

JANUARY 13, 2021

REMOTE MEETING VIA VIDEOCONFERENCE

The Police Commission of the City and County of San Francisco met via videoconference at 5:42 p.m.

PRESENT: Commissioners Cohen, Elias, DeJesus, Hamasaki, Brookter

GENERAL PUBLIC COMMENT

Anonymous spoke in regarding to SB 1421 and thanked the Commission for correcting the method used in releasing SB 1421 requests. He asked that the SB 1421 protocol be amended.

Ms. Paulette Brown thanked Commissioner DeJesus for the letter she sent on behalf of her son. She asked that the letter be posted under her son's picture on the 30-day correspondence and asked if other Commissioners can also write a letter on behalf of her son.

Commissioner Cohen spoke to honor the passing of former Chief of Police Earl Sanders. "It is with great sadness and with great respect that we honor tonight the passing of Earl Sanders, our first Black Police Chief. Chief Sanders was a ground breaker. He charted the path forward for so many of us that are here in service today. Earl Sanders was an inspiration of compassion, of professionalism ... something, quite frankly, we could use a little bit more of today. He was 83 years old at the time of his passing."

Chief Scott stated that he spoke to Chief Sanders' daughter yesterday evening to extend the Department's condolences. Chief Scott spoke of how Chief Sanders was a ground breaker. Chief Scott stated "I probably wouldn't be sitting in this seat if it weren't for Chief Sanders and people like him who were willing to really put themselves and their careers at risk to help move us forward and the way we treated people of color in this organization and it is really sad that he passed but, definitely, his legacy will live on through many of us that has benefitted from the work that he and others like him had done to move us forward."

Commissioner DeJesus also spoke of how remarkable Chief Sanders was and that he is one of the founders of Officers for Justice and how he was amazing and was a good guy.

Commissioner Brookter echoed what Chief Scott and Commissioner DeJesus have said and thanked Chief Sanders for what he brought to the Department.

REPORTS TO THE COMMISSION

Chief's Request

- **Weekly crime trends**
- **Major/Significant Incidents**

Chief Scott reported on crime trends: Violent crime year-to-date down 16 percent; property crimes down 49 percent. The Chief explained that it is early in the year and the numbers can vary greatly from week to week early in the year because a small change can lead to a large percentage, but things will even out over time. As far as homicide, there is one homicide for the year, where an individual was arrested. Gun violence is up significantly at 350 percent; 4 shootings resulting injuries to 5 individuals; total of 8 incidents resulting in 9 victims of gun-related violence year-to-date. Car burglaries are down but burglaries are up 38 percent. Chief Scott gave a brief update on the shooting of Jace Young where an arrest was made last week. No traffic fatalities year-to-date.

Chief Scott spoke of putting together a stunt driving response unit to improve response to stunt driving events. The unit broke up a number of events this past weekend. There was a protest last week at Twitter where about 40 protestors showed up. No arrest made. The Chief stated that the Department is prepared for the inauguration on January 20th and asked the public to stay home as there is still a pandemic going on.

Commissioner Cohen asked the Chief if any members of the SFPD participated in the events at the Capitol. Chief Scott stated that there is no report that any employees were parties to what happened in Washington DC. Commissioner Cohen requested both the Chief and Director Henderson that should the FBI reach out to them identifying members of SFPD participating in the insurrection to bring it to the Commission's attention.

Commissioner Hamasaki stated that he thinks the Department should be investigating whether or not any members participated in the events in Washington DC and to start with members who took time off last Tuesday and Wednesday who may have travelled to DC. Chief Scott stated that there are audits in place to pick up on bias, but he doesn't think that it is reasonable to start questioning people who took a day off on Tuesday and Wednesday. Commissioner Hamasaki stated that he does not expect that members of the Department were involved but he stated that everything should be done to give the public confidence that it is not tolerated in the Department. He also mentioned that the Tenderloin Station social media account was following one of the insurrectionists, Congresswoman Lauren Boebert from Colorado. He said that this is a concerning sign and would like to talk about it more next week.

Commissioner Elias stated that it would be unfortunate to be in a situation where the Department have to wait for the FBI to turn over its findings. She stated that a proactive approach should be done in terms of ensuring that none of the members are a part of this domestic terrorism.

DPA Director's Report

- Report on recent DPA activities, and announcements

Director Henderson gave an update on year-to-date stats: 11 cases opened cases and closed 16 cases year to date; 352 pending cases; 1 case sustained; 35 cases past 270 days; 0 cases mediated; 38 cases pending with the Chief; 14 cases pending with the Commission. Outreach: On January 6th, held a DPA informational session tailored for community members to learn about the Department's mission, how to find DPA, and any upcoming events; January 12 held a stakeholder engagement informational series with the Edgewood Center for children and families.

Youth Commission's Report

- Presentation of the Omnibus Budget Priorities

Calvin Quick, Youth Commissioner, also present is Austin Truong and Gracie Veiga, Youth Commissioner, presented the Youth Commission's Omnibus Budget Priorities.

Commission Reports

- Commission President's Report**
- Commissioners' Reports**
- Commission announcements and scheduling of items identified for consideration at future Commission Meetings.**

Commissioner Elias thanked the Commission staff in bringing SB 1421 records up and running online. Commissioner Elias asked that information on department morale and officers' buy-in be included with the CRI updates. She also asked that the Chief look into working groups as to having more people, including rank and file in working groups, have other employee groups including OFJ and to include OFJ in the 5.03 strategic plan. She also would like to create a data driven policy in issues spotting problems and solutions within the Department, which includes the 4th amendment violations inclusive of the 96A data and the intentions behind the creation of that legislation and would also like to look at data driven issue spotting and solutions when it comes to officers' safety and what are the biggest threat to officers' safety and how those are affecting the implementation of new policies and how it's guiding policies.

Commissioner Hamasaki spoke of Department's relationship with the district attorney and where it impacts public safety and concerns about the district attorney's filing policy that should not be expressed by officers to residents. He also spoke of concerns about bringing cases to different jurisdictions because of policy differences regarding juveniles.

Commissioner Cohen spoke of security threats and ask a report every week on domestic terrorist activities in the city. Commissioner Cohen also stated that her focus is on policy as well as budget. She stated she will be reaching out to the President of the POA as well as auxiliary organizations for their suggestions on policy guidelines which also include the public defender and district attorney's office.

PUBLIC COMMENT:

Unidentified asked the Chief and the Department to investigate the Commissioners for murder and inciting violence and asked that the commissioners be investigated. He stated that that sounds ridiculous, but the attempted coup was an outrage and that those who participated must be

held accountable. He went on to say that a police officer was beaten to death with a fire extinguisher during that riot.

Anonymous spoke about the commission's questions on the attack in the capitol, he stated that the Commission is correct and that every officer that committed a crime should be charged and that SFPD must investigate any officers who participated in the attack, however, he stated that the Chief is correct that it is unreasonable to investigate an officer for taking a vacation day with no other evidence and that this request by Commissioner Hamasaki should be rejected by the Department.

Unidentified supports the commission to make sure none of the officers participated in the violence at the capitol.

Ms. Paulette Brown spoke of her son's murder and that his case is still not solve and that's it's been 14 years. She asked for support to find the perpetrators who murdered her son, Aubrey Abrakasa.

PRESENTATION OF THE SB 1421 MONTHLY UPDATE

Lieutenant Kate Waaland presented the Department's SB 1421 monthly update.

Sarah Hawkins presented the DPA's SB 1421 monthly update.

PUBLIC COMMENT

Daniele Harris, Public Defender's Office, spoke of how the progress is still happening too slowly and asked for a written monthly report from DPA for the public.

Anonymous commended the Chair for her focus on technology. He also stated that accepting when you're wrong and learning more of the Sunshine laws is the right way to respond to a complaint and not kind of attacking a member of the public for asking.

UPDATE REGARDING THE STREET CRISIS RESPONSE TEAM

Chief Scott presented the update regarding the Street Crisis Response Team. He explained that this is a pilot program and for November and December 2020 responded to 184 calls for service which is about 5 percent of the total call volume.

PUBLIC COMMENT

None

PRESENTATION OF THE DEPARTMENT BUDGET PROCESS OVERVIEW FOR FISCAL YEAR 2022/23

Executive Director Maguire and Director Patrick Leung presented the Department's FY 2022/2023 budget, Part 1, Budget Process and Priorities.

PUBLIC COMMENT

None

PRESENTATION OF THE MONTHLY COLLABORATIVE REFORM INITIATIVES "CRI" UPDATES

Executive Director Maguire presented the monthly Collaborative Reform Initiatives "CRI" updates.

PUBLIC COMMENT

None

(The Commission recessed at 8:38 p.m. and reconvened at 8:48 p.m.)

PRESENTATION REGARDING THE OUTER VEST CARRIER

Lieutenant Aaron Lozado presented the Outer Vest Carrier.

PUBLIC COMMENT

Gloria Barry spoke of how utility belts did a lot of damage to her back over the years and spoke of the money set aside for the Giants that is not being used.

DISCUSSION AND POSSIBLE ACTION TO APPROVE DRAFT DEPARTMENT GENERAL ORDER 6.09, "DOMESTIC VIOLENCE," FOR MEETING AND CONFERRING WITH THE SAN FRANCISCO POLICE OFFICERS ASSOCIATION AS REQUIRED BY LAW

Chief Scott thanked Deputy Chief Lazar, Deputy Chief McEachern, Commander Vaswani, Captain Chin, Captain Una Bailey, Inspector Tony Flores for their work on this policy and manual. The Chief also thanked Beverly Upton, Emilie Murase, and Kimberly Elis for their work.

Deputy Chief Lazar presented Department General Order 6.09, Domestic Violence.

PUBLIC COMMENT

Liz Aguillar Tarke commended the collaboration by the Police Department and so many community organizations. She urged the adoption of this policy.

Beverly Upton, SF Domestic Violence Consortium, thanked the community, SFPD rank and file, for their work. She stated that everybody will benefit from this policy.

Fawn thanked members of the community that worked on this policy, the SFPD, and all members of the working group and stated that it was a true community effort, and that the final product is very important.

Motion by Commissioner Hamasaki, second by Commissioner Brookter. Approved 5-0.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Hamasaki, second by Commissioner Elias, to go into Closed Session. Approved 5-0.

CLOSED SESSION (9:31 p.m. – 9:47 p.m.)

CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation. Pursuant to Government Code Section 54959.9(d)(1) and (d)(2) and Administrative Code Section 67.10(d)(1):

Christopher Kohrs v. San Francisco Police Commission et. al., San Francisco Superior Court Case No. CPF-20-517225, filed September 21, 2020; and 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

(Present: Commissioners Cohen, Elias, DeJesus, Hamasaki, Brookter, Deputy City Attorney Zarefsky, Sergeant Youngblood, Sergeant Reynolds, Risa Tom)

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 take off calendar disciplinary charges filed in case nos. IAD 2018-0182 & 2019-0070 due to member's retirement effective close of business January 5, 2021

(Present: Commissioners Cohen, Elias, DeJesus, Hamasaki, Brookter, Chief Scott, Deputy City Attorney Zarefsky, Sergeant Youngblood, Sergeant Reynolds, Risa Tom)

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

(Present: Commissioners Cohen, Elias, DeJesus, Hamasaki, Brookter, Chief Scott, Deputy City Attorney Zarefsky, Sergeant Youngblood, Sergeant Reynolds, Risa Tom)

OPEN SESSION (9:47 p.m.)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HELD IN CLOSED SESSION

Motion by Commissioner Hamasaki, second by Commissioner Elias for non-disclosure. Approved 5-0.

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Elias, second by Commissioner Brookter. Approved 5-0.

Thereafter, the meeting was adjourned at 9:48 p.m.

Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission

January 20, 2021

REMOTE MEETING VIA VIDEOCONFERENCE

The Police Commission of the City and County of San Francisco met via videoconference at 5:40 p.m.

PRESENT: Commissioners Cohen, Elias, DeJesus, Hamasaki, Brookter

GENERAL PUBLIC COMMENT

Unidentified, Wealth & Disparities in Black Community, spoke of the Boards' delay to the DOJ process and asked what role SFPD played in crafting this resolution causing further delays on the reforms.

Starchild spoke of SFPD when a person is detained should be sent a copy of the incident report automatically and spoke of the Institute for Justice and spoke of policing for profit.

Ms. Paulette Brown spoke of her son Aubrey Abrakasa who was a victim of a homicide and that his case is still open and that she is still getting posters out there of homicide victims whose case are still open and outstanding.

Barry Toronto, taxi driver, spoke of not having a lot of business because restaurants and bars are still closed. He spoke of a cab stand on Castro and 18th and spoke of two officers who treated him badly and stated that they threatened to give him a traffic citation. He spoke of calling DPA but is not getting a call back from DPA.

Susan Busman, Wealth & Disparities, spoke of Supervisor Safai's resolution and that it shows a real cluelessness in what is happening in the city.

Ben Paul, Wealth & Disparities, demanded that Supervisor Safai's rescind his resolution that slows down the Department's reform.

ADOPTION OF MINUTES

- For the meeting of January 6, 2021

Motion by Commissioner Cohen, second by Commissioner DeJesus as amended. Approved 5-0.

REPORTS TO THE COMMISSION

Chief's Request

- **Weekly crime trends**
- **Major/Significant Incidents**

Chief Scott reported on crime trends: Part 1 crime: Property crimes up 9 percent; burglaries up 46 percent; motor vehicle thefts is up 12 percent; arson up 82 percent; auto burglaries down 54 percent; violent crimes down 9 percent; homicides two for the year; gun violence is up with 19 gun violence victims. The Chief talked about a murder-suicide incident where a father and son both were killed. Another incident related to a stunt driving incident in the Ingleside District where three people were shot, one fatal. A 17-year-old was arrested in Sacramento and is being prosecuted in Sacramento. There were seven shooting incidents this week resulting in 11 victims of gun violence. The Chief also talked about one serious traffic incident that occurred on 24th and Potrero where an 82-year-old pedestrian was struck by a vehicle near a crosswalk. The driver remained at the scene and the pedestrian was transported with life-threatening injuries.

Commissioner Brookter asked about arson.

Commissioner Hamasaki asked about the prosecution out of county for a crime that occurred in San Francisco. He asked why the case is filed in Sacramento when it is a San Francisco case. The Chief explained that there was a connection with the attempted murder in Sacramento and that there was consultation with the district attorney to have the Sacramento district attorney file everything in Sacramento. Commissioner Hamasaki then asked about asset forfeiture. The Chief explained that the Department does not have an asset forfeiture policy because the department does not take money in and deposit that money into city department's accounts, that is the role of federal authorities.

Commissioner Elias asked that a discussion be agendized regarding referring a case for prosecution to another jurisdiction when the crime occurred in the San Francisco.

Commissioner Cohen asked the Chief to report back to the Commission the moment the USDOJ comes back into the Collaborative Reform Initiative. She also asked to incorporate into his Chief's Report a section about domestic terrorism.

DPA Director's Report

- Report on recent DPA activities, and announcements

Director Henderson gave an update on year-to-date stats: 23 cases opened cases and closed 31 cases year to date; 347 pending cases; 2 cases sustained; 35 cases past 270 days; 0 cases mediated; 38 cases pending with the Chief; 14 cases pending with the Commission. Outreach: Hosted a virtual panel discussion for community organizations.

Commission Reports

- Commission President's Report**
- Commissioners' Reports**
- Commission announcements and scheduling of items identified for consideration at future Commission Meetings.**

Commissioner Hamasaki spoke of attending, along with Commissioners Elias and Brookter, a preview presentation for the Center of Policing Equity and spoke of an MOU with CPE and the Department.

Commissioner Brookter spoke meeting with the working group regarding DGO 7.01 and spoke of getting the meetings back on calendar with DPA as a liaison.

Commissioner DeJesus spoke of meeting with the Chief and Commissioner Brookter regarding the Awards DGO and awards recommendations to go through the recommendations and the policy.

Commissioner Cohen asked if any review has been conducted regarding SFPD Tenderloin twitter account and Congresswoman Boebert. Chief Scott stated that it is being reviewed.

Commissioner Cohen asked if the Department is still investigating if there were SFPD personnel involved in the insurrection in Washington. Chief Scott stated that there is no indicating that any SFPD personnel were involved in any of the Washington activities. The Chief stated that the Department's Federal partners have advised him that there was no indication of any SFPD personnel were involved in what happened in DC.

Commissioner Hamasaki spoke of what LAPD and other jurisdictions have been doing is affirmatively asking department members if they were in Washington DC and asked the Chief if that can be implemented.

PUBLIC COMMENT:

Unidentified spoke of why the Department is notifying FBI about peaceful demonstrations when there's other incidents like drug dealing and car broken into that are happening in the city and why SFPD is involved in an investigation about Congresswoman Boebert. She stated that it seems like a lot of work for the Department when people's houses are being broken into in broad daylight. She stated that the department should focus on its priorities.

Ms. Paulette Brown spoke of her son's homicide case #060862038 and if anybody knows anything about her son's case to please call in. She went on to read the names of perpetrators who killed her son.

Starchild thanked Commissioner Hamasaki for following up regarding asset forfeiture and spoke of the procedure regarding asset forfeiture.

PRESENTATION OF THE SFPD AUDIT OF ELECTRONIC COMMUNICATION DEVICES FOR BIAS, 4TH QUARTER 2020

Commander Rob O'Sullivan presented the 4th Quarter 2020 Audit of Electronic Communication Devices.

PUBLIC COMMENT

Brian Cox spoke of the audit and asked why does SFPD continue to invest in these tasks when it does not provide any meaningful way to probe for bias. He suggested reviewing officers' social media platforms or alternative methods to identify bias.

Starchild spoke that this seems to be a waste of time and to look at media profiles instead and asked about audits in the use of stingray devices as surveillance tactics and if there is any accountability in using it.

PRESENTATION OF THE SFPD FDRB FINDINGS & RECOMMENDATIONS & OIS INVESTIGATIVE SUMMARIES, 4TH QUARTER 2020

Deputy Chief Greg Yee presented the FDRB Findings & Recommendations, 4th Quarter 2020 report.

PUBLIC COMMENT

None

PRESENTATION OF THE SFPD FAMILY CODE 6228 QUARTERLY REPORT, 4TH QUARTER 2020

A/Captain David Falzon presented the Family Code, 4th Quarter 2020 report

PUBLIC COMMENT

None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Hamasaki, second by Commissioner Elias, to go into Closed Session. Approved 5-0.

CLOSED SESSION (7:11 p.m. – 7:13 p.m.)

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 and reassignment of the following disciplinary cases:

- DPA 44025-19
- DPA 0164-16

(Present: Commissioners Cohen, Elias, DeJesus, Hamasaki, Brookter, Chief Scott, Sergeant Youngblood, Sergeant Reynolds, Risa Tom)

OPEN SESSION (7:13 p.m.)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HELD IN CLOSED SESSION

Motion by Commissioner Elias, second by Commissioner Brookter for non-disclosure. Approved 5-0.

PUBLIC COMMENT

None

ADJOURNMENT

Thereafter, the meeting was adjourned at 7:14 p.m.

Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission