



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

WEDNESDAY, June 7, 2023

5:30 p.m.

CITY HALL, Room 400

#1 Dr. Carlton B. Goodlett Place
San Francisco

WATCH: San Francisco Cable Channel 26

WATCH: www.sfgovtv.org

(Explanatory and/or Supporting Documents, if any, are posted at: <https://sf.gov/meeting/june-7-2023/june-7-2023-police-commission-meeting>

With the return to in-person meetings and the end of the City and State's public emergency orders, there will be no remote public comment, except for disability accommodations.

CINDY ELIAS
President

MAX CARTER-OBERTONE
Vice President

LARRY YEE
Commissioner

JAMES BYRNE
Commissioner

JESUS YÁÑEZ
Commissioner

KEVIN BENEDICTO
Commissioner

DEBRA WALKER
Commissioner

Sergeant Stacy Youngblood
Secretary

Pledge of Allegiance; Roll Call

1. Weekly Officer Recognition Certificate

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

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

2. General Public Comment

(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or DPA personnel. Under Police Commission Rules of Order, during public comment, neither Police or DPA personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and DPA personnel should refrain, however, from entering into any debates or discussion with speakers during public comment.)

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

4. Adoption of Minutes (ACTION)

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

5. Chief's Report (DISCUSSION)

- Weekly crime trends and public safety concerns (Provide an overview of offenses, incidents, or events occurring in San Francisco having an impact on public safety. Commission discussion on unplanned events and activities the Chief describes will be limited to determining whether to calendar for a future meeting.)

6. DPA Director's Report (DISCUSSION)

- Report on recent DPA activities, and announcements (Commission discussion will be limited to determining whether to calendar any of the issues raised for a future Commission meeting.)

7. Commission Reports (DISCUSSION & POSSIBLE ACTION)

(Commission reports will be limited to a brief description of activities and announcements. Commission discussion will be limited to determining whether to calendar any of the issues raised for a future Commission meeting.)

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



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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.)
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)
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)
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).
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.
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)
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)
- 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)



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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)

OPEN SESSION

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)

16. **Adjournment (ACTION ITEM)**

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, POLICE HEADQUARTERS, 1245 THIRD STREET, 6TH FLOOR, SAN FRANCISCO, CA 94158, DURING NORMAL BUSINESS HOURS.



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For questions about the meeting please contact (v) 415.837.7070. The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapters 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, please contact: Sunshine Ordinance Task Force Administrator in Room 244 at City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683. (Office) 415-554-7724; (Fax) 415-554-7854; E-mail: SOTF@sfgov.org. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.sfgov.org. Copies of explanatory documents are available to the public online at <http://www.sfbos.org/sunshine> or, upon request to the Commission Secretary, at the above address or phone number.

LANGUAGE ACCESS

Per the Language Access Ordinance (Chapter 91 of the San Francisco Administrative Code), Chinese, Spanish and or Filipino (Tagalog) interpreters will be available upon requests. Meeting Minutes may be translated, if requested, after they have been adopted by the Commission. Assistance in additional languages may be honored whenever possible. To request assistance with these services please contact the Police Commission at (v) 415.837.7070 at least 48 hours in advance of the hearing. Late requests will be honored if possible.

DISABILITY ACCESS

Police Commission hearings are held in Room 400 at City Hall, 1 Dr. Carlton B. Goodlett Place in San Francisco. City Hall is accessible to persons using wheelchairs and other assistive mobility devices.

Ramps are available at the Grove, Van Ness and McAllister entrances. The closest accessible BART station is Civic Center Station. For information about SFMTA service, please call 311. This meeting will be broadcast and captioned on SFGovTV.

Assistive listening devices, real time captioning, American Sign Language interpreters, readers, large print agendas or other accommodations are available upon request. Please make your requests for accommodations to the Police Commission at (v) 415.837.7070. Requesting sign language accommodations at least 4 business days prior to the meeting will help to ensure availability. Allowing a minimum of 48 business hours for all other accommodation requests (for example, for other auxiliary aids and services) helps ensure availability. To request accommodation, please contact [SFPD Commission Office, sfpd.commission@sfgov.org, and 415-837-7070].

Remote public participation is available upon request for individuals who cannot attend in person due to disability. Making a request to participate remotely no later than one (1) hour prior to the start of the meeting helps ensure availability of the meeting link.

LOBBYIST ORDINANCE

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; (Office) 415.252.3100; (Fax) 415.252.3112; Website: sfgov.org/ethics.

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