)
 - SFPD Audit of Electronic Communication Devices for Bias, 4th Quarter 2023
 - Department General Order 11.02, "Secondary Employment", Annual Report 2023
 - SFPD 2022 Limited English Proficiency (LEP) Report
 - Semi-Annual Sexual Assault Evidence Kit Report (SAEK) July 1 – December 31, 2023

Motion to receive and file, except for consent item- Department General Order 11.02, "Secondary Employment", Annual Report 2023, to place the Secondary Employment Annual Report on an upcoming agenda with more information on the LLCs listed on the report: Commissioner Benedicto. Second: Commissioner Walker. 6-0.

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

PUBLIC COMMENT

None

4. Adoption of Minutes (ACTION)
 - for the Meetings of January 10th and January 17th, 2024.

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

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

PUBLIC COMMENT

None

Chief's Report

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

Chief Scott reported on crime trends YTD: Violent Crime down 14 percent; homicide down 40 percent; rape down 16 percent; robbery down 15 percent; assault down 12 percent; human trafficking down 33 percent. Property Crimes down 40 percent; burglary down 24 percent; motor vehicle theft down 12 percent; arson down 33 percent; larceny theft down 48 percent. Gun violence is down 17 percent compared to 2023; One shooting incident this week; total 15 fire-arm related incidents resulting in 12 victims YTD. No homicides for the week; there are a total of 3 homicides YTD with 3 resulting from a firearm; 33% overall clearance.

Significant Incident: Assault with a deadly weapon, 26th and Van Ness, Mission District, 1/30/24 16:30, the victim, who was in a wheelchair, said that they were on the sidewalk and was bitten by a dog, the owner of the dog pushed the victim and hit the victim with a stick, the victim was transported to the hospital, still under investigation, no arrests have been made. Assault with serious injuries that occurred on the Muni Light Rail, 13:39 1/30/24, Officers found the victim bleeding, the

victim said that they were punched by a subject, witnesses said that while they were on the light rail vehicle Muni, they saw subject break into the panel on the Muni to charge an electrical device, when the subject saw the victim watching the suspect, the victim saw the subject, had words with the subject and then subject punched the victim, the victim was injured and the subject was transported to the police station, the case did not have enough probable cause to make an arrest at this time. Hate crime at unit block of Turk Street, Tenderloin, terrorist threats, subject knocked on business office doors and began to yell at an employee inside, the employee closed the door on the subject, and the subject then made some derogatory racially motivated remarks and threatened to kill the victim, the victim feared for their lives, their safety, case is being investigated, no arrests have been made at this time. A couple of other major incidents - there were three stabbings over this past week, one in the Tenderloin on 100 block of Jones, one on the 1900 block of Ocean Avenue, Taraval, and one at the unit block of Dakota Street, Bayview, no arrests made, all still under investigation, fourth stabbing, Eddy and Hyde, Tenderloin, 2/3/24 03:00, no arrests made, investigation ongoing.

Significant arrest: N/A

Strategies: Drug market, still in coordination with our local, state partners and federal partners, there were 41 incidents that yielded 51 arrests this past week, there were 552g of narcotics seized this past week and YTD there have been 5243g of fentanyl seized in the Tenderloin, through the efforts of the work of the Drug Market Agency Coordination Center.

PUBLIC COMMENT:

Paulette Brown: Bringing awareness to zero dollars being awarded for unsolved homicides, referenced an article. Asked to agendize the topic of paying tipsters, research regarding the topic.

DPA Director's Report

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

Executive Director Henderson reported the following: In the year 2024: 64 cases opened; 32 closed; 344 pending; 7 cases sustained; 28 cases past 270-day; 0 cases mediated. SFPD Cases received in the past **weeks:** 32. Central-2-The officer cited the suspect instead of a physical arrest. Southern-3-The officers used excessive force. Officers failed to timely respond to the complainant's report of an assault resulting in a subsequent assault. Mission-2-An officer conducted a vehicle traffic stop, towed the vehicle, and placed a hold on it without cause. The officer behaved rudely, failed to provide their name and star number when requested, and did not call a supervisor. Northern-4-The complainant stated that officers refused to move a police vehicle blocking a driveway, refused to take a police report and refused to provide a badge number when requested. An officer ran a bicyclist off the road and drove his vehicle at an excessive rate of speed. Park-1-The complainant had not been treated for his head injury; however, the officer/s had him illegally discharged from the emergency department. Richmond-3-The complainant stated an officer made a false report and only believed the other parties involved. The complainant stated she was wrongly arrested. Ingleside-2-The officers failed to cite the person for intoxication and move the person's car. An officer arrested the complainant without cause. Taraval-3-The officer failed to promptly respond. The officer falsely imprisoned the complainant at the hospital. Tenderloin-4-The officer cited the complainant for no reason, refused to call a supervisor to the scene, and threatened the complainant to jail. Not Applicable-7- Referral. Pending-1-Pending further investigation.

Audits: Commissioner Carter-Oberstone inquired about information with DPA, on what the delay was in receiving information regarding the ongoing audit. SFPD and DPA's Steve Flaherty have extended

the deadline for the initial stop data information request to February 22nd. DPA is continuing to move forward independently and is reviewing all of the publicly available stop data and stop data reports. Also coordinating with SFPD to get an understanding of the completeness and accuracy of the data that's been provided independently of DPA.

Outstanding Issues: DPA and the Controller's Office have now completed their 36 month follow-up on SFPD's implementation of recommendations made from the 2020 Use of Force Audit, now down to only four recommendations that remain open.

Outreach: Last week, Director of Recruitment/Staff Attorney, Tinnetta Thompson, and PIO, Carolyn Wiesinger, appeared at the Human Rights Hearing, dreaming forward convening, the experience for students is based on the Fellowship Program at DPA. Participating in in the local media and newspaper opportunities to talk about the outreach for the program. 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**

President Elias: Invited by Assemblymember Ramos to conduct a year anniversary hearing on his legislation regarding the feather alert, an alert that was issued by the CHP for Native American and indigenous people missing persons alert, very informative. Happy to report that SFPD has been working to ensure that any feather alerts that need to be issued, can and will be by the department, according to Assemblyman Ramos, his staff would like to provide additional training to SFPD with respect to this alert and legislation.

Commissioner Benedicto: On 1/31 attended Officer of the Month ceremony with Commissioners Walker and Yee, congratulated all the Officers honored at the event. Spoke about topic of stolen cars being ticketed by MTA, Mayor issued executive order for agencies to work together, has discussed topic with department, provided update regarding streamlined process.

Commissioner Yee: Attended Officer of the Month ceremony. Discussed February 10th Lunar New Year parade. Mayor mentioned that parking at Portsmouth Square for the month of February is free for the first two hours, shop and support the merchants and the community.

Vice President Carter-Oberstone: Attended working group session for DGO 8.03, "Crowd Control", two or three more sessions, continuing revision process.

Commissioner Walker: Public Safety Committee tomorrow at the Board of Supervisors, Supervisor Melgar has an item on Women in Policing, supporting the commitment of 30x30. Discussed pilot program for childcare. Ongoing conversations about Patrol Specials, request from community, especially Marina District, to have meetings out in community again. Beginning discussions with Latino Taskforce about ambassador group happening in the Mission, coordinating non police responses in the street.

PUBLIC COMMENT:

None

9. Presentation on SFPD’s staffing and deployment, at the request of the Commission (DISCUSSION)

Deputy Chief Peter Walsh, Administration Bureau, introduced SFPD Staffing Analytics Supervisor TJ Chow who presented.

PUBLIC COMMENT:

Paul Allen: Suggested to re-evaluate DGOs to lessen record keeping burden on Officers. Commissioner Carter-Oberstone provided feedback, both discussed.

10. Discussion and possible action to approve the 2025-2026 Fiscal Year SFPD Budget (DISCUSSION & POSSIBLE ACTION)

SFPD Executive Director, Catherine McGuire, Strategic Management Bureau, presented.

Motion to send Budget to Board of Supervisors without Commission approval: Commissioner Carter-Oberstone. Second: Commissioner Benedicto. 3-3.

AYES: Commissioners Benedicto, Vice President Carter-Oberstone and President Elias

NAY: Commissioners Walker, Byrne, Yee

EXCUSED: Commissioner Yanez

Move to approve budget: Commissioner Walker, Second: Commissioner Yee. 4-2.

AYES: Commissioners Benedicto, Walker, Yee and Byrne.

NAY: Vice President Carter-Oberstone, President Elias

EXCUSED: Commissioner Yanez

PUBLIC COMMENT:

Paul Allen: Questioned if budget includes Mayor’s 10% cut.

2ND PUBLIC COMMENT:

None

11. Presentation on DPA’s Budget (DISCUSSION)

DPA’s Director of Operations, Nicole Armstrong, presented.

PUBLIC COMMENT:

None

12. Presentation on SFPD’s Disciplinary Review Board Findings and Recommendations, 2nd Quarter 2023 (DISCUSSION)

Assistant Chief, Denise Flaherty, and DPA's Chief of Staff, Sarah Hawkins, presented.

PUBLIC COMMENT:

None

13. Presentation on the Early Intervention System (EIS) 2nd Quarter 2023 (DISCUSSION)

Sergeant Darwin Naval, Officer in Charge of EIS, presented.

PUBLIC COMMENT:

None

14. Discussion and possible action to approve revised Department General Order 3.12, "Department Training Plan" for the Department to use in meeting and conferring with the effected bargaining units as required by law (DISCUSSION & POSSIBLE ACTION)

To be rescheduled.

15. Discussion and possible action to approve revised Department General Order 6.20, "Member-Involved Domestic Violence" for the Department to use in meeting and conferring with the effected bargaining units as required by law (DISCUSSION & POSSIBLE ACTION)

To be rescheduled.

16. Public comment on all matters pertaining to Item 18 below, Closed Session, including public comment on Item 17, vote whether to hold Item 18 in closed session.

None

17. Vote on whether to hold Item 18 in Closed Session (San Francisco Administrative Code Section 67.10) (ACTION)

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

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

EXCUSED: Commissioner Yanez

1st Open Session ended: 9:59 pm

Closed Session: (10:06 pm – 10:27 pm)

- 18. 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 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, Yee, Byrne, Yanez (remotely), Benedicto, Vice President Carter-Oberstone, President Elias, Chief Scott, Assistant Chief Denise Flaherty, Deputy City Attorney Alicia Cabrera, Deputy City Attorney Peter Cownan, Director LaWanna Preston, 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):**
Kirstin Johnson, et al. v. City and County of San Francisco, et al., United States District Court Case No. 20-cv-01569-SK, filed October 25, 2019 (DISCUSSION & POSSIBLE ACTION)

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

Closed Session Ended: 10:27 p.m.
2nd Open Session (10:28 pm – 10:29 pm)

19. Vote to elect whether to disclose any or all discussion on Item 18 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 18, except for factual updates regarding 15b to be disclosed in the minutes, held in Closed Session. Commissioner Walker Seconded. 6-0.

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

Closed Session 2.7.24 Disclosure

Disclosure for Item 15(b)

The Police Commission met with its labor negotiator, Director LaWanna Preston to receive an update on labor negotiations with the San Francisco Police Officers Association (SFPOA) regarding DGO 9.07. Director Preston provided an update on negotiations with the SFPOA, timelines discussed. Director Preston anticipates receiving a response from the SFPOA on 2/9/24.

ADJOURNMENT

Thereafter, the meeting was adjourned at 10:29 p.m.

Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission