

MAY 11 2022 REMOTE MEETING VIA VIDEOCONFERENCE

The Police Commission of the City and County of San Francisco met via videoconference at 5:34 pm.

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

(Commissioner Carter-Oberstone joined the meeting at 5:51 p.m.)

GENERAL PUBLIC COMMENT

Susan Buckman, Wealth & Disparities, read a quote from their founder regarding anti-Blackness by SFPD and talked about ending racially bias traffic stops.

Jean Bridges, Wealth & Disparities, read a quote from their founder regarding anti-Blackness by SFPD and talked about ending racially bias traffic stops.

Francisco Dacosta talked about addressing quality of life issues and spoke of how the Commissioners are not paying attention. He went onto talk about staffing issues in the Department and spoke of how people are dying of drugs.

CONSENT CALENDAR

- SFPD/DPA Document Protocol Quarterly Report, 1't Quarter 2022 Limited English Proficiency (LEP) Annual Report 2021

Motion by Commissioner Yee, second by Commissioner Elias, Approved 5-0. AYES: Commissioners Benedicto, Yanez, Yee, Byrne, Elias

PUBLIC COMMENT

None

Chief's Report

- Weekly crime trends

- Major/Significant Incidents

Chief Scott reported on crime trends YTD: Violent Crime up 4 percent; homicide up 15 percent; rape up 7 percent; robbery down 3 percent; assault up 11 percent; human trafficking down 36 percent. Property Crimes up 10 percent; burglary down 28 percent; motor vehicle theft up 3 percent; arson down 20 percent; larceny theft up 25 percent. Gun violence is down 12 percent compared to 2021; 2 shooting incidents for the week ending on 5/8/22; total 62 incidents resulting in 71 victims YTD. No homicide for the week ending 5/8/22; there are a total of 15 homicides YTD. 344 ghost guns seized YTD.

Shooting Incidents: (1) May 7th, on Blythedale Avenue in the Bayview, officers responded to a shot spotter activation, where a group of individuals gathered but no one was available to provide information regarding the possible shooting. While on-scene, officers were notified that a juvenile with gunshot wounds was driven to the hospital and was on stable condition; investigation is ongoing. (2) May 8th, on 6th and Shipley in the Southern, victim was in an argument with unknowing subject who

attempted to grab something from victim's hand. Suspect pulled out a gun from his waistband and shot at victim; another victim tried to intervene but was also shot by the suspect. The suspect fled; both victims transported to the hospital with non-life threatening injuries; investigation is ongoing.

Significant arrests: Arrest in relation to a March 2022 homicide that occurred on the 1800 block of Mission where 4 to 5 males attacked the victim. The victim was found unconscious and was transported to the hospital and eventually succumbed to his injuries. On May 3", four suspects were identified and arrested charged with one count of homicide and two counts of assault with a deadly weapon.

Carjacking with a gun incident: The Chief reported on a series of car jacking in the city. There were at least 20 incidents in San Francisco and additional incidents in Daly City, San Leandro, Berkeley, Oakland as well as the jurisdiction of the US Park Police. As a result of an investigation, on May 3rd, a

search warrant was executed by SFPD officers in the city of Oakland. Two suspects were taken into custody related to the crimes. A firearm that was stolen during one of the robberies was also located in the home. Officers also seized three firearms in total, ammunition, cell phone, clothing believed to be worn during the robbery, and keys for a stolen Lexus. Two suspects were booked, one with a warrant out of Oakland.

Stunt Driving Incident: The Chief commended the work of the Stunt Driving Response Unit for continued arrests on stunt driving incident or sideshows. Tactics is to get as much evidence as possible to identify the vehicles and their drivers and occupants and then conduct follow-up investigations; individuals believed to be involved are contacted and vehicles are impounded and confiscated. There has been success in the strategy in that it sends a clear message that if you get away that night, the Department is not done and will continue to pursue with the investigations in order to curb this very dangerous activity. The unit have upwards of 40 vehicles impounded as a result of follow-up investigations.

The Chief also updated the Commission regarding first amendment activities in the City. There have been a number of 1st Amendment activities as a result of Roe v. Wade; no issues and have been peaceful.

PUBLIC COMMENT

Francisco Dacosta spoke of quality of life issues and the need for volunteers.

DPA Director's Report

- Report on recent DPA activities, and announcement

Director Henderson reported: In the year 2022: 236 cases opened; 236 closed; 274 pending; 21 cases sustained; 32 cases past 270-day; 7 cases mediated. Cases received in the past week: 13 new cases; 33 percent failed to take required action; 22 percent behaved and spoke inappropriately; 11 percent failed to properly investigate; 6 percent issued a citation without cause; 6 percent used unnecessary or excessive force.

Audit: On May 6th, received the 15th month status update on Use of Force audit

Outreach: Can be found on community calendar on the DPA's website and posted on Tweeter, Facebook, Instagram and on DHR's website: May 3rd, outreach at Bayview Station Community meeting.

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 reported about the Sojourn Project trip which was a tour of the civil rights sights and thanked the Chief for his leadership on this trip. He stated that it was an eye-opening experience for him. He stated that it gave him an opportunity to engage with the leadership of the Department and that it was a positive experience to step away from roles, badges, positions, and leadership and speak heart-to-heart about what motivates people to take the position that they do. Commissioner Yanez stated that he walked away with increased respect for the work that the officers do on a day-to-day basis, the utmost respect for the Chief for embarking on this challenging effort to address and reconcile the disparities experienced in the Department and in the city. He stated that he walked away with a lot of hope that there is strong leadership in the Department and that there are members who are invested in the safety of the communities. He asked the community policing DGO be agendaized.

Commissioner Byrne reported on spending an evening and early morning in the Tenderloin with three officers and spoke of what he has seen. He stated that it was very depressing to see open drug dealings going on.

Commissioner Benedicto reported that he appeared with Commissioner Yanez at the virtual press conference with the Coalition to End Biased Stops. He stated that there was a strong turnout from the community.

PUBLIC COMMENT

None

DISCUSSION REGARDING SFPD MORALE Taken off calendar.

DISCUSSION REGARDING DEPARTMENT GENERAL ORDER 9.01, "TRAFFIC ENFORCEMENT & CURTAILING THE USE OF PRETEXT STOPS"

Taken out of order

Commissioner Carter-Oberstone stated that this is a product of intense collaboration with the Department and DPA and the draft is a product of that joint effort. He went on to talk about why this item is on the agenda. He also stated that these low level stops are not making us safer. Data shows that the uncovered contraband is incredibly low rate in the course of these stops. He also spoke about quality of life issues and that people concerned about quality of life issues should be in favor of this policy because it will faze out the tremendous amount of resources put in into making these stops. Commissioner Carter-Oberstone also talked about the issue of officer safety and stated that most traffic

stops will be routine but you will never know when a routine traffic stop will turn dangerous. He stated why would you risk the safety of officers to carry out a policy that is not delivering any demonstrable public safety benefit.

Commissioner Carter-Oberstone explained how the policy works. He stated that the first way is to ban stops for certain low-level offenses that don't pose a risk to public safety because these stops are driving the racial disparities. He explained that these will be banning stops but not banning enforcement. Tickets can still be issued to an unoccupied parked car. Red light cameras will continue to issue tickets to violators. The policy will also limit what officers can do once they make a stop by limiting the use consent searches; limit the use of investigatory questions. It will make it more difficult to search a car when there is no probable cause or reasonable suspicion. This policy will require officers to write incident reports in certain situations and there will be supervisory review to make sure the policy is being followed.

Commissioner Carter-Oberstone stated that he wants this to be the most publicly transparent DGO process and public participation is encouraged by writing in letters with specific suggestions for changes and comments. The agenda states that the Commission will be accepting public comment for 30 days, however, Commissioner Carter-Oberstone stated that the Commission will be accepting public comment beyond the 30-day limit stated on the agenda, but earlier is better. The public can also participate in the process by joining working groups by writing letters to the Commission expressing their interest in joining the working group. The commission will also go out into the community to hear feedback directly from the community.

Commissioner Carter-Oberstone thanked the Department and DPA for their participation and thanked the Coalition to End Biased Stops who has been working on this issue long before he joined the Commission who had amassed over 60 signatories who have made substantial contributions.

Commissioner Elias announced that if the public wants to email their input, they should email it to sfd.commission@sfdgov.org. **She also encouraged Department members to participate in this process. Comments will be collected and forwarded to the Commission.**

Chief Scott thanked Commissioner Carter-Oberstone and Janelle Caywood of DPA. He stated the Department is committed to reducing disparities in the city. The Chief thanked some of the members of the Department that got discussions going on this issue about seven months ago. The Chief stated that the Department wants to be collaborative and is open to change and wants a policy that both addresses the issue of disparities but also allow the officers to do the job that they need to do to address some of the crimes in the city. The Chief stated that he wants the members of the

Department to weigh in on this policy and that he wants a balanced effective policy and invites members of the public to be involved in this process.

Janelle Caywood, DPA's Director of Policy, spoke of the high cost of pretext stops and how these stops can make people feel harassed and demeaned. She stated that pretext stops compromised public safety because they create mistrust between the police and communities of color.

Commissioner Elias thanked the Public Defender's Office and Glide for their contribution.

Commissioner Yanez thanked Commissioner Carter-Oberstone for his work on this policy and thanked Chief Scott for his leadership and for devoting the resources necessary to get to the right place.

Commissioner Benedicto thanked the Commissioner Carter-Oberstone, the Chief, and DPA for the revision of this DGO and encouraged the public and officers to participate in the discussion of this policy.

Commissioner Yee thanked Commissioner Carter-Oberstone for his work on this DGO and thanked the Chief for his hard work.

Director Henderson spoke of how significant and ground-breaking this policy will be for San Francisco.

PUBLIC COMMENT

Wesley Savers, Senior Policy Manager for Glide, spoke of representing over 60 local organizations united to end pretext stops. He stated that traffic stops are the most common ways people come in contact with law enforcement. He stated that based on data and stories related to them by impacted community members these stops need to be comprehensively banned and any policies should articulate data capture to evaluate how any exceptions are used.

Eliana, Policy Associate Glide, stated that pretextual stops are not making streets safer for people who walk, bike or drive. She stated that many Glide clients have been harmed by racially biased pretext stops and repeated harassment and stated that pretext stops further alienate marginalize neighborhoods and make them feel as though they are not welcome in their own community. By reducing these tactics, unnecessary bias points of entry will be reduced. She stated that the coalition would like to see more codes including in the list for which SFPD cannot stop drivers, bicyclists, and pedestrians.

Claire, Senior Community Organizer SF Bike Coalition, part of the coalition to end biased stops because of street safety advocates, their work revolves around making street safer for people walking, biking and rolling so that no one loses their lives to preventable traffic collisions. She stated that pretextual stops are one example of over policing methods that harm black and brown communities. She stated that they would like to see a more comprehensive list that includes all pretextual violations.

Sensel stated that the proposal does not go far enough and spoke of concerns regarding working groups and stated that in the past, working groups were used as intimidation, facilitate confusion, delay progress by SFPD and urge the Commission to have aggressive oversight of working groups.

Caroline, Policy Advocate Public Defenders Office, glad to see this item being discussed in a robust way and spoke of how pretext stops harm community relations, waste resources, and cause those already fearful of law enforcement to flee causing more unnecessary force and violence. She stated that it is time for San Francisco to change these blatantly racially biased stops and put an end to them.

Zack Dillon, Public Defender's Office, stated that ending pretext stops was the most recommended change the department should make. He stated that he is optimistic that the working group will be starting with the draft DGO that doesn't weigh the usefulness of pretext stops but instead recognizes the harm they create.

Angela Chan, Chief of Policy Public Defender's Office & former Commissioner, stated that the campaign to end pretextual stops is strongly supported by a large diverse and vocal coalition organizations serving San Franciscans. She stated that they are organized and are ready to make sure a strong policy is

adopted but is a model of the rest of the country. She stated that what's at the heart of the issue that was made at the press conference this morning is ending the practice of

targeting, harassing, and stopping black and brown communities for driving, bicycling, and walking will improve public safety, curbing state violence that traumatized and criminalized generations of community of color. She stated that it is about physical safety and protecting the mental health of communities and protecting black and brown lives from unnecessary contact with law enforcement and unnecessary escalation of force. She stated that the coalition is pushing for a comprehensive policy that protects all the ways communities of color can be harassed and stopped by police. She stated that the current list is a starting point but it is not enough. She stated that they will be insisting on a policy where the exceptions do not follow the rules.

Kit Hodge, Wealth & Disparities, this policy is to end anti-Black bias and asked to recognize Felicia Jones for her work and hopes that this policy will build a meaningful consequence for officers who continue to engage in biased stops after the policy goes through.

Eric Arguello, Glide & Center for Social Justice, asked to end pretext stops and to please adopt a policy ending pretextual stops in San Francisco,

Danielle Harris is relieved that this policy is on the table and that it is time for sharp lines to be drawn based on the vast majority of cases where the harm outweighs the good not based on any outlier examples.

Brian Cox, Public Defender's Office, thanked that the Commission prioritized this discussion and that this is an important first step. Now is the time to make sure that the policy is comprehensive and that it is as strong as possible. He stated that we cannot have a policy that provides exceptions that are so large that make the rule meaningless.

Lindsey, SF Bicycle Coalition, stated that pretextual stops do not increase safety and recommended eliminating all pretextual traffic stops and urged that the Commission adopt the more comprehensive policy.

Unidentified stated that Commissioner Oberstone's policy is not based on data but is a preconceived notion of the issue at hand. He stated that Commissioner Oberstone has no proof that the stops are biased or he would not rely on disparities which do not prove bias.

Ave Fry, ACLU Criminal Justice Program, support ending pretext stops in San Francisco and that it is a tool for racial oppression and intimidation. These stops must be abolished and adopt methods of policing that treat all members of the community with equal dignity and respect.

David Aaronson, Wealth & Disparities, stated Wealth & Disparities have been demanding the end of traffic stops and have advocated for this demand with SFPD, DPA, and CalDOJ.

Susan Buckman spoke of the caller who did not identify himself and stated that that person is from the POA.

PRESENTATION OF THE 151 QUARTER AUDIT OF ELECTRONIC COMMUNICATION DEVICES FOR POTENTIAL BIAS

Commander Paul Yep, Risk Management, presented the V Quarter Audit of Electronic Communication Devices for potential Bias.

PUBLIC COMMENT

Brian Hobbsman, Walk SF, supports ending pretextual stops.

Tess supports ending pretextual stops.

PRESENTATION OF THE EARLY INTERVENTION SYSTEM ("EIS"), 3RD QUARTER 2021 REPORT

Commander Paul Yep, Risk Management, presented the EIS, 3d Quarter 2021 Report.

PUBLIC COMMENT

None

DISCUSSION AND POSSIBLE ACTION TO ISSUE DEPARTMENT BULLETIN 22-045, "GREEN PIN CAMPAIGN TO SUPPORT MENTAL HEALTH AWARENESS MONTH - MAY 2022." TEMPORARY MODIFICATION OF DGO 10.01, "UNIFORM AND EQUIPMENT CLASSES"

Deputy Chief Rob O'Sullivan presented Department Bulletin 22-045, "Green Pin Campaign to Support Mental Health Awareness Month - May 2022."

Motion by Commissioner Benedicto, second by Commissioner Byrne. Approved 6-0 AYES:
Commissioners Benedicto, Yanez, Carter-Oberstone, Yee, Byrne, Elias

PUBLIC COMMENT

None

PRESENTATION OF THE FIREARM DISCHARGE REVIEW BOARD ("FDRB") FINDINGS AND RECOMMENDATIONS, 4TH QUARTER 2021 REPORT

Deputy Chief Rob O'Sullivan presented the Firearm Discharge Review Board ("FDRB") Findings and Recommendations, 4th Quarter 2021 report.

PUBLIC COMMENT

Unidentified spoke of Cesar Vargas incident and stated that he was having a mental crisis.

ADJOURNMENT

Thereafter, the meeting was adjourned at 9:01 p.m.