

June 7, 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 5:37 p.m.

PRESENT: Commissioners Walker, Byrne, Yanez (remotely), Benedicto, Yee, Vice President Carter-Oberstone (arrived 5:43 p.m.), President Elias

1. Weekly Officer Recognition Certificate Presentation

*Presentation of an Officer who has gone above and beyond in the performance of their duties.*

- Ofc. Kevin Gil, Star No. 2419, Richmond Station

Captain Chris Canning, Richmond Station, spoke about Officer Gil, his response to an incident and continued to provide background on Ofc. Gil's work.

**PUBLIC COMMENT**

None

**GENERAL PUBLIC COMMENT**

Patricia Boyd: Spoke about an injunction and ADA rules being violated. Spoke about a specific incident.

James T.: Marina District resident. Spoke about specific persons, their actions and ADA rules being violated.

Name not stated: Spoke about bicycle coalition, specific incidents and Police enforcing bicycles in area.

Paulette Brown: Provided video regarding homicides. Spoke about upsurge in killings in San Francisco.

Terry F.: Spoke about responsibility and concept of critical thinking.

Paul Allen: Spoke about memorandum sent to Commission regarding a Statement of Purpose.

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

- To accept \$5,000 Donation from BXP and Parks Hotel Group, to be given to the recipients of the "Officer of the Month" awards for January, February and March of 2023

Motion to receive and file: Commissioner Benedicto. Second: President Elias. Approval: 7-0.

AYES: Commissioners Walker, Byrne, Yanez (remotely), Benedicto, Yee, Vice President Carter-Oberstone, President Elias

4. Adoption of Minutes (ACTION)

- for the Meetings of April 19th, May 3rd, May 10th and **May 17th, 2023**

May 17, 2023, minutes to be revised and brought back for adoption.

Motion to receive and file Minutes for the Meetings of April 19th, May 3rd, May 10th: Commissioner Benedicto. Second: Commissioner Walker. Approval: 7-0.

AYES: Commissioners Walker, Byrne, Yanez (remotely), Benedicto, Yee, Vice President Carter-Oberstone, President Elias

### **Chief's Report**

- Weekly crime trends
- Major/Significant Incidents

Chief Scott reported on crime trends YTD: Violent Crime up 5 percent; homicide up 5 percent; rape down 23 percent; robbery up 16 percent; assault down 2 percent; human trafficking down 50 percent. Property Crimes down 8 percent; burglary down 11 percent; motor vehicle theft up 6 percent; arson up 5 percent; larceny theft down 10 percent. Gun violence is down 3 percent compared to 2022; Two shooting incidents this week; total 77 incidents resulting in 85 victims YTD. No homicides for the week; there are a total of 22 homicides YTD with 14 resulting from a firearm; 95% overall clearance.

Significant Incident: Shootings in Tenderloin, several shootings where no one was hit. Some arrests and adjust strategies. 644 Larkin, no arrest, shot spotter activation, witnesses, suspects fled, no victims, two unfired bullets located at scene, will be analyzed. Assault, firearm discharge, 100 block of Jones Street, no arrest, medics on viewed shots fired, Police arrived and located evidence of a shooting, off duty Officer driving home heard gun fire, witnesses advised they saw suspect point firearm and fire three times, off duty Officer observed potential suspect who Officer believed was involved, not enough evidence to hold suspect for shooting, investigation ongoing.

Significant arrest: Week of April 1<sup>st</sup>, another person, apart from victim Bob Lee incident, victim Jermaine Reeves was killed, on May 25<sup>th</sup> Narcotics Unit arrested suspect on this case. Robbery with Firearm on April 10<sup>th</sup>, Nightclub at 3000 block of Mission, two subjects spoke to and followed victim down the street and robbed him of high end watch, during investigation one of the subjects was identified and a Ramey warrant, pin signal warrant for cell phone were approved, on May 25<sup>th</sup> subject located in Daly City followed by an arrest team into San Francisco into area of 2300 block of 16<sup>th</sup> Street, subject taken in to custody, loaded fire arm located on him, booked for robbery, no bail, investigation ongoing. Stabbing on May 29<sup>th</sup>, 09:50, Bakery 1000 block of Stockton, Central, victim working in bakery, high profile incident, subject went behind counter and stabbed victim multiple times, exited bakery, as Officers arrived an individual matching suspect's description was seen at a short distance from bakery, Officers detained suspect, victim transported in stable condition, suspect arrested- on parole, similar incident in 2016, community member Robert Chong did what he could to interrupt crime, rendered aid to victim, Chief Scott wanted to thank and highlight Mr. Chong's heroic work. Robbery with force of an elderly victim, 100 block of Stockton, June 4<sup>th</sup> 13:15, victim standing in area when suspect grabbed his wallet from hands, suspect tried to flee, victim chased on foot, victim continued pursuit, two Chinatown Officers witnessed victim chasing suspect, Officers became involved and detained suspect, Officers alerted to another suspect who was taken in to custody with gun in waist band, stolen property recovered. Shots fired at Larkin and Turk, three people arrested. Shots fired at 25 Mason, person arrested and gun recovered.

Strategies: Cold Case Homicides, discussion on rewards and website- Homicide Unit, Policy and Public Affairs Unit and Technical Units upgraded cold case website, update: launched page on SFPD website that contained homicide and cold case information including which ones have rewards issued, make site more user friendly and provide more useful information to those who may want to provide information, reworked page, has multiple search options, brief summary of case, name and contact information of investigator ( <https://www.sanfranciscopolice.org/stay-safe/ongoing-investigations/homicides-and-cold-cases> ) . Captain Chin at Tenderloin has adjusted patrol strategies to make sure Officer are there, particularly at night, when more people are out doing certain activities, redeploying Officers to focus on that area.

**PUBLIC COMMENT**

Paulette Brown: Continued to play video from previous public comment. Asked that something be done about the unsolved homicides.

**DPA Director’s Report**

- Report on recent DPA activities, and announcement

Legal Team Manager, Diana Rosenstein, on behalf of Executive Director Henderson, reported the following: In the year 2023: 312 cases opened; 331 closed; 263 pending; 28 cases sustained; 24 cases past 270-day; 10 cases mediated. Cases received in the past week: 14 new cases; - Central-5-Officers parked illegally and failed to comply with state vehicle laws. Bayview-1-The complainant was cited on two occasions for vandalizing the neighbor's vehicle and a tree without cause. Officers acted inappropriately by not listening to complainant and siding with neighbor. Mission-3-Officers were parked on the sidewalk, and there was no emergency. Officers did not want to take a complaint, closed the car door on the complainant and failed to provide their name and star number as requested. The officer displayed threatening, intimidating, or harassing behavior. Park-2-Officers blocked the road with their vehicle and engaged in threatening behavior. Tenderloin-2-The complainant stated that his property manager is also a sworn member of the San Francisco Police Department. When his property manager falsely accused him of committing a crime, officers sided with his property manager. Not applicable-1-Referral.

Audits: Auditor present and will be presenting later in the agenda.

Outstanding Issues: DPA Operations Manager is engaged in developing an enhanced edition of a disciplinary study.

Outreach: Currently investigating most recent OIS, asking public for any information. 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: Spoke to Chief regarding topic for next week- CHP and National Guard efforts. Asked for statistics- number of arrests, tracking data, open air drug effort- numbers and data, effect and/or plan department has to inform Officers of initiative.

Commissioner Benedicto: Spoke about Resolution regarding C.A.R.T. Spoke on National Guard and CHP topic- asked President Elias to send invitation to CHP and National Guard to present on topic.

Vice President Carter-Oberstone: Spoke to league of women voters regarding pretext policy. Met with treatment on demand coalition. DGO 8.10 working group meetings, two remaining meetings, may add additional meetings.

Commissioner Walker: Attended last Academy graduation. Only 9 graduates. Spoke on recruiting women, 30x30. More conversations regarding Patrol Specials- current status, tool for ongoing policing and collaborations. Ties into CART review, DEM Presentation for HART response, important to look at HART while looking at review of CART.

Commissioner Yee: Attended Academy graduation, commended female class president. Attended ice cream with a cop, Richmond Community, SF Safe. May 31<sup>st</sup> attended newly elected Asian Police Officers President, Culbert Chu, hosted by Chinese Consolidated Benevolent Association, wanted to acknowledge Officer Chu's work in the community. June 6<sup>th</sup> met with Northern Station, spoke with Supervisors.

Commissioner Yanez: Following up with groups regarding pre booking diversion program for juveniles and department efforts. Attended Carnaval, thanked department's efforts for staffing.

Commissioner Byrne: Commended Commissioner Benedicto for speech at Academy graduation.

Thanked President Elias for agendizing Tenderloin topic. UC Hastings wants to send representatives to speak on Tenderloin topic.

## PUBLIC COMMENT

None

8. Presentation and discussion of the Disciplinary Review Board Findings and Recommendations, 4th Quarter 2022 (DISCUSSION)

*(As required by Department General Order 2.04.08, DRB shall report quarterly to the public and to the Commission policy and training changes it recommends, and the measurement of the success or failure of each change, in a manner consistent with individual police officer privacy rights.)*

Pulled from agenda.

10. DPA discussion and presentation on Key Issue Report: SFPD's Handling of Officer Discipline (DISCUSSION)

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

DPA's Steve Flaherty, Auditor, presented.

**PUBLIC COMMENT**

None

9. Discussion and presentation on Chief’s Disciplinary Hearing Process for cases with less than 10 days suspensions: Impacts and Proposals, at the request of the Commission (DISCUSSION)

Commander Paul Yep, Risk Management Office, Lieutenant Angela Wilhelm, Officer in Charge of IAD, and Sergeant Greg Wells, IAD, presented.

**PUBLIC COMMENT**

None

11. Discussion and possible action to direct the Chief to rescind “Plain Clothes” and “Social Media” Bureau Orders, at the request of the Commission (DISCUSSION & POSSIBLE ACTION)  
*(Previous version rejected at the May 17, 2023, Commission Meeting with a 3-3 vote). Revised version was posted to the Commission’s website on 5/29/2023 to comply with the Charter section 4.104(a)(1).*

President Elias spoke on item. Commissioner Benedicto outlined specifics.

Two non-substantive Amendments made by Commissioner Benedicto.

Motion: Commissioner Benedicto. Second: Vice President Carter-Oberstone. Approval 5-2.

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

**PUBLIC COMMENT**

None

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

None

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

Motion: Commissioner Benedicto. Second: Commissioner Walker. Approval: 7-0.

- AYES: Commissioners Walker, Byrne, Yanez (remotely), Benedicto, Yee, Vice President Carter-Oberstone, President Elias

1<sup>st</sup> Open Session ended: 9:15 pm

Closed Session: (9:25 pm – 9:50 pm)

**14. Closed Session**

**Roll Call;**

**a. CONFERENCE WITH LEGAL COUNSEL – Existing Claim. Pursuant to Government Code Section 54956.9(d)(1) and San Francisco Administrative Code Section 67.10(d)(1):**

Akashni Bhan v. City and County of San Francisco, San Francisco Superior Court Case No. CGC-19-579798 filed October 4, 2019 (DISCUSSION & POSSIBLE ACTION)

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

Assignment of a Commissioner for the taking of evidence on the disciplinary charges filed in IAD Case No. 2022-0157 (ACTION)

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

**c. PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police. Pursuant to Government Code Section 67.10(b) and Penal Code Section 832.7:**

Review of findings and Chief's decision to return or not return officers to duty following officer-involved shooting (OIS 23-001) (DISCUSSION)

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

**Closed Session Ended: 9:50 p.m.**

**2nd Open Session (9:51 pm – 9:52 pm)**

15. Vote to elect whether to disclose any or all discussion on Item 14 held in closed session including vote on whether to assert the attorney-client privilege with regards to Items 14 (a) through 14 (c) (San Francisco Administrative Code Section 67.12(a)) (ACTION)

Commissioner Benedicto motioned to not disclose any or all discussion on item 14 held in closed session including asserting the attorney-client privilege with regards to Items 14 (a) through 14 (c) (San Francisco Administrative Code Section 67.12(a)). Commissioner Walker Seconded. Approval 7-0.

AYES: Commissioners Walker, Benedicto, Yanez (remotely), Byrne, Yee, Vice President Carter- Oberstone, President Elias

**PUBLIC COMMENT**

None

**ADJOURNMENT**

Thereafter, the meeting was adjourned at 9:52 p.m.



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Sergeant Stacy Youngblood  
Secretary  
San Francisco Police Commission