

JULY 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 5:40 p.m.

PRESENT: Commissioners Clay, Walker, Benedicto, Yee, Yanez, Vice President Carter-Oberstone (arrived: 5:47 p.m.) and President Elias

1. Weekly Officer Recognition Certificate
Presentation of an Officer who has gone above and beyond in the performance of their duties.
- Officer John Norment, Star No. 641, Bayview Station

Captain Michael Koniaris provided a background and spoke about Ofc. Norment and his work.

PUBLIC COMMENT

Tinnetta Thompson: DPA Attorney. Spoke about her positive experience with Officer Norment.

GENERAL PUBLIC COMMENT

H. Brown: Spoke about diversity within first responders and healthcare workers.

Chris W. Kline: Spoke about a previous public comment he made. Pledged, along with his non profit, to bring peace back to the community, prejudice and violence needs to stop.

Jay Connor B Ortega: Co president of District 3. Thanked members of the department. Welcomed Commissioner Clay. Referenced Commissioner Clay's comments from previous meeting. Provided opinion regarding DGOs and Prop E. Ask Commission to follow law as written.

Chief's Report

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

Chief Scott reported on crime trends YTD: Violent Crime down 11 percent; homicide down 38 percent; rape down 11 percent; robbery down 18 percent; assault down 3 percent; human trafficking down 30 percent. Property Crimes down 34 percent; burglary down 18 percent; motor vehicle theft down 18 percent; arson down 10 percent; larceny theft down 41 percent. Gun violence is down 29 percent compared to 2023; Four non-fatal shooting incidents this week; total 76 fire-arm related incidents resulting in 86. victims YTD. One homicide for the week; there are a total of 18 homicides YTD with 13 resulting from a firearm; 94% overall clearance.

Significant Incident: Homicide that occurred on Mission between 16th and 17th, 7/9/24 00:17, victim succumbed to his injuries on the scene, another victim was transported in stable condition, there was also multiple vehicle collision at that scene that resulted in at least four vehicles being damaged in that vehicle collision, believe that was as a result of the shooting as well, investigation is still ongoing with no arrests at this time, if anybody has any information please call the SFPD anonymous tip line at 415-575-4444. In terms of shootings, there were four non-fatal shootings this week, resulting in four victims. The first one was on 7/8/24 at Post and Laguna, this was during a carjacking where a victim was shot by two subjects who produced a gun and shot one of the victims, that car was later recovered, but the suspect is still outstanding, investigation is ongoing. On 7/8/24, there was a shooting at the 400 block of Eddy Street, Tenderloin, 03:45, the subject entered the lobby of a residential building, victim, who was the manager of the building, did not recognize the subject and refused to let him enter, the subject then shot the victim and ran away from the location, victim is listed in stable condition with non-life threatening injuries, that investigation is ongoing, no arrests at

this time. The third shooting was on 7/14/24 09:58 on 600 block of O'Farrell in the Tenderloin, the victim was walking in the area when he was struck by a bullet, no further information was obtained by the victim, non-life-threatening injuries, investigation ongoing. On 7/12/24 03:05, Larkin and Olive, Tenderloin, victim was walking when he saw two subjects arguing, victim heard gunshots and returned to his residence, and then later realized he had been shot, he had a gunshot wound, victim was transported, was in stable condition, non-life threatening injuries, and that investigation is still ongoing as well, no arrests at this time. On 7/13/24, Tenderloin officers responded to a suicide, a gentleman, the father of a three-year-old named Ellie Lorenzo, the father committed suicide in San Francisco, SFPD received a request from Fremont Police that his three year old daughter was missing, the three year old's name was Ellie Lorenzo, SFPD assisted with the search since the father was found in SF after he committed suicide, that three year old was later found in the city of San Jose, deceased, as far as the suicide, there was no foul plays suspected at this time, Fremont and San Jose are both handling their respective investigations, the San Francisco connection was the father committed suicide in San Francisco. Couple of ATM robberies, 7/13/24, there were two calls regarding theft of an ATM machine, both inside retail establishments, one on the 400 block of O'Farrell at 04:45, the other on the 800 block of O'Farrell, just minutes later, in both incidents the subjects gained access inside the store and attempted to steal ATM machines, second incident, the machine had been moved, by the time officers got there the suspects had fled and the machine was still on the premises, conducting follow ups, no suspects in custody at this time, the investigation is ongoing. Fatal traffic collision on 7/11/24 00:41, pedestrian was hit by a vehicle at the area of Geneva and Delano, Ingleside, pedestrian was pronounced deceased at the scene and the driver remained at the scene, investigation is ongoing. The last incident - a media report of a sideshow that ended up in an accident or traffic collision, on Market Street, was, actually not the case, SFPD's investigation revealed that it was actually a single vehicle that was doing donuts in the street, driver apparently lost control and drove into the building, so the report that this was as a result of the sideshow, was actually not to be the case, video evidence corroborates what found to be a single vehicle involved in this in this particular incident, investigation is still ongoing, this was not as a result of a sideshow.

Significant arrest: N/A

Strategies: In terms of our sideshow or stunt driving events, there has been a decrease in the amount of those events reported this year to the Police, there was 45 incidents for all of last year, this year there has been 22, seeing a little bit less than this time last year, have impounded some cars, not a lot, that strategy and that tactic will continue.

PUBLIC COMMENT:

H. Brown: provided opinion regarding progressives, foot patrols.

Paul Allen: Provided illustration and spoke about overdoses and dealer/user arrests.

DPA Director's Report

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

Executive Director Henderson reported the following: In the year 2024: 397 cases opened; 504 closed; 137 pending; 34 cases sustained; 20 cases past 270-day; 9 cases mediated. SFPD Cases received in the past **weeks (since the last Commission Meeting)**: 15. Central, 2. Southern, 3. Bayview, 2. Mission, 2. Northern, 1. Tenderloin, 3. Airport, 1. Out of Jurisdiction, 1. Allegation Summary: Conduct Unbecoming-The officer behaved or spoke inappropriately-21%. Unwarranted Action-The officer detained a person without reasonable suspicion-13%. Neglect of Duty- The officer

failed to take required action-13%. Neglect of Duty- The officer failed to write an incident report-13%. Neglect of Duty-The officer failed to properly investigate-8%.

Audits: DPA's intent is to close out fieldwork testing by the end of the month. After fieldwork, DPA will hold an exit conference with SFPD and prepare a draft report for their response.

Outstanding Issues: DPA is presenting four cases in closed session tonight, which represent 1/3 of all cases pending before the Commission. DPA attorneys attended a meeting at IAD to discuss how discipline cases move through their respective systems and try to improve efficiency. Met with SFPD on DGO 6.13 (Hate Crimes) to discuss goals for the update and current draft.

Outreach: N/A

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: Provided opinion regarding DPA and Director Henderson.

Commission Reports

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

Commissioner Walker: Updates on Patrol Specials, to come in September. Spoke about Women's 30x30 pledge, discussed with SFPD Director Diana Aroche, requested update for the September 18th meeting, Commanders Jones, Moran and Captain Alexa O'Brien have been assisting with discussion and moving forward.

Commissioner Elias: Met with Body Worn Camera Unit, along with Chief and Commissioner Benedicto, thanked Sergeant Michael Young and Karen Lu, wants to agendize Body Camera footage topic. Thanks to IT Director.

Commissioner Benedicto: Thanked fellow Commissioners for pushing DGOs through. Thanked and acknowledged Commissioner Yanez for joint work on DGOs 7.01 and 7.04 (DGO 7.04 was pulled for tonight).

Commissioner Yanez: Provided opinion regarding Commission. Provided update regarding DGO 5.20. Spoke about DGO 7.01, made progress within past two years, agendizing in near future. Spoke on implementing a pre booking diversion program, last presentation on this was a year ago, provided data and opinion regarding criminal justice for young people.

Vice President Carter-Oberstone: Offered Commissioner Yanez and family condolences on the passing of his father. Spoke about DGO 9.07, other jurisdictions have implemented similar policies.

Commissioner Clay: Provided feedback on Commissioner Yanez's juvenile pre booking diversion program topic.

PUBLIC COMMENT:

H. Brown: Praised Commissioners. Welcomed Commissioner Clay.

Joe Cirillo: Local social worker. Spoke about and provided opinion on Dolores Hill Bomb from 2023 and 2024. Provided photos of 2024 on Church Street. Requested community outreach and including the youth.

6. Presentation and discussion on the Law Enforcement Equipment Policy Annual Report 2023 (DISCUSSION & POSSIBLE ACTION)

The Department is required to hold a public hearing on its annual report of its Use of Equipment Policy prior to submitting it to the Board of Supervisors for its review and approval. The Use of Equipment Policy and annual report is publicly available and has been posted on the department's website for at least thirty days. Pursuant to S.F. Admin Code 96H and Cal. Gov Code section 7072

Policy Development Division Manager Asja Steeves presented. Deputy Chief Raj Vaswani and Director Dr. Diana Aroche available from department for any questions.

PUBLIC COMMENT

H. Brown: Provided opinion regarding foot patrols.

John Lindsay Poland: Provided data and feedback on equipment. Would like department to disclose all information about equipment as required by AB 481.

7. Discussion and possible action to approve revised Department General Order 7.04, "Safeguarding Children of Arrested Persons" for the Department to use in meeting and conferring with the effected bargaining units as required by law (DISCUSSION & POSSIBLE ACTION) *The Chief of Police has issued a waiver from the Community Engagement Process consistent with the requirement of Prop E*

Item to be rescheduled to a later time.

8. Discussion and possible action to approve revised Department General Order 5.03, "Investigative Detentions" for the Department to use in meeting and conferring with the effected bargaining units as required by law (DISCUSSION & POSSIBLE ACTION) *The community engagement process does not apply where the Commission is considering policy revisions to existing DGOs to implement Prop E. (S.F. Admin. Code section 96I.1).*

Chief and Commissioner Benedicto spoke on DGO 5.03. Commissioner Benedicto provided and spoke on the edits.

Motion: Commissioner Benedicto, with 5 amendments and with Labor Relations Resolution 23-30. 2nd: Commissioner Walker. Vote: 6-1.

AYES: Commissioners Clay, Benedicto, Yanez, Yee, Walker and President Elias
NAY: Vice President Carter-Oberstone

PUBLIC COMMENT

H. Brown: Spoke on the Dolores Hill Bomb and juveniles, provided opinion.

9. Discussion and possible action to approve revised Department General Order 5.05, "Emergency Response and Pursuit Driving" for the Department to use in meeting and conferring with the effected bargaining units as required by law (DISCUSSION & POSSIBLE ACTION) *The community engagement process does not apply where the Commission is considering policy revisions to existing DGOs to implement Prop E. (S.F. Admin. Code section 96I.1).*

Commissioner Benedicto spoke on DGO.

Motion: Commissioner Benedicto, with Labor Relations Resolution 23-30. 2nd: Commissioner Clay.
Vote: 5-2.

AYES: Commissioners Clay, Benedicto, Yanez, Vice President Carter-Oberstone and
President Elias
NAYS: Commissioners Walker and Yee.

PUBLIC COMMENT

H. Brown: Provided suggestions to traffic issues.

10. Public comment on all matters pertaining to Item 12 below, Closed Session, including public comment on Item 11, vote whether to hold Item 12 in closed session.

None

11. Vote on whether to hold Item 12 in Closed Session (San Francisco Administrative Code Section 67.10(d)) (ACTION)

Motion: Vice President Carter-Oberstone. 2nd: Commissioner Clay. Vote: 7-0.

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

1st Open Session ended: 7:33 pm
Closed Session: (7:38 pm – 08:50 pm)

12. 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, in the appeal of Chief’s suspension filed in Case No. DPA 50292-22 (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Clay, Walker, Benedicto, Yee, Yanez, Vice President Carter-Oberstone and President Elias, Chief Scott, Acting Assistant Chief Nicole Jones, Deputy City Attorney Kate Kimberlin, Officer’s Attorney, POA Representative, Officer, DPA Attorney, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

(These proceedings were taken in shorthand form, Brenda Marshall, 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. DPA 51160-22 or take other action, if necessary (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Clay, Walker, Benedicto, Yee, Yanez, Vice President Carter-Oberstone and President Elias, Chief Scott, Acting Assistant Chief Nicole Jones, Deputy City Attorney Kate Kimberlin, Officer's Attorney, Officer, DPA Attorney, 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 48931-21 or take other action, if necessary (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Clay, Walker, Benedicto, Yee, Yanez, Vice President Carter-Oberstone and President Elias, Chief Scott, Acting Assistant Chief Nicole Jones, Deputy City Attorney Kate Kimberlin, Officer's Attorney, DPA Attorney, 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. IAD 2021-0352 or take other action, if necessary (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Clay, Walker, Benedicto, Yee, Yanez, Vice President Carter-Oberstone and President Elias, Chief Scott, Acting Assistant Chief Nicole Jones, Deputy City Attorney Kate Kimberlin, Officer's Attorney, POA Representative, Officer, IAD Attorney, 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 accept or reject Settlement Agreement filed in Case No. IAD 2020-0080A or take other action, if necessary (DISCUSSION & POSSIBLE ACTION)

Item to be rescheduled at a later time.

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 accept or reject Settlement Agreement filed in Case No. IAD 2020-0080B or take other action, if necessary (DISCUSSION & POSSIBLE ACTION)

Item to be rescheduled at a later time.

g. 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 the appeal of Chief's suspension filed in IAD Case No. 2021-0132A and remand back to the Chief of Police (DISCUSSION AND POSSIBLE ACTION)

(Present: Commissioners Clay, Walker, Benedicto, Yee, Yanez, Vice President Carter-Oberstone and President Elias, Chief Scott, Acting Assistant Chief Nicole Jones, Deputy City Attorney Kate Kimberlin, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

h. 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 the appeal of Chief's suspension filed in IAD Case No. 2021-0132C and remand back to the Chief of Police (DISCUSSION AND POSSIBLE ACTION)

(Present: Commissioners Clay, Walker, Benedicto, Yee, Yanez, Vice President Carter-Oberstone and President Elias, Chief Scott, Acting Assistant Chief Nicole Jones, Deputy City Attorney Kate Kimberlin, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

i. 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 the appeal of Chief's suspension filed in IAD Case No. 2021-0132D and remand back to the Chief of Police (DISCUSSION AND POSSIBLE ACTION)

(Present: Commissioners Clay, Walker, Benedicto, Yee, Yanez, Vice President Carter-Oberstone and President Elias, Chief Scott, Acting Assistant Chief Nicole Jones, Deputy City Attorney Kate Kimberlin, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

j. 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 the appeal of Chief's suspension filed in DPA Case No. 43625-19 and remand back to the Chief of Police (DISCUSSION AND POSSIBLE ACTION)

(Present: Commissioners Clay, Walker, Benedicto, Yee, Yanez, Vice President Carter-Oberstone and President Elias, Chief Scott, Acting Assistant Chief Nicole Jones, Deputy City Attorney Kate Kimberlin, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

k. 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 reassign former Commissioner Byrne's cases to newly appointed Commissioner Clay, Case Numbers:

- DPA 48619-21,

- IAD 2022-0199, and
 - DPA 50787-22
- (DISCUSSION AND POSSIBLE ACTION)

(Present: Commissioners Clay, Walker, Benedicto, Yee, Yanez, Vice President Carter-Oberstone, Chief Scott, Acting Assistant Chief Nicole Jones, Deputy City Attorney Kate Kimberlin, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

Closed Session Ended: 8:50 p.m.
2nd Open Session (8:50 pm – 8:51 pm)

- 13.** Vote to elect whether to disclose any or all discussion on Item 12 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

Commissioner Benedicto motioned to not disclose item 12 held in closed session. Commissioner Carter-Oberstone Seconded. 6-0.

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

PUBLIC COMMENT:
None

ADJOURNMENT

Thereafter, the meeting was adjourned at 8:51 p.m.

Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission