

OCTOBER 4, 2023,

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 5:36 p.m.

PRESENT: Commissioners Walker, Benedicto, Yanez, Yee (arrived: 6:33 p.m.), Vice President Carter-Oberstone

EXCUSED: President Elias, Commissioner Byrne

1. Weekly Officer Recognition Certificate

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

- Sergeant Ramonik Johal, Star No. 4315, Special Victims Unit

Captain Alexa O'Brien, SVU, provided a background on Sgt. Johal and continued to speak about Sgt. Johal's work and a specific incident.

PUBLIC COMMENT

None

GENERAL PUBLIC COMMENT

Michelle L.: Civilian employee at a neighboring police department. Spoke about at-risk missing children and missing persons.

Name not stated: Continued with previous speaker's public comment regarding missing persons, spoke about DGO 6.01.

Paulette Brown: Spoke about the Sojourn trip.

Janelle Harris: Former Oakland Police Commissioner. Spoke about the Missing Persons Policy.

Provided photo of specific missing person.

Jay Ortega: Thanked SFPD Officers. Spoke on elected officials versus the police.

Name not stated: Spoke about and questioned Traffic Data and traffic issues versus drug issues.

Tracy McCray: Spoke about leaked material to media outlets. Questioned the Commission.

3. Consent Calendar (RECEIVE & FILE; ACTION)

- Police Commission Report of Disciplinary Actions, 3rd Quarter 2023
- DPA May, June and July Statistical Reports

Motion: Commissioner Benedicto. Second: Commissioner Yanez.

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

LATE: Commissioner Yee

EXCUSED: President Elias, Commissioner Byrne

PUBLIC COMMENT

None

4. Adoption of Minutes (ACTION)
- for the Meetings of September 6th, September 13th and September 20th, 2023

Motion: Commissioner Walker. Second: Commissioner Benedicto.

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

PUBLIC COMMENT

None

Chief's Report

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

Chief Scott reported on crime trends YTD: Violent Crime up 3 percent; homicide N/C; rape down 15 percent; robbery up 16 percent; assault down 8 percent; human trafficking down 7 percent. Property Crimes down 5 percent; burglary down 6 percent; motor vehicle theft up 10 percent; arson down 9 percent; larceny theft down 8 percent. Gun violence is down 2 percent compared to 2022; Two shooting incidents this week; total 137 incidents resulting in 160 victims YTD. No homicides for the week; there are a total of 40 homicides YTD with 27 resulting from a firearm; 75% overall clearance.

Significant Incident: Hit and Run collision, resulted in fatality, high profile – hit and run, the victim was then hit with a Cruise self-driving vehicle, victim transported and succumbed to injuries. Initial hit and run, driver is still outstanding, anonymous tip line 415-575-4444.

Significant arrest: Arrest on 10/4/23 for Homicide that occurred in the Richmond District on 8/29/23 – liquor store clerk assaulted by a robber. Attended community meeting for Richmond District, public was inquiring about investigation, did receive helpful information from the public. Assault on a sworn Office, suspect in a suspected stolen vehicle, 9/27/23 01:38, Tenderloin, Golden Gate and Hyde, Officers and CHP located a reported stolen vehicle, while attempting to detain suspect in a marked a vehicle, suspect rammed CHP vehicle and then attempted to ram SFPD vehicle, pursuit initiated as vehicle fled and terminated at dead end of Van Ness and McDowell, suspect was arrested. Shaw's Candy, 9/27/23 13:42, West Portal Ave, suspect assaulted an elderly worker at shop, when Officers arrived, bystanders had detained suspect, Taraval responded to 100 block of West Portal regarding assault in progress, male suspect had assaulted a victim without provocation and caused her to fall to sidewalk, coworker ran to the aid of victim and was also assaulted by suspect, coworker pushed into establishment, while inside store suspect assaulted another elderly victim which caused her to fall to the ground, during assault a worker from a nearby business witnessed the attacks and ran to their aid, witness held suspect but was also assaulted by suspect, suspect fled from store but was followed by witnesses and bystanders and detained by them, Officers arrested suspect and booked, victims treated and release, one transported, Chief Scott thanked the public that intervened, advised public

to use caution and do so safely. Assault and attempted murder 9/28/23 600 Block of Powell 15:48, Officers responded to a burglary call, upgraded to a verbal dispute between victim and neighbor, neighbor broke into apartment and trashed it, suspect confronted victim inside victim's apartment and attacked victim with a hammer, suspect also swung knife towards victim, did not make contact with knife, victim treated at scene, Officers arrived and arrested suspect.

Strategies: Fleet Week preparation. Thanked members of the Armed Services that are here, thank Department of Emergency Management. Advised the public to be safe and vigilant. Senator Feinstein's services tomorrow, 10/5, SFPD to be security for the service.

PUBLIC COMMENT:

Paulette Brown: Spoke about son, Aubrey Abrakasa Jr., and his murder. Spoke about a letter from Gavin Newson. Questioned the response for unsolved homicide cases. Asked about monetary rewards.

Jay Ortega: Spoke about Seattle Measure 110 in response to the drug issue. Commended Chief Scott's response to the SF drug issue.

Joe Cirillo: Licensed clinical social worker, spoke on the Dolores Hill bomb, questioned what happens to information of youth after charges were dropped. Spoke on SF Skateboarding Laws. Works with harm reduction therapy center, provided opinion on drug arrests and resources for support.

**If anyone has information on the murder of Aubrey Abrakasa, please call the Anonymous tip line 24/7 at 415-575-4444.

DPA Director's Report

- Report on recent DPA activities, and announcement

Executive Director Henderson reported the following: In the year 2023: 601 cases opened; 552 closed; 304 pending; 42 cases sustained; 22 cases past 270-day; 31 cases mediated. SFPD Cases received in the past week: 35- Central-5-The complainant alleges that officers failed to properly investigate. Officers pulled guns, detained, and handcuffed the complainant without cause. Southern-2- An officer failed to properly investigate and failed to make a required contact to the owner of a recovered car. The officer used profanity and made a homophobic comment. Bayview-1-The complainant alleges that the officers arrested them without cause and lied in their report. Mission-2-The complainant stated that the officer did not do anything to help when he reported that he was followed by a man. Officers delayed a response to a 911 call. When the officer did arrive, they failed to write a report. Northern-3-Officers failed to properly investigate a sexual assault, to preserve evidence, to activate their body-worn cameras, and to make an arrest. Officers responded to a call for service and instead of asking the complainant to leave they arrested him and placed him in tight handcuffs which caused bruising. Richmond-2-The officers failed to file a police report regarding a stolen animal. The officers failed to investigate the burglary of a vehicle as presented by the complainant. Ingleside-1-Officers were dismissive and unprofessional when the complainant called the station to ask a question. Taraval-2-Unhoused complainant was relieved of their personal property despite protest and threatened by officers if he did not get out of the way. Tenderloin-9-The officer failed to enforce a court restraining order and made inappropriate comments during a phone call. The complainant was followed and tased by a private security guard

while leaving a retail store. The officers failed to properly investigate, arrested the complainant without cause, and used unnecessary and excessive force. Not Applicable-6-Referral. Out of Town-1-Referral. Pending-1-The officer failed to comply with the SFPD policy on Stop Data Collection and falsified information.

Audits: Received exemption from Police Commission on DGO 8.10 for calendar year 2022 activities.

Outstanding Issues: N/A

Outreach: Conducted mediation conference, will have summary next week. 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 Benedicto: Spent time with SFPD's Policy Development Unit. Spoke on updating policies, some last updated in the 1990's. Spoke on Policy Analyst Position for the Commission Office. Acknowledged Domestic Violence Awareness month, Hispanic Heritage month and Filipino Heritage month. Acknowledged and spoke on the open letter from the Police Officers' Association and confidentiality.

Vice President Carter-Oberstone: Attended orientation with Policy Development Unit. Sitting on interview panel for Policy Analyst position.

Commissioner Yanez: Met with Commander Pera from Community Engagement Division, put in contact with group that reached out to Commissioner regarding youth development training and community policing strategies, connection made and coordinating calendars. Met with Juvenile Probation Commission President, invited Commissioner to attend Juvenile Probation Commission to provide update on progress with initiating a pre-booking program, requested an update for November. DGO 7.01, Juvenile DGO, received revised draft. Coordinating with Youth Commission regarding prebooking program. Met with a professor from SF State regarding data research, wants to engage a third party for department.

Commissioner Walker: Ongoing discussions for recruiting women for the department, childcare services- discussing at the state level with Senator and Governor's Office, also talked to Sheriff's Office, lactation stations and improvements. Patrol Specials meeting October 10th, pilot programs with community benefit district partners, spoke to DEM regarding their HEART program, separate infrastructure to be able to support and transport. October 22nd, Pink Brunch, supporting women's health, breast cancer awareness.

Commissioner Yee: September 22nd attended safety meeting with Community Youth Center and Chinese American Democratic Club in the community, safety forum in the Richmond District with Captain Canning, merchants concerned with break ins.

PUBLIC COMMENT:

None

8. Discussion and presentation on Benchmark: First Sign, a case management system, at the request of the Commission (DISCUSSION)

Ron Huberman, CEO of Benchmark Analytics, and Nick Montgomery, Chief Research Officer of Benchmark Analytics, presented.

PUBLIC COMMENT:

None

9. Discussion on Collaborative Reform Initiative Quarterly Update, 2nd Quarter 2023 (DISCUSSION)

Executive Director of Strategic Management Bureau Catherine McGuire and Debra Kirby, with Jensen Hughes, a contracted consultant, available for questions.

PUBLIC COMMENT

None

10. Presentation of the Disciplinary Review Board Findings and Recommendations, 1st Quarter 2023 (DISCUSSION)

(As required by Department General Order 2.04.08, DRB shall report quarterly to the public and to the Commission policy and training changes it recommends, and the measurement of the success or failure of each change, in a manner consistent with individual police officer privacy rights.)

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

PUBLIC COMMENT:

None

11. Discussion and possible action to adopt revised Department General Order 3.05 “Department Weapon Return Panel” (DISCUSSION & POSSIBLE ACTION)
(DGO does not require meet and confer process)

Chief Scott spoke about DGO.

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

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

EXCUSED: President Elias, Commissioner Byrne

PUBLIC COMMENT:

None

12. Discussion and possible action to approve revised Department General Order 8.04, "Critical Incident Response Team" for the Department to use in meeting and conferring with the effected bargaining units as required by law (DISCUSSION & POSSIBLE ACTION)

Chief Scott spoke about DGO.

Motion: Vice President Carter-Oberstone with instructions from Resolution 23-30, Second: Commissioner Walker. 5-0.

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

EXCUSED: President Elias, Commissioner Byrne

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 Walker. Second: Commissioner Benedicto. Approval: 5-0.

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

EXCUSED: President Elias, Commissioner Byrne

1st Open Session ended: 9:10 pm

Closed Session: (9:20 pm – 9:53 pm)

15. **Closed Session
Roll Call;**

c. The COMMISSION IS NOT MEETING WITH THE SF POLICE OFFICERS ASSOCIATION IN CLOSED SESSION. 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 3.13 and 7.03 (DISCUSSION)

(Present: Commissioners Walker, Yanez, Benedicto, Yee, Vice President Carter-Oberstone, Director LaWanna Preston, Captain Sean Perdomo, Deputy City Attorney Alicia Cabrera, Chief Scott, Assistant Chief Denise Flaherty, 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):

Frederick Schiff v. City and County of San Francisco, et al., United States District Court for the Northern District of California, Case No. 4:19-cv-03260-YGR, filed June 26, 2019 (DISCUSSION & POSSIBLE ACTION)

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

b. 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):

Mohammad Habib v. City and County of San Francisco, et al., San Francisco Superior Court Case No. CGC-18-569287, filed August 29, 2018 (DISCUSSION & POSSIBLE ACTION)

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

Closed Session Ended: 9:53 p.m.

2nd Open Session (9:54 pm – 9:55 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, except for factual information in regard to 15c. Commissioner Walker Seconded. 5-0.

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

Factual Disclosure:

10.4.2023 Closed Session Update (Item 15(c))

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 7.03 and DGO 3.13 and 7.03.

Regarding DGO 7.03, Director Preston provided an update on negotiations with the SFPOA. On August 9, 2023, the SFPOA sent correspondence to SFPD with proposed modifications and questions. At its September 13, 2023 meeting, the Commission considered the SFPOA correspondence and requested further information from SFPD including the input of a subject matter expert. After receiving additional information from SFPD and the subject matter expert, the Commission considered the SFPOA correspondence and provided direction to Director Preston to respond to the SFPOA's proposals.

Regarding DGO 3.13, Director Preston provided an update on negotiations with the SFPOA, including recent meetings regarding this DGO. The Commission considered the SFPOA proposal and consulted with the subject matter expert and provided direction to Director Preston to respond to the SFPOA's proposals.

PUBLIC COMMENT

None

ADJOURNMENT

Thereafter, the meeting was adjourned at 9:55 p.m.

Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission