

**APRIL 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 5:37 p.m.

PRESENT: Commissioners Benedicto, Yanez, Walker, Byrne, Yee and President Elias

EXCUSED: Vice President Carter-Oberstone

1. Weekly Officer Recognition Certificate

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

- Officer Jeffrey Ospital, Star No. 994, Field Operations Bureau, Narcotics-Drug Market Agency Coordination Center (DMACC)

Lieutenant Kevin Healy, Narcotics Division, provided a background on Officer Ospital and spoke about Officer Ospital's work, accomplishments and specific instances.

**PUBLIC COMMENT**

None

**GENERAL PUBLIC COMMENT**

No name stated: Previously worked with kids, provided opinion regarding justice system, electing officials.

Chris Ward Kline: Provided a recommendation to the Commission for charges to the District Attorney's Office regarding illegal access to technical systems.

No name stated: Referred to and provided opinion on situation and condition in jails and with inmates.

J Connor B Ortega: SF Resident, Advocate of SFPD. Thanked sworn members of the Department, congratulated Officer of the Week. Referenced passed two meetings being cancelled, Prop E, policies. Favors policies that assist SFPD not interfere with them.

3. Consent Calendar (RECEIVE & FILE; ACTION)

- Police Commission Report of Disciplinary Actions, 1<sup>st</sup> Quarter 2024
- Internal Affairs Annual Report 2023
- SFPD 1421 and SB 16 Monthly Report (March 29, 2024)
- DPA 1421 and SB 16 Monthly Report (April 10, 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 Yee. 2<sup>nd</sup>: Commissioner Walker. Vote: 6-0.

AYES: Commissioners Benedicto, Yanez, Walker, Byrne, Yee and President Elias

EXCUSED: Vice President Carter-Oberstone

**PUBLIC COMMENT**

None

4. Adoption of Minutes (ACTION)

- for the Meetings of March 6<sup>th</sup> and March 20<sup>th</sup>, 2024.

Motion: Commissioner Benedicto. 2<sup>nd</sup>: Commissioner Walker. Vote: 6-0.

AYES: Commissioners Benedicto, Yanez, Walker, Byrne, Yee and President Elias

EXCUSED: Vice President Carter-Oberstone

**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 31 percent; rape down 20 percent; robbery down 17 percent; assault down 9 percent; human trafficking down 17 percent. Property Crimes down 32 percent; burglary down 17 percent; motor vehicle theft down 14 percent; arson down 1 percent; larceny theft down 38 percent. Gun violence is down 35 percent compared to 2023; Four shooting incidents this week; total 29 fire-arm related incidents resulting in 35 victims YTD. No homicides for the week; there are a total of 9 homicides YTD with 6 resulting from a firearm; 88% overall clearance.

**Significant Incident:** Marine Unit, really heroic rescue over the last week, 4/14/24 09:52, SFPD Marine Unit responded to the coastal waterways near the Great Highway near Fulton Street, in the ocean in regard to a capsized boat, a boat carrying four individuals had capsized approximately five miles from the Golden Gate Bridge while heading out to sea, along with the assistance of the San Francisco Bar Pilot vessel, California, the Marine Unit successfully rescued the four individuals from the water, all four victims were transported to a hospital for non-life threatening injuries, as the vessel is currently adrift, the coast guard broadcasts a safety security alert until it can be recovered from the water, the San Francisco Marine Unit urges all mariners to check all required safety equipment and weather conditions prior to heading out to the bay. Another major event, Golden Gate Bridge, 4/15/24, a large protest which resulted in several arrests, CHP jurisdiction, since it happened on the Golden Gate Bridge and The Golden Gate Bridge Patrol, SFPD was called for mutual aid assistance, responded to help CHP and The Golden Gate Bridge Patrol, approximately 30 arrests, CHP is the primary agency, they are handling all arrests and all reporting for this incident, SFPD helped assist CHP and their operation, zero use uses of force involved in this particular incident. Series of incidents, a lot of attention in the Bay Area, multiple sideshows around the Bay Area this past weekend, City of San Francisco only had one a small, stunt driving event, sideshow, that happened early in the morning hours of 4/14/24, vehicles started to gather in the area of Victoria and Sargent Street in the Taraval, Officers responded very quickly, the event ended very quickly.

**Significant arrest:** Homicide arrest from a homicide that occurred on 4/5/24 13:37, shooting occurred on the 2300 block of Mission, despite lifesaving efforts, the victim succumbed to his injuries on the scene, during the investigation, the suspect was identified, probable cause was developed to arrest

this person, 30 year old resident of Richmond, arrested in Richmond, person's name is Alexander Martinez, 4/5/24 same day, he was booked for that homicide.

**Strategies:** About two years ago, SFPD changed strategies with dealing with stunt driving/sideshows, and put together a response plan, Chief thanked the Traffic Company, who spends a lot of time and effort coordinating these events, and then all the patrol officers, particularly on the overnight shifts when things are pretty tight with deployment, they pull it together and they respond in these events fairly quickly, a really good response and getting traction, after the fact, can identify any cars or people that were participating and take action after the fact, resulted in a number of seizures- 30 day hold seizures, wanted to give a compliment to the officers and the leadership out in the field that's making that happen.

**PUBLIC COMMENT:**

Chris Ward Kline: Referred to the Marine Unit and a previous incident they observed, asked Commission to look into that incident and access to systems.

**DPA Director's Report**

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

Executive Director Henderson reported the following: In the year 2024: 186 cases opened; 218 closed; 280 pending; 20 cases sustained; 28 cases past 270-day; 5 cases mediated. SFPD Cases received in the past **weeks (since the last Commission Meeting):** 25. Central, 2. Southern, 2. Bayview, 1. Mission, 1. Northern, 1. Park, 1. Richmond, 1. Ingleside, 2. Tenderloin, 3. Airport, 1. Not Applicable, 4. Out of Jurisdiction, 2. Pending, 4. Allegation Summary: Conduct Unbecoming The officer behaved or spoke inappropriately- 17%. Neglect of Duty The officer failed to take a required action- 9%. Neglect of Duty The officer prepared an incomplete or inaccurate incident report- 9%. Referral – 9%. Unwarranted Action The officer towed a vehicle without justification- 4%.

**Audits:** DPA's Audit Division received the Exemplary Knighton award from the Association of Local Government Auditors for the 2023 audit on SFPD's handling of officer misconduct. DPA's audit of SFPD's stop data is in progress. Audit director went on a ride along at Southern Station to watch officers use the stop data collection system in the field.

**Outstanding Issues:** DPA met with Commissioner Yanez and SFPD representatives to discuss the Commission led Investigative Social Media DGO. Next steps include additional conversations with SFPD Subject Matter Experts and outside prosecutors to learn how they use the tools. Completed DGO 8.03 Crowd Control community working group.

Would like to agendaize IAD Annual Report as an agenda item not a consent item.

**Outreach:** held a check-in session for volunteer mediators, focused on DPA audits. Part of a continuous effort to help mediators understand their role in DPA's broader oversight activities. 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: Went on a ride along, with Commissioner Benedicto, in the Tenderloin, thanked the station. Spoke about the 19b cameras. Attended the honoring of the SFPD’s CRI (Collaborative Reform Initiative) team hosted by Mayor Breed, recognized the Department submitting their last response to recommendations, also recognized DPA’s involvement. Patrol Specials topic is ongoing. Would like to agendize topic of sexual assault and would like report from that unit (mentioned during Chief’s reports).

Commissioner Benedicto: Spoke about ride along in Tenderloin, thanked Captain Manning, thanked Lieutenant Ryan Jones that joined ride along. Congratulated the new Tenderloin Officers that just graduated from Academy. Wants to agendize topic of “peace-lets” (similar to the “park-lets” at restaurants) at strategic places for community policing, points of service, staffed by Officers and Public Health employees. Attended anniversary event for Ofc. Isaac Espinoza. Attended and spoke about the CRI Team submission and ceremony, thanked SFPD on their work.

Commissioner Yee: Attended CIT awards ceremony with Commissioners Benedicto and Walker. On March 26<sup>th</sup> Chief met with Chinese community, Commissioner provided thanks to Chief. Also attended the CRI ceremony, with Commissioners Benedicto and Walker. Had a merchant walk today with DA and Chief Scott, spoke about victim of scams.

Commissioner Yanez: Congratulated Chief on the reform initiative (CRI), provided opinion to Chief, thanked DPA’s involvement. Thanked DPA on Social Media Investigative DGO, spoke about the DGO. Spoke about Language Access, questioned Chief on previous SFPD presentation and report, referenced OCEIA report from same presentation. Met with Department on Juvenile Pre Booking DGO, discussed.

**PUBLIC COMMENT:**

None

8. Discussion and possible action to adopt Department General Order 6.20, “Member-Involved Domestic Violence” (DISCUSSION & POSSIBLE ACTION)  
(Previously approved for meet and confer on February 14, 2024, Resolution No. 24-32)

To be rescheduled for another meeting.

9. Discussion and possible action to adopt revised Department General Order 10.02, “Equipment” (DISCUSSION & POSSIBLE ACTION)  
(Previously approved for meet and confer on March 6, 2024, Resolution No. 24-40)

Sergeant Joseph Minner available for department.

Motion: Commissioner Benedicto. 2<sup>nd</sup>: Commissioner Byrne. Vote: 6-0.

AYES: Commissioners Benedicto, Yanez, Walker, Byrne, Yee and President Elias

EXCUSED: Vice President Carter-Oberstone

**PUBLIC COMMENT:**

None

10. Presentation on the Early Intervention System (EIS) 3rd and 4th Quarter 2023 (DISCUSSION)

Sergeant Darwin Navalle presented.

**PUBLIC COMMENT:**

None

11. Discussion on SFPD's response to the Department of Police Accountabilities audit regarding how SFPD needs to improve polices, processes, and data tracking regarding the handling of Officer Misconduct (DISCUSSION)

SFPD Risk Management Attorney Steven Betz presented.

**PUBLIC COMMENT:**

None

12. Public comment on all matters pertaining to Item 14 below, Closed Session, including public comment on Item 13, vote whether to hold Item 14 in closed session.

None

13. Vote on whether to hold Item 14 in Closed Session including vote on whether to assert the attorney-client privilege with regards to Item 14 (San Francisco Administrative Code Section 67.10(d)) (ACTION)

Motion: Commissioner Benedicto. 2<sup>nd</sup>: Commissioner Yanez. Vote: 5-0.

PRESENT: Commissioners Benedicto, Yanez, Walker, Byrne and Yee

EXCUSED: President Elias and Vice President Carter-Oberstone

**1<sup>st</sup> Open Session ended: 7:35 pm**

**Closed Session: (7:42 pm – 8:21 pm)**

**14. 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:**  
Discussion and possible action to decide guilt and penalty, if needed, or take other action, if necessary, on discipline charges filed in IAD Case No. 2022-0157 (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Yee, President Elias, 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, John Fahrenwald, CSR., Behmke Reporting and Video Services)*

**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 accept or reject Settlement Agreement filed in Case No. IAD 2022-0093 or take other action, if necessary (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Yee, President Elias, Chief Scott, Assistant Chief Peter Walsh, Deputy City Attorney Kate Kimberlin, IAD Attorney, Officer's Attorney, Officer, 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:**

Discussion and possible action to accept or reject Settlement Agreement filed in Case No. DPA 52664-22A or take other action, if necessary (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Yee, President Elias, Chief Scott, Assistant Chief Peter Walsh, Deputy City Attorney Kate Kimberlin, DPA Attorney, Officer's Attorney, Officer, 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:**

Discussion and possible action to accept or reject Settlement Agreement filed in Case No. DPA 52664-22B or take other action, if necessary (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Yee, President Elias, Chief Scott, Assistant Chief Peter Walsh, Deputy City Attorney Kate Kimberlin, DPA Attorney, Officer's Attorney, Officer, 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 take off calendar disciplinary charges filed in Case No. IAD 2022-0008 and remand back to the Chief (DISCUSSION AND POSSIBLE ACTION)

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

Closed Session Ended: 8:21 p.m.

2nd Open Session (8:21 pm – 8:22 pm)

- 15.** Vote to elect whether to disclose any or all discussion on Item 14 held in closed session including vote on whether to assert the attorney-client privilege with regards to Item 14 (San Francisco Administrative Code Section 67.12(a)) (ACTION)

Commissioner Benedicto motioned to not disclose any or all discussion on item 14 held in Closed Session including vote on whether to assert the attorney-client privilege with regards to Item 14. Commissioner Walker Seconded. 6-0.

Motion: Commissioner Benedicto. 2<sup>nd</sup>: Commissioner Walker. Vote: 6-0.

PRESENT: Commissioners Benedicto, Yanez, Walker, Byrne, Yee and President Elias

EXCUSED: Vice President Carter-Oberstone

**PUBLIC COMMENT**

None

**ADJOURNMENT**

Thereafter, the meeting was adjourned at 8:22 p.m.

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Sergeant Stacy Youngblood  
Secretary  
San Francisco Police Commission