

December 7, 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 5:36 p.m.

PRESENT: Commissioners Walker, Benedicto, Yanez (remotely), Byrne, Yee, Vice President Carter-Oberstone, President Elias (remotely, excused at 8:41 p.m.)

GENERAL PUBLIC COMMENT

Michael Petrelis: Spoke on and disagrees with robots for SFPD. Discussed policy presented and public notices. Requests robot policy be rescinded.

Francisco DaCosta: Speaks on homeless situation in San Francisco.

David Aaronson: District 1. Volunteer with Wealth & Disparities. Stated quoted from Wealth & Disparities. Spoke on possible reality show about San Francisco. Mentioned SFPD robots and continues to speak on possible TV show.

Susan Buckman: Wealth & Disparities volunteer. Stated quote from Wealth & Disparities. Spoke on robots for SFPD. Continues to discuss topic.

Jean Bridges: Wealth & Disparities volunteer. Stated quote from Wealth & Disparities. Discussed SFPD quarterly reports and data presented.

2. **Adoption of Minutes (ACTION)**

- For the meeting of November 16, 2022

Vice President Carter-Oberstone requests motion to amend and adopt. Commissioner Walker moves. Commissioner Benedicto seconds. Approval 6-0.

Commissioner Yee requested page 4 amended to correct name.

AYES: Commissioners Walker, Benedicto, Yanez, Byrne, Yee, Vice President Carter-Oberstone

PUBLIC COMMENT

None

3. **Consent Calendar (RECEIVE & FILE; ACTION)**

- Request to accept donation of \$3000 from Hung On Tong Society payable to the SFPD Police Foundation for SFPD Holiday Toy Drive

Vice President Carter-Oberstone asks for motion. Commissioner Walker moves motion to receive and file. Commissioner Yee seconds. Approval 6-0.

AYES: Commissioners Walker, Benedicto, Yanez, Byrne, Yee, Vice President Carter-Oberstone

PUBLIC COMMENT

None

Chief's Report

- Weekly crime trends
- Major/Significant Incidents

Chief Scott reported on crime trends YTD: Violent Crime up 7 percent; homicide down 2 percent; rape up 5 percent; robbery up 6 percent; assault up 8 percent; human trafficking down 45 percent. Property Crimes up 4 percent; burglary down 21 percent; motor vehicle theft up 4 percent; arson down 10 percent; larceny theft up 11 percent. Gun violence is down 6 percent compared to 2021; One shooting incident for the week ending on 12/4/22; total 169 incident resulting in 192 victims YTD. NO homicides for the week ending 12/4/22; there are a total of 51 homicides YTD with 33 resulting from a firearm; 62 % overall clearance. Guns seized 961; ghost guns seized 163 YTD.

Significant Incident: Efforts in Tenderloin ongoing, most of the efforts are focused on removing Fentanyl, and people selling it, from the streets. Seized 92,486 gross grams of narcotics YTD in the Tenderloin, 60,435 gross grams were of Fentanyl. Double the number from 2021. 493 arrests YTD for sales or possession of sales. \$144k cash seized from narcotic arrests.

Significant arrest: School bomb threats, no arrests yet, suspects not identified. No fatal traffic collisions. On 12/3/22, notified of vehicles en route to San Francisco for a sideshow, stunt driving unit activated. Prevented any major sideshows.

Strategies: Update on DA and SFPD MOU. Discussed military equipment ordinance.

PUBLIC COMMENT

Caller name not stated: Caller discusses victims of crime, speaks on how victims should receive help, discusses different avenues/resources.

Natalia: Lives in the Inner Richmond, criminal justice, and student organizer- San Francisco Rising. Wanted to discuss pretext stops. Vice President Carter-Oberstone advised caller to call back for item being discussed on line item 8.

Susan Buckman: Wealth & Disparities volunteer. Discussed and provided opinion on military equipment ordinance.

7. Presentation by the San Francisco Human Rights Commission (HRC) on the feedback from the traffic stop listening sessions (DISCUSSION)

Sheryl Evans Davis, Jessica Campos and Sarah Tseng, from the Office of Racial Equity, presenting on feedback from the traffic stop listening sessions.

PUBLIC COMMENT

Carl: Provides opinion and comment regarding policy, research and outreach.

Patricia Roy: Part of a merchant's association. Provides opinion on study and outreach done.

Discusses an at-risk job training program they were a part of. Discusses current issues and meetings they are a part of.

Jane Day: Opposes revised draft of traffic general order. Resident of San Francisco. Provides opinion on traffic stops.

Julie Traun: Bar Association of San Francisco. Involved in DGO 9.01 process. Speaks on and provides opinion on traffic stop policy, strategy.

Karina Velasquez: Immigration Attorney in San Francisco. Discusses opinion on policing, safety.

Paul Allen: Speaks on presentation. Discusses outreach.

David Aaronson: Provides opinion on policy. States quote from organization.

Bill Holtzman: President of Castro community group. Provides opinion on policy, wants proposal to be put on hold and revised.

Caller Name not stated: Provides opinion on opposition to policy.

Caller Name not stated: Opposes plan to reduce traffic enforcement. Provides opinion on traffic stop laws.

Caller name not stated: Mission District resident, Deputy Public Defender. Provides opinion on policy. Continues to discuss bias in policing.

Carolyn Tom: In favor of changes to 9.01. Provides feedback.

Linda: Provides opinion and feedback regarding policy, public safety, policing.

Lily Sorentino: Lives in Mission District. Community Resource Initiative. Requests adopting comprehensive policy that requires more data and transparency that ends pretext stops in San Francisco. Continues to discuss data, opinion.

Mina Young: Discusses MTA meeting attended, opinion on enforcing laws, strategies.

Robert Wong: President of a community organization. Spoke on DGO 9.01, wants community concerns heard.

Tatiana Lewis: With the Legal services for prisoners and children. Provides personal story regarding a traffic stop. Asks to reject proposed DGO 9.01.

10. **Presentation on Tenderloin District Narcotic's Arrests of Juveniles and Transitional Aged Youth (DISCUSSION)**

Presentation will include the policy and process officers follow when detaining, booking and/or citing youth and data on youth and transitional aged youth that are booked and/or cited for possession and/or sales of narcotics in Tenderloin

Commander Vintero and Lieutenant Healy presented.

PUBLIC COMMENT

Ahn Lei: Resident of San Francisco. Speaks about incident where he was assaulted. Continues to speak on assaults that occurred. Speaking on anti-Asian crimes. Urges to reject 9.01, continues to provide opinion.

Wesley Saver: Senior Policy Manager with Glide. Discusses meetings. Provides opinion on policy.

Jennifer Friedenbach: Coalition on Homelessness. Advised that this public comment is for line item 10.

DPA Director's Report

- Report on recent DPA activities, and announcement

DPA Executive Director Henderson reported the following: In the year 2022: 647 cases opened; 728 closed; 254 pending; 54 cases sustained; 24 cases past 270-day; 18 cases mediated. Cases received in the past three weeks: 52 new cases; Central (2) Repeatedly requesting a person's skin color and a Sergeant failed to curb the front wheels of a patrol vehicle. Southern (4) Excessive force during detention and officer prevented a person from recording construction work on public property. Bayview (2) Officers were preventing a person from receiving medical treatment and failing to tell the reason they were arrested. Mission (8) Driving recklessly, entering a hotel room inappropriately, officer loitering, and making inappropriate comments about a person's race. Northern (3) Failing to investigate a vehicle theft and making inappropriate comments. Park (2) Failing to write an incident report. Richmond (4) Failing to investigate, failing to enforce a restraining order, and racially profiling a person. Ingleside (2) Failing to take action regarding a noise complaint and issuing a falsified citation. Taraval (4) Detaining a person without cause and making inappropriate comments via phone. Tenderloin (4) Speaking inappropriately and hanging up on a caller. Unlawfully detaining and racially profiling a person. Airport (2) Pulling over a person without justification and acting rudely to a person. Not Applicable (6) Referral. Out of Town (1) Referral. Pending Further Investigation (2) Failing to arrest a person for violating a restraining order.

Audits: November 21st released to Police Commission and public key issues report. Will present report tonight and provide next steps. Received 24-month response from SFPD regarding use of force audit report.

Outreach: DPA conducted outreach with Spanish radio station K1QI 1010 AM, DPA's History, Mission and how to contact/work with agency directed towards Spanish speaking community on radio. 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 5.16, Search Warrants, progress has been made, requesting to calendar for 2/1/23. DGO 9.01, will be discussed tonight, material to be received from Chief later in the week.

Commissioner Walker: DGOs ongoing, to be calendared for the new year. Discussed issues regarding safety.

Commissioner Yee: Discussed DGOs and working group, needs permission from the chair, waiting to move forward.

Commissioner Yanez: Discussed meeting with Benchmark. Update regarding Sojourn summary interview.

PUBLIC COMMENT

None

8. Discussion regarding draft Department General Order 9.01, "Traffic Enforcement & Curtailing the Use of Pretext Stops" (DISCUSSION)

Vice President Carter-Oberstone leads discussion on revised draft policy. Commissioners continue discussion.

PUBLIC COMMENT

Paul Allen: Provides amendments for draft. Provides feedback on process. Provided Commission with edited document.

Eleana Binder: Glide employee. Feedback regarding policy and pretext stops.

Speaker: In person, did not state name, provides opinion on policy. Provides personal story regarding traffic stop.

Sayed Hussain: Provides opinion on policy. Provides a personal traffic stop story. Would like police to have tools needed to ensure safety.

Alice Xavier: District 7, opposes DGO 9.01. Continues to provide opinion on policy.

Wesley Saver: Manager with Glide. Coalition to End Bias Stops. Speaks on policy, pretext stops. Asks to adopt most comprehensive version of policy.

Hatu Nogera: Spoke on turn signals. Discusses an automotive study. Read email sent to non-profit they work for. Opposes DGO 9.01.

Caller: Caller did not state name. Discusses opinion on violations and policy.

Samina Usman: Senior Government Relations Coordinator for CAIR-SFBA. Discusses information regarding policy, speaks on policy.

Eric Arguello: Urges to adopt strongest possible version of policy. Continues to discuss opinion and data.

Caroline Guzman: Mother, resident/employee of San Francisco. Part of a coalition to end pretext stops. Continues to speak on policy. Urges to support policy.

Jennifer Friedenbach: With Coalition on homelessness. Discusses data and opinion on policy, practice.

Flo Kelly: Works with Coalition on homelessness. Does not support pretextual stops. Continues to discuss opinion regarding topic.

Claire A: Born and raised in Tenderloin. San Francisco Bicycle Coalition. Coalition to end bias stops. For adopting comprehensive policy that requires more data, transparency and puts end to pre text stops in SF. Continues to discuss opinion.

Caller, name not stated: Resident of Golden Gate Heights. Urge to not adopt DGO, make modifications. Continues to discuss opinion.

Aditi: District 7, works at community resource initiatives. Urges commission to adopt a comprehensive policy that puts an end to racially bias pretext stops. Continue to discuss opinion, speaks on topic.

Alisa L.: Student at USF. Lives and works in District 5. Urges to adopt a comprehensive policy that requires more data and transparency and ends pretext stops in San Francisco. Continues to discuss data, opinion regarding topic.

Kristin Evans: Small business owner. Provides opinion on what Police should focus on. Continues to discuss topic/policing, opinion, provides personal story.

Natalia: Criminal Justice student organizer at San Francisco Rising. Provides personal story. Continues to speak on topic. Requests Commission to adopt DGO focused on public safety.

Javier: Resident of excelsior. Coalition on homelessness. Urging to adopt comprehensive policy that ends pretext stops. Continues to discuss opinion on topic.

Frank Noto: Speaking on behalf of Stop Crime SF. Discusses pretext stops v traffic stops. Continues to provide opinion on topic.

Joel H.: Director with ACLU. Requests adopting comprehensive policy to prohibit racially bias traffic stops. Continues to speak on topic, provides data.

Zach D.: Public Defender’s Office. Coalition to End Bias Stops. Speaks on topic, provides opinion and data on topic. Requests to adopt policy.

Natalia Serrano: San Francisco Rising. Urges to adopt comprehensive policy that requires more data and transparency and ends pretext stops. Provides personal story. Continues to speak on topic.

Mina Young: Discusses personal experiences, provides opinion on topic.

Caller: did not state name. Requests to reject DGO. Continues to speak on topic.

Susan Buckman: District 6. Wealth and Disparities. Provides opinion on topic, information provides. Requests to adopt most comprehensive policy to end pre text stops.

Brian Hillford: Speaking on behalf of advocacy group. Provides opinion on topic, provides data. Continues to speak on topic.

Julie Traun: District 8 resident. Calling on behalf of Bar Association. Discusses work on policy. Continues to discuss topic, provide opinion.

Barbara: Worked with police insight agencies. Urges to adopt DGO 9.01. Continues to speak on topic.

David Aaronson: Resident of District 1. Speaks on DGO. Continues to discuss.

9. Presentation on Homicide Unit: Rewards for Information (DISCUSSION)

Presentation will include what local ordinance allows for the reward, how we establish the reward, how many rewards there are, how many are actively being investigated.

Item taken off agenda by Vice President Carter-Oberstone

11. Presentation of DPA’s Key Issue Report: Public Reporting on Officer Misconduct and Discipline (DISCUSSION)

(Interim Report for the Audit of SFPD’s Handling of Officer Misconduct)

Presented by DPA’s Steve Flaherty.

PUBLIC COMMENT

David Aaronson- Provides opinion on presentation, time of line item being presented.

12. Discussion and possible action to approve revised Department General Order 2.01, “General Rules of Conduct,” for the Department to use in meeting and conferring with San Francisco Police Officers Association as required by law (DISCUSSION & POSSIBLE ACTION)

Chief Scott spoke on DGO.

Commissioner Benedicto Motions. Commissioner Walker seconds. Approval 6-0.

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

PUBLIC COMMENT

None

- 13. Public comment on all matters pertaining to Item 15 below, Closed Session, including public comment on Item 14, vote whether to hold Item 15 in closed session.**

Public Comment- Sayed Hussain, District 2, discusses safety in San Francisco, Officer vaccinations.

- 14. Vote on whether to hold Item 15 in Closed Session including vote on whether to assert the attorney-client privilege with regards to Item 15 (a) (San Francisco Administrative Code Section 67.10) (ACTION)**

Commissioner Walker moves. Commissioner Walker adds attorney-client privilege.

Commissioner Benedicto seconds. Approval 6-0.

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

PUBLIC COMMENT

None

1st Open session ended: 11:41 p.m.

CLOSED SESSION (11:52 p.m. – 12:25 a.m.)

- 15. Closed Session**
Roll Call;

- a. 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):**
Francisco Valle v. Paolo Morgado, et al, United States District Court-ND of California Case No. 21-CV-5636 EMC, filed August 30, 2021 (DISCUSSION & POSSIBLE ACTION)

(Present: Deputy City Attorney Alicia Cabrera, Deputy City Attorney Zachary Porianda, Commander Yep, Commander Jones, Chief Scott, Commissioners Walker, Byrne, Yanez, Yee, Benedicto, Vice President Carter-Oberstone, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Risa Tom, Kristine Singh)

- 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 non-disciplinary dismissal in Case No. IAD 2021-0146 (ACTION)

(Present: Deputy City Attorney Zachary Porianda, Commander Yep, Commander Jones, Chief Scott, Commissioners Walker, Byrne, Yanez, Yee, Benedicto, Vice President Carter-Oberstone, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Risa Tom, Kristine Singh, IAD Attorney Steven Betz)

(These proceedings were taken in shorthand form, Laura Espinosa, CSR., Behmke Reporting and Video Services)

- 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 non-disciplinary dismissal in Case No. IAD 2021-0262 (ACTION)

(Present: Deputy City Attorney Zachary Porianda, Commander Yep, Commander Jones, Chief Scott, Commissioners Walker, Byrne, Yanez, Yee, Benedicto, Vice President Carter-Oberstone, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Risa Tom, Kristine Singh, IAD Attorney Steven Betz, Subject Officer, Subject Officer's Attorney)

(These proceedings were taken in shorthand form, Laura Espinosa, CSR., Behmke Reporting and Video Services)

- 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:**
Status and calendaring of pending disciplinary cases (ACTION)

(Present: Deputy City Attorney Zachary Porianda, Commander Yep, Commander Jones, Chief Scott, Commissioners Walker, Byrne, Yanez, Yee, Benedicto, Vice President Carter-Oberstone, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Risa Tom, Kristine Singh)

CLOSED SESSION ENDED: 12:25 a.m.

2nd OPEN SESSION (12:26 a.m. – 12:27 a.m.)

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

Benedicto motions to not disclose items held in Closed Session, Commissioner Walker seconds. Approval 6-0.

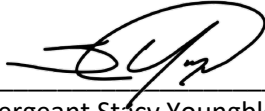
Ayes: Commissioners Walker, Benedicto, Yanez, Byrne, Yee, Vice President Carter-Oberstone.

PUBLIC COMMENT:

None

ADJOURNMENT

Thereafter, the meeting was adjourned at 12:27 a.m.

A handwritten signature in black ink, appearing to read 'Stacy Youngblood', written over a horizontal line.

Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission