

January 11, 2023,

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 5:45 p.m.

PRESENT: Commissioners Walker (remote-off call at 10:40 p.m.), Benedicto, Yanez, Byrne, Yee (arrived 6:10 p.m.), Vice President Carter-Oberstone, President Elias

GENERAL PUBLIC COMMENT

Ramona Burton: Speaks on brother, Mark Anthony Coats', murder. Began discussing awards process. Advised to speak at line item.

Frank Noto: Stop Crime Action. Speaks on traffic stops. Provides data. Advises he is not speaking on agenda line item.

8. **Discussion and possible action to approve draft Department General Order 9.07, "Curtailing the Use of Pretext Stops" for the Department to use in meeting and conferring with San Francisco Police Officers Association as required by law (DISCUSSION & POSSIBLE ACTION)**

Presentation only. Will return to line item later in the agenda to take public comment.

Vice President Carter-Oberstone introduces presenter, provides background. Presentation and discussion on pretext policy outcomes in other jurisdictions by Retired Chief Medlock.

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

- For the meetings of December 7 and December 14, 2022

Motion: Commissioner Benedicto, Second: President Elias. Approval 7-0.

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

PUBLIC COMMENT

Ferris Coats: Uncle to Mark Anthony Coats. Speaks on family member's murder. Advised to speak during line item.

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

- Police Commission Report of Disciplinary Actions, 4th Quarter 2022
- DGO 11.02 "Secondary Employment" Annual Report 2022
- SFPD Safe Streets for All 3rd Quarter Report 2022
- SFPD 3rd Quarter Bias Audit Report 2022
- FDRB 3rd Quarter Report: No Meeting

Motion: Commissioner Benedicto, Second: President Elias. Approval 7-0.

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

PUBLIC COMMENT

None

Chief's Report

- Weekly crime trends
- Major/Significant Incidents

Chief Scott reported on crime trends YTD: Violent Crime down 18 percent; homicide up 100 percent; rape down 50 percent; robbery down 22 percent; assault down 14 percent; human trafficking N/C. Property Crimes down 38 percent; burglary down 27 percent; motor vehicle theft down 31 percent; arson up 14 percent; larceny theft down 43 percent. Gun violence is up 7 percent compared to 2022; One shooting incident for the week ending on 01/08/23; total 5 incidents resulting in 8 victims YTD. Two homicides for the week ending 01/08/23; there are a total of 2 homicides YTD with 2 resulting from a firearm; N/A overall clearance. Guns seized N/C; ghost guns seized N/C YTD.

Significant Incident: Fentanyl seizures year end- 65,367 grams of Fentanyl. Homicide on 1/4/23, 1500 Block of Webster, Japan Town at Japan Center Mall, Security guard shot and killed, juvenile suspect, 15-year-old, two arrests made. Homicide 600 Block of Valencia, multiple suspects and victims, investigation ongoing.

Significant arrest: See previous update in "Significant Incident"

Strategies: Chief Scott, Command Staff, Captain Derek Jackson (Northern District) attended community meeting with merchants in Japan Town area and community members who live nearby. Community has asked for an increase in patrols. Met with DA's Office regarding MOU. Revised language and met with mediator, need to meet again. Requested to extend 30 days and agenda for later date. Has draft, needs to meet with mediator (retired judge). Current MOU still in place. Provided update on MOU with DPA.

Chief Scott Introduced Patricia (Patti) Barragan as a new member of department who will be a part of the working group process. Facilitating community work groups.

PUBLIC COMMENT

Paulette Brown: Spoke on swearing in of DA Brooke Jenkins. Spoke on son Aubrey Abrakasa Jr.'s murder and gun violence. Asks for justice.

Ramona Burton: Spoke on brother, Mark Anthony Coats', murder. Asks to re-focus on homicide rates. Wanted to ask questions regarding rewards.

Francisco DaCosta: Spoke on policy and process. Continued to provide opinion.

Caller: name not stated. Spoke on level of gun violence in the city. Spoke on possible gun buy backs. Continues to speak on topic, son was affected by gun violence.

DPA Director's Report

- Report on recent DPA activities, and announcement

Executive Director Henderson reported the following: In the year 2023: 6 cases opened; 0 closed; 277 pending; 0 cases sustained; 30 cases past 270-day; 0 cases mediated. Cases received in the past week: 52 new cases; Central (4) Failing to properly investigate, towing a vehicle without informing the owner, and failing to respond to the complainant regarding the incident. Southern (6) Falsifying information on a traffic accident report, driving in a reckless manner, using profane language, and using excessive force while arresting a person. Bayview (7) Failing to write an accurate police report and behaving inappropriately during a traffic stop. Mission (9) Submitted a false police report to cover for another officer. Failing to respond to a noise complaint and mistreatment of a person while in police custody. Northern (3) Conducting an illegal search. Park (2) Spitting on a person and using false information on a search warrant. Richmond (1) Failing to investigate a crime. Ingleside (3) Wrongfully removed a person from their home, conducting an unlawful pat search, and failing to provide LEP services. Taraval (3) Failing to write an incident report and yelling at a person. Tenderloin (5) Failing to arrest a person for assault, driving recklessly, and failing to write an incident report. Airport (4) Behaving inappropriately during a traffic stop. Not Applicable (1) An officer filed a false incident report. Out of Town (1) Referral. Pending Further Investigation (3) Failing to investigate a crime due to racial bias.

Audits: December 30th DPA issued to Police Commission the audit of SFPD's compliance with their guidelines for first amendment activities for 2021. DPA followed up on recommendations made previously. Report resulted in new findings and recommendations for SFPD.

Outreach: Internship program for Spring, undergraduates and graduate students. 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: Deferred report to next meeting. Congratulated President Elias on Reappointment.

Vice President Carter-Oberstone: Provided update regarding participating in a ride along. Spoke on DGO 8.10 "First Amendment Activities" and departments failure to meet deadlines. Spoke deadlines and extensions. Wanted to agendize compliance with DGP 3.01 deadlines as it relates to DGO 8.10. Would like DPA and SFPD to furnish Commission with relevant communications around department's response to DPA's stage 1 recommendation grid and Commander Vaswani be available for questions. Commissioner Yanez: Congratulates President Elias on reappointment. Spoke on ride along in

Tenderloin. Would like to schedule another ride along for a Friday evening. Wants to agendize RIPA Report, Best Practices and how to advance recommendations.

Commissioner Yee: Congratulates President Elias on reappointment. Spoke on Chinese New Year, January 22nd. Working with Chinese community. Will speak with Chief regarding Town Hall Meeting.

Commissioner Walker: Ride along in Tenderloin, fentanyl arrests and seizures. Met with Chief and business leaders regarding security, patrol specials. Has received updates on DGO from DPA. Updates on DGO 6.01, BSU Issue.

President Elias: Spoke on reappointment. Assigned remaining DGOs to Commissioners. Provided update on DGO 3.01, spoke on new Commission form, worked on surveillance form.

PUBLIC COMMENT

Francisco DaCosta: Provided opinion on drug policies. Continue to speak on cartels and drug issue.

7. 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.

CFO Patrick Leung and Captain Ahern, Strategic Investigations, presented.

Anyone with information regarding a homicide investigation is asked to call the SFPD Tip Line at 1-415-575-4444 or Text a Tip to TIP411 and begin the text message with SFPD.

PUBLIC COMMENT

Paulette Brown: Speaks on presentation and reward process.

Ramona Burton: Speaks on the unsolved homicides in the city. Requests more resources and effort be put towards this. Urgency of addressing gun violence.

8. Discussion and possible action to approve draft Department General Order 9.07, "Curtailing the Use of Pretext Stops" for the Department to use in meeting and conferring with San Francisco Police Officers Association as required by law (DISCUSSION & POSSIBLE ACTION)

Commissioners and Chief Scott add to discussion, provide thanks to those involved.

Vice President Carter-Oberstone, Commissioner Benedicto and Commissioner Yanez advise on Amendments.

Motion: Commissioner Benedicto Second: Vice President Carter-Oberstone with Amendment. Amendment motion made, seconded by Commissioner Benedicto. Approval: 4-2.

AYES: Commissioner Benedicto, Yanez, Vice President Carter-Oberstone, President Elias

NAYES: Commissioners Byrne, Yee

PUBLIC COMMENT:

Wes Saver: Senior Policy Manager with Glide. Speaks on research and DGO. Requests Commission to vote on.

Frank Noto: With Stop Crime Action. Supports banning bias stops. Opposes banning specific violations. Discusses data. Supports de-prioritization language.

Deputy Public Defender Brian Cox: Read quotes. Supports DGO 9.07 as written.

Carolyn D.: Coalition to End Bias Stops. San Francisco resident, city worker and mother. Supports DGO 9.07.

Jennifer Freidenbach: Director of Coalition on Homelessness. Discusses research and data, provides opinion. Supports DGO 9.07.

Eleana Binder: With Glide. Speaks on pre text stops, provides data and opinion. Supports DGO 9.07.

Claire A.: Movement building manager at San Francisco Bicycle Coalition. Speaks on topic, provides data. Supports DGO 9.07 and end pretext stops.

William Palmer: Director of a re entry organization. Provides personal story. Against delaying vote on DGO.

Angela Chan: Chief of Policy at Public Defender's Office. Provides lives experiences of others. Supports DGO 9.07 and requests a unanimous vote tonight.

Yoel Haile: Director of Criminal Justice program at ACLU of Northern California. Speaks on topic. Provides data. Supports DGO 9.07.

Aditi: Works in District 6, lives in District 7. Works for anti-death penalty nonprofit. Provides data and personal stories. Supports passing policy. Supports DGO 9.07.

Karen Fleschman: District 5 resident. Activist for justice for Mario Woods coalition and a mother. Supports DGO 9.07, requests a vote tonight.

Rodrigo Gomez: Lives in Mission District. Community Resource Initiative. Provides personal stories. Asks to pass DGO 9.07.

Anthony G.: Lives in District 9. Executive Director of Community Resource Initiative. Asks to pass DGO 9.07.

Lea McEaver: Supports adoption of policy. Continues to discuss topic.

Zach Dillon: Public Defender's Office, Coalition to end bias stops. Asks to pass policy. Continues to speak on topic.

Julie Traun: Bar Association. Speaks on topic, Racial Justice Act. Asks for a unanimous vote.

David R.: Bar Association. Speaks on meet and confer process. Encourages Commission to continue this process.

Vidhya Prabhakaran: President of the Board, Bar Association. Supports DGO. Continues to speak on topic.

Speaker: Does not state name. Law student. Supports DGO, asks to pass.

Alice Xavier: Native San Franciscan. Provides feedback on policy. Speaks on Vision Zero. Supports amending language prior to approving. Speaks on meeting with Chinese community, Officer training. Requests revisions first.

Joan Kelly: Lives in District 9. Provides opinion on topic. Supports DGO.

Nick: Staff member with Walk San Francisco. Supports policy changes being presented. Discusses issues presented by policy.

Samina Usman: Senior Government Relations Coordinator for CAIR. Speaks on topic and provides data. Supports DGO.

Javier: Lives in District 10. Part of community organizations. Provides data and opinion. Supports DGO.

David Aaronson: Resident of San Francisco and part of Wealth and Disparities. Provides opinion, supports DGO being adopted.

Jean Bridges: Wealth and Disparities. Provides opinion on public comment. Provides data and opinion. Supports DGO.

Richard M.: Resident of District 3. Speaks on ambiguous language in DGO. Supports a revised version.

Carl: Part of Asian community groups. Supports DGO 9.07.

Jocelyn: Youth Commission. Lives in Mission District. Provides opinion and research on topic. Urges to adopt policy.

Tatiana Lewis: Lives in District 10 and part of community groups. Provided personal story. Asks to vote on DGO.

Valerie: Public Defender’s Office. Provides opinion on topic. Supports DGO 9.07.

Caller: Did not state name. Speaks on de-prioritizing and edits to DGO. Current version of DGO is problematic.

Eric Arguello: With Glide, resident of the mission. District 9. Provides data and opinion. Supports DGO.

Cyrus Hall: District 7 resident. Supports DGO. Speaks on topic, provides data and opinion.

Vanessa M.: Part of public schools. Urges to adopt policy.

Caller: Did not state name. Native of San Francisco. Speaks on Commissioner Yee discussing community involvement. Provides opinion. In favor of DGO 9.07, does not want to divide communities.

Susan Buckman: Wealth and Disparities. Provides opinion of DGO, drafts and process. Supports DGO.

Scott Feeney: Resident of District 9. Provides opinion. Supports DGO.

Veronica B.: Supports stronger racial equity in the city. Requests today’s vote be delayed. Supports Chief Scott recommendations on DGO. Urges to vote no on current draft.

9. Parental Leave Policy

(The Board of Supervisors adopted an ordinance last year establishing a parental leave policy for members of appointive City boards, commissions, and advisory bodies. The ordinance is codified in Administrative Code Chapter 67B. The ordinance requires each board, commission, and advisory body to add the parental leave policy to its bylaws or rules of order and to share a copy of the policy with each member)

(DISCUSSION & POSSIBLE ACTION)

Pulled from Agenda

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

None

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

Commissioner Benedicto motions to hold item 14 in closed session. Vice President Carter- Oberstone seconds. Approval 6-0.

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

ABSENT: Commissioner Walker

1st Open session ended: 11:20 p.m.

CLOSED SESSION (11:31 p.m. – 01:43 a.m.)

14. **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:
Assignment of a Commissioner for the taking of evidence on the appeal of the chief's suspension filed in DPA Case No. 00043112B (ACTION)

(present: Commissioners Byrne, Yanez, Carter-Oberstone, Elias, Benedicto, Yee, Chief Scott, Commanders Jones and Yep, Deputy City Attorneys Paul Zarefsky and Kate Kimberlin, Chief Scott, Sergeants Youngblood and Reynolds, 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:
Discussion and possible action to adopt Findings of Fact regarding Commission's decisions on 7/6/22 on disciplinary charges filed in Case No. IAD 2020-0146A (DISCUSSION & POSSIBLE ACTION)

(present: Commissioners Byrne, Yanez, Carter-Oberstone, Elias, Benedicto, Yee, Chief Scott, Commanders Jones and Yep, Deputy City Attorneys Paul Zarefsky and Kate Kimberlin, Chief Scott, Sergeants Youngblood and Reynolds, Kristine Singh)

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:
Discussion and possible action to adopt Findings of Fact regarding Commission's decisions on 7/6/22 on disciplinary charges filed in Case No. IAD 2020-0146B (DISCUSSION & POSSIBLE ACTION)

(present: Commissioners Byrne, Yanez, Carter-Oberstone, Elias, Benedicto, Yee, Chief Scott, Commanders Jones and Yep, Deputy City Attorneys Paul Zarefsky and Kate Kimberlin, Chief Scott, Sergeants Youngblood and Reynolds, Kristine Singh)

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:
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 (DISCUSSION & POSSIBLE ACTION)

(present: Commissioners Byrne, Yanez, Carter-Oberstone, Elias, Yee, Benedicto, Deputy City Attorneys Paul Zarefsky and Kate Kimberlin, Chief Scott, Commanders Yep and Jones, Attorney Christopher Shea, Retired Captain Paul Chignell, Officer A and Officer B- separately, IAD Attorney Ashley Worsham, Sergeants Youngblood and Reynolds, Kristine Singh)

(These proceedings were taken in shorthand form, Lucy Carillo-Grubbs, CSR., Behmke Reporting and Video Services)

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

(present: Commissioners Byrne, Yanez, Carter-Oberstone, Elias, Yee, Benedicto, Deputy City Attorneys Paul Zarefsky and Kate Kimberlin, Chief Scott, Commanders Yep and Jones, Attorney Christopher Shea, Retired Captain Paul Chignell, Officer C, IAD Attorney Ashley Worsham, Sergeants Youngblood and Reynolds, Kristine Singh)

(These proceedings were taken in shorthand form, Lucy Carillo-Grubbs, CSR., Behmke Reporting and Video Services)

f. 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 (DISCUSSION & POSSIBLE ACTION)

(present: Commissioners Byrne, Yanez, Carter-Oberstone, Elias, Yee, Benedicto, Deputy City Attorneys Paul Zarefsky and Kate Kimberlin, Chief Scott, Commanders Yep and Jones, Attorney Christopher Shea, Retired Captain Paul Chignell, Officer D, IAD Attorney Ashley Worsham, Sergeants Youngblood and Reynolds, Kristine Singh)

(These proceedings were taken in shorthand form, Lucy Carillo-Grubbs, CSR., Behmke Reporting and Video Services)

g. 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 Benedicto, Yanez, Byrne, Yee, Vice President Carter-Oberstone, Deputy City Attorney Kate Kimberlin, Deputy City Attorney Paul Zarefsky, Chief Scott, Commanders Yep and Jones, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

CLOSED SESSION ENDED: 01:43 a.m.

OPEN SESSION (01:43 a.m. – 01:44 a.m.)

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

Commissioner Benedicto motions to not disclose items held in Closed Session, Vice president Carter-Oberstone seconds. Approval 5-0.

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

PUBLIC COMMENT

None

ADJOURNMENT

Thereafter, the meeting was adjourned at 01:44 a.m.



Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission