

March 1, 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 5:33 p.m.

PRESENT: Commissioners Walker, Byrne, Yanez, Benedicto, Yee, Vice President Carter-Oberstone (arrived 5:44 p.m.)
ABSENT: President Cindy Elias

Commissioner Yee led the beginning of the meeting until Vice President Carter-Oberstone arrived.

GENERAL PUBLIC COMMENT

Paulette Brown: Spoke on son's murder. Wants to be involved and asked about unsolved homicides.

2. Consent Calendar (RECEIVE & FILE; ACTION)

- SFPD Firearm Discharge Review Board Report & In-Custody Death Review Board Report: 4th Quarter 2022

Motion to Receive and File: Commissioner Benedicto, Second: Walker Approval: 5-0.

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

PUBLIC COMMENT

None

3. Adoption of Minutes (ACTION)

- for the Meetings of February 1st, 8th and 15th, 2023.

Motion to Adopt: Commissioner Benedicto, Second: Byrne Approval: 5-0.

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

PUBLIC COMMENT

None

Chief's Report

- Weekly crime trends
- Major/Significant Incidents

Assistant Chief David Lazar on behalf of Chief Scott reported on crime trends YTD: Violent Crime up 4 percent; homicide up 17 percent; rape down 43 percent; robbery up 17 percent; assault down 2 percent; human trafficking down 33 percent. Property Crimes down 15 percent; burglary down 8 percent; motor vehicle theft down 17 percent; arson up 19 percent; larceny theft down 16 percent. Gun violence is down 4 percent compared to 2022; Two shooting incidents this week; total 19 incidents resulting in 23 victims YTD. No homicides for the week; there are a total of 7 homicides YTD with 6 resulting from a firearm; 114% overall clearance.

Significant Incident: Two shooting incidents – 1st shooting 2/21/23 19:20 at McLaren Park Ingelside District, unknown subject approached victim from behind and demanded their belongings, as victim turned to face subject the subject shot the victim and fled, no arrest made. 2nd shooting 2/26/23 03:26 Ferry Building, Central District, subject attempted to take victim's property at gunpoint, subject shot victim and fled, victim transported, no arrest made. Uptick in burglaries at cannabis dispensaries. On 2/26/23 00:46, 500 block of Brannan, dispensary employee kidnapped and brought to Oakland-returned to dispensary where multiple suspects accompanied victim in and robbery took place.

Significant arrest: Hate crime near Headquarters, 400 block on China Basin, 2/22/23 23:38 an individual called another individual a derogatory name several times before striking the victim multiple times with a cane, Southern Station made arrest. Part of attempt to arrest Fentanyl sellers in the Tenderloin, Officer engaged in foot pursuit and injured, suspect taken in to custody.

Strategies: Encourage Officers to be connected with dispensary owners and keep up relationships. Decline in burglaries overall. Stunt driving response unit working overnight- stunt shows on 24th and Mission 2/25- dispersed, CHP assisted, violators stopped, others left to Richmond, CA, another one at Broadway and Embarcadero 2/26-group dispersed and headed for bridge, Officers prevents stunt drivers from setting up in SF. Enforcement- operations in Tenderloin and Capp Street. Coffee with a cop on Capp St at 9pm on 3/1. Community engagement- Polar Plunge, raise money for Special Olympics.

Part of Captain's Complimentary reports: 1/24/23 – around midnight Shot Spotter around 1500 Block of Golden Gate, Northern Station. Officers found suspect armed hiding behind vehicle. Officers deescalated situation, blockade, time and distance, negotiations, safety equipment. Officers talked suspect into custody. Applied latest department tactics to avoid officer involved shooting.

PUBLIC COMMENT

Paulette Brown: Spoke on fundraiser for Special Olympics, asked for a fundraiser for unsolved homicides. Spoke about son.

DPA Director's Report

- Report on recent DPA activities, and announcement
Executive Director Henderson reported the following: In the year 2023: 96 cases opened; 110 closed; 265 pending; 7 cases sustained; 26 cases past 270-day; 2 cases mediated. Cases received in the past week: 27 new cases; - Central (3) Improperly parking a vehicle, using excessive force, and improperly detaining a person. Southern (2). Bayview- Inappropriate comments. Mission (5)

Improperly issuing a citation, failing to respond to a domestic violence call, harassing a person on social media, and arresting a person without cause. Northern (2) Failing to make an arrest, write an incident report, illegally detaining a person for littering, and using excessive force. Park (1) Failing to respond to a call for service. Ingleside (1) Failing to write an incident report. Taraval (1) Writing an incorrect incident report. Tenderloin (6) Illegally detaining a person for littering, inappropriate comments, and failing to take action. Airport (1) Failing to assist an individual lost at SFO. Not Applicable (2) Referral to DEM. Out of Town (2) Referral – Other Police Dpts. Pending (1).

Audits: Preparing to send draft of next misconduct report on SFPD's electronic monitoring of communications to SFPD for review. Final step – input for that review before it gets published.

Outstanding Issues: From Legal Team- uptick in SFPD denials of DPA requests. DPA will continue to track inhouse issue.

Outreach: Last week DPA hosted CCOA (California Coalition Oversight Agencies)- two day state conference to discuss perspectives and best practices on police reform throughout the state, Keynote address, CLE Training, CMCR Training with SFPD. The conference ended with open panel. DPA presenting this week at the Hayes Valley Neighborhood Association on 3/6, presentation open to public. Diana Rosenstein, Chief Attorney, participated in panel discussion for National Counsel of Jewish Women regarding national efforts for police reform. 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: Attended Black History Month Brunch hosted by SFPD and SF Safe. Attended Internal Affairs DPA Training for night shift Officers, with Commissioner Walker. Continuing to work with Commissioner Yanez on DGO 7.01 – Juveniles. Continuing to work on DGO 10.11 Body Camera Policy, working groups starting in Spring.

Commissioner Yanez: Working on DGO 7.01, has had conversations with several other organizations. Spoke on Juvenile Probation Department-would like to have them meet with Commission on April 12th. Spoke on Use of Force Settlement report received from City Attorney-would like to agendize to discuss with Commission.

Commissioner Yee: Joined Black History Month Brunch. Discussed those who attended.

Commissioner Walker: Had meeting regarding DGO 6.01, Missing Persons. Met with DPA regarding automating, streamlining, and maintaining camera data, will be talking about technology. Ongoing meetings with the community regarding mental illness. Meeting with department regarding Patrol Specials.

Commissioners Byrne and Vice President Carter-Oberstone: No updates.

PUBLIC COMMENT

None

7. SFPD demonstration of the Thirty (30) Day Public Comment Portal (DISCUSSION)

Andrew Bley, SFPD Technology team, presented and provided an overview. Captain Dennis Toomer available for Department.

PUBLIC COMMENT

None

8. Public comment on all matters pertaining to Item 10 below, Closed Session, including public comment on Item 9, vote whether to hold Item 10 in closed session.

None

9. Vote on whether to hold Item 10 in Closed Session including vote on whether to assert the attorney-client privilege with regards to Item 10 (a) and 10(b) (San Francisco Administrative Code Section 67.10) (ACTION)

Commissioner Walker motions to hold item 10 in closed session, including asserting attorney-client privilege with regards to Item 10a and 10b. Commissioner Benedicto seconds. Approval 6-0.

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

1st Open session ended: 6:20 p.m.

CLOSED SESSION (6:26 p.m. - 6:42 p.m.)

10. Closed Session

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):

Officer v. City and County of San Francisco et al., San Francisco Superior Court, Case No. Case No. CPF-20-517295, filed November 10, 2020, (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Yee, Vice President Carter-Oberstone, Deputy City Attorney Alicia Cabrera, Assistant Chief David Lazar, Acting Assistant Chief Denise Flaherty, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

b. 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):

DOE 1 & 2 v. City and County of San Francisco, San Francisco Superior Court, Case No. CGC-21-589554, filed February 2, 2021, (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Yee, Vice President Carter-Oberstone, Deputy City Attorney Alicia Cabrera, Assistant Chief David Lazar, Acting Assistant Chief Denise Flaherty, Sergeant Stacy Youngblood, Sergeant Sondra 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:

Status and calendaring of pending disciplinary cases (ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Yee, Vice President Carter-Oberstone, Deputy City Attorney Alicia Cabrera, Assistant Chief David Lazar, Acting Assistant Chief Denise Flaherty, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

CLOSED SESSION ENDED: 6:42 p.m.

OPEN SESSION (6:43 p.m. – 6:46 p.m.)

3. **Adoption of Minutes (ACTION)** - item called again to rescind adoption of February 15, 2023 minutes until amended.

- for the Meetings of February 1st, 8th and 15th, 2023.

Initial vote:

Motion to Adopt: Commissioner Benedicto, Second: Byrne Approval: 5-0.

AYES: Commissioners Walker, Benedicto, Yanez, Byrne, Yee

ABSENT: President Elias, Vice President Carter-Oberstone

Line item #3 called again to rescind adoption of February 15, 2023 minutes. Commissioner Benedicto would like item 13a to read:

Factual Update:

SFPD Labor Relations Director LaWanna Preston provided an update to the Commission. The draft DGO was sent to the bargaining units, and the first meeting between the department and the bargaining units is scheduled for February 24, 2023.

Vote to rescind and amend:

Commissioner Benedicto Motions to rescind February 15, 2023, minutes, until amended, Vice President Carter-Oberstone Seconds. Approval 6-0.

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

ABSENT: President Elias

PUBLIC COMMENT:

None

11. Vote to elect whether to disclose any or all discussion on Item 10 held in closed session including vote on whether to assert the attorney-client privilege with regards to Item 10 (a) and 10 (b) (San Francisco Administrative Code Section 67.12(a)) (ACTION)

Commissioner Benedicto motions to not Disclose Any Or All Discussion On Item 10 Held In Closed Session Including Vote On Whether To Assert The Attorney-Client Privilege With Regards To Item 10 (a) and 10 (b). Commissioner Walker Seconds. Approval 6-0.

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

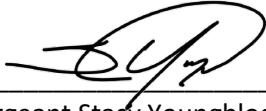
ABSENT: President Elias

PUBLIC COMMENT

None

ADJOURNMENT

Thereafter, the meeting was adjourned at 6:46 p.m.



Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission