

MARCH 20, 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 5:30 p.m.

PRESENT: Commissioners Benedicto, Yanez, Walker, Byrne, Yee (arrived: 5:34 pm) and Vice President Carter-Oberstone (arrived: 5:41 pm)
EXCUSED: President Elias

Pledge of Allegiance; Roll Call

1. Weekly Officer Recognition Certificate
Presentation of an Officer who has gone above and beyond in the performance of their duties.
 - Sergeant Michael Zhang, Star No. 4236, Special Investigations Division

Lieutenant Bassej Obot spoke about Sergeant Zhang and his work.

PUBLIC COMMENT

None

GENERAL PUBLIC COMMENT

Name not stated: Referenced document provided to the Commission. Provided information regarding technology, surveillance, communications.

Name not stated: Provided opinion on electing a Police Chief.

Name not stated: Spoke about elections, provided opinion on Commission's intervention with Police Department. Provided opinion regarding ethics and city employees.

Jay Connor B. Ortega: Concerned resident. Congratulations Officer that was recognized. Thanked members of the Police Department. Referenced passing of Prop E, provided support for Officers, advised Commission to support SFPD. Called Commissioners Yanez and Elias to resign, stating conflicts of interest.

Name not stated: Spoke on responsibility and critical thinking.

3. Consent Calendar (RECEIVE & FILE; ACTION)
 - AMENDED Department General Order 11.02, "Secondary Employment", Annual Report 2023
 - Photo Booth Donation for SFPD's Annual Bring Your Child to Work Day event, worth an estimated \$500.
 - SFPD 1421 and SB 16 Monthly Report (February 29, 2024)
 - DPA 1421 and SB 16 Monthly Report (March 2, 2024)

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: Commissioner Benedicto. 2nd: Vice President Carter-Oberstone. Vote: 6-0.

AYES: Commissioners Benedicto, Yanez, Walker, Byrne, Yee and 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 down 16 percent; homicide down 40 percent; rape down 30 percent; robbery down 19 percent; assault down 10 percent; human trafficking down 20 percent. Property Crimes down 32 percent; burglary down 17 percent; motor vehicle theft down 7 percent; arson down 4 percent; larceny theft down 40 percent. Gun violence is down 40 percent compared to 2023; Three shooting incidents this week; total 20 fire-arm related incidents resulting in 25 victims YTD. Two homicides for the week; there are a total of 6 homicides YTD with 3 resulting from a firearm; 83% overall clearance.

Significant Incident: Second homicide, occurred on the 100 block of Dakota Street, Bayview District, 3/17/24 05:54, a witnesses found a deceased person on the ground between two buildings, that investigation is pending, no arrests have been made at this time, investigators are following up on several leads in this investigation. There were three non-fatal shootings resulting in three victims, one occurred on 3/11/24 11:17, Wallace and Jennings in the Bayview, that victim sustained a gunshot wound and self-transported to the hospital with non-life threatening injuries, that investigation is still open and ongoing with no arrest, second was on 3/15/24 23:42, Underwood and 3rd street in the Bayview, Officers responded to shots fired and found a victim suffering from a gunshot wound, that victim was taken to the hospital with critical with injuries, listed them in critical condition, investigation ongoing, no arrests, the third shooting was on 3/17/24 19:04, 1500 block of Galvez Avenue in the Bayview, Officers responded to a shooting and found the victim lying inside a walk inside the property with a gunshot wound, the subject is known to Officers and that investigation is ongoing, but no arrests at this time. Significant event, a protest at the San Francisco International Airport, 3/13/24 21:05, Pro-Palestine protest with about 300 people in attendance, there was disruptions to airport travel and travelers, coming and going to the airport, but there was no violence, protesters ended up ending the protest without any serious incidents.

Significant arrest: Tragic fatal collision, 900 block of Ulloa, 3/16/24 12:13, Officers responded to the area of Ulloa and Lennox Way, report of a solo vehicle collision involving pedestrians, Officers arrived on the scene and located multiple victims suffering from injuries, Officers and SFPD rendered aid to the victims, despite those lifesaving efforts made by the first responders, two victims were declared deceased at the scene, three other patients were transported to the hospital with a multitude of serious injuries, since this Saturday's incident, two of those three that were transported have also passed away, Officers learned that the driver of the vehicle, identified as 78 year old Mary Fong Lao, was traveling eastbound on Ulloa street when she crashed into a bus stop at the intersection of Lowell Street and Lennox way, through the course of this investigation, the SFPD Traffic Collision Investigations Unit developed probable cause to book the driver, Ms. Lao, for felony vehicular manslaughter and additional traffic violations, there was a vigil held Monday night, and the community came out in mass to support the victims of this this collision, this investigation is still open and ongoing, even though there was arrest, if anyone has any information that can lend some evidence to this investigation, please contact SFPD at 415-575-4444, or text a tip to 411 and begin the message with SFPD. Two homicides reported for this week, first one was on the 100 block of Appleton, Ingleside District, 3/13/24 9:11, Officers responded to a possible burglary, when they arrived, they found a deceased victim suffering from stab wounds, a few hours later, the officers were able to locate the subject during a traffic stop, and a vehicle pursuit ensued that ended up in the city of Oakland, where that subject was taken into custody and arrested for that murder.

Strategies: N/A

PUBLIC COMMENT:

Name not stated: Thanked Chief Scott for his report, provided opinion regarding data. Questioned if information can be corroborated, cross checked. Questioned if there are any trends on people reporting what they are seeing.

H. Brown: Retired Special Education teacher, lives near 16th and Mission. Spoke on personal experience with gangs and former “cop boxes” in the area.

Paulette Brown: Spoke about son, Aubrey Abrakasa’s, unsolved murder. Asking to agendize unsolved homicides, different ways to investigate. Provided names of perpetrators.

For members of the public that have any information regarding the murder of Aubrey Abrakasa you can call the 24/7 anonymous tip line at 415-575-4444

7. Presentation of the Annual Report required under Department General Order 5.20, “Language Access Services for Limited English Proficient (LEP) Persons,” including addressing the delay in reporting for 2022, a five-year overview of data, and efforts to improve language access. (DISCUSSION)

- Follow up presentation from The Office of Civic Engagement and Immigrant Affairs (OCEIA), at the request of the Commission (DISCUSSION)

Commissioner Yanez requested Chloe, from OCEIA, present first.

Jorge Rivas, Director, and Chloe Noonan, Policy and Civic Engagement Officer, from OCEIA, presented.

Commander Arran Pera and Officer Jamie Garon, subject matter expert for LEP, from the Community Engagement Division presented.

PUBLIC COMMENT:

H. Brown: Provides opinion regarding mutual aid and artificial intelligence program regarding language translation.

DPA Director’s Report

- Report on recent DPA activities, and announcement

Chief of Staff, Sarah Hawkins, on behalf of Executive Director Henderson, reported the following: In the year 2024: 132 cases opened; 130 closed; 314 pending; 14 cases sustained; 31 cases past 270-day; 2 cases mediated. SFPD Cases received in the past **week**: 24. Central-2-Officers used excessive force at a public protest. Southern-1-The officer pointed his ERIW at an individual's face. Northern-4-An officer illegally towed the complainant's vehicle. The officers detained the complainant without cause, failed to activate their body-worn cameras, kicked the complainant's son's dog, and removed the complainant's son to CPS without cause. Ingleside-1-Complainant was arrested without cause and sustained injuries from the arrest. Tenderloin-8-The officers did not search or arrest the suspect that pulled a gun on the complainant while she was in her vehicle. The officer grabbed the complainant's arm, threatened him with arrest, and cited him after he jaywalked on a red light. The complainant stated that they called a police station and the person they spoke with hung up on them. They also stated that they did not receive a call back from a supervising officer as requested. Airport-1-The San Francisco Police Department allowed protesters to block the international terminal of the airport. Not Applicable-4-Referral. Pending-3-Pending further investigation.

Audits: Received second round of information related to the stop data audits, currently reviewing.

Outstanding Issues: Staffing concerns.

Outreach: Outreach representative, Carolyn Wiseinger, will be giving a DPA update at the Mission Station meeting. Updating outreach material.
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:

H. Brown: suggested calendaring a study of lateral officers.

Commission Reports

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

Commissioner Benedicto: Attended St. Patrick's Day parade with department. Next Wednesday, with Commissioner Walker, ridealong in Tenderloin. DGO 7.01, Juveniles, with Commissioner Yanez, working with department on some of the public comments provided.

Commissioner Byrne: Discussed Proposition E and DGOs possibly effected, addressed question to City Attorney.

PUBLIC COMMENT:

H. Brown: Provided opinion regarding drug testing for public service workers, police department.

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

None

9. Vote on whether to hold Item 10 in Closed Session (San Francisco Administrative Code Section 67.10) (ACTION)

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

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

1st Open Session ended: 7:35 pm
Closed Session: (7:36 pm – 8:45 pm)

- 10. Closed Session**
Roll Call;

- a. CONFERENCE WITH LEGAL COUNSEL AND LABOR NEGOTIATOR – Existing Litigation.**

Pursuant to Government Code Section 54956.9(d)(1) and San Francisco Administrative Code Section 67.10(d)(1):

City Negotiator: LaWanna Preston, SFPD Labor Relations Director
Anticipated Issues: Discussion on DGO 9.07 (DISCUSSION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Vice President Carter-Oberstone, Chief Scott, Assistant Chief Denise Flaherty, Deputy City Attorney Alicia Cabrera, Deputy City Attorney Kate Kimberlin, Director LaWanna Preston, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds)

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 decide guilt and penalty, if needed, or take other action, if necessary, on the appeal of Chief's suspension in DPA Case No. 43112B (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Vice President Carter-Oberstone, Chief Scott, Assistant Chief Denise Flaherty, Deputy City Attorney Kate Kimberlin, DPA Attorney, Officer's Attorney, Officer, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds)

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

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:

Discussion and possible action to adopt Findings of Fact regarding Commission's decisions on 1/17/24, the Re-Hearing of Commission's March 7, 2022 Decision per Decision in Appeal under OAH Case No. 2022090221, regarding disciplinary charges filed in Case No. RMW C08-166 and C08-167 (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Vice President Carter-Oberstone, Chief Scott, Assistant Chief Denise Flaherty, Deputy City Attorney Kate Kimberlin, 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:

Discussion and possible action to adopt Findings of Fact regarding Commission's decisions on 1/17/24 on the appeal of Chief's decision filed in Case No. DPA 44475-20 (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Vice President Carter-Oberstone, Chief Scott, Assistant Chief Denise Flaherty, Deputy City Attorney Kate Kimberlin, 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:

Discussion and possible action to adopt Findings of Fact regarding Commission's decisions on 1/11/23

On the appeal of Chief's decision filed in Case No. IAD 2019-0123A (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Vice President Carter-Oberstone, Chief Scott, Assistant Chief Denise Flaherty, Deputy City Attorney Kate Kimberlin, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds)

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 adopt Findings of Fact regarding Commission's decisions on 1/11/23 on the appeal of Chief's decision filed in Case No. IAD 2019-0123B (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Vice President Carter-Oberstone, Chief Scott, Assistant Chief Denise Flaherty, Deputy City Attorney Kate Kimberlin, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds)

Closed Session Ended: 8:45 p.m.

2nd Open Session (8:45 pm – 8:46 pm)

11. Vote to elect whether to disclose any or all discussion on Item 10 held in closed (San Francisco Administrative Code Section 67.10) (ACTION)

Commissioner Benedicto motioned to not disclose any or all discussion on item 10 held in Closed Session. Commissioner Walker Seconded. 6-0.

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

ADJOURNMENT

Thereafter, the meeting was adjourned at 8:46 p.m.

Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission