

September 13, 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 5:31 p.m.

In absence of Vice President Carter-Oberstone, motions to choose chair of meeting: Commissioner Walker moved to have Commissioner Larry Yee be Chair. Commissioner Byrne seconded. 5-0.

AYES: Commissioners Walker, Byrne, Benedicto, Yanez, Yee
EXCUSED: President Elias

Roll Call

PRESENT: Commissioners Walker, Byrne, Benedicto, Yanez, Yee, Vice President Carter-Oberstone (arrived: 6:04 p.m.)
EXCUSED: President Elias

1. Weekly Officer Recognition Certificate

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

- Sergeant Robert Trujillo, Star No. 928, Community Violence Reduction Team

Captain Noah Mallinger, Department of Strategic Investigations, spoke about Sgt. Trujillo’s work and provided a background.

PUBLIC COMMENT

None

GENERAL PUBLIC COMMENT

Karina Velasquez: Provided opinion on Commissioners and policies. Supports Police and does not support restrictions against Police. Spoke about the undocumented population being affected by crime.

Jake Connor Ortega: Spoke in support of Police and provided opinion regarding restrictions against Police. Thanked Police.

Did not state name: Spoke about the meetings regarding the Dolores Hill Bomb and response. Provided opinion on Commissioner bias.

Survya: San Francisco resident. Spoke about a personal incident where she was assaulted in San Francisco and Police response. Asked for help regarding the investigation of incident.

Deepika: Related comment to previous speaker. Represents District 3. Spoke about the micro crimes that continue to happen in the city.

Brian Cox: Deputy Public Defender. Spoke about DGO 9.07 and status of meet and confer. Spoke about suggestions regarding traffic stops and data related.

3. Consent Calendar (RECEIVE & FILE; ACTION)

- SFPD 1421 and SB 16 Monthly Report (August 31, 2023)
- DPA 1421 and SB 16 Monthly Report

Pursuant to the request of the Police Commission, the Department provides this monthly update on the status of Public Record Act Requests received relating to Senate Bill 1421, Peace Officers: release of records. This report is a cumulative record of all requests and the production of documents since SB 1421 became effective on January 1, 2019 and is calculated for a month-over-month comparison

Motion to receive and file: Commissioner Benedicto. Second: Commissioner Byrne. Approval: 5-0.

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

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 3 percent; homicide up 6 percent; rape down 17 percent; robbery up 16 percent; assault down 7 percent; human trafficking down 7 percent. Property Crimes down 4 percent; burglary down 7 percent; motor vehicle theft up 11 percent; arson up 5 percent; larceny theft down 6 percent. Gun violence is up 6 percent compared to 2022; One shooting incident this week; total 131 incidents resulting in 153 victims YTD. No homicides for the week; there are a total of 38 homicides YTD with 25 resulting from a firearm; 76% overall clearance.

Significant Incident: One shooting, Cesar Chavez and 280 North, person shot and in stable condition. 9/10/23 Westfield Mall retail theft, \$75k retail merchandise taken, security recovered about \$57k worth of merchandise. Officers assigned inside Westfield. 9/9/23 large fight involving youth, one armed with knife, person with knife remained when Officers arrived. 9/10/23- Geneva and Naples, 16:26, about 30 cars at sideshow, 80 people watching, Officers broke up event, about half hour later group met up at 22nd and Folsom, 100+ cars at intersection, driving at high rates of speed, Officers broke up that group, from social media – Bayview 100+ cars, broken up by Officers, 18:30 group at Palace of Fine Arts. 9/8/23 Traffic Collision near Golden Gate Bridge, Richardson and Lyon, person on motorcycle ejected, critical condition. 9/10/23 19th and Mission/S. Van Ness, drunk driver hit 5 people in crosswalk, driver taken into custody. 9/11/23 46th and Taraval, elderly women hit, passed away.

Significant arrest: Crocker Amazon, 9/5/23, 05:15, 12 cars broken in to overnight, Officers responded, saw suspect fleeing on stolen scooter, foot chase and apprehended suspect. 9/8/23 Robbery at Mission and Excelsior, victim robbed at gunpoint, three suspects located at Mission and Russia, Ingleside Officers and Night Investigations, involved in foot pursuit, suspects taken in to custody.

Strategies: Dreamforce event, south of Market. Officers deployed for event. Work in Tenderloin, Drug Market Agency Coordination Center – 658 arrests for possession or sales YTD, exceeds 500+ number for 2022. 89 arrests in this week alone, seized 3,297 grams of narcotics. YTD recovered 211 pounds of Narcotics. Around Covid- Stunt Driving Response Unit created, full time investigator.

Staffing- numbers continue to drop, 1474 full duty Officers, 72 less Officers than this time last year, effecting workload, deployment, etc.

Academy Graduation for 6 recruits.

PUBLIC COMMENT:

None

DPA Director's Report

- **Report on recent DPA activities, and announcement**

Executive Director Henderson reported the following: In the year 2023: 562 cases opened; 513 closed; 302 pending; 40 cases sustained; 22 cases past 270-day; 29 cases mediated. Cases received in the past week: 13; Central-3-Officers responded to the complainant's residence with guns on a call stating she wanted to kill herself. The complainant was injured while officers used unnecessary force. The complaint was provided a document in error that included someone's personal information. Bayview-1-The complainant has reached out for help but because of her background has received no help from officers. Mission-2-Officers behaved inappropriately. The officer issued a citation of the complainant but not everyone else and said an inappropriate comment. Northern-1-There was no response to three 911 calls. Park-1-The complainant stated that she has reported numerous incidents to the police, however, the officers did not file the reports. Richmond-1-The officer dismissed the complainant's report of a male who verbally sexually harassed and followed her while she was on a run and was concerned for her safety after she believed the male had a weapon. Airport-1-The complainant alleges that the officer was aggressive, and rude and spoke to them discourteously. Not Applicable-1-The complainant stated an individual impersonated a police officer and was injured. Out of Town-1-Outside of DPA's jurisdiction. Pending-1-Pending further investigation.

Audits: following up on the status of the recommendations made in prior DPA Audits regarding SFPD's compliance with DGO 8.10, currently reviewing documentation provided by SFPD regarding destruction of files of investigations governed by DGO 8.10.

Outstanding Issues: N/A

Outreach: Community connect took place, Mediation Division, October 3rd 12p-2p, 188 Embarcadero, dpa.outreach@sfgov.org, register. Can contact DPA at 415-241-7711. Can be found on community calendar on the DPA's website and posted on Twitter, Facebook, Instagram and on DPA's website.

PUBLIC COMMENT:

Name not stated: had questions for DPA regarding how Officers would ask for information.

Commission Reports

- **Commission President's Report**
- **Commissioners' Reports**

- **Commission announcements and scheduling of items identified for consideration at future Commission Meetings**

Commissioner Walker: Attended OIS Town Hall regarding Tenderloin OIS. Invited to meeting in Tenderloin with community members. Suggests meetings to be scheduled in neighborhoods. Met with group regarding 30 x 30 commitment (recruiting women into law enforcement), other agencies including pilot programs such as childcare, made suggestions on how to address childcare issues. Scheduled for another meeting regarding Patrol Specials.

Commissioner Benedicto: Addressed public commenter who spoke of her assault. Rescheduled meeting regarding DPA Audit. Met with department regarding audit implementations. Addressed topic of race data. Would like to agendaize action plan on preventing misreporting of data.

Commissioner Yee: Spoke about Tenderloin OIS. Attended 75th Annual First Responders Mass with Commissioner Byrne and Assistant Chief Lazar.

Commissioner Yanez: Met with groups regarding the Investigative Social Media DGO. Requested an extension to complete the DGO. Working with community groups regarding pre booking diversion for juveniles. Discussed how to work with Juvenile Probation. Wants to agendaize the investment department has into the Sojourn trips.

Vice President Carter-Oberstone: Spoke on DGO 5.10. Thanked Commissioner Benedicto, Lt. Jonas and DPA's Janelle Caywood for their work on that. Spoke about spike strips and preemptive deployments, cases and arrests associated with the use of spike strips. Will introduce a Resolution for preemptive use of spike strips.

PUBLIC COMMENT:

None

7. Presentation and introduction of DPA's Fall interns and internship program (DISCUSSION)

DPA Attorney and Director of Recruitment Tinnetta Thompson presented.

PUBLIC COMMENT:

None

8. SFPD Firearm Discharge Review Board Report & In-Custody Death Review Board Report 2nd Quarter 2023 (DISCUSSION)

Deputy Chief Peter Walsh, Deputy Chief of Administration, presented.

PUBLIC COMMENT:

None

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

None

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

Motion: Commissioner Benedicto. Second: Commissioner Walker. Approval: 6-0.

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

1st Open Session ended: 7:28 pm

Closed Session: (7:42 pm – 8:18 pm)

11. **Closed Session**
Roll Call;

- a. **THE COMMISSION IS NOT MEETING WITH THE SF POLICE OFFICERS ASSOCIATION IN CLOSED SESSION. CONFERENCE WITH LABOR NEGOTIATOR – COLLECTIVE BARGAINING. This item is for the Commission to meet in closed session with their labor negotiator and provide direction for bargaining with the San Francisco Police Officers Association (POA). The POA is not permitted to attend this closed session meeting. Pursuant to Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e):**
City Negotiator: LaWanna Preston, SFPD Labor Relations Director
Organization representing Police Officers: SF Police Officers Association
Anticipated Issues Under Negotiation: Discussion on DGO 7.03, 9.07 and 11.13 (DISCUSSION)

(Present: Commissioners Walker, Byrne, Yanez, Benedicto, Yee, Vice President Carter-Oberstone, SFPD Director LaWanna Preston, Labor Deputy City Attorney Peter Cowan, Deputy City Attorney Alicia Cabrera, Assistant Chief David Lazar, Acting Assistant Chief Peter Walsh, Sergeant Stacy Youngblood, Sergeant Sondra Reynolds, Kristine Singh)

- b. **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 23-004) (DISCUSSION)

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

Closed Session Ended: 8:18 p.m.

2nd Open Session (8:19 pm – 8:20 pm)

12. Vote to elect whether to disclose any or all discussion on Item 11 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

Commissioner Benedicto motioned to not disclose any or all discussion on item 11 held in Closed Session, except non privileged factual information from item 11a.
Commissioner Walker Seconded. 6-0.

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

Disclosure of Factual Information from 11a:

9.13.2023 Closed Session Disclosure for Item 11.a.

The Police Commission met with its labor negotiator, Director LaWanna Preston to receive an update on labor negotiations with the San Francisco Police Officers Association (SFPOA) regarding DGO 7.03 and DGO 9.07 and 11.13.

Regarding DGO 7.03, Director Preston provided an update on negotiations with the SFPOA. On August 9, 2023, the SFPOA sent correspondence to SFPD with proposed modifications and questions. The Commission considered the SFPOA correspondence and requested further information from SFPD and will re-call this item at a later meeting.

Regarding DGO 9.07, Director Preston provided an update on negotiations with the SFPOA. In response to prior Commission direction, Director Preston sent correspondence to the SFPOA on August 30, 2023. The SFPOA responded on September 12, 2023. The Commission considered the SFPOA correspondence and provided direction to Director Preston to respond to the SFPOA's proposals.

The Police Commission met with its labor negotiator, Director LaWanna Preston to receive an update on labor negotiations with SEIU Local 1021 ("SEIU 1021") regarding DGO 11.13.

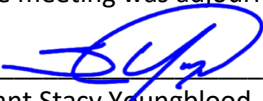
Regarding DGO 11.13, Director Preston provided an update on recent meetings with SEIU 1021 and correspondence received from SEIU 1021 on August 1, 2023, which Director Preston responded to on August 3, 2023. Further correspondence from SEIU 1021 was received on August 3, 2021 and August 21, 2023, and Director Preston responded to SEIU 2021 on August 21, 2023. The Department provided further written materials to SEIU on August 31, 2023. The Commission provided direction to Director Preston for continued engagement with SEIU 1021.

PUBLIC COMMENT

None

ADJOURNMENT

Thereafter, the meeting was adjourned at 8:20 p.m.



Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission