

MARCH 6, 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 5:42 p.m.

PRESENT: Commissioners Benedicto, Yanez, Walker, Byrne, Vice President Carter-Oberstone (arrived: 5:48 pm) and President Elias
EXCUSED: Commissioner Yee

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.

- Recognition of SFPD's Homicide Detail and Support Staff

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| <i>Lieutenant Kelvin Sanders Officer in Charge</i> | <i>Sergeant Scott Warnake Investigator</i> | <i>Sergeant Kyra Delaney Investigator</i> | <i>Sergeant Brent Dittmer Investigator</i> | <i>Sergeant Francis Feliciano Investigator</i> | <i>Sergeant Gregory Skaug Investigator</i> |
| <i>Sergeant Domingo Williams Investigator</i> | <i>Sergeant John Hallisy Investigator</i> | <i>Sergeant Ryan Jones Investigator</i> | <i>Sergeant Brent Sullivan Investigator</i> | <i>Sergeant Brian Burke Investigator</i> | <i>Sergeant Eric Wang Investigator</i> |
| <i>Officer Anthony Tallerico Video Retrieval</i> | <i>Retired Officer Dominic Celaya Cold Case Unit</i> | <i>Retired Officer Daniel Cunningham Cold Case Unit</i> | <i>Retired Officer Daniel Dedet Cold Case Unit</i> | <i>Retired Officer Tom Newland Cold Case Unit</i> | <i>Retired Lieutenant Michael Philpott Cold Case Unit</i> |
| | | <i>Lisa Marie Vanni Secretary II</i> | | | |

Captain Noah Mallinger introduced the Homicide detail and support staff. President Elias and Chief Scott, separately, addressed the unit and offered their praises and thanks. Commissioners and DPA Executive Director continued to address and thank the unit and Officers.

PUBLIC COMMENT

Name not stated: Thanked Commission for this type of commendation.

GENERAL PUBLIC COMMENT

Name not stated: Spoke about paying for what happened. Had opinions regarding resignation or firing.

Daisy A.: Provided opinion and concerned on use of several technologies, hacking, satellites and computer programs.

Chris Kline: Spoke about technology, access and correlations.

Name not stated: Provided opinion regarding general welfare of Officers and how to assist with general conduct.

Name not stated: Provided her concerns regarding DGO 9.07 vote from last week.

Alan B.: Provided opinion on last week's vote on DGO 9.07.

Name not stated: Provided opinion on Latinos being hired by the department and percentage currently in the department. Spoke about a personal experience.

Leticia Flores: Referenced Prop E. Spoke about personal experiences with Police. Questioned Commissioners. Spoke about open air drug market.

Name not stated: Provided opinion regarding Police, sense of justice, ethics and morality.

Paulette Brown: Spoke about son, Aubrey Abrakasa. Thanked Commission for acknowledging that she attends Spoke about the Homicide Detail. Is grieving and would like this case solved.

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

3. Consent Calendar (RECEIVE & FILE; ACTION)
 - SFPD 4th Quarter Document Protocol Memo
 - DPA 4th Quarter Document Protocol Memo

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

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

EXCUSED: Commissioner Yee

PUBLIC COMMENT

None

4. Adoption of Minutes (ACTION)
 - for the Meetings of February 7th, 14th and 21st, 2024.

Motion: Commissioner Benedicto. 2nd: Commissioner Walker. Vote: 6-0.

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

EXCUSED: Commissioner Yee

PUBLIC COMMENT

Name not stated: Would like to have February 21st minutes reflect that Commissioner Yanez was not present.

Alan B.: Referenced previous public commenter and agreed.

Chief's Report

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

Chief Scott reported on crime trends YTD: Violent Crime down 17 percent; homicide down 63 percent; rape down 30 percent; robbery down 19 percent; assault down 11 percent; human trafficking down 25 percent. Property Crimes down 32 percent; burglary down 17 percent; motor vehicle theft down 6 percent; arson down 2 percent; larceny theft down 39 percent. Gun violence is down 30 percent compared to 2023; Two shooting incidents this week; total 21 fire-arm related

incidents resulting in 16 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: There were two shootings in the city, both resulted in two victims, non-fatal injuries, one was at the 2100 block of Revere, Bayview, 2/27/24, second one was on 2/28/24 on Junipero Serra Blvd., both victims were injured, but no life-threatening injuries, both cases still under investigation. Three stabbings - one was on the 800 block of Ellis, 2/26/24 12:35, second one was on 2/29/24, 24th and Mission, third was on 3/3/24 11:24, Willow Street and Van Ness, common theme for all three stabbings is they all resulted from arguments, the arguments led to stabbings, no arrests made, investigations ongoing. Protest this past Saturday, began at Harry Bridges Plaza, ended on Montgomery Street, near the Israeli consulate, was reported by media outlets that SFPD Officers used force on peaceful protestors, during this protest at the 400 block of Montgomery Street, the crowds attempted to breach the barricades, and in the process, one officer was spat on by a protester and other protesters threw bottles and other objects at officers, some of which struck the officers, all of this was captured on the officers' body worn cameras, during this exchange, pepper spray and batons were used and there were no serious injuries, two officers were injured and at least one person, involved in the protest, was reported to have an injury, but none of them were serious, there is an investigation ongoing, pointing out that what was reported on Saturday, that peaceful protesters had forced use upon them, the body worn camera indicates a different story.

Significant arrest: N/A

Strategies: The narcotics unit had a very successful week this past week, which led to the seizure of approximately 45lbs of narcotics. Of that, approximately 10lbs of that was fentanyl, approximately 35lbs was meth, numerous search warrants served, all of them were outside of the city, this was all narcotics that would have ended up in the Tenderloin, the people that were being investigated or connected to the Tenderloin narcotics trade, there were a total of seven arrests that were made, there's still more investigation to be done on this case.

PUBLIC COMMENT:

Paulette Brown: Referenced article regarding payout on rewards and a department power point previously presented. Is waiting for April to see if DPA and SFPD have worked on this topic.

DPA Director's Report

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

Executive Director Henderson reported the following: In the year 2024: 106 cases opened; 110 closed; 307 pending; 14 cases sustained; 30 cases past 270-day; 2 cases mediated. SFPD Cases received in the past **week:** 18. Central-1. Southern-3-Officer used excessive force escorting complainant out of the concert; handcuffed complainant without cause; inappropriate behavior/comments; displayed disregard for complainant's personal safety and wellbeing; obstructed cell phone video. Bayview-3-The officer failed to investigate a theft. Mission-2-The officers did not assist him with a case regarding his kidnapped son. The officer drove improperly. Northern-1. Ingleside-1. Taraval-1-Officers failed to investigate an incident involving the complainant, who was threatened with a gun. Tenderloin-2. Not Applicable-2-Referral. Pending-2-pending further investigation.

Audits: Received responses that came back from SFPD, initial audit information, DPA in process of reviewing and preparing for conference with department. Secondary inquiry out to Commission.

Outstanding Issues: N/A

Outreach: Restocked brochures and complaint forms, information is at every station. Attended Richmond Station Community meeting.
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: Spoke about the passing of Proposition E. Provided update, meeting with City Attorney and department for implementation.

Commissioner Benedicto: Attended Lunar New Year Parade with SFPD. Attended Academy graduation. Will attend quarterly meeting as DPA Audit Liaison, Commission has a survey regarding audits.

Commissioner Byrne: Reference Proposition E, Proposition references SFPD DGOs 3.01 5.01 5.03 5.05 and 5.06. Addressed President Elias regarding agendizing these DGOs.

Commissioner Walker: Ride along in the Richmond Station, thanked Captain Canning. Also scheduled for a Tenderloin ride along. Attended Lunar New Year Parade. Met with residents regarding Patrol Specials. Wanted to thank station and Chief for hosting a retirement party for the last Patrol Special.

Commissioner Yanez: Spoke about pre-booking juvenile diversion program, discussed when DGO 7.01 will be agendized, wants to agendize conversation regarding pre-booking diversion program.

Investigative Social Media DGO, worked with DPA and Department regarding next steps. Referenced a report, mentioned clearance rates, wants to have conversation regarding clearance rates.

PUBLIC COMMENT:

None

8. Discussion and possible action to adopt Department General Order 9.07, “Restricting the Use of Pretext Stops”, as to the other bargaining units (DISCUSSION & POSSIBLE ACTION)

(Previously approved for meet and confer on April 5, 2023, Resolution No. 23-31)

Vice President Carter-Oberstone spoke on DGO.

Vice President Carter-Oberstone Motioned to enact DGO 9.07 only as to the MEA, with a delay of implementation for training, so that it goes into effect at the same time that the policy will go into effect for the POA, subject to the terms outlined in Commission Resolution 24-34 Second: Commissioner Benedicto. 4-2.

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

NAYS: Commissioners Walker and Byrne

EXCUSED: Commissioner Yee

PUBLIC COMMENT:

None

9. Discussion and possible action to adopt revised Department General Order 9.05, "Citation Control" (DISCUSSION & POSSIBLE ACTION)

(Previously approved for meet and confer on January 10, 2024, Resolution No. 24-1)

Ofc. Crispin Jones, Traffic Company, available for the department.

Motion: Commissioner Benedicto, with 45-day implementation. Second: Vice President Carter-Oberstone. 6-0.

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

EXCUSED: Commissioner Yee

PUBLIC COMMENT:

None

10. Discussion and possible action to adopt revised Department General Order 9.04, "Seat Belt Policy" (DISCUSSION & POSSIBLE ACTION)

(Previously approved for meet and confer on October 18, 2023, Resolution No. 23-101)

Ofc. Michal Olkiewicz, Traffic Company, available for the department.

Motion: Commissioner Benedicto, with 90-day implementation. Second: Commissioner Walker. 6-0.

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

EXCUSED: Commissioner Yee

PUBLIC COMMENT:

None

11. Discussion and possible action to adopt Department General Order 5.25, "Foot Pursuit" (DISCUSSION & POSSIBLE ACTION)

(Previously approved for meet and confer on October 11, 2023, Resolution No. 23-98)

Captain Sean Perdomo, Training Division, available for the department.

Motion: Commissioner Benedicto, with 45-day implementation. Second: Commissioner Walker. 6-0.

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

EXCUSED: Commissioner Yee

PUBLIC COMMENT:

None

12. Discussion and possible action to approve revised Department General Order 10.02, "Equipment" for the Department to use in meeting and conferring with the effected bargaining units as required by law (DISCUSSION & POSSIBLE ACTION)

Sergeant Joseph Minner available for the department.

Motion: Commissioner Benedicto, subject to labor relations resolution 23-30. Second: Commissioner Walker. 6-0.

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

EXCUSED: Commissioner Yee

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 Benedicto. Second: Commissioner Walker. 6-0.

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

EXCUSED: Commissioner Yee

1st Open Session ended: 7:14 pm
Closed Session: (7:16 pm – 7:17 pm)

**15. Closed Session
Roll Call;**

a. 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 appeal of Chief's decision in DPA Case No. 00050184-22 (ACTION)

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

Assignment of a Commissioner for the taking of evidence on the appeal of Chief's decision in DPA Case No. 00046619-21 (ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Vice President Carter-Oberstone, President Elias, Chief Scott, Assistant Chief Denise 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 appeal of Chief's decision in DPA Case No. 50787-22 (ACTION)

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

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:

Assignment of a Commissioner for the taking of evidence on the appeal of Chief's decision in DPA Case No. 48931-21 (ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Vice President Carter-Oberstone, President Elias, Chief Scott, Assistant Chief Denise Flaherty, 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:

Assignment of a Commissioner for the taking of evidence on the disciplinary charges filed in IAD Admin Case No. 2023-0041 (ACTION)

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

Closed Session Ended: 7:17 p.m.
2nd Open Session (7:17 pm – 7:18 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. Commissioner Walker Seconded. 6-0.

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

EXCUSED: Commissioner Yee

PUBLIC COMMENT
None

ADJOURNMENT

Thereafter, the meeting was adjourned at 7:18 p.m.

Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission