

Meeting Date:

March 16, 2022 - 5:30pm

Location:

City Hall, Room 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

MARCH 16, 2022**REGULAR MEETING**

The Police Commission of the City and County of San Francisco met at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco at 5:43 p.m.

PRESENT: Commissioners Elias, Byrne, Yee, Carter-Oberstone, Yanez, Hamasaki

(Commissioner Hamasaki arrived at 7:00 p.m.)

GENERAL PUBLIC COMMENT

Ms. Paulette Brown spoke of her son Aubrey Abrakasa and to this day his case has not been solved. She shared the names of perpetrators: Thompson Hannibal, Paris Moffett, Andrew Videau, Anthony Hunter, Jason Thompson. She asked for help to solve her son's homicide case.

Francisco Dacosta stated that quality of life issues in the City needs to be the focus. He went on to discuss behavior of commissioners.

Susan Buckman, Wealth & Disparities, read a quote from their founders in regard to anti-Blackness in San Francisco by SFPD.

David Aaronson, Wealth & Disparities, read a quote from their founders in regard to anti-Blackness in San Francisco by SFPD.

Kit Hodge, Wealth & Disparities, read a quote from their founders in regard to anti-Blackness in San Francisco by SFPD.

CONSENT CALENDAR

- **4th Quarter 2021 Safe Streets for All Report**
- **SFPD SB 1421 Monthly Report**
- **DPA SB 1421 & SB 16 Monthly Report**

Commissioner Elias asked to agendaize SB 1421 and SB 16 reports for a future date. She also asked the Chief to have the Department provide an update on SB 16 to be agendaized on a later date.

Motion by Commissioner Byrne, second by Commissioner Yee. Approved 6-0.,

AYES: Commissioners Elias, Hamasaki, Yee, Byrne, Carter-Oberstone, Yanez

PUBLIC COMMENT

None

Chief's Report

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

Chief Scott reported on crime trends YTD: Violent Crime down 3 percent; homicide up 14 percent; rape up 11 percent; robbery down 11 percent; assault up 7 percent; human trafficking down 60 percent. Property Crimes down up 7 percent; burglary down 40 percent; motor vehicle theft up 6 percent; arson down 21 percent; larceny theft up 27 percent. Gun violence is down 36 percent compared to 2021; 3 shooting incidents for the week ending on 3/13/22; total 33 incidents resulting in 36 victims YTD. There were no homicides for the week ending 3/13/22; there are a total of 8 homicides YTD with overall clearance rate of 50 percent.

Significant Incidents: No homicides during the reporting period although this morning there was a homicide at the 100 block of Leavenworth in the Tenderloin. Officers responded to a 911 call of a person with a gunshot wound to the upper body. Officers located the victim who was pronounced at the scene; no arrest made; investigation is ongoing. The Chief then reported on three shootings: March 9th, Newcomb & Mendell in the Bayview, two vehicles involved when one passenger shot at the other vehicle; victim sustained gunshot wounds to the back and abdomen; self-transported to SFGH and is expected to survive; no arrest made, investigation is ongoing. March 10th, at Clara & Fourth Street in the Southern. Victim was walking in the area approached by the suspect from behind demanding his phone; victim refused and suspect shot the victim causing a superficial wound. Victim ran into a nearby business and suspect fled from location; investigation is ongoing. March 11th, at Pier 94 parking lot in the Bayview, victim and an acquaintance were sitting in the car when they heard gunshots; victim sustained two gunshot wounds and self-transported to the SFGH with non-life threatening injury; the victim had existing warrants, unrelated to the shooting, and was under parole supervision. The acquaintance and girlfriend admitted to the shooting were arrested. The victim was also arrested for the warrant. Significant incident: In the Tenderloin on March 8th, two subjects broke into a vehicle, took the victim's purse, laptop, and five-year old child. Victim pursued the suspect's vehicle until it reached the 5th Street on-ramp where the suspect placed the child outside of the vehicle and continued on the freeway. The suspect's vehicle caused a collision and struck several pedestrians. The victim followed the vehicle until she lost it in Treasure Island. Officers located the vehicle at Treasure Island but did not locate the suspects; investigation is ongoing. On March 13th, at Lombard and Hyde, victim observed suspects break into his car. Suspect's vehicle double parked next to victim's car and removed items from the victim's car. The victim jumped onto the hood of the suspect's vehicle, rolled off when the suspect's car fled at a high rate of speed. Officers lost the suspect's car on Hyde Street and was unable to pursue the vehicle per department general order. The officer did get the information, investigation is ongoing.

Stunt Driving: No stunt driving and no fatal collision to report.

Events: March 18th to the 20th, US Navy deployment will be docked at Pier 30 & 32; March 19th, Artist for Ukraine to assemble at Dolores Park. At Chase Center, John Meyer Concert, Warriors and Celtics game. At Golden Gate Park, SF Runner Marathon on March 19th, and concert on March 20th.

Strategies: Union Square, Safe Shopper deployment; additional 20 officers deployed at Tenderloin in response to challenges in the Tenderloin; Narcotics and Buy Bust Operations are still going on. The Chief reported that the Tenderloin community would like the Department to address drug use on the streets and drug sales on the streets. The Chief stated the Department will reassess in a few weeks for effectiveness of deployment.

PUBLIC COMMENT

Ms. Paulette Brown spoke of her son's homicide which happened on August 14, 2006 at approximately 3 p.m. in broad daylight. She stated her son was shot 30 times with a semi-automatic gun. She also asked about the monitors that are supposed to display the homicide posters of victims and that the monitors have been down in district stations. She also asked for posters to be put up on other city agencies like the bus terminals and MUNI light rails.

Francisco Dacosta should gather information on the real population of the city and spoke of drug dealers coming from the East Bay to sell drugs in the city.

DPA Director's Report

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

Director Henderson reported: In the year 2022: 117 cases opened; 123 closed; 265 pending; 7 cases sustained; 32 cases past 270-day; 3 cases mediated. Cases received in the past week: 6 new cases; 1 told someone they could not sit on a bench because they looked suspicious; 1 banged on vehicle and left a parking violation note; 1 neighbor dispute regarding double parking; 1 rule comments; 2 failed to move an encampment blocking sidewalk and driveway.

Outreach: Can be found on community calendar on the DPA's website and posted on Tweeter, Facebook, Instagram and on DHR's website: March 9th, two separate Know your Rights workshops at International High School and distributed the Know your Rights cards; Met with Wendy Still former Chief of SF Adult Probation now at the Alameda County Board of Supervisors, tasked with building out Sheriff's oversight function and expansion from the police oversight to talk about crossover issues for investigations and develop best practices.

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 Yanez talked about an article on report by the Center on Juvenile Criminal Justice and its findings and asked to agendize this report and a follow-up on the RIPA report. He also talked about the Department's work on race and reconciliation and would also like to agendize this for discussion.

Commissioner Byrne would like to agendize a discussion on the issue when officers stand idly by when crime is in progress. He went on to report that he will do a drive-along with Tenderloin officers at night.

Commissioner Yee would like to revisit the social media policy to make sure the incident at Central Station does not happen again. He also reported on being invited to the Lee Family Association Spring Banquet where they congratulated the Central Station and its officers for keep the community safe.

PUBLIC COMMENT

None

DISCUSSION REGARDING ORDER RE: PLAINTIFF'S MOTION TO SANCTIONS IN SPIERS V. CITY AND COUNTY OF SAN FRANCISCO, CASE NO. 20-CV-01357-JSC

Commissioner Elias explained that this matter is on the agenda because last week the Commission received a memo from the City Attorney's Office right before the commission meeting and that she wanted to give the Commissioners an opportunity to read and digest the matter and see if there are any continuing item of concern or discussion.

Deputy City Attorney Alicia Cabrera explained that they took the comments made last week back to the office and had an in-depth look at their cases for the last five years to determine if there was a manner that they can look into their files because any materials given to the city attorney's office is covered by the attorney-client privilege and so there is concerns about those communications and litigation strategies. They took a look and in the past five years, they found two things: 1) Most of the 1983 cases fall within two buckets or their counterparts in state court which is that discovery or the case is stayed which means that the case is in a holding pattern while the criminal investigation continues and finalizes. 2) is or the criminal case has concluded and so the civil litigation commences and continues on that path. DCA Cabrera stated that they did not find within their cases anything that was similar to this where there was an IID ongoing case with the ISD pending case along with the 1983 case. She also stated that they met with SFPD and DPA and discussed the matter they were concerned about in terms of how to insure that the SFPD and the City Attorney's Office has all the information needed and revised the Unit Order based on the comments heard from the Commission. She explained that the Unit Order, in front of the Commission tonight, is clear and it provides that the only instance which the City Attorney's Office would not receive materials is pursuant to a court order and that those specific materials should not be turned over to the City Attorney's Office.

PUBLIC COMMENT

None

PRESENTATION FROM THE DEPARTMENT AND HILLARD HEINTZE: PHASE 3 PROGRESS REPORT AND SUSTAINABILITY APPROACH

Chief Scott and Ms. Deborah Kirby of Hillard Heintze presented the Phase 3 Progress Report and Sustainability Approach.

PUBLIC COMMENT

Kit Hodge, Wealth & Disparities, spoke of tracking arrests, use of force and traffic stops and spoke of racial disparities by SFPD in traffic stops.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION, INCLUDING VOTE ON WHETHER TO ASSERT THE ATTORNEY-CLIENT PRIVILEGE WITH REGARDS OT ITEM 11(B)

Motion by Commissioner, second by Commissioner . Approved 6-0.

CLOSED SESSION (7:15 p.m. – 9:09 p.m.)

CONFERENCE WITH LEGAL COUNSEL – Existing Litigation. Pursuant to Government Code Section 54956.9(d)(1) and San Francisco Administrative Code Section 67.10(d)(1):

***Michael Kliment et al. v. City and County of San Francisco, et al.*, U.S. District Court, N.D.C.A., C.A., Case No. 3:20-cv-03257-YGR, filed May 13, 2020 (ACTION)**

(PRESENT: Commissioners Elias, Hamasaki, Yee, Byrne, Carter-Oberstone, Yanez, Chief Scott, Assistant Chief Moser, Deputy City Attorney Cabrera, Deputy City Attorney Porianda, Sergeant Youngblood, Sergeant Reynolds, Risa Tom)

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:

Hearings on non-disciplinary charges and possible action on dismissal, or other action, if necessary, on the following cases: (ACTION)

- (i) Case No. IAD 2021-0258
- (ii) Case No. IAD 2021-0259
- (iii) Case No. IAD 2021-0278
- (iv) Case No. IAD 2021-0310

(v) Case No. IAD 2021-0285

(vi) Case No. IAD 2021-0166

(PRESENT: Commissioners Elias, Hamasaki, Yee, Byrne, Carter-Oberstone, Yanez, Chief Scott, Assistant Chief Moser, Deputy City Attorney Porianda, Sergeant Youngblood, Sergeant Reynolds, Risa Tom, Attorney Worsham)

(These proceedings were taken in shorthand form by Paula Behmke, CSR., Behmke Reporting & Video Services)

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 disciplinary charges filed in Case Nos. DPA 42798 A & B

(PRESENT: Commissioners Elias, Hamasaki, Yee, Byrne, Carter-Oberstone, Chief Scott, Assistant Chief Moser, Deputy City Attorney Porianda, Sergeant Youngblood, Sergeant Reynolds, Risa Tom, Attorney Rosenstein, Attorney Wargo-Wilson, members involved) Commissioner Yanez is recused.

(These proceedings were taken in shorthand form by Paula Behmke, CSR., Behmke Reporting & Video Services)

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 the following non-disciplinary cases off calendar:

(i) IAD 2021-0301- Resignation effective February 16, 2022

(ii) IAD 2021-0299 – Resignation effective March 2, 2022

(iii) IAD 2021-0276 – Resignation effective February 26, 2022

(iv) IAD 2021-0170 – Met condition of employment

(PRESENT: Commissioners Elias, Hamasaki, Yee, Byrne, Carter-Oberstone, Chief Scott, Assistant Chief Moser, Deputy City Attorney Porianda, Sergeant Youngblood, Sergeant Reynolds, Risa Tom)

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:

Status and calendaring of pending disciplinary cases (ACTION)

(PRESENT: Commissioners Elias, Hamasaki, Yee, Byrne, Carter-Oberstone, Chief Scott, Assistant Chief Moser, Deputy City Attorney Porianda, Sergeant Youngblood, Sergeant Reynolds, Risa Tom)

OPEN SESSION (9:09 p.m.)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION IN CLOSED SESSION

Motion by Commissioner Byrne, second by Commissioner Hamasaki for non-disclosure. Approved 5-0.

ADJOURNMENT

Thereafter, the meeting was adjourned at 9:10 p.m.