

## **MAY 4, 2022 REMOTE MEETING VIA VIDEOCONFERENCE**

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

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

Commissioners Elias congratulated Commissioners Yee and Carter-Oberstone for their reappointment. She also welcomed Commissioner Benedicto and asked him to say a few words about himself.

Commissioner Benedicto addressed the Commission and stated that it's an honor to be a member of this commission and is looking forward to working with his fellow Commissioners, the Department and DPA to ensure continued progress on criminal justice reform, continued progress on the remaining DOJ recommendations and that we have effective, pragmatic, and progressive oversight of the department.

### **GENERAL PUBLIC COMMENT**

Francisco Dacosta spoke in regard to the decrease in the police force and asked the Commissioners how are they going to address this issue. He went on to talk about quality of life issues in the City.

David Aaronson, Wealth & Disparities, read a quote from their founder regarding anti-Blackness by SFPD. He went on to talk about ending routine traffic stops in San Francisco.

Susan Buckman, Wealth & Disparities, read a quote from their founder regarding anti-Blackness by SFPD. She went on to talk about ending routine traffic stops.

Kit Hodge, Wealth & Disparities, read a quote from their founder regarding anti-Blackness by SFPD.

Ms. Paulette Brown spoke in regard to her son, Aubrey Abrakasa, who was murdered in 2006 and how his case is still not solved.

Jessica called because a friend was pulled over while riding his bicycle and how cyclist are being pulled over for minor infractions.

### **ADOPTION OF MINUTES**

- **For the meetings of April 6, 13, and 20, 2022**

Motion by Commissioner Elias, second by Commissioner Yee. Approved 5-0.

AYES: Commissioners Yee, Byrne, Carter-Oberstone, Elias NAYS: Commissioner Benedicto

### **PUBLIC COMMENT**

None

### **Chief's Report**

- **Weekly crime trends**

- **Major/Significant Incidents**

Assistant Chief Bob Moser for Chief Scott reported on crime trends YTD: Violent Crime up 4 percent; homicide up 25 percent; rape up 4 percent; robbery down 2 percent; assault up 10 percent; human trafficking down 43 percent. Property Crimes up 11 percent; burglary down 30 percent; motor vehicle

theft up 4 percent; arson down 21 percent; larceny theft up 27 percent. Gun violence is down 12 percent compared to 2021; 3 shooting incidents for the week ending on 5/1/22; total 60 incidents resulting in 68 victims YTD. No homicide for the week ending 5/1/22; there are a total of 15 homicides YTD.

Shooting Incidents: 3 shooting incidents: May 1, on Giants Drive in the Bayview, officers responded to shot spotter activation and located 15 rounds. While enroute, call was received that a shooting victim was located inside a residence suffering from gun fire. Victim was transported and in stable condition. Investigation is ongoing; April 29th, on the 300 block of Turk Street in the Tenderloin,

victim located with a gun shot wound. Video evidence showed that subject following the victim, pulling a handgun from his waistband, and firing a shot at the victim. Victim attempted to block the gunfire and was shot. Suspect fled the scene. Investigation is ongoing; April 29th, at 3 and Quesada the Bayview, officers responded to shot spotter activation and located 12 casings. Shortly after, a walk-in shooting victim was dropped off at hospital. Video showed a vehicle pulling up to 3d and Quesada firing a gun and people in the area running for cover. No arrest made; investigation is ongoing.

Significant Incidents: Responded to demonstrations regarding Row v. Wade leaked draft ruling which remained peaceful; Salesforce Tower, officers viewed individual climbing the exterior of the tower and refused to climb down. Officers were able to take him into custody on the 64th floor, cited for trespassing and delaying arrest. Arson barricaded subject, at the 600 block of Larkin. Officers responded to an incident where the subject set fire to mattress in his room; threw the mattress out the window; subject armed with a knife and barricaded himself in the bathroom. Members of hostage negotiation team responded along with SFFD personnel. Subject left out of an opened window and officers were able hold on to him while SFFD pulled up a ladder and safely take him into custody.

Stunt Driving Incident: Three stunt driving incidents occurred over the weekend. (1) Officers responded in the area of Harrison and Vane. There were approximately 100 vehicles and 200 spectators. Once officers arrived, the group disbanded. (2) Officers responded in the area of Delano and Geneva with approximately 50 vehicles and 300-400 spectators. Once officers arrived, the group dispersed. There were reports of shots fired however no casings or damaged to vehicles and buildings were located. (3) Officers responded to the intersection of 13th and So. Van Ness as cars were gathering and vehicles were in the intersections doing donuts. Once officers arrived, the group dispersed. All incidents are under investigation.

Fatal Traffic Collision: On May 1, near Turk and Taylor, a vehicle struck an occupied scooter and fled the scene. Rider of scooter was transported and succumbed to their injuries.

#### PUBLIC COMMENT

None

#### **DPA Director's Report**

- **Report on recent DPA activities, and announcement**
- **Presentation of the March 2022 Monthly Statistical Report**

Director Henderson reported: In the year 2022: 221 cases opened; 203 closed; 292 pending; 16 cases sustained; 29 cases past 270-day; 6 cases mediated. Cases received in the past week: 27 new cases; 43 percent behaved and spoke inappropriately; 11 percent failed to write an incident report; 9 percent used unnecessary or excessive force; 7 percent made an arrest without cause; 5 percent engaged in biased policing or discrimination.

Audit: On April 27th, survey was sent out to current and former members of the Police Commission to obtain input on information received from the Department about the topic of misconduct.

Outreach: Can be found on community calendar on the DPA's website and posted on Tweeter, Facebook, Instagram and on DHR's website: DPA participated in community meetings at Southern, Richmond, and Park Stations.

Director Henderson stated that the monthly statistics are online and does not need to be discussed.

PUBLIC COMMENT - None

**Commission Reports continued:**

- **Commissioners' Reports**

- **Commission announcements and scheduling of items identified for consideration at future Commission Meetings.**

**Commissioner Yee stated that May is Asian Heritage Month and wished all of SFPD staff to have a great year and also recognized that May is Mental Health Awareness Month and urged members who maybe in need of help to reach out to the Department.**

**Commissioner Benedicto is looking forward to working with Commissioner Carter-Oberstone on the traffic stops DGO and also working on finalizing the DGO on search warrants.**

**Commissioner Elias stated that she had asked Commissioner Benedicto to take the lead on the search warrant DGO to get it ready and agendized.**

**Commissioner Carter-Oberstone reported that he has been meeting weekly with DPA and the Department to discuss the pretext stops DGO that will be on the agenda for next week.**

**Commissioner Elias reported that she had asked the Chief that moving forward, to start tracking the race and gender of officers who are subject to discipline in the Internal Affairs report.**

**Commissioner Byrne reported that he is scheduled to go out with patrol on Friday evening and spoke of a recent attack on one of the Alchemy patrols. He reported that he went through Golden Gate Avenue just as De Marillac Academy was letting out and stated that it was wonderful to see the children running around the neighborhood without any fear.**

**PUBLIC COMMENT**

**None**

**PRESENTATION OF THE SFPD/DPA REPORT ON GENERAL ORDERS/POLICY PROPOSALS "SPARKS REPORT," 111 QUARTER 2022**

Executive Director Maguire presented the SFPD's Report on general orders and policy proposals.

Janelle Caywood, DPA Policy Director, presented the DPA's report on general orders and policy proposals.

**PUBLIC COMMENT**

Wesley Savers, Glide, called in regarding ending biased traffic stops in San Francisco.

Brian Cox, Deputy Public Defender, stated that there should be no exceptions to pretextual traffic stops and for DPA to advocate to band specific list of codes and limit searches.

David Aaronson supports recommendations by DPA to limit exceptions to traffic stops.

Unidentified spoke of officer riding Motorcycle 330 who are targeting cyclist and would like the officer be admonished on Focus on the Five.

**PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION None**

**VOTE ON WHETHER TO HOLD CLOSED SESSION**

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

AYES: Commissioner Benedicto, Yee, Byrne, Carter-Oberstone, Elias

**CLOSED SESSION (7:12 p.m. - 8:13 p.m.)**

**a. 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: Department General Order 3.01, "Department Written Directives"

(PRESENT: Commissioners Elias, Yee, Byrne, Carter-Oberstone, Benedicto, Assistant Chief Moser, Deputy City Attorney Cabrera, Deputy City Attorney Porianda, Sergeant Youngblood, Sergeant Reynolds, Risa Tom, Director Preston, Deputy City Attorney Bhatt, Isabelle Choy)

**b.PERSONNEL EXCEPTION.** Pursuant to Government Code Section 54957(b)(1) and SF 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 2019-0201, or take other action if necessary

(PRESENT: Commissioners Elias, Yee, Byrne, Carter-Oberstone, Benedicto, Assistant Chief Moser, Deputy City Attorney Porianda, Sergeant Youngblood, Sergeant Reynolds, Risa Tom) Put over to May 18, 2022

**c.PERSONNEL EXCEPTION.** Pursuant to Government Code Section 54957(b)(1) and SF 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 2021-0174 (*Member present*)

(ii)Case No. [AD 2021-0291 (*Member not present*)

(iii)Case No. IAD 2021-0199 (*Member present*)

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

*(These proceedings were taken in shorthand form by Ms. Lucy Carrillo-Grubbs, CSR., Behmke Video and Recording Services)*

**e. PERSONNEL EXCEPTION.** Pursuant to Government Code Section 54957(b)(1) and SF Administrative Code Section 67.10(b) and Penal Code Section 832.7:

Status and calendaring of pending disciplinary cases

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

OPEN SESSION (8:15 p.m.)

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

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

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 3.01, "DEPARTMENT WRITTEN DIRECTIVES"

Taken off calendar to be put over on a later date.

ADJOURNMENT

Thereafter, the meeting was adjourned at 8:16 p.m.