

FEBRUARY 3, 2021

REMOTE MEETING VIA VIDEOCONFERENCE

The Police Commission of the City and County of San Francisco met via videoconference at 5:38 p.m.

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

(Commissioner Cohen joined the meeting at 6:04 p.m.)

Commissioner Elias announced that Item #6 on the agenda, presentation by SFPD/DHR regarding Bias at Hiring Stage, will be taken off calendar and put over to a later date.

GENERAL PUBLIC COMMENT

Aaron asked the Commission to reduce SFPD budget and to allocate funding to CART instead. He stated that implementing CART would take less than ½ percent of the police budget and will improve outcomes of people living on the streets.

Unidentified called to support CART and redirect funding to programs like CART that will address homelessness in a more correct manner and would like to see less police.

Magick Altman spoke to defund the police.

Zoe Baker spoke of incident where homeless encampment was swept up and properties thrown away.

Sara asked the commission to have massive reduction to the budget and allocate a small portion to fund CART instead.

Starchild spoke of civil asset forfeiture and asked that it be put on the agenda for discussion and would like to know how much money the department is getting from the Feds, who is getting the money, who is being charged, how much money is taken, and what property is taken.

Evi asked the Commission to fund the CART program to help the community.

David Elliott Lewis part of the CART working group and stated that they looked at best practices around the country and stated that there is supporting for this program within the department and that the police should not be doing mental health support.

Carlos asked the SFPD to reduce its budget and to fund CART.

Adriana for Justice for Lewis Gongora Pat and worked with the CART proposal to move away from police response to homelessness and to ask the Commission to reduce the police budget.

Carolyn asked to continue to shift police responses and redirect to CART and spoke of resignation of police pending disciplinary charges.

Dela, CART working group, asked that police budget be cut and ask the Mayor to fund CART.

Sara spoke to reduce police budget and fund CART and remove police from escorting DPW.

Simon asked to fund CART and to completely defund and abolish the police.

ADOPTION OF MINUTES

- For the meetings of January 13 and 20, 2021

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

PUBLIC COMMENT

Starchild spoke regarding the minutes and would like to see the comments and remarks made by the public as closed to verbatim as possible.

Unidentified spoke to have public comment for be an official part of the record.

REPORTS TO THE COMMISSION

Chief's Request

- Weekly crime trends
- Major/Significant Incidents

Chief Scott reported of homicides of two elderly individuals who were attacked, and both died from their injuries. First was an unprovoked attack on an 84-year-old elderly at Anza Vista and Fortuna where the victim was pushed violently to the ground and the victim died from his injuries. Two individuals were arrested in this incident. Another was the attack on Jack Paladino, 73-years old, who was taking photographs when the suspect tried to steal his camera, knocking Mr. Paladino down to the ground. Mr. Paladino died from his injuries. Arrests were made on this incident. The Chief spoke of press conference with the Mayor and the District Attorney to talk about these two cases.

Another homicide happened in the Bayview and investigation is ongoing. This is the 5th homicide of the year.

Chief Scott reported on crime trends: Violent crimes down 20 percent; property crimes down 38 percent; auto burglaries down 55 percent. The Chief also reported on side show events and spoke of an event last weekend where officers were able to shut down a number of events and impounded 11 cars and cited a number of individuals.

Chief Scott stated that he does not have anything to report as far as domestic terrorism in the city but did talk about a bulletin put out by the National Terrorism Advisory System.

Chief Scott gave a brief update on vaccinations. He reported that the department is under Tier 1B and that the City is now working to vaccinate Tier 1A individuals, but the department is working with the Mayor's Office and the Health Director to get officers vaccinated.

DPA Director's Report

- **Report on recent DPA activities, and announcements**
- **Presentation of December 2020 Monthly Statistical Report**

Director Henderson gave an update on year-to-date stats: 51 cases opened cases and closed 51 cases year to date; 354 pending cases; 5 cases sustained; 36 cases past 270 days; 0 cases mediated; 38 cases pending with the Chief; 14 cases pending with the Commission. Outreach: Can be found on community calendar on the DPA's website and posted on Tweeter, Facebook, Instagram and on DHR's website. On January 21st, participated in oversight and audit panel discussing police oversight with emphasis on auditing; also on January 21st, he spoke on GEMS, Girls Empowered Motivated and Strong, an agency focused on young girls of color who are attending STEM academy; January 22nd, DPA 101 presentation, general information about DPA; Jan 27th, hosted a stakeholder engagement with Be Magic and continue to participate with Mega Black meetings; Jan 29th, participated in reforming police through changing labor relations. Director Henderson also reported on meeting with the Wealth and Disparities Group. He also spoke of the staff participated in Cal Osha mandatory training and participated in virtual Trans 101 training hosted by the Mayor's Office Transgender Initiatives.

Commission Reports

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

Commissioner Cohen announced that the Youth Commission will be back on the agenda in March.

Commissioner Brooker gave a brief update on DGO 7.01 and is continuing to meet with the working group and thanked the Department for meeting with him and Commissioner Cohen, Director McGuire, Patrick Leung, Diana Oliva-Aroche, Phillip Lohaus regarding the Department's budget. He asked to agendize to have Officers For Justice to present regarding masks created for Black History Month.

Commissioner DeJesus asked to agendize a presentation regarding Asset Forfeiture and how it works.

PUBLIC COMMENT:

Ms. Paulette Brown spoke in regard to her son Aubrey Abrakasa who was murdered August 14, 2006, and that his case is still open and pending and that it's been 14 years and she wants justice for her son. She thanked Commissioner DeJesus, Deputy Chief Lazar, and Chief Scott for writing letters on behalf of her son.

David Elliott Lewis spoke of what is going on in the Civic Center and in the Tenderloin and spoke of violence and threats against merchants of the Farmer's Market. He spoke of increased drug dealing and asked for police presence and foot beats to address community safety needs.

Starchild thanked Commissioner DeJesus for putting the Asset Forfeiture presentation on the agenda. He asked Director Henderson for contact information on police audit panel to ask if they are looking into asset forfeiture as part of their audit.

PRESENTATION OF THE SFPD'S 4TH QUARTER 2020 SAFE STREETS FOR ALL REPORT

Commander Dan Perea presented the 4th Quarter 2020 Safe Streets for All Report.

PUBLIC COMMENT

David Elliott Lewis spoke of how streets are unsafe for pedestrians and spoke of how his neighborhood is underserve in this area.

DISCUSSION AND POSSIBLE ACTION TO APPROVE DEPARTMENT BUDGET FOR FISCAL YEAR 2022/23

Commissioner Brookter thanked the Department's Fiscal Division for sitting down with the commissioners to discuss the budget process and the budget itself.

Commissioner Cohen stated that this is a discussion to bring to the public what have been discussed with the Department in regard to the budget.

Executive Director Catherine Maguire introduced CFO Patrick Leung to present the budget presentation. CFO Leung went over the budget including the Department's budgetary needs; review of budget reductions for current year and FY 22; FY 22 budget; and the Mayor's requested department reductions.

Commissioner Elias would like the total sum is that is being paid out towards lawsuits against the department and where is that money coming from.

Deputy City Attorney Cabrera asked what type of litigation cases Commissioner Elias is asking for. Commissioner Elias stated that she is interested in 4th Amendment cases which would include illegal searches and seizures and excessive force and 1983 litigations.

PUBLIC COMMENT

David Elliott Lewis supports the budget provided that it has funding for CART and also proposed that no cuts be made to the Crisis Intervention Team.

Kevin Carroll, President & CEO of Hotel Council of SF, spoke regarding the safety of the residences, his employees, and visitors of San Francisco and how many of his employees does not feel safe in San Francisco and asked the Commission to support staffing for the police and asked for additional support for SFPD to upgrade their Technology.

Terry Lewis, Hilton Union Square & Park 55 Hotel, thanked Chief Scott and the SFPD for work done in police reforms. She continued to talk about the safety of her 1500 employees and visitors of San Francisco and asked the Commission to support staffing levels for police officers.

Unidentified spoke that police does not keep him safe and that the commission need to examine what would keep them safe and supports CART and that the police does not keep him safe.

Starchild stated that it is outrageous that when officers are sued that taxpayers have to pay for it and proposed having officers buy their own legal liability insurance and spoke on how the public wants less police and better priorities. He spoke that prostitution should not be criminalized.

Tony, hotel manager, spoke that talking about cutting budget makes no sense to him and spoke of crimes and how his car windows have been broken twice and how he has been chased down the street by a drug addict and that this city is out of control and that we need to support the police to make residence safe. He stated that if that is not done, businesses will leave the city. He stated that businesses need to be supported and its citizens safe.

Stephan, Area Managing Director hotel manager, agreed with previous caller and stated that the safety of his employees, the residence and visitors of the city, are important and spoke of how several of his employees and staff members have been assaulted to and from work and his night auditor was beaten at Fisherman's Wharf and barely survived and spoke of pedestrian safety in Fisherman's Wharf. He asked for support to protect staffing levels and upgrade technology.

Francisco Dacosta spoke of how the quality of life in San Francisco have been compromised and stated that commission should accompany the police in their cars to see what is happening. He asked that the commissioners take their job seriously. He asked for the Commissioners hear what the private industries are asking for.

PRESENTATION BY SFPD/DHR REGARDING BIAS AT THE HIRING STAGE

Taken off calendar to be put over to a later date.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Unidentified spoke of concerns regarding closed session discussions that are discussed behind closed doors.

Starchild spoke of policies regarding closed sessions and that policies regarding closed sessions have not be re-evaluated since the passage of AB 1421 and things discussed is secret really legally do not need to be discussed in secret and to put off closed session until this issue is resolved.

VOTE ON WHETHER TO HOLD CLOSED SESSION

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

CLOSED SESSION (8:15 p.m. -- 9:32 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:

Discussion and possible action to accept or reject settlement agreement in the Appeal of the chief's Suspension filed in Case No. IAD 2016-0167, or take other action if necessary

(Present: Commissioners Cohen, Elias, DeJesus, Hamasaki, Brookter, Chief Scott, Assistant Chief Moser, Deputy City Attorney Zarefsky, Sergeant Youngblood, Sergeant Reynolds, Risa Tom, Attorney Worsham, Ret. Captain Chignell, member involved)

(These proceedings are taken in shorthand form by Ms. Paula Behmke, CSR., Behmke Video and Recording Services)

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 in disciplinary case no. IAD 2020-0021

(Present: Commissioners Cohen, Elias, DeJesus, Hamasaki, Brookter, Chief Scott, Assistant Chief Moser, 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 to take off calendar disciplinary Case No. DPA 44131-19 due to member's resignation effective January 25, 2021, or take other action if necessary

(Present: Commissioners Cohen, Elias, DeJesus, Hamasaki, Brookter, Chief Scott, Assistant Chief Moser, 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 (9:32 p.m.)

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

Motion by Commissioner DeJesus, 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 9:33 p.m.

Sergeant Stacy Youngblood

Secretary
San Francisco Police Commission

FEBRUARY 10, 2021

REMOTE MEETING VIA VIDEOCONFERENCE

The Police Commission of the City and County of San Francisco met via videoconference at 535 p.m.

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

(Commissioner Cohen joined the meeting at 6:19 p.m.)

GENERAL PUBLIC COMMENT

Emily Lee, SF Rising, commented to defund SFPD and funding the community. Spoke of the CART Program and asked for \$4.8 million to fund the program.

Jane, Wealth and Disparities in Black Communities, spoke in regard to Mario Woods Report and asked if the Commission have reviewed the DPA report regarding Mario Woods. She spoke of DPA recommendations and replies from Chief Scott.

Jesse, District 6, called because of unhoused neighbors and spoke of SFPD budget and asked the Commission to reject the police budget and that it should be rededicated to fund the mental health care and hospitals and health care needed.

Austin spoke to ask the Commission to reject the police budget and that there should be radical reduction of police budget.

Kit Hodge, Wealth & Disparities in Black Communities, spoke of meeting with DPA regarding shooting of Mario Woods and spoke of letters between DPA and Chief Scott and disagreement of Chief with four DPA recommendations.

Susan Buckman, Wealth & Disparities in Black Communities, spoke of follow-up on DPA recommendation #13 out of 17 that DPA be included in an advisory role to the SFPD on decisions whether to return officers back on duty after an officer-involved shooting. She stated that the Chief responded with a refusal stating that the decision to return officers to duty is a personnel decision and not investigatory.

Noah asked the Commission not support the police budget and spoke that officers are not social workers or mental health counselors and that funding should go to CART. He went on to talk about the DOJ reforms.

Ms. Paulette Brown spoke of her son Aubrey Abrakasa and that her son's case is still unsolved and is still a cold case. She spoke of how the Feds have said that her son is in a gang and stated that her son is not in a gang and she asked for help for someone to do anything about this.

Jordan Davis called to defund the police budget and that it should not be approved, and that funding should be reallocated to CART and that \$8.6 million should go to support housing for the homeless.

Sara called to ask Commission not support the police budget because the cuts does not represent the fundamental changes in policing that have been promised and spoke of the Dante King presentation and would like the Commission to identify radical reduction to the police budget that reflect national reckoning on race and restructuring of policing.

Jennifer Friedenback, Coalition on Homelessness, spoke of transforming police response to homelessness and that that response should be transformed and spoke of the Compassionate Alternative Response to Homelessness and would like to do a follow-up presentation.

Jason Wyman, District 10, spoke of reduction of police budget and spoke of writing a letter to the Board of Supervisors asking for \$4.6 million to fund the CART program.

Stella spoke to ask the Commission to not support the budget and to reallocate funding to community programs like the CART Program.

Ms. Aragon called to please not approve the budget and spoke of the unhoused population that are growing and spoke of feeling unsafe because of the police interactions.

PRESENTATION OF THE CENTER FOR POLICING EQUITY REPORT

Jamie Schutz and Hans Menos, along with Matthew Graham, presented the Center for Policing Equity Report.

PUBLIC COMMENT

Yulanda Williams, OFJ President, spoke of low participation in the project and spoke of how they did not reach out to OFJ and stated that they do not trust this company and do not trust paper surveys, and stated that Oregon is not California.

Sophia, SF Rising, asked the Commission to not support the police budget and San Francisco should align its budget with its values and that \$4.8 million should go to CART.

Jason, District 10, spoke of correlation of finding money and spoke of the presentations that cost money and spoke of \$4.8 million to fund the CART program. Spending of money should be reprioritized.

Commissioner Hamasaki explained that the Center for Policing Equity is not charging the Department and is doing this on a voluntary basis and at no cost to the city.

REPORTS TO THE COMMISSION

Chief's Request

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

Chief Scott reported on crime trends: homicides are up significantly but stated that four of the five cases have been solved; gun violence, total of 27 incidents resulting in 33 victims year-to-date. Three of those are homicide victims and the other 30 are non-fatal; burglaries are up significantly, 56 percent up this year; motor vehicle thefts are up 27 percent; larceny, down 52 percent; robberies down 28 percent; assaults, up one percent.

Chief Scott reported on traffic fatalities: On February 4th at Higuera and Lake Merced in the Taraval, suspect vehicle ran a red light and collided with pedestrian who did not survive. The driver was driving a stolen vehicle and was arrested. The Chief reported that no stunt driving event over the weekend.

Commissioner Cohen asked why is there an increased in violent crimes in the Bayview and what is the strategy and what resources is needed. Chief Scott spoke of strategies. Short-term strategy after gun violence occurs is to solve the crime. He stated that group/gang violence is the cause for increased violence. He stated that the Department is working with group entities, working to get guns off the streets to respond to the violence. As far a long-term strategy, the Department is the work with the California Partnership which started a couple of years ago with the formulation of the Crime Gun Investigation Center along with the reformulation of the Gang Task Force. Investigators were added to the Gang Task Force Unit. The Chief also stated that officers need to be out there to try to prevent violence.

Commissioner Brookter asked about an incident that involved a young person struck by a vehicle. The Chief stated that there was a 12-year-old child that was struck and killed by a vehicle, but it does not appear to have any type of criminal culpability on behalf of the driver. The child was on a skateboard when hit by the vehicle. The driver stayed at the scene.

Commissioner Brookter also asked about a missing child, 12-years-old, Joshua Peterson, missing since 8 p.m. Tuesday night from San Francisco on Hayes between Buchanan and Webster Streets. The Chief will follow-up on this inquiry.

Commissioner Elias expressed concern regarding labeling the cause of violence as gang violence and would like another answer. The Chief explained that in 2017 when the budget was passed, the Department had money in the budget to analyze this issue and part of the objective was to have an understanding of what's driving shootings and homicides in the city. The second part is to come up with strategies that go beyond arrest and enforcement. The Chief explained that this is not a knee-jerk reaction and that the California Partnerships spent a year analyzing every homicides from 2017 to 2020. They looked at every individual shootings, pulling case files and going through it with the investigators. The Chief explained that he used the term group and not gang is because sometimes it is not a gang as defined legally but there are groups involved. He stated that the information provided is solid and is hard data.

DPA Director's Report

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

Director Henderson spoke of asset forfeiture and explained that the state does a review of asset forfeiture in every county and the report is issued every year.

Director Henderson gave an update on year-to-date stats: 74 cases opened cases and closed 77 cases year to date; 348 pending cases; 7 cases sustained; 32 cases past 270 days; 0 cases mediated; 41 cases pending with the Chief; 14 cases pending with the Commission.

Director Henderson reported that earlier this week, he met with Commissioner Brookter to talk about audit.

Commission Reports

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

Commissioner Brookter spoke of conversation with Steve Flaherty regarding audit of DGO 8.10.

Commissioner Cohen spoke of priorities list for the Commission: 96A at top of priority list; early warning system, fixing and tweaking the EIS; examining how data is collected and analyze including SFPD, contracted partners, DPA, and other stake holders like DA's Office, Public Defender's Office, Wealth & Disparities in Black Communities to streamline how to report it and how to collect data and analyzed. She also want to talk about how policy is passed and how it's created and would like to work with Phil Lohaus, specifically want to look at DGO 3.01; further focus on SB 1421 and work closely with working groups and will work with Sgt. Kilshaw to work on policies that can be implemented quickly to support SB 1421; bias working group; six priorities for discussion and for consideration with the commission and the public.

Commissioner Elias spoke of revising DGO 3.01 and waiting for input from Commissioner Cohen.

Commissioner Hamasaki would like to schedule the CART working group for a brief presentation.

PUBLIC COMMENT

Cheryl Thornton spoke of violence in the Bayview and how the community does not come forth and spoke of Black people being pushed out of San Francisco and stated that we need police that identifies with the community.

Ms. Paulette Brown spoke of people of color that are being accused of being gang members and stereotyping people of color of being in gangs and spoke of nothing is being done and no venue for posters to put up about homicides and cold cases.

Yulanda Williams, OFJ President, elated to hear that the commissioners are focusing on violence in District 10 and spoke of talking to the young people in the district to engage and encourage them.

(The Commission took a brief break at 8:05 p.m. and reconvened at 8:17 p.m.)

PRESENTATION OF DPA'S BUDGET FOR FISCAL YEAR 2022/2023

Chief of Staff Sarah Hawkins presented the DPA's budget for fiscal year 2022/2023.

PUBLIC COMMENT

Zack Dillon, Public Defender's Office, spoke of adding two more attorneys to help with disclosure of records.

Kitt Hodge spoke of concerns about DPA doing another bias audit of SFPD and stated what is needed is action and accountability.

PRESENTATION BY SFPD/DHR REGARDING BIAS AT THE HIRING STAGE

Acting Director Carol Isen, Department of Human Resources, presented the report titled "Confronting Bias in Police Section and Hiring." Additional presenters are Dave Johnson, Mawuli Tugbenyoh, and Anna Biasbas. Commander Steve Ford presented for the Police Department.

PUBLIC COMMENT

Cheryl Thornton spoke of not seeing a lot of diversity of officers in the department and would like to see officers who are actually from San Francisco and are part of the community

PRESENTATION OF THE MONTHLY COLLABORATIVE REFORM INITIATIVES "CRI" UPDATES

Executive Director Catherine McGuire presented the CRI updates.

PUBLIC COMMENT

None

DISCUSSION & POSSIBLE ACTION TO ADOPT A RESOLUTION URGING THE PROMPT DEVELOPMENT & IMPLEMENTATION OF A DISTRIBUTION PLAN FOR COVID-19 VACCINES TO SFPD MEMBERS

Commissioner Hamasaki presented the proposed resolution urging the prompt development and implementation of a distribution plan for COVID 19 vaccines to SFPD members.

Chief Scott thanked the Commission for this resolution and their support.

PUBLIC COMMENT

Yulanda Williams, OFJ President, stated that this is alarming and upsetting that the City has allowed police officers to be classified at a lower tier than any other essential workers. She spoke of how officers are suffering and experiencing loss of family members. She went on to thank the Commission and the Chief for their support.

Cheryl Thornton agreed with Captain Williams and spoke of how officers are out everyday and not to have the officers not prioritized is unthinkable and this should not happen again because if officers get sick, who will protect the city.

Arlene Drummond spoke of so many people that are not wearing masks and to think of officers not vaccinated is unthinkable.

Starchild spoke of the Moderna vaccine and how it was held up by government regulations and urged the Commission to include in the resolution to the review of regulations.

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

RESOLUTION 21-14

RESOLUTION URGING THE PROMPT DEVELOPMENT AND IMPLEMENTATION OF A DISTRIBUTION PLAN FOR COVID-19 VACCINES TO SFPD MEMBERS

WHEREAS the novel coronavirus known as COVID-19 has infected nearly 25 million Americans, caused the death of over 400,000, and disrupted society in numerous ways,

WHEREAS COVID-19 has disproportionately affected certain populations, including essential workers, many of whom must risk exposure to the virus to maintain their livelihoods and provide communities with critical functionality,

WHEREAS in the course of their duties, law enforcement officers encounter many situations where they cannot avoid exposure to individuals who are COVID-19 positive,

WHEREAS 148 SFPD officers have tested positive for the virus, two have been hospitalized, and 192 have filed COVID-19 Workers' Compensation claims, representing a human and financial cost that vaccination would mitigate,

WHEREAS the City and County of San Francisco has begun providing vaccinations for COVID-19 to at-risk groups in accordance with "Phase 1a" as defined by state guidelines,

WHEREAS the State of California has excluded police officers from the definition of "first responders," which may have given them earlier access to the vaccine,

WHEREAS the State of California has rather defined police officers as "emergency services" workers who, if they are at risk of exposure to the virus at work, may receive the vaccine in accordance with the next phase of the rollout, known as "Phase 1b,"

WHEREAS the State of California recently reorganized its vaccine distribution guidance to prioritize age over occupation, creating further questions about when law enforcement officers will be eligible to receive the vaccine,

WHEREAS the San Francisco Department of Public Health has yet to provide a specific plan or timetable for the distribution of vaccines to sworn members of the San Francisco Police Department,

WHEREAS more than half of SFPD patrol officers report having had exposure to COVID-19-positive members of the public over the past year while performing their duties, which has put them at risk of contracting the virus and further spreading it within the communities they serve and to their families,

WHEREAS COVID-19 was the leading cause of death for American law enforcement officers in 2020, now, therefore be it

RESOLVED, the San Francisco Police Commission urges the San Francisco Department of Public Health to immediately devise and communicate a detailed vaccination plan for sworn members of the San Francisco Police Department,

FURTHER RESOLVED, that limitations in vaccine availability should not preclude the development or communication of a distribution plan,

FURTHER RESOLVED, that the plan should take into account officer exposure rates, including an analysis of police districts disproportionately affected by COVID-19,

FURTHER RESOLVED, that the plan should also provide details regarding the eventual vaccination of all members of SFPD,

FURTHER RESOLVED, that DPH should work with, but not rely exclusively upon, private distributors, as not all SFPD members reside in San Francisco,

FURTHER RESOLVED, that the City should prioritize the vaccination of emergency service workers regardless of whether the State moves from an occupation-based distribution system to one based solely on age,

FURTHER RESOLVED, that DPH should provide specific target dates by which all at-risk sworn members of the San Francisco Police Department will have had access to the vaccine, and by which all remaining member of the San Francisco Police Department will have had access to the vaccine.

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

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 1.08, "COMMUNITY POLICING." MEET & CONFER DRAFT WAS APPROVED BY THE COMMISISON ON OCTOBER 7, 2020

Commissioner Elias thanked former Commissioner Thomas Mazzucco for his work with this general order.

PUBLIC COMMENT

Starchild spoke of not seeing the proposed order and that no summary of changes has been given but think that it is a good thing for officers to get out of their vehicles and walk around on foot beats. He stated that the real issue is not whether the officers are in their vehicles or not but what priorities they are pursuing.

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

RESOLUTION 21-15

ADOPTION OF DEPARTMENT GENERAL ORDER 1.08, "COMMUNITY POLICING"

RESOLVED, that the Police Commission hereby adopts revised Department General Order 1.08, "Community Policing."

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

DISCUSSION AND POSSIBLE ACTION TO ADOPT PROTOCOLS FOR RELEASE OF SB 1421 DOCUMENTS. MEET & CONFER DRAFT WAS APPROVED BY THE COMMISISON ON DECEMBER 4, 2019

Commissioner Elias thanked Commissioner Thomas Mazzucco for his work on the protocols.

PUBLIC COMMENT

None

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

RESOLUTION 21-16

ADOPTION OF PROTOCOLS FOR RELEASE OF S.B. 1421 DOCUMENTS

RESOLVED, that the Police Commission hereby adopts the Protocols for Release of S.B. 1421 Documents.

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

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISD DISCIPLINARY PENALTY & REFERRAL GUIDELINES FOR SWORN MEMBERS OF THE SAN FRANCISCO POLICE DEPARTMENT. MEET & CONFER DRAFT WAS APPROVED BY THE COMMISSION ON SEPTEMBER 11, 2019

Commissioner Elias thanked former Commissioner Bob Hirsh for his work on the disciplinary penalty guidelines.

PUBLIC COMMENT

Starchild spoke of no information provided on this item and would like to hear a summary of the changes that are being proposed.

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

RESOLUTION 21-17

ADOPTION OF REVISED DISCIPLINARY PENALTY & REFERRAL GUIDELINES FOR SWORN MEMBERS OF THE SAN FRANCISCO POLICE DEPARTMENT

RESOLVED, that the Police Commission hereby adopts the revised Penalty and Referral Guidelines for Sworn Members of the San Francisco Police Department.

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

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 5.01, "USE OF FORCE POLICY AND PROPER CONTROL OF A PERSON"

Commissioner Elias thanked Ms. Lawanna Preston for her work with the meet-and-confer process of this general Order.

Chief Scott thanked the Commission and Ms. Preston for moving forward with this DGO.

PUBLIC COMMENT

Unidentified spoke of why no statements were made in regard to the Community Policing general order.

Starchild spoke of going through the items without any discussions and that proposals should be summarized for the public and asked that his comments be included verbatim.

Unidentified agreed with previous callers and spoke of no descriptions for the general orders.

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

RESOLUTION 21-18

ADOPTION OF REVISED DEPARTMENT GENERAL ORDER 5.01, "USE OF FORCE"

RESOLVED, that the Police Commission hereby adopts revised Department General Order 5.01, "Use of Force."

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

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Starchild spoke of how the public is not allowed in closed session and are not allowed in the meet-and-confer sessions and that there is no links to the agenda for supporting documents.

VOTE ON WHETHER TO HOLD CLOSED SESSION

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

CLOSED SESSION (10:17 p.m. – 11:16 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:

Hearing to sustain or not sustain disciplinary charges filed in Case No. DPA 42720 (0045-19), discussion and action to decide penalty, if necessary, or take other action, if necessary

(Present: Commissioners Cohen, Elias, DeJesus, Brookter, Chief Scott, Assistant Chief Moser, Chief of Staff Hawkins, Deputy City Attorney Zarefsky, Sergeant Youngblood, Sergeant Reynolds, Risa Tom, Attorney Wargo-Wilson, Attorney C. Shea, member involved) *Commissioner Hamasaki is recused.*

(These proceedings are taken in shorthand form by Ms. Paula Behmke, CSR., Behmke Reporting and Video Services)

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, Brookter, Chief Scott, Assistant Chief Moser, Sergeant Youngblood, Sergeant Reynolds, Risa Tom)

OPEN SESSION (11:16 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 4-0.

PUBLIC COMMENT

Unidentified spoke that there should be public comment before the motion passes.

Motion to rescind previous motion by Commissioner Cohen, second by Commissioner DeJesus. Approved 4-0.

Motion by Commissioner Cohen, second by Commissioner DeJesus for non-disclosure.
Approved 4-0.

ADJOURNMENT

Motion by Commissioner DeJesus, second by Brookter to adjourn. Approved 4-0.

Thereafter, the meeting was adjourned at 11:21 p.m.

Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission

FEBRUARY 17, 2021

REMOTE MEETING VIA VIDEOCONFERENCE

The Police Commission of the City and County of San Francisco met via videoconference at 6:01 p.m.

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

GENERAL PUBLIC COMMENT

Danielle Harris, Public Defender's Office, asked the commission to clarify what happens when a member retires to resigns from the department and asked the Commission to adopt a formal policy when it will or will not continue its investigation once a member retires or resigns from the department.

David, Wealth and Disparities, spoke regarding reporting by SFPD and spoke regarding antiblack policing and racism in San Francisco.

Kit Hodge, Wealth and Disparities, spoke of shootings in the Bayview and spoke of over-policing in the Bayview but at the same time community needs are not being met.

Susan Buckner, Wealth and Disparities, need to understand the role of the DPA and spoke regarding the April 20 report and recommendations made by the DPA and the refusal of the Chief of the recommendations.

Noah spoke not to approve the Department's budget and asked that \$4.8 million be used to fund CART.

Nick Bradshaw spoke in regard to public corruption in the city and spoke of the participation of John Hamasaki who runs a law firm that benefits from his participation in the Commission per his social media activities.

Abbey spoke to move money from SFPD to protect black and brown communities and to make CART happen.

Unidentified agreed with caller who mentioned John Hamasaki and the conflict of interest and that he should not be participating in the Commission and spoke of funding for more police and stated not enough police to look out for public safety and that violent crime is on the rise. She spoke of elderly people being knocked down and that this is not okay and spoke of San Francisco supporting the attitude of lawlessness.

Cheryl Thornton thanked the commission for passing a resolution to include police officers for vaccinations for COVID.

Unidentified spoke to explore CART and that there are other programs in the city to rebuild empathy in the community.

REPORTS TO THE COMMISSION

Chief's Request

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

Chief Scott reported on significant crime trends: shooting are up significantly with an increased in shooting victims to 46 victims. The Chief spoke of multiple victims at three different shooting incidents, in the Bayview, Tenderloin, and the Embarcadero. The Chief spoke of deploying officers citywide and spoke of redirecting officers from across the city and redirecting specialized units from across the city to be deployed in the Bayview to work foot beat and fixed posts along 3rd Street and engage with the community. The Chief also spoke of deploying officers in the Tenderloin and spoke of fixed posts for officers to stay at one location in the area of UN Plaza, Hyde and Turk Streets. The Chief spoke of long-ranged strategies. The Department is working with SCIP and California Partnerships, a non-profit entity, to develop long-ranged strategies to address the shootings. The Chief then talked about burglaries and spoke of having plainclothes officers to catch burglars and spoke of foot beat officers to deter these activities. He went on to talk about an incident where two officers were injured while responding to a burglary in Noe Valley. The Chief also talked about the incident regarding the kidnapping of two kids when two suspects stole their father's car and spoke of the arrest of the second suspect in this incident. The Chief talked about an unprovoked attack on an elderly in the Tenderloin where an arrest was made. The Chief thanked members of the community who helped with the kidnapping case. The Chief gave a brief update on the vaccine resolution and the Chief stated that officers are getting vaccinated at a quicker rate and thanked the Commission for their support.

DPA Director's Report

- Report on recent DPA activities, and announcements

Commissioner Cohen spoke as to why DPA is important and spoke of the role of DPA for investigations and finding misconducts and audits. She also spoke of DPA receiving a national award and spoke of her support for the DPA.

Director Henderson gave an update on year-to-date stats: 89 cases opened cases and closed 84 cases year to date; 352 pending cases; 7 cases sustained; 36 cases past 270 days; 2 cases mediated; 42 cases pending with the Chief; 14 cases pending with the Commission. Outreach: On February 10th, Collaboration with the Long Beach Citizens Police Complaint Commission and the San Francisco's Young Community Developers talked about civilian oversight and community engagement and reporting transgressions with civilian oversight agency; February 12th, Kacierge, an agency hub that provides food, wellness, mental health resources for under resourced communities, specifically targeting homeless community, talked about agencies and reporting transgressions and working with civilian oversight agencies.

Commissioner Elias would like a policy recommendation from DPA that are solution-based. She asked for solutions as to why there are disparities with respect to the stop, the searches, the use of force against people of color, specifically Black and Brown people, and what can be done to stop racial disparities and what can be implemented to get change and end racial disparities. Commissioner Elias also would like to know if DPA is still having issues with delay in discipline cases because of lack of records and materials needed from the Department.

Director Henderson stated that a lot of the recommendations are piggybacking off of the 273 DOJ recommendations but will be happy to present the DPA's own idea about those recommendations and would like to do it concurrently with the Department.

Commissioner Hamasaki stated that probation and parole searches and unnecessary questioning are areas that should be looked into.

Commission Reports

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

Commissioner Elias addressed one of the caller's comments with respect to procedure when officers retire prior to discipline being exposed and stated that the Commission is working on a procedure and it will be presented to the public shortly. The second request to the Chief is with respect to Chapter 96A 4th Quarter report and would like the Department to focus on solution regarding racial disparities specifically when it comes to stops, searches, clearance rates of searches, and use of force and what steps will department take to address these disparities when it comes to the communities of color, specifically Black and Brown people. Commissioner Elias stated that we need to stop focusing on the numbers and we need to focus on what we need to do about them. She also asked the public to submit any solutions to the commission office. Thirdly, she asked for a presentation regarding Internal Affairs and to provide the commission with information regarding cases and to explain how IA works (criminal & admin) and what happens when there are concurrent investigations happening and would like more specific explanation in use of force and 4th amendment violations.

Commissioner DeJesus spoke of attending the EIS meeting today and would like to move it to a data-driven system and hopes that funding can be available.

Commissioner Cohen asked that the need for more technology is needed to be funded. She also reported on a series of calls around beginning to understand the strategy and elements that are happening in the Bayview and would like to concentrate time and energy on this issue. She spoke with the Mayor's office and the Chief to talk about strategies as well as Captain Dangerfield to find out what he is seeing and what he is hearing. She stated that we need to do a better job of doing cross-jurisdictional work. She spoke of working with other jurisdictions to apprehend suspects in San Francisco. She commended the officers that are doing the heavy lift and making that work happen. She stated that this is definitely a team effort and that this Commission are a part of that team. She stated that the Commission will not only do rule making and setting policies, but the Commission will

also clear the way to make sure the Department has the resources that they need to do their job. She also would like to speak to Tony Montoya of the POA to focus on Bayview crimes.

PUBLIC COMMENT

Francisco Dacosta would like to hear about quality-of-life issues and stated there is pandemonium because of lack of leadership and how he is interested in quality-of-life issues and that it needs to be addressed.

Ms. Paulette Brown spoke in regard to her son and the stereotyping of her son being in a gang. She went on to thank Commissioner DeJesus, Chief Scott, and Deputy Chief Lazar for their letters. She asked for support for everybody to recant the statement that her son is part of a gang.

PRESENTATION OF THE SFPD AND DPA MONTHLY SB 1421 REPORTS

Commander Rob O'Sullivan presented the Department's January SB 1421 report.

Sara Maunder presented the DPA's SB 1421 report.

Commissioner Elias asked that the SB 1421 position be included in the request.

PUBLIC COMMENT

Unidentified spoke regarding Commissioner Hamasaki's tweet about a resident of San Francisco who is fleeing San Francisco and spoke about Chesa Boudin.

STATUS REPORT REGARDING SFPD/DPA INFORMATION SHARING AGREEMENTS

Sharon Woo of DPA and Assistant Chief Moser presented the SFPD/DPA Information Sharing Agreements.

PUBLIC COMMENT

None.

OFFICERS FOR JUSTICE PRESENTATION REGARDING BLACK HISTORY MONTH & OFJ MASKS

Yulanda Williams, OFJ President, presented the OFJ presentation regarding Black History Month and OFJ masks.

(The Commission took a break at 8:20 p.m. and reconvened at 8:30 p.m.)

PUBLIC COMMENT

Francisco Dacosta commended Lt. Williams for a great presentation and spoke of Espanola Jackson.

Cheryl Thornton thanked Lt. Williams for her presentation and spoke of gentrification in the Bayview and loss of Black and Brown officers in the Bayview.

Ms. Paulette Brown thanked Lt. Williams for her presentation and spoke of discrimination in the Department and spoke of African American young men in the community.

PRESENTATION OF THE SEXUAL ASSAULT EVIDENCE KIT (SAEK) SEMI-ANNUAL REPORT, JULY 1 – DECEMBER 31, 2020

Deputy Chief David Lazar introduced Captain Sergio Chin, Special Victims Unit, who presented the Sexual Assault Evidence Kit Semi-Annual Report, July 1 – December 31, 2020.

PUBLIC COMMENT

None

PRESENTATION OF THE LIMITED ENGLISH PROFICIENCY (LEP) ANNUAL REPORT 2020

Commander Daryl Fong, Community Engagement Division, presented the Limited English Proficiency (LEP) Annual Report 2020.

PUBLIC COMMENT

None

DISCUSSION AND POSSIBLE ACTION TO APPROVE DRAFT DEPARTMENT BULLETIN 20-166, "SECONDARY FIREARMS" FOR THE DEPARTMENT TO USE IN MEETING & CONFERRING WITH THE SFPOA AS REQUIRED BY LAW

Deputy Chief Greg Yee, Administration, presented the Department Bulletin 20-166, "Secondary Firearms," for the Department to use in meeting and conferring with the SFPOA as required by law.

PUBLIC COMMENT

None

Motion by Commissioner Cohen, second by Commissioner Hamasaki to continue this item. Approved 4-0.

DISCUSSION AND POSSIBLE ACTION TO APPROVE DEPARTMENT BUDGET FOR FISCAL YEAR 2022/23

Chief Scott and Director Leung presented the Department's budget for fiscal year 2022/23.

PUBLIC COMMENT

Wesley, Glide, spoke of support for funding CART and strong support to reduce police budget.

Unidentified spoke of how SFPD has hired 500 new officers in the past 10 years and urged that the commission vote to reduce the police budget and reallocate funds to community-based organizations and public health.

Kristine supports personnel cuts and defunding SFPD and stated more police on the streets will not address mental health problems.

Jordan Davis supports cutting the police and fund CART instead and take money away from police public housing and support mental health programs.

Lucks supports cutting funds and reallocate funds for programs to help people pay rent.

Narita spoke of being helped by the police with her mental health child and support money to go to more restorative justice to help the community.

Susan Buxton, Wealth & Disparities, does not follow what the motion is and ask to restate the motion clearly.

Motion by Commissioner Cohen not to move the budget forward, second by Commissioner Hamasaki. Approved 4-0.

RESOLUTION NO. 21-19

DECISION NOT TO MOVE THE SFPD'S FY 2022/23 BUDGET FORWARD

RESOLVED, that the Police Commission decided not to move the SFPD's Fiscal Year 2022/23 proposed budget forward.

AYES: Commissioners Cohen, Elias, DeJesus, Hamasaki
ABSENT: Commissioner Brookter

DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION URGING THE BOARD OF SUPERVISORS TO AUTHORIZE THE CHIEF OF POLICE TO ACCEPT AND EXPEND A GRANT IN THE AMOUNT OF \$73,800 THROUGH THE NALOXONE DISTRIBUTION PROJECT (NDP), WHICH IS FUNDED BY THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA) AND ADMINISTERED BY THE DEPARTMENT OF HEALTH CARE SERVICES (DHCS)

PUBLIC COMMENT

None

RESOLUTION NO. 21-20

APPROVAL TO ADOPT A RESOLUTION URGING THE BOARD OF SUPERVISORS TO AUTHORIZE THE SAN FRANCISCO POLICE DEPARTMENT TO ACCEPT AND EXPEND A GRANT IN THE AMOUNT OF \$73,800 THROUGH THE NALOXONE DISTRIBUTION PROJECT (NDP), WHICH IS FUNDED BY THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA) AND ADMINISTERED BY THE DEPARTMENT OF HEALTH CARE SERVICES (DHCS)

RESOLVED, that the Police Commission hereby urge the Board of Supervisors to authorize the San Francisco Police Department to accept and expend a grant in the amount of \$\$73,800 through the Naloxone Distribution Project (NDP), which is funded by the Substance Abuse and Mental Health Services Administration (SAMHSA) and administered by the Department of Health Care Services (DHCS).

AYES: Commissioners Cohen, Elias, DeJesus, Hamasaki
ABSENT: Commissioner Brookter

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO ACCEPT A \$27,988.37 PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP (BVP) FROM THE BUREAU OF JUSTICE ASSISTANCE (BJA) TO BE USED FOR NATIONAL INSTITUTE OF JUSTICE (NIJ) COMPLIANT ARMORED VEST

PUBLIC COMMENT
None

RESOLUTION NO. 21-21

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT A \$27,988.37 PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP (BVP) GRANT FROM THE BUREAU OF JUSTICE ASSISTANCE (BJA) TO BE USED FOR THE PURCHASE OF NATIONAL INSTITUTE OF JUSTICE (NIJ) COMPLIANT ARMORED VESTS

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept a \$27,988.37 Patrick Leahy Bulletproof Vest Partnership (BVP) grant from the Bureau of Justice Assistance (BJA) to be used for the purchase of National Institute of Justice (NIJ) Compliant Armored Vests.

AYES: Commissioners Cohen, Elias, DeJesus, Hamasaki
ABSENT: Commissioner Brookter

ADJOURNMENT

Motion by Commissioner Elias, second by Commissioner DeJesus to adjourn. Approved 4-0.

Thereafter, the meeting was adjourned at 10:55 p.m.

Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission