

November 16, 2022,

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 5:38 p.m.

PRESENT: President Elias, Commissioners Walker, Yanez, Byrne, Benedicto, Yee, Vice President Carter-Oberstone (arrived 7:34 pm)

GENERAL PUBLIC COMMENT

Technical Difficulties

7. Presentation by the Center of Policing Equity (CPE), report and analysis on traffic stops (DISCUSSION)

From the Center for Policing Equity, Scarlet Neath, Policy Research Manager, and Charlotte Resing, Government Affairs Manager, presented on “Redesigning Traffic Safety, Recommendations to Address Racial Disparities in Traffic Crashes and Enforcement”

PUBLIC COMMENT

Francisco DaCosta- Provided opinion regarding different studies on pretext stops. Discusses other issues needing to be addressed.

Jean Bridges- Volunteer from Wealth & Disparities, provides opinion on initial general public comment. Discusses a study. Speaks on CPE presentation and asks questions regarding process. Provides opinion on presentation.

Susan Buckman- Volunteer from Wealth & Disparities, states quote. Provides opinion/feedback on CPE presentation.

GENERAL PUBLIC COMMENT

None

2. Adoption of Minutes (ACTION)

- For the meeting of October 19, 2022
- For the meeting of November 2, 2022

President Elias motions to adopt, Commissioner Walker moves. Commissioner Benedicto seconds. Approval 6-0.

Ayes: Commissioners Walker, Benedicto, Yanez, Byrne, Yee, President Elias

PUBLIC COMMENT

None

3. Consent Calendar (RECEIVE & FILE; ACTION)

- SFPD SB1421/SB16 Monthly Report

- DPA SB 1421/SB16 Monthly Report
- Collaborative Reform Initiative: Monthly Update
- SFPD/DPA Quarterly Document Protocol Report, 3rd Quarter 2022

President Elias asks for motion. Commissioner Benedicto motions to receive and file. Commissioner Yanez seconds. Approval 6-0.

Ayes: Commissioners Walker, Benedicto, Yanez, Byrne, Yee, President Elias

PUBLIC COMMENT

Susan Buckman- Volunteer from Wealth & Disparities. Speaks on policing, SB1421/SB16, releasing personnel information, accountability, statistics.

Chief's Report

- Weekly crime trends
- Major/Significant Incidents

Chief Scott reported on crime trends YTD: Violent Crime up 7 percent; homicide up 2 percent; rape up 9 percent; robbery up 5 percent; assault up 10 percent; human trafficking down 52 percent. Property Crimes up 6 percent; burglary down 21 percent; motor vehicle theft up 4 percent; arson down 10 percent; larceny theft up 13 percent. Gun violence is down 1 percent compared to 2021; One shooting incident for the week ending on 11/13/22; total 167 incident resulting in 190 victims YTD. Three homicides for the week ending 11/13/22; there are a total of 48 homicides YTD with 32 resulting from a firearm; 63% overall clearance. Guns seized 961; ghost guns seized 163 YTD.

Significant Incident: Three homicides: First - 3rd and LaSalle in Bayview, attempted robbery of resident, overnight guest gave suspects access to complex, entered complex, one of four suspects was shot and succumbed to injuries, shooter taken into custody, robbery gone bad, investigation ongoing. Second- 100 block of Larkin, Tenderloin, victim in front of Library, victim had no pulse, witness came forward advised of incident, victim pronounced at hospital, no arrest has been made, evidence to follow up on. Third- 700 block of Fulton, Northern, Officers responded to a Shotspotter activation, located victim in street with gunshot wounds, Officers rendered aid, victim succumbed to injuries at hospital, video in area captured portion of incident, numerous suspects, several guns involved, no arrest, investigation ongoing. Series of auto burglaries across city on 11/11/22, Officers observed stolen vehicle in area, stopped vehicle, subjects taken into custody, victims identified. Catalytic converter arrest, Northern, suspects caught in act, arrests made, firearm, multiple charges. Auto burglaries, business victim of 8 auto burglaries, one suspect, iphones taken, autonomous vehicles, images of suspect provided, and suspect identified, multiple charges. Robbery at Grocery Outlet 300 block of Bayshore, robbery of alcohol, stabbing victim-also suspect, victim (security guard) confronted suspects, bystanders and witnesses began to assist, suspects fled, stabbing victim/robbery suspect will be arrested once medical condition cleared. Robbery with force, Central, Portsmouth Square, two victims were performing inside the square, suspects began to yell at them, victim began to record suspects, suspect ran towards victim, victim ran away, suspect hit victim on back of head and took cell phone, victim called 911, Officers arrived and were able to arrest suspect.

Significant arrest: None

Strategies: Union Square/Macys Tree lighting/Ice Rink. Officers, Safe shopper, Ambassadors, Tourism has deployed for holiday season.

PUBLIC COMMENT

None

DPA Director's Report

- Report on recent DPA activities, and announcement

DPA Attorney/Acting Director Diana Rosenstein on behalf of Executive Director Henderson reported the following: In the year 2022: 601 cases opened; 636 closed; 245 pending; 53 cases sustained; 23 cases past 270-day; 18 cases mediated. Cases received in the past week: 15 new cases; Central (1) Repeatedly requesting a person's skin color. Southern (1) Excessive force during a detention. Bayview (1) Preventing a person from receiving medical treatment. Mission (5) Driving recklessly, entering a hotel room inappropriately, officer loitering, and making inappropriate comments about a person's race. Northern (1) Failing to investigate a vehicle theft. Park (1) Failing to write an incident report. Richmond (1) Failing to investigate. Ingleside (1) Failing to take action regarding a noise complaint. Taraval (2) Detaining a person without cause and making inappropriate comments via phone. Tenderloin (1) Speaking inappropriately and hanging up on a caller.

Audits: sent draft of first Interim Report about misconduct audit for SFPD's review. DPA and Controller's Officer started 24 month follow up on recommendations made in the Use of Force Audit.

Outreach: Provide information to public at SFPD Station community meetings. Nicole Armstrong and Sarah Maunder of DPA provided representation and attended and presented at an annual conference for NACOLE. 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- DGO 9.01, Discusses four Community Listening Sessions, HRC helped facilitate, Mission Local summarizes some of the sessions in an article. About 10 community listening sessions. Attended CIT Awards.

Commissioner Walker- All DGOs moving forward. Discussing working group for Hate Crimes DGO. Discusses women in leadership in the department, as well as recruitment, 30 for 30 contract. Met

with community, for possible training partnerships.

Commissioner Yanez- Will be going on a ride along with SFPD. Working group for DGO 7.01-Juveniles. Met with Electronic Frontier Foundation, development of outreach plan, requests for video feeds from the community, asked about documentation on it and roll out- requested to Agendize this. December update requested from Chief and 6-month reporting for May/June. Community Policing DGO- development of manual for best practices.

Commissioner Yee- Met with staff regarding DGOs. DGOs moving forward. More details/status in next meeting. CIT Awards. Discusses community involvement, public safety.

Commissioner Byrne- Will update at next meeting.

PUBLIC COMMENT

None

8. **DPA 1st, 2nd and 3rd Quarter Reports (DISCUSSION)**

DPA Operations Manager Nicole Armstrong presented DPA Quarterly Reports

PUBLIC COMMENT

None

9. **Discussion and possible action to adopt the Police Commission, Police Department and Department of Police Accountability Policy document for the release of personnel records under Cal. Penal Code section 832.7 as amended by SB16 for meet and confer purposes as required by law (DISCUSSION & POSSIBLE ACTION).** *(The Police Commission is revising the existing policy to incorporate changes under the law.)*

President Elias discusses with Commissioners and A/Director DPA Attorney Rosenstein. DPA requests change to document on Page 3 regarding DPA correct name.

President Elias motions to adopt, with revisions as discussed. Commissioner Walker seconds. Approval 7-0.

Ayes: Commissioners Walker, Benedicto, Yanez, Byrne, Yee, President Elias, Vice President Carter-Oberstone.

PUBLIC COMMENT

None

10. **Early Intervention System (EIS) 2022 2nd Quarter presentation (DISCUSSION)**

Commander Yep presented on 2nd Quarter of EIS, data prepared with Lt. William Toomey, Sgt. Darwin Naval, Senior Analyst Wendy Leung and Senior Analyst Stephanie Soileau

PUBLIC COMMENT

None

11. Public comment on all matters pertaining to Item 13 below, Closed Session, including public comment on Item 12, vote whether to hold Item 13 in closed session.

None

12. Vote on whether to hold Item 13 in Closed Session (San Francisco Administrative Code Section 67.10) (ACTION)

President Elias motions to hold item 13 in closed session. Commissioner Benedicto seconds. Approval 7-0.

Ayes: Commissioners Walker, Benedicto, Yanez, Byrne, Yee, President Elias, Vice President Carter-Oberstone.

PUBLIC COMMENT

None

1st Open session ended: 8:19 p.m.

CLOSED SESSION (8:25 p.m. – 8:38 p.m.)

13. 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: Hearing on the Appeal of the Chief’s suspension filed in Case No. ALW IAD 2019-0123 A & B, or take other action if necessary (ACTION)

Defense Attorney and Officers did not appear. Request to continue matter to 12/7/22.

(present: President Elias, Vice President Carter-Oberstone, Commissioners Walker, Yanez, Byrne, Benedicto, Yee, Chief Scott, Deputy City Attorney Zachary Porianda, IAD Attorney Ashley Worsham, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

(These proceedings were taken in shorthand form, Marianne Boyd, 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:

Hearing on the Appeal of the Chief's suspension filed in Case No. ALW IAD 2019-0123 C, or take other action if necessary (ACTION)

Defense Attorney and Officers did not appear. Request to continue matter to 12/7/22.

(present: President Elias, Vice President Carter-Oberstone, Commissioners Walker, Yanez, Byrne, Benedicto, Yee, Chief Scott, Deputy City Attorney Zachary Porianda, IAD Attorney Ashley Worsham, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

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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: Hearing on the Appeal of the Chief's suspension filed in Case No. ALW IAD 2019-0123 D, or take other action if necessary (ACTION)

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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 take off calendar disciplinary charges filed in Case Nos. DPA 0145-15 A&B per judgment in Superior Court Case No. CGC-19-576433 (DISCUSSION AND POSSIBLE ACTION)

(present: President Elias, Vice President Carter-Oberstone, Commissioners Walker, Yanez, Byrne, Benedicto, Yee, Chief Scott, Deputy City Attorney Zachary Porianda, 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: Status and calendaring of pending disciplinary cases (ACTION)

(present: President Elias, Vice President Carter-Oberstone, Commissioners Walker, Yanez, Byrne, Benedicto, Yee, Chief Scott, Deputy City Attorney Zachary Porianda, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

OPEN SESSION (8:39 p.m. – 8:40 p.m.)

14. VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (ACTION)

President Elias motions. Commissioner Walker moved to not disclose items held in Closed Session, Commissioner Benedicto seconds. Approval 7-0

Ayes: Commissioners Walker, Benedicto, Yanez, Byrne, Yee, President Elias, Vice President Carter-Oberstone.

PUBLIC COMMENT

None

ADJOURNMENT

Thereafter, the meeting was adjourned at 8:40 p.m.

Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission