

March 15, 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 5:35 p.m.

PRESENT: Commissioners Walker, Byrne, Yanez, Benedicto, Yee, Vice President Carter-Oberstone and President Elias

GENERAL PUBLIC COMMENT

Paulette Brown: Speaks about son, Aubrey Abrakasa Jr. Read names of persons involved. Spoke on presentation regarding Homicide rewards. Wants her questions on unsolved Homicides answered.

Any information on the murder of Aubrey Abrakasa Jr., please call the anonymous tip line at 415-575-4444.

2. Consent Calendar (RECEIVE & FILE; ACTION)

- SFPD SB 1421 & SB 16 Monthly Report
- DPA SB 1421 & SB 16 Monthly Report

Motion to receive and file: Commissioner Walker, Second: Vice President Carter-Oberstone. Approval: 7-0.

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

PUBLIC COMMENT

None

Chief's Report

- Weekly crime trends
- Major/Significant Incidents

Acting Assistant Chief Denise Flaherty on behalf of Chief Scott reported on crime trends YTD: Violent Crime up 5 percent; homicide up 13 percent; rape down 22 percent; robbery up 19 percent; assault down 4 percent; human trafficking down 50 percent. Property Crimes down 15 percent; burglary down 8 percent; motor vehicle theft down 17 percent; arson up 14 percent; larceny theft down 16 percent. Gun violence is down 6 percent compared to 2022; One shooting incident this week; total 31 incidents resulting in 34 victims YTD. No homicides for the week; there are a total of 10 homicides YTD with 7 resulting from a firearm; 100% overall clearance.

Significant Incident: Suspicious death in January deemed a homicide. One shooting on 3/12/23 08:05 16th and Mission, victim drove into parking lot, suspect drove into same lot, contact with vehicles, victim gets out to exchange information, suspect fires three rounds at victim-hitting them twice, suspect flees on foot, passenger in suspect vehicle drives suspect vehicle away, no arrest in case.

Significant arrest: Retail theft suspect arrest, arrest in Neiman Marcus on 3/4/23, between 3/1-3/4/23 suspect responsible for multiple incidents, suspect had stolen property on them. Retail theft arrest following an issuance of DA warrant, Tenderloin Officers located a suspect, wanted for four recent incidents occurring at Banana Republic. Catalytic converter theft series, 3/6/23 two subjects taken into custody for attempting to steal a catalytic converter, at time subjects were in a stolen vehicle and in possession of handgun, subjects ID'd in three additional incidents, including a March 6th incident- victim returned to vehicle, subjects fired shots at victim, no injuries reported. Burglary shots fired, victim responded to alarm activation outside their business, construction company, marijuana grow on the inside, once victim arrived on scene-encountered five subjects loading cut marijuana into multiple vehicles, victim drove their vehicle into two suspect vehicles, disabling both vehicles, 9mm rounds fired at victim, no injuries, suspects fled scene, no arrests. Hot prowl burglary 3/9/23 between 2-3pm, victim allowed an unknown subject into home to use the bathroom, subject left, victim left, victim returned to find front door open and home burglarized, no arrest. Aggravated assault that occurred on 3/12/23 at 22nd and Capp, at a bar, victim got into scuffle with security, as victim being escorted out, an unknown subject assaulted victim and security, no arrests.

Strategies: Tenderloin efforts continue, buy busts, implemented for UN Plaza (with DPW and Park and Rec) – closed between dusk and dawn, DPW and Park and Rec use that time to clean up. Able to clean and maintain efforts on 300 block of Eddy and 600 block of Hyde. Stunt driving, no reporting. Staffing levels remain same as last time Chief reported.

PUBLIC COMMENT

Paulette Brown: Brought up presentation from December 2022 regarding reward money for unsolved homicides. Asking for updates and answers, she has not heard anything. Vice President Carter-Oberstone advises he will have new policy analyst, who is starting soon, work on this matter. Her son's birthday is approaching and would like a little bit of closure.

DPA Director's Report

- Report on recent DPA activities, and announcement

Executive Director Henderson reported the following: In the year 2023: 133 cases opened; 118 closed; 292 pending; 8 cases sustained; 24 cases past 270-day; 2 cases mediated. Cases received in the past week: 21 new cases; - Central (2) Parking improperly and using excessive force.

Bayview (1) Using excessive force and behaving inappropriately. Mission (4) Failing to use a turn signal resulted in a vehicle collision. Behaving inappropriately when a person reported an assault and failing to enforce provisions of a court order. Northern (2). Park (2) Failing to respond to a call of service and refusing to take an incident report. Richmond (1) Harassing a person. Ingleside (3) Failing to respond to a stolen vehicle report, arresting without cause, bias policing, and causing injuries to a minor. Tenderloin (2) Failing to provide a star number and failing to make contact. Not Applicable (1) Curt with a person over the phone. Out of Town (1) Referral to Newark Police Department. Pending (3) Failing to follow up on a police report.

Audits: March 10th sent final draft of next misconduct audit with key issue reports to department for review, report is on SFPD's monitoring of departmental communications for bias. The Department has until 3/17 to provide additional comments. DPA will issue report to public and Commission after 3/17.

Outstanding Issues: President Elias asked for Chief's Hearing numbers.

Outreach: Working with SFGov TV to air DPA 101 presentations, provide overview on process of DPA Complaints and general operations/services/divisions of DPA. Videos are available on demand on DPA's YouTube Channel. 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.

President Elias: Working with multiple parties in finalizing trial rules for Commission. Working on Findings of Fact for multiple cases and administrative logistics, based on discussion from bi-weekly meeting with Chief.

Vice President Carter-Oberstone: DGO 9.07- Additional language from Chief Scott to clarify a few things that the policy does. Worked with Chief. Mayor's Office had some changes. Revised language, version is posted to website.

Commissioner Benedicto: Thanked Chief and Vice President Carter-Oberstone for work on 9.07. Acknowledged President Elias' work for the Commission. Acknowledged that 3/16/23 is the two year anniversary of the Atlanta Spa shootings- which killed 8 people including 6 Asian migrant women, many API organizations are having vigils and days of action to commemorate. Acknowledged Commission and Department for being committed to fighting Asian hate. Joined SFPD and guests from Ireland, in St. Patrick's Day parade. DGO 7.01, with Commissioner Yanez, having final working group meeting. DGO 10.11 Body Worn Camera getting working group process started. Spoke on African American Reparations Advisory Committee's findings and report- acknowledged the great work of the committee. Drafted Labor Relations Resolution, City Attorney reviewing.

Commissioner Yee: March 13th met with merchants, merchant walk in San Bruno Corridor, with community leader, Hazel Lee, brought together Captain Maron and Captain Pera to meet with merchants on their concerns regarding crimes and violence in the early mornings, merchants unfamiliar with how to report a crime, Hispanic community included. Joined a Bayview Station Lineup with station Captain, most homicides and shootings in Bayview, concerned with how to improve, requested more Officers and working on relationships with multiple groups, utilize CVR team to mitigate. March 25th Chinese Consolidated Benevolent Association having activities regarding Wong Kim Ark case, 125th anniversary of ruling for birthright citizenship, given by Chinese Historical Society. Commissioner Walker: Attended St. Patrick's Day parade. Missing Persons DGO, with DPA for edits. DGOs in process. Met with Patrol Specials Groups from department and community, getting questions answered. Meeting with community groups and C.A.R.T., working on how to coordinate and collaborate with responses on the street.

Commissioner Byrne: Spoke to DPA regarding DGOs working on. Granted continuances. Immigration DGO on back burner. Will go to Tenderloin in April to see progress of new initiative department has

Taken, concerned about staffing levels. Meeting with Supervisor for District 4. Attended St. Patrick Day parade.

PUBLIC COMMENT

None

6. **Discussion and possible action to approve revised Department General Order 5.16, "Search Warrants" for the Department to use in meeting and conferring with the effected bargaining units as required by law (DISCUSSION & POSSIBLE ACTION)**

Commissioner Benedicto spoke on DGO, which he worked on. Spoke on processes and revisions.

Motion: Commissioner Benedicto, for 2nd Version with two (2) additional amendments, and with Labor Instructions. Second: President Elias. Approval: 7-0.

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

PUBLIC COMMENT

None

7. **Discussion and possible action to approve revised Department General Order 6.05, "Death Cases" for the Department to use in meeting and conferring with the effected bargaining units as required by law (DISCUSSION & POSSIBLE ACTION)**

President Elias spoke on DGO. Captain Aherne available for questions.

Motion: Commissioner Benedicto, with same labor instructions as for DGO 5.16 (line item #6). Second: Commissioner Walker. Approval: 7-0.

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

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) through 10(d) (San Francisco Administrative Code Section 67.10) (ACTION)

Commissioner Benedicto motions to hold item 10 in closed session and assert the attorney-client privilege with regards to Item 10 (a) through 10(d). Vice -President Carter-Oberstone seconds. Approval 7-0.

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

1st Open session ended: 6:57 p.m.

CLOSED SESSION (7:04 p.m. – 7:24 p.m.)

10. 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:

Discussion and possible action to accept or reject Settlement Agreement filed in Case No. IAD 2015-0357 or take other action, if necessary (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Yee, Vice President Carter-Oberstone, President Elias, Deputy City Attorney Kate Kimberlin, Chief Scott, Acting Assistant Chief Denise Flaherty, IAD Attorney Ashley Worsham, Subject Officer's Attorney, Subject Officer, Sergeant Stacy Youngblood, Kristine Singh)

(These proceedings were taken in shorthand form, Lucy Carillo-Grubbs, 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:

Discussion and possible action to adopt Findings of Fact regarding Commission's decisions on April 6, 2022, on disciplinary charges filed in Case No. DPA 00042798-A (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Yee, Vice President Carter-Oberstone, President Elias, Deputy City Attorney Kate Kimberlin, Chief Scott, Acting Assistant Chief Denise Flaherty, Subject Officer's Attorney, Subject Officer, Sergeant Stacy Youngblood, 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:

Discussion and possible action to adopt Findings of Fact regarding Commission's decisions on April 6, 2022, on disciplinary charges filed in Case No. DPA 00042798-B (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Yee, Vice President Carter-Oberstone, President Elias, Deputy City Attorney Kate Kimberlin, Chief Scott, Acting Assistant Chief Denise Flaherty, Sergeant Stacy Youngblood, 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 accept or reject Settlement Agreement filed in Case No. IAD 2019-0218 or take other action, if necessary (DISCUSSION & POSSIBLE ACTION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Yee, Vice President Carter-Oberstone, President Elias, Deputy City Attorney Kate Kimberlin, Chief Scott, Acting Assistant Chief Denise Flaherty, Subject Officer's Attorney, Subject Officer, IAD Attorney Ashley Worsham, Sergeant Stacy Youngblood, Kristine Singh)

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

CLOSED SESSION ENDED: 7:24 p.m.

OPEN SESSION (7:25 p.m.- 7:26 p.m.)

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) through 10(d) (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 and assert the attorney-client privilege with regards to item 10 (a) – 10(d). Commissioner Walker Seconds. Approval 7-0.

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

PUBLIC COMMENT

None

ADJOURNMENT

Thereafter, the meeting was adjourned at 7:26 p.m.



Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission