

NOVEMBER 3, 2017

SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in Room 250, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:05 p.m.

PRESENT: Commissioners Turman, Mazzucco, Marshall, DeJesus, Melara, Hing, Hirsch

DISCUSSION & POSSIBLE ACTION ON WHETHER OR NOT THE COMMISSION SHOULD ADOPT THE INTRODUCTION AND IMPLEMENTATION OF CED ALSO KNOWN BY THE BRAND NAME TASERS, AS A USE OF FORCE OPTION IN SAN FRANCISCO

a. Chief's Statement

Chief Scott thanked Commissioner Turman and members of his staff for the months of work with Tasers. The Chief then went on to say: "I would also like to thank the many residence of our diverse city of San Francisco who provided thoughtful, articulate statements in support of or against CEDs and participated in stakeholder working group sessions with our officers on this subject. We know this is a subject that people in our city feels strongly about. I've been asked many times by the public, why Tasers and why now.

I'd like to address the why Tasers and why now simultaneously. Police use of force have been a national discussion in the last several years because of a high number of high profile cases many of which have been videotaped and broadcast on national television and social media for the country to see. These incidents have stirred a national conversation to find ways to de-escalate volatile confrontations between police officers and members of the public, and where possible, the discussion also has led to the desire to reduce police use of force and eliminate it, where possible.

Best practices in policing across this country suggest that conductive energy devices, or Tasers, are a viable and effective less lethal force option as a part of a comprehensive range of less lethal force options.

Now, I strongly believe, as the Chief of Police of the City of San Francisco, that our officers need CEDs or Tasers as that option to reduce injuries, to prevent further escalation of subject resistance in situations where force is appropriate. These are less lethal tools that have the ability to bring these types of situations to a relatively safe conclusion while minimizing the use of additional force or a higher level of force. We've relied on data and research from independent sources rather than vendors or people on either side of the issue whose goal is to put out a solid peer review body of evidence.

The overall body of research indicates that's there's an overwhelming ... overwhelmingly that Tasers is a piece of equipment that can reduce injuries in use of force situations. That independent research found across the country that implementation of CEDs or Tasers correlated to an approximately 60 percent odds of decreased injuries to the person whom force was used upon, and I think that's a very important part of why I think these devices or pieces of equipment or weapons, however you want to call them, will help our city get better at what we do in terms of reducing injuries in use of force incidents. The research shows similar significant odds of reduction of injuries to officers. That alone benefits our city because, as you'll hear shortly from Commander Pete Walsh, it equates to more full duty officers policing our streets rather than sidelined due to use-of-force-related injuries.

De-escalation has been a topic that the San Francisco Police Department has taken very seriously and de-escalation is also a part of the national discussion. De-escalation is and will always be our objective. When our officers are confronted with potentially volatile and violent situation. In fact, in our latest use of force report to the city, we've seen a significant drop in use of force incidents and in officers' assault. But the reality is that there are times when de-escalation does not work and officers have to use force as safely as possible.

We have a duty to reduce injuries to residents and officers when these kinds of incidents are appropriate and they occur. CEDs will provide our officers with an effective less lethal option in the event that de-escalation fails and the use of force is appropriate. There are force options similar to other intermediate force options such as OC or pepper spray and batons which are already authorized under our use of force policy.

We understand that there are risks associated with CEDs and we have evaluated those risks and we take them seriously. We also understand that independent studies have shown nationally that CEDs have been used disproportionately against people of color and those with mental health issues. We acknowledge that. We also pledged that we will work hard to ensure that our policies, our training, and our supervision and oversight mitigate that issue.

We understand that CEDs have not always been effective. But once again, independent research shows that CEDs carry with them a risk than most other force alternative. I mentioned we will mitigate those risks by comprehensive policy, robust training, strong supervision, extensive oversight, and accountability measures. The policy portion of this, we've already begun with many people who are in this room today including community members who've helped develop it. It incorporates best practices from other law enforcement agencies and principles from our own use of force Department General Order 5.01 including an emphasis on de-escalation, safe guarding of life, crisis intervention team deployment, use of the minimal use of force necessary, the duty to intervene, the duty to provide medical assistance, the duty to provide medical evaluation, and deployment of the automated external defibrillator or AED. Our training plan will reflect and reinforce those principles as well.

We are committed to training sworn members on our use of force policy and crisis intervention field tactics before an officer is issued a CED. We also intent to enact strong supervision and oversight and accountability measures. Similar to all use of force incidents, a supervisor will be required to respond to the scene when a CED is deployed to secure the scene, observe the officer and subject's injury, and locate and interview witnesses and collect physical evidence. CED activations will be recorded in the use of force log and reportable to the public on incidents involving use of forces on a quarterly basis.

Use of these devices along with our body worn cameras that we already have deployed enables an extra degree of accountability. The technology in some CED models automatically starts the officer's body worn camera recording when the CED is activated providing a tremendous accountability advantage when reviewing CED uses.

Our goal is to have CED practices that are among the very best in the world compared to our law enforcement agencies. This is why I strongly believe that it's the time for CEDs in our city and I strongly believe that CEDs will help us achieve our use of force goals to reduce force, de-escalate force and be a much better police department.

Thank you for allowing me to share this with you."

b. Experts presentation

- Kim Buchanan (dialed in from Nova Scotia)
Sr. legal academic at the Center for Policing Equity with a focus on race, gender and criminal justice. She is a lead author of Electronic Defense Weapon Analysis and Findings (2015); a study by the institute for Municipal & Regional Policy (IMRP), Central Connecticut State University.

- Sgt. Joseph Vigil
A law enforcement officer for 17 years, over eight years spent as Sergeant with the Richmond Police Department, prior to which he was an officer with the Sacramento Police Department. Sgt. Vigil heads the defensive tactics training for Richmond PD and has been a taser instructor for four years. He also leads the Use of Force Review Board for Richmond PD.

- Mike Leonisio

Retired Oakland Police Officer, led the CED program at Oakland PD. He has worked as a POST certified peace officer, law enforcement trainer, subject matter expert, forensic investigator and analyst, and emergency medical technician (EMT).

- Michael Brave
President of LAAW International, Inc., and the former President of the International Force Institute, Inc. Mike is also the National Litigation Counsel for TASER International, Inc. (as well as a certified Master Taser Instructor and Legal Advisor to the TASER Training Board).
- Dr. Zian Tseng
Murray Davis Endowed Professor and Associate Professor of Medicine in Residence Cardiology Division at the University of California, San Francisco. Dr. Tseng was a Medical Consultant for Taser policy Braidwood Commission (2008-9), Government of British Columbia, Canada, and a Medical Consultant for Taser policy UCSF Police Department (2016).
- Commander Peter Walsh, SFPD (SFPD lead for CED working group)
- c. Budget and Legislative Analyst Report – Costs of Proposed CED use by SFPD

Ms. Severin Campbell presented the Budget and Legislative Analyst Report.
- d. Human Rights Commission – Report on Community Meetings & Feedback
Director Sheryl Davis presented the Human Rights Commission's Report on Community Meetings and Feedback.

PUBLIC COMMENT

Nurse, block use of Tasers and pepper spray. She spoke of Tasers having 15,000 watts start the heart 439 times more than to start a heart. A person with pacemaker would be killed. Electrical impulse kills tissue, cause you to pass out and cause a concussion.

Supervisor Fewer, District 1, spoke in opposition of CEDs. She stated that to adopt Tasers now is irresponsible and shortsighted. She stated that Tasers can be lethal. She stated that there is no data and spoke of liability. She recommends training in de-escalation. She asked that Commission vote no on Tasers.

Harry spoke five tries to get Tasers and asked why are we still talking about this and asked if this is to increase police accountability. He spoke of injuries and deaths.

Magick spoke of how the UN declared Tasers as a weapon of torture. She ask that the Commission listen to the people to not use Tasers and spoke of de-escalation and spoke of the use of force policy. She spoke of concerns of Commissioner Melara not listening to the public.

Darryl Rodgers spoke of how Tasers are again considered. He spoke of how the people of San Francisco continues to tell the Commission no on Tasers and stated that the black community sees this as a weapon of torture.

María Christina Guterrez, Frisco 5, spoke of trying being tased before making the decision and spoke of bringing people who have been tased to testify as an expert. He spoke of the incident of Oscar Grant. She spoke of how the police is out of control.

(The Commission took a recessed at 6:58 p.m. The meeting was moved to room 400 and reconvened at 8:12 p.m.)

Commissioner Turman read the following statement: "After finding that the disrupting conduct was widespread and warnings did not succeed in deterring that conduct, I determined to clear the room, and I am now here after determining to do the following: I will readmit persons not involved in disruptive behavior in a limited number of speakers serially. We will take five persons at a time to address the body. With that, public comments for two minutes shall continue. Let's take the first five members of the public."

Mary Baldwin, SF Bar Association President, spoke of broad range of viewpoints and perspective with the study of this issue. She spoke that the Bar Association have

voted unanimously not to support Tasers. The studies do not support the claims and the evidence is not there to support use of Tasers.

Alan Levine spoke of a call for change in the use of deadly force. He spoke of how other agencies carry Tasers and are available to the general public but not the SFPD. He stated that he looks at it as an alternative and give SFPD another option.

Mary Harris, OMI Neighbors in Action, endorses the SFPD to have Tasers. She asked that the Commission support their Police Chief and went on to say how other jurisdictions already have Tasers. She spoke of another option between a baton and a gun.

Al Harris spoke of attending the working groups and that he strongly suggests that police should have Tasers.

Randall Scott, Union Square Business Improvement District, spoke of how San Francisco is the only metropolitan city, other than Boston, in the country that does not use Tasers. He stated that on behalf of the officers, on behalf of the property owners, on behalf of his staff, as well as the employees of all the businesses in the 27 square blocks, please let the officers have Tasers.

Sharon Everheart supports to allow SFPD have Tasers and that it will prevent unnecessary loss of lives.

Kevin Benedicto, Blue Ribbon Panel, spoke of concerns raised in that now is not the right time to adopt Tasers and concerns about lack of sufficient data to make accurately good decisions amplified by the introduction of a new model, concerns about compatibility of having Tasers with DGO 5.01 at a time where 5.01 seems to be working and introduction of a new weapon could hamper those efforts and be a significant setback and concerns about sufficient allocation of resources

Tony Tamarillo spoke of being all people with personal opinions and spoke that Tasers are weapons which kill people and cause injuries. He spoke of independent studies tell a different story and the failure rate is so high that if you confront somebody it doesn't work.

Julie Tran, SF Bar Association, spoke of how we don't know enough about Tasers and hope that the Commission wait for further information regarding these new weapons and wait to see more independent studies before making a decision.

Laura Moniz urged the Commission to vote no on Tasers and that Tasers are lethal weapons and applied disproportionately to people of color. She also spoke of the Commission taking a recess and moving to another room without letting anybody know.

Ortiz, member of Democratic Club, voted no on Tasers and that they kill people of color day in and day out and that it increase police shootings and that the Latino Democratic Club is against Tasers.

David Carlos Saliverri spoke of respect and validation and that a vote for Tasers will be disrespectful. He spoke of working in Commander Lazar's task force and spoke that Tasers goes against reform and heads back to another direction towards the old style of policing.

Jennifer Friedenbach, Coalition on Homelessness, spoke of how the homeless are the most vulnerable and that this is a bad idea and spoke how Tasers can kill and that it can only increase officer-involved shootings the first year it is used. She stated that Tasers will sideline the efforts of reform.

Mateo, Mission High School, against Tasers because he is afraid of officers holding a gun. He spoke of no more reforms on militarizing the police and stated that he believes that from the last meeting there was 85 percent against Tasers.

Todd Buckner spoke of how Tasers are weapons and should not be used by the department and spoke of de-escalation being far more better than Tasers.

Unidentified spoke of being here for almost four hours and that being a mother is not fair. She spoke of how he just found out about this meeting today and that she feels very disrespected as a young mother and that money should be allocated to help the community.

Unidentified spoke of how it is unfair and that SFPD should not have another weapon on their body.

Unidentified spoke against Tasers.

Ashley Bell stated that Tasers should not be added in her community in the Tenderloin and that the people in the community should not be tased and that the Department should be focusing on housing in San Francisco.

Elizabeth Biden spoke of being shot by the police in Mississippi and spoke how the Commission cannot add another weapon to law enforcement officials instead money should be used to hold enforcement officials accountable.

Unidentified spoke of how this meeting is illegal and that the Commission does not care about the community.

Katie Birnbaum expressed opposition to Tasers.

Fernando Vargas, UCSF, opposed Tasers.

Matthew, District 5, spoke of how disgusted he is when the citizens of San Francisco have already expressed no on Tasers and that it represents fear of the police and fear of the Commission and stated that Tasers do not protect the police.

Preston spoke of so many meetings that have happened in the city and that the community spoke against Tasers and that they do not want Tasers in their city and that now is not the time to vote on Tasers.

Alexander Post, Democratic Socialists of San Francisco, asked who wants Tasers. He spoke of the POA wanting these weapons for the loss of chokeholds and the firing of their Chief, Chief Suhr.

Matt McGowan, District 6 resident, opposed Tasers and how it will be used on marginalized community in San Francisco.

Unidentified spoke of concerns how the meeting is moved and spoke of how these weapons are expensive and are used on minority communities and asked not to give officers Tasers.

Student of SF State opposed Tasers and that it is not effective and please to vote no on Tasers.

Christina, Medical Students UCSF, spoke from working with the homeless and that they are a very vulnerable community and that there should be safer policies.

Chris, medical student UCSF, spoke of scientific evidence and affects people of color and the poor and urged the Commission to reject Tasers.

Tammy Bryant, Western Addition, spoke of culture change in the Department and that there's a difference since Chief Scott came. She spoke of concerns about the change in the meeting room. She does not believe in Tasers and spoke of while things are getting better and that culture is changing, there should be more community policing and to vote no on Tasers.

Rosario Cervantes, Excelsior, asked if you have to quality to hold a Tasers and complained about change in rooms. She stated that Tasers will hurt and will increase lawsuits.

Margaret oppose implementation of Tasers and that it studies shows bias and that the Commission should look at the data.

Juliana spoke of her patient and how her patient feels intimidated by the police and spoke of how he has a heart condition and spoke of another patient who is 12 weeks pregnant and what would happen if she go tased.

Jennifer Roche read a statement for her friend. She read that she is in favor of CEDS. She also thanked the police department and spoke of supporting the Department to have non-lethal weapon and hopes that the Commission will support the police and the department.

Jeremy read the names of people who have been killed by Tasers in California.

Rich spoke directly to Commissioner Hirsch as a commissioner who have not voted on Tasers and spoke of how the community is not ready for Tasers and asked him to please vote no on Tasers.

Unidentified asked why is this coming to be without a policy and that San Francisco should be an example to the rest of the country on how to be with the community and that to let the rest of the country know that there are better options than killing citizens.

Student, SF State, stated that students at SF State are against Tasers and that they oppose Tasers. She spoke of how Tasers kill.

Carolina Morales, Harvey Milk Democratic Club, oppose Tasers and concerns how this will affect trans people and spoke of Tasers are non-lethal but they are very harmful.

Gomez, Harvey Mill Club, spoke of concerns about the building being on lock down and spoke of overwhelming opposition to Tasers and spoke of fear of the police and spoke of misunderstandings about interactions that should be de-escalated.

Unidentified spoke of opposition to Tasers and spoke of how the general community not wanting Tasers in the hands of police.

Hayes Valley resident opposed Tasers.

Unidentified spoke of people who have been shot by police and spoke of Mario Woods. He spoke of being intimidated by a security guard.

Eva Robinson, Democratic Socialist, spoke of the use of Tasers disproportionately on people of color and spoke of no justification on spending millions of dollars in public money on Tasers and urged to continue focus on de-escalation.

Grant Lewis, Democratic Socialist, spoke of how this process feels hopeless and spoke of how the community is against Tasers. He spoke on how the Commission is going against the facts and against the community.

Daton Andrews, Coalition on Homelessness, spoke on how the community is telling the Commission that they oppose Tasers and that the Commission should listen to the community.

Evan, Democratic Socialists of America, oppose Tasers and that this process is unfair and undemocratic. He stated that Tasers are dangerous on people with health issues.

Tyler, Democratic Socialists, spoke of process of Tasers and urged the Commission to watch documentary "Killing Them Softly," and urged the Commission to vote no on Tasers.

John, Oakland resident, spoke of trust and accountability concerns and urged the Commission to vote against Tasers.

Karen Fleshman stated that now is not the time to implement Tasers in the community because of so many homeless, intoxication, and mental health problems in the community.

Dale Smith, Democratic Socialists, stated that money should be spent on crisis intervention and spoke of how the police have been deceitful on presenting their arguments.

Evan, Democratic Socialists, spoke of how clear the message is from the community and spoke of the process and hopes that the Commission is listening to the community.

Trevor Martin, SF for Democracy, spoke of contradiction regarding time and distant and spoke on how can police make a diagnosis before pulling the trigger. He spoke of an incident involving an autistic child.

Art oppose Tasers and that cops need less weapons.

Blake spoke of the Chief's testimony and that it only supports Axiom.

Joelle Healy, Ingleside CPAB, supports Tasers for the officers.

Rafael, SF resident Bernal Heights, urged the Commission not to vote for Tasers and that it will only encourage more force. Taser is a weapon and not a tool.

Jen, Democratic Socialist, oppose Tasers.

Ms. Thomas, Democratic Socialist, urged the Commission to vote no on Tasers as there is no trust between the community and the people who are there to serve them.

Bernstein, Democratic Socialist, spoke of this in relation to 911 and money that could be spent on Tasers and spoke of 911 mental health calls and that money should be use for 911 staffing.

Jason, Democratic Socialist, urged the Commission to vote no on Tasers and spoke of homeless people in his neighborhood.

Nick, SF resident, spoke of accountability and use of force problems in the department and spoke of studies on obsolete Tasers.

Pam Elmore, Democratic Socialist, spoke of violence begets violence and would like to see more training on de-escalation and on the understanding mental health and social issues and urged the Commission to vote no on Tasers.

Barbara Attard expressed concerns about how we are here again discussing Tasers and spoke of studies cited on Tasers done on old model and spoke of incident in Houston and spoke of concerns about process.

Tracy Rosenberg, Media Alliance, spoke of studies by UCSF and how police killings go up when Tasers are introduced. She spoke of Tasers used with mental health problems who are in emotional distress.

e. Commission Report: Questions, comments and possible action

After questions of the experts, Commissioner Melara stated that there was approximately 100 letters that were in favor of Tasers. Commissioner Melara that SFPD approved to equip police officers with Tasers and that finalized the policy within 30 days. Second by Commissioner Mazzucco.

Commissioner Hirsch motion to amend the motion. Move to amend SFPD shall not use ECD until the new use of force policy 5.01 has been in effect two full years. Second by Mazzucco. Approved 4-3

AYES: Commissioners Mazzucco, Marshall, Melara, Hirsch

NAYS: Commissioners Hing, DeJesus, Turman

RESOLUTION 17-55

VOTE TO ADOPT THE INTRODUCTION AND IMPLEMENTATION OF CONDUCTED ENERGY DEVICES, ALSO KNOWN BY THE BRAND NAME TASERS, AS A USE OF FORCE OPTION IN SAN FRANCISCO

WHEREAS, Commissioner Melara made a motion that the Commission approve the San Francisco Police Department to equip police personnel with CEDs/Taser as a use of force option, and that the Department finalize the policy and bring it to the Commission within 30 days; and

WHEREAS, Commissioner Hirsch made an amendment that the San Francisco Police Department shall not use electronic control weapons until the new Use of Force Policy, DGO 5.01, has been in effect for at least two (2) full years. The Use of Force Policy was passed by the Commission on December 22, 2018; and

WHEREAS, the motion was seconded by Commissioner Mazzucco; therefore, be it

RESOLVED, that the Police Commission hereby approves the San Francisco Police Department to equip police personnel with conducted energy devices/Tasers as a use of force option and that the Department finalize the policy and bring it to the Commission within thirty (30) days. The Police San Francisco Police Department shall not use electronic control weapons until Department General Order 5.01, "Use of Force," has been implemented for at least two (2) years.

AYES: Commissioners Mazzucco, Marshall, Melara, Hirsch

NAYS: Commissioners DeJesus, Hing, Turman

ADJOURNMENT

Motion by Commissioner Melara, second by Commissioner Mazzucco.
Approved 7-0.

Thereafter, the meeting was adjourned at 11:44 p.m.

Sergeant Rachael Kilshaw
Secretary
San Francisco Police Commission

NOVEMBER 8, 2017

REGULAR MEETING

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 5:32 p.m.

PRESENT: Commissioners Turman, Marshall, DeJesus, Melara, Hirsch

ABSENT: Commissioners Mazzucco, Hing

ADOPTION OF MINUTES

- For the meeting of October 11, 2017

PUBLIC COMMENT

None

Motion by Commissioner Melara, second by Commissioner Marshall. Approved 5-0.

CONSENT CALENDAR

- SFPD/DPA Document Protocol Quarterly Reports, 2nd & 3rd Quarter 2017
- Request of the Chief of Police for approval to accept donation of \$6,000 from SFPOA for the SFPD Wilderness Program

PUBLIC COMMENT

None

Motion by Commissioner Marshall, second by Commissioner Melara. Approved 5-0.

PUBLIC COMMENT

None

REPORTS TO THE COMMISSION

a. Chief's Request

- Report on recent Police Department activities, including major events, weekly crime trends, and announcements to include updates staffing (recent promotions, current staffing levels, and overtime); 2) recent critical incidents; and 3) mutual aid assistance to Sonoma County
- Presentation of the 2nd & 3rd Quarters 2017 FDRB Finding & Recommendations & OIS Investigative Summary

Chief Scott gave a brief update on staffing and promotions of captains, lieutenants and sergeants. The Chief then talked about recent officer-involved shooting at the Castro. The Chief also gave a brief update on the condition of Officer Lewin-Tankel and thanked the Commission and the public for their support. The Chief went on to talk about mutual aid provided to Sonoma County; 561 members responded to Sonoma County for mutual aid from Oct 9th to the 22nd. Overtime cost approximately \$1.2 million.

The Chief then talked about recent events including the Walgreens Annual Holiday Toy Drive and recent narcotic arrests. The Chief talked about new matrix for cold cases for posting of bulletins on social media.

Assistant Chief Sainez introduced Sgt. Crudo and new staff, Sgt. Torres, and Sgt. Franco. Sgt. Crudo then presented the 2nd and 3rd Quarters 2017 FDRB Finding & Recommendations & OIS Investigative Summary.

b. DPA Director's Report

- Report on recent DPA activities, and announcements
- Presentation of Statistical Reports: Summary of Cases Received, Mediation of Complaints, Adjudication of Sustained Complaints for September 2017 & Companion Reports

Director Henderson spoke of closing out older cases. Director Henderson talked about closing 3304 cases and spoke of hiring a new chief of staff, Sarah Hawkins.

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

Commissioner DeJesus talked about the CED vote and questioned if the vote was valid and that she is bringing it up with the City Attorney's Office.

- d. **Commission announcements and scheduling of items identified for consideration a future Commission meetings**

Commissioner Hirsch asked about Administrative Code 96 and asked if the Commission will be receiving a report.

Commissioner Marshall asked about the report in regards to Community Ambassadors.

Sergeant Kilshaw announced that next week will be the Medal of Valor Awards Ceremony at Scottish Rites, starting at 6 p.m.; no meeting until December 6th.

PUBLIC COMMENT

Ace Washington spoke of the Western Addition and commended the Chief for doing a good job and invited the Chief to the Western Addition.

Karen Fleshman spoke in regards to the officer-involved shooting report and spoke of the Grand Jury report for transparency and asked if a civilian has been participating with the investigations and asked if any officers involved in an officer-involved shooting ever been disciplined by the Commission.

Ms. Paulette Brown spoke of the new matrix for cold cases and thanked the Chief because it is a start. She asked that her son's picture be kept on the website.

DISCUSSION AND POSSIBLE ACTION TO RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO ACCEPT AND EXPEND A GRANT IN THE AMOUNT OF \$165,000 FROM THE DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY (DHS/FEMA) FOR THE SAFE BOAT REFURBISHMENT AND SERVICE LIFE EXTENSION PROGRAM (SF/SLEP)

Patrick Leung, SFPD Grant Manager, presented the grant for the safe boat refurbishment and overhaul.

Motion by Commissioner Marshall, second by Commissioner Hirsh. Approved 5-0.

RESOLUTION NO. 17-57

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO ACCEPT AND EXPEND A GRANT IN THE AMOUNT OF \$165,000 FROM THE DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY (DHS/FEMA) FOR THE SAFE BOAT REFURBISHMENT AND SERVICE LIFE EXTENSION PROGRAM (SF/SLEP)

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to recommend that the Board of Supervisors adopt a resolution authorizing the Chief of Police to accept and expend a grant in the amount of \$165,000 from the Department of Homeland Security Federal Emergency Management Agency (DHS/FEMA) for the Safe Boat Refurbishment and Service Life Extension Program (SF/SLEP).

AYES: Commissioners Turman, Marshall, DeJesus, Melara, Hirsch
ABSENT: Commissioners Mazucco, Hing

PUBLIC COMMENT

Karen Fleshman spoke about the taser vote and stated that the clock has been reset between the department and the community. She spoke of the hundreds of people who came out to voice their opinions against tasers for San Francisco. She urged the Commission to reconsider the decision and to consider all the input from people most impacted.

Magick spoke of the taser vote and spoke of bringing this item up again for a legitimate vote. She spoke of the clock as a tool against the people in public comment.

Ms. Paulette Brown showed the picture of her son who was murdered August 14, 2006 and to this day his case is still unsolved.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION, INCLUDING PUBLIC COMMENT ON VOTE WHETHER TO HOLD ITEM 8(a)

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Melara, second by Commissioner Marshall. Approved 5-0.

CLOSED SESSION: (6:37 p.m. – 7:20 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 83.7: Assignment of an Appeal of the Chief's Suspension filed in Case No. DPA 0656-15 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

(Present: Commissioners Turman, Marshall, Melara, Hirsch, Chief Scott, Assistant Chief Sainez, Director Henderson, Deputy City Attorney Cabrera, Sgt. Kilshaw, Officer Jones, Rania Adwan, Risa Tom, Ret. Captain Chignell, Ret. Officer Kevin Martin, Attorney Fortes, Attorney Shea, member involved)

Taken out order.

CONFERENCE WITH LEGAL COUNSEL – Existing Litigation. Pursuant to Government Code Section 54956.9(d)(1) and San Francisco Administrative Code Section 67.10(d)(1): Patricia Burley v. CCSF, Greg Suhr, et al., US District Court, Case No. 16-cv-06762 JCS, filed October 18, 2016

(Present: Commissioners Turman, Marshall, DeJesus, Melara, Hirsch, Chief Scott, Assistant Chief Sainez, Deputy City Attorney Cabrera, Sgt. Kilshaw, Officer Jones, Rania Adwan, Risa Tom)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative 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 17-005)

(Present: Commissioners Turman, Marshall, DeJesus, Melara, Hirsch, Chief Scott, Assistant Chief Sainez, Deputy City Attorney Cabrera, Sgt. Kilshaw, Officer Jones, Rania Adwan, Risa Tom, Sgt. Torres, Sgt. Crudo)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative 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 17-006)

(Present: Commissioners Turman, Marshall, DeJesus, Melara, Hirsch, Chief Scott, Assistant Chief Sainez, Deputy City Attorney Cabrera, Sgt. Kilshaw, Officer Jones, Rania Adwan, Risa Tom, Sgt. Torres, Sgt. Crudo)

PERSONNEL EXCEPTON: Pursuant to Government Code Section 54957(b)(1) and SF Administrative Code Section 67.10(b) and Penal Code Section 832.7: Status and calendaring of pending disciplinary cases

(Present: Commissioners Turman, Marshall, DeJesus, Melara, Hirsch, Chief Scott, Assistant Chief Sainez, Deputy City Attorney Cabrera, Sgt. Kilshaw, Officer Jones, Rania Adwan, Risa Tom)

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

Motion by Commissioner Marshall, second by Commissioner Melara for non-disclosure. Approved 5-0.

ADJOURNMENT

Motion by Commissioner Melara, second by Commissioner Marshall. Approved 5-0.

Thereafter, the meeting was adjourned at 7:21 p.m.

Sergeant Rachael Kilshaw
Secretary
San Francisco Police Commission

DECEMBER 6, 2017

REGULAR MEETING

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 5:30 p.m.

PRESENT: Commissioners Turman, Mazzucco, Marshall, DeJesus, Melara, Hirsch
ABSENT: Commissioner Hing

CONSENT CALENDAR

- Request of the Chief of Police for approval to accept \$6,000.00 in gift cards from Target's Heroes & Helpers Grant Program to help brighten the holiday season for 40 economically disadvantaged children

PUBLIC COMMENT
None

Motion by Commissioner Mazzucco, second by Commissioner Melara.
Approved 5-0.

PUBLIC COMMENT
None

RESOLUTION NO. 17-60

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT \$6,000.00 IN GIFT CARDS FROM TARGET'S HEROES & HELPERS GRANT PROGRAM TO HELP BRIGHTEN THE HOLIDAY SEASON FOR 40 ECONOMICALLY DISADVANTAGED CHILDREN

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept \$6,000.00 in gift cards from Target's Heroes & Helpers Grant Program to help brighten the holiday season for 40 economically disadvantaged children.

AYES: Commissioners Turman, Mazzucco, Marshall, DeJesus, Melara, Hirsch
ABSENT: Commissioner Hing

REPORTS TO THE COMMISSION

- a. **Chief's Request**
 - **Report on recent Police Department activities, including major events, weekly crime trends, and announcements**
 - **Presentation of the Safe Place Initiative**

The Chief gave a brief update on crime statistics. The Chief went on to talk about an arrest on a homicide that occurred on September 16th. The suspect was arrested on November 28th. The Chief talked about the recent officer-involved shooting that occurred on Friday, December 1st, where a lottery van was carjacked. The Chief announced that the town hall meeting will be tomorrow at 1 p.m. at 1800 Oakdale.

Commissioner Turman asked that the town hall be rescheduled to a time where the public can attend.

Chief Scott continued to talk about upcoming events and operations.

Commander Lazar presented the Safe Place Program report.

- b. **DPA Director's Report**
 - **Report on recent DPA activities, and announcements**
 - **Presentation of the 3rd Quarter 2017 Statistical Report**
 - **Presentation of Statistical Reports: Summary of Cases Received, Mediation of Complaints, Adjudication of Sustained Complaints for October 2017 & Companion Reports**

Director Henderson spoke of highlights of his report. Director Henderson then gave a brief update on cases opened and cases closed, the technology roll out, and training on public record.

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

No reports.

- d. **Commission announcements and scheduling of items identified for consideration a future Commission meetings**

Commissioner Melara announced that CED draft will be scheduled in January.

PUBLIC COMMENT

Karen Fleishman spoke of the Civil Grand Jury and recent officer-involved shooting and asked that the status of Grand Jury recommendations be put on the agenda.

Magick spoke of recent officer-involved shooting and stated that stealing is not a death sentence.

PUBLIC COMMENT

Tom Silhorst commended Chief Scott and spoke of how officers on the streets are very professional and went on to talk about Chuck Limbert and commended Captain Bailey.

Magick spoke of a letter sent to the Commissioners in regards to the vote on tasers. She went on to talk about how the meeting was handled.

Unidentified spoke of participating in the Community Police Training and spoke of concerns regarding the Tenderloin Police and concerns about an individual stalking her.

Ms. Paulette Brown spoke of her son's homicide on August 14, 2006 and how his case is still not solved. She asked how come no one has been caught and asked for justice for her son.

DISCUSSION AND POSSIBLE ACTION TO RECOMMEND THAT THE BOARD OF SUPERVISORS, THROUGH THE BUDGET AND FINANCE COMMITTEE, APPROVE A BUDGET MODIFICATION TO ADD UNANTICIPATED REVENUE AND OVERTIME EXPENSES TO SUPPORT NEW POLICE SERVICES TO THE TRANSBAY JOINT POWERS AUTHORITY

Director Maguire, Fiscal Division, presented the budget modification to add unanticipated revenue and overtime expenses to support new police services to the Transbay Joint Powers Authority.

PUBLIC COMMENT

Tom Silhorst stated that the building opens in 2018 and the Transbay portion will open in 2019 went on to discuss concerns in regards to officers assigned to the Apple Store.

Motion by Commissioner Mazzucco, second by Commissioner DeJesus.
Approved 6-0.

DISCUSSION AND POSSIBLE ACTION TO RECOMMEND THAT THE BOARD OF SUPERVISORS, THROUGH THE BUDGET AND FINANCE COMMITTEE, APPROVE A BUDGET MODIFICATION REALLOCATING DEPARTMENT SAVINGS TO FUND ANTICIPATED OVERTIME IN EXCESS OF THE ADOPTED BUDGET AT THE AIRPORT BUREAU

Director Maguire, Fiscal Division, presented the budget modification reallocating department savings to fund anticipated overtime in excess of the adopted budget at the Airport Bureau.

Deputy Chief Schmitt explained the reallocation of funds.

PUBLIC COMMENT

None

Motion by Commissioner Mazzucco, second by Commissioner Melara.
Approved 6-0.

RESOLUTION NO. 17-61

APPROVAL TO RECOMMEND THAT THE BOARD OF SUPERVISORS, THROUGH THE BUDGET AND FINANCE COMMITTEE, APPROVE A BUDGET MODIFICATION TO ADD UNANTICIPATED REVENUE AND OVERTIME EXPENSES TO SUPPORT NEW POLICE SERVICES TO THE TRANSBAY JOINT POWERS AUTHORITY

RESOLVED, that the Police Commission hereby recommend that the Board of Supervisors, through the Budget and Finance Committee, approve a budget modification to add unanticipated revenue and overtime expense to support new police services to the Transbay Joint Powers Authority.

AYES: Commissioners Turman, Mazzucco, Marshall, DeJesus, Melara, Hirsch
ABSENT: Commissioner Hing

RESOLUTION NO. 17-62

APPROVAL TO RECOMMEND THAT THE BOARD OF SUPERVISORS, THROUGH THE BUDGET AND FINANCE COMMITTEE, APPROVE A BUDGET MODIFICATION REALLOCATING DEPARTMENT SAVINGS TO FUND ANTICIPATED OVERTIME IN EXCESS OF THE ADOPTED BUDGET AT THE AIRPORT BUREAU

RESOLVED, that the Police Commission hereby recommend that the Board of Supervisors, through the Budget and Finance Committee, approve a budget modification reallocating Department savings to fund anticipated overtime in excess of the adopted budget at the Airport Bureau.

AYES: Commissioners Turman, Mazzucco, Marshall, DeJesus, Melara, Hirsch
ABSENT: Commissioner Hing

PRESENTATION BY THE DEPARTMENT AND THE COALITION ON HOMELESSNESS ON THE STATUS OF RESPONDING TO CALLS FOR SERVICE INVOLVING INDIVIDUALS WITH MENTAL HEALTH ISSUES

Chris Herring, UC Berkeley, presented the first report titled, "Punishing the Poorest: How San Francisco's Criminalization of Homelessness Perpetuates Poverty."

Deliria Yarbro, Professor Criminal Justice Study, SF State, continued with the second part of the report in regards to findings.

Jennifer Friedenback continued on with recommendations.

Commander Lazar then presented the SFPD Homeless Outreach report.

PUBLIC COMMENT

Kelley Cutler spoke of where people can go when homeless and lack of resources.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Melara.
Approved 6-0.

CLOSED SESSION: (7:08 p.m. – 8:45 p.m.)

CONFERENCE WITH NEGOTIATOR-LABOR NEGOTIATION. Pursuant to Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e):
City Negotiator: Ms. Carol Isen, Employee Relations Director
Employee Organization: Police Officers Association
Anticipated Issues Under Negotiation: Procedures for Implementing Administrative Appeals in Police Discipline Proceedings
(Present: Commissioners Turman, Mazzucco, Marshall, Melara, Hirsch, Sgt. Kilshaw, Officer Jones, Rania Adwan, Risa Tom, Ms. Carol Isan, Deputy City Attorney Pradhan)

PUBLIC EMPLOYEE APPOINTMENT. Pursuant to San Francisco Charter Section 4.104(5): The Police Commission may submit to the Mayor at least three qualified applicants for the appointment of the permanent Executive Director, Department of Police Accountability
(Present: Commissioners Turman, Mazzucco, Marshall, Melara, Hirsch, Sgt. Kilshaw, Officer Jones, Rania Adwan, Risa Tom, Deputy City Attorney Cabrera)

PERSONNEL EXCEPTION: Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 83.7:
Hearing on the Motion to Vacate Discipline and Dismiss Charges filed in regards to the Appeal of the Chief's Suspension in Case no. OCC 0167-15, or take other action, if necessary
(Present: Commissioners Mazzucco, Marshall, DeJesus, Melara, Hirsch, Chief Scott, Assistant Chief Sainez, Director Henderson, DPA Chief of Staff Sarah Hawkins, Deputy City Attorney Pradhan, Sgt. Kilshaw, Officer Jones, Rania Adwan, Risa Tom, Ret. Captain Charnel, Attorney Fortes, Attorney Berry Wilkinson, Attorney Shea, members involved)

(Taken in shorthand form by Ms. Elizabeth Wood, CSR., Romina & Associates)

PERSONNEL EXCEPTON: Pursuant to Government Code Section 54957(b)(1) and SF Administrative Code Section 67.10(b) and Penal Code Section 832.7: Status and calendaring of pending disciplinary cases
(Present: Commissioners Turman, Marshall, DeJesus, Melara, Hirsch, Chief Scott, Assistant Chief Sainez, Deputy City Attorney Cabrera, Sgt. Kilshaw, Officer Jones, Rania Adwan, Risa Tom)

OPEN SESSION – 8:45 p.m.

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

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Melara.
Approved 6-0.

Thereafter, the meeting was adjourned at 8:45 p.m.

Sergeant Rachael Kilshaw
Secretary
San Francisco Police Commission

JANUARY 10, 2018

REGULAR MEETING

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 5:33 p.m.

PRESENT: Commissioners Turman, Mazzucco, Marshall, DeJesus, Melara, Hing, Hirsch

(Commissioner Marshall arrived at 5:36 p.m. Commissioner DeJesus arrived at 5:37 p.m.)

Commissioner Turman announced that he's going to take item No. 2 first on the agenda and the presentation of the 4th Quarter 2017 FDRB Report is not ready for presentation tonight and will be rescheduled.

DISCUSSION AND POSSIBLE ACTION TO APPROVE DRAFT REVISED DEPARTMENT GENERAL ORDER 10.11, "BODY WORN CAMERAS," FOR PURPOSES OF ENGAGING IN THE MEET-AND-CONFER PROCESS WITH THE POLICE OFFICERS ASSOCIATION

Taken out of order.

Commissioner Turman explained that what is being done tonight is to clarify specific issues and to look at those issues tonight and pass those clarifications pending meet-and-confer with the POA.

Chief Scott went through the DGO 10.11 and explained revisions.

PUBLIC COMMENT

Ace Washington spoke in regards to the out-migration.

RESOLUTION 17-5

APPROVAL OF DEPARTMENT GENERAL ORDER 10.11, "BODY WORN CAMERAS," DRAFT POLICY FOR THE DEPARTMENT TO USE IN MEETING AND CONFERRING WITH SAN FRANCISCO POLICE OFFICERS ASSOCIATION

RESOLVED, that the Police Commission hereby approves draft dated 01/10/18, as amended, of Department General Order 10.11, "Body Worn Camera," Draft Policy for the Department to use in meeting and conferring with the San Francisco Police Officers Association. Department General Order 10.11, "Body Worn Camera," Draft Policy, dated 01/10/18, as amended, states as follows:

BODY WORN CAMERAS

I. PURPOSE

The use of Body Worn Cameras (BWC) is an effective tool a law enforcement agency can use to demonstrate its commitment to transparency, ensure the accountability of its members, increase the public's trust in officers, and protect its members from unjustified complaints of misconduct. As such, the San Francisco Police Department is committed to establishing a BWC program that reinforces its responsibility for protecting public and officer safety. The purpose of this Department General Order is to establish the policies and procedures governing the Department's BWC program and to ensure members' effective and rigorous use of BWC and adherence to the program.

The BWC is a small audio-video recorder with the singular purpose of recording audio/visual files, specifically designed to be mounted on a person. The BWC is designed to record audio and video activity to preserve evidence for use in criminal and administrative investigations (including disciplinary cases), civil

litigation, officer performance evaluations, and to review police procedures and tactics, as appropriate.

II. POLICY

- A. Use of Equipment.** The Department-issued BWC is authorized for use in the course and scope of official police duties as set forth in this Order. Only members authorized by the Chief of Police and trained in the use of BWCs are allowed to wear Department-issued BWCs. The BWC and all recorded data from the BWC are the property of the Department. The use of non-Department issued BWCs while on-duty is prohibited.
- B. Training.** Prior to the issuance of BWCs, officers will be trained on the operation and care of the BWCs. This training will include mandatory, permissible and prohibited uses, significant legal developments, and use of BWCs in medical facilities.
- C. Program Administrator.** The Risk Management Office (RMO) is the BWC's program administrator. The duties of the RMO include, but are not limited to:
1. Tracking and maintaining BWC inventory
 2. Issuing and replacing BWCs to authorized members
 3. Granting security access to the computer server
 4. Monitoring retention timeframes as required by policy and law
 5. Complying with Public Record Act (PRA) requests and all court record requests
 6. Conducting periodic and random audits of BWC equipment and the computer server
 7. Conducting periodic and random audits of BWC recordings for members' compliance with the policy

III. PROCEDURES

A. Set Up and Maintenance.

Members shall be responsible for the proper care and use of their assigned BWC and associated equipment.

1. Members shall test the equipment at the beginning of their shift and prior to deploying the BWC equipment to ensure it is working properly and is fully charged.
2. Activate(s) or activated, means to initiate both the audio and visual recording function of the BWC. Operating the BWC in buffering mode or with the mute function is not activating the BWC. Members shall not utilize the BWC mute function. The Department reserves the right to disable the BWC mute function.
3. Deactivate, deactivated, or deactivation means to disable the audio or visual function of the BWC. Turning off the lights/LEDs display on the BWC or adjusting the volume on the audio prompts is not considered a deactivation.
4. If the member discovers a defect or that the equipment is malfunctioning, the member shall cease its use and shall promptly report the problem to his/her Platoon Commander or Officer-in-Charge.
5. If the member discovers that the BWC is lost or stolen, the member shall submit a memorandum through the chain of command memorializing the circumstances, in accordance with Department General Order 2.01, Rule 24, Loss or Damage to Department Property.
6. If the member's BWC is damaged, defective, lost or stolen, the member's supervisor shall facilitate a replacement BWC as soon as practical.
7. Members shall attach the BWC in such a way to provide an unobstructed view of officer/citizen contacts. The BWCs shall be considered mounted correctly if it is mounted in one of the Department-approved mounting positions.

B. Notification and Consent.

When feasible, members should inform individuals that they are being recorded.

However, state law allows members to record communications that he or she could lawfully hear or record. Penal Code § 633 *see also People v. Lucero 190 Cal: App. 3d 1065, 1069*. Members are not required to obtain consent from members of the public prior to recording when the member is lawfully in the area where the recording takes place.

Members are not required to activate or deactivate a BWC upon the request of a citizen. In addition, members are not required to play back BWC recordings to allow members of the public to review the video footage.

C. Authorized Use.

All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances:

1. Detentions and arrests
2. Consensual encounters where the member suspects that the citizen may have knowledge of criminal activity as a suspect, witness, or victim, except as noted in Section III, D.
3. 5150 evaluations
4. Traffic and pedestrian stops
5. Vehicle pursuits
6. Foot pursuits
7. Uses of force
8. When serving a search or arrest warrant
9. Conducting any of the following searches on one's person and/or property:
 - a. Incident to an arrest
 - b. Cursory
 - c. Probable cause
 - d. Probation/parole
 - e. Consent
 - f. Vehicles
10. Transportation of arrestees and detainees
11. During any citizen encounter that becomes hostile
12. In any situation when the recording would be valuable for evidentiary purposes
13. Only in situations that serve a law enforcement purpose

Failure to activate a BWC as outlined in this order shall subject a member to an administrative investigation and, if warranted, appropriate discipline.

D. Prohibited Recordings.

Members shall not activate the BWC when encountering:

1. Sexual assault and child abuse victims during a preliminary investigation
2. Situations that could compromise the identity of confidential informants and undercover operatives
3. Strip searches

However, a member may record in these circumstances if the member can articulate an exigent circumstance that required deviation from the normal rule in these situations.

Members shall not activate the BWC in a manner that is specifically prohibited by DGO 2.01, General Rules of Conduct, Rule 56 – Surreptitious Recordings – and DGO 8.10, Guidelines for First Amendment Activities.

E. Terminations of Recordings.

Once the BWC has been activated, members shall continue using the BWC until their involvement in the event has concluded to ensure the integrity of the recording, unless the contact moves into an area restricted by this policy. Members shall deactivate the BWC in the following circumstances:

1. When discussing sensitive tactical or law enforcement information away from the citizen
2. After receiving an order from a higher ranking member
3. When recording at a hospital would compromise patient confidentiality
4. When gathering information from witnesses or community members, and the officer has a reasonable and articulable concern that a BWC would inhibit information gathering efforts

In cases when a member deactivates a BWC, the member shall document the reason(s) for deactivation as outlined in Section III, G, Documentation.

F. Viewing BWC Recordings.

1. A member may review a BWC recording on his/her assigned device or on an authorized computer for any legitimate criminal or administrative investigatory purpose, including but not limited to, preparing an incident report, preparing statements, conducting a follow-up investigation, or providing testimony.

Following any (1) officer-involved shooting; or (2) in-custody death; any subject officer shall be required to provide an initial statement before he or she reviews his or her own BWC recording(s). This also excludes viewing other members' BWC videos involved in the incident.

The initial statement by the subject officer shall briefly summarize the actions that the officer was engaged in, the actions that required the use of force, and the officer's response. The statement shall be distinct from the "public safety statement."

After providing an initial statement, the subject officer shall have an opportunity to review his or her own BWC recording(s) depicting the incident (with his or her representative or attorney) prior to being subject to an interview.

Nothing in this section is intended to limit the Department of Police Accountability's (DPA) role in these investigations.

2. Members shall not access or view a BWC unless doing so involves a legitimate law enforcement purpose.

G. Documentation.

Members submitting an incident report or completing a written statement shall indicate whether the BWC was activated and whether it captured footage related to the incident.

If a member deactivates a BWC recording prior to the conclusion of an event, the member shall document the reason(s) for terminating the recording in CAD, an incident report, a written statement or a memorandum.

If a higher ranking member orders a subordinate member to deactivate the BWC, the higher ranking officer shall document the reason(s) for the order in CAD, an incident report, a written statement or a memorandum.

If a member reactivates the BWC after turning the equipment off, the member shall document the reason(s) for restarting the recording in CAD, an incident report, a written statement or a memorandum.

If a member determines that officer or public safety would be compromised if a BWC were activated during an incident requiring its use, the member shall document in CAD, an incident report, a written statement or a memorandum the reason(s) for not using the BWC.

H. Storage and Use of Recordings.

1. A member who has recorded an event shall upload the footage prior to the end of his/her watch unless instructed to do so sooner by an assigned investigator or a superior officer. If the member is 1) the subject of the investigation in an officer-involved shooting or in-custody death; 2) the subject of a criminal investigation; or 3) at the discretion of the Chief of Police or his/her designee, the senior ranking on-scene supervisor shall take immediate physical custody of the camera and take responsibility for uploading the data.
2. When uploading recordings to the computer server, members shall identify each BWC recording with the incident report number, CAD number or citation number and the appropriate incident category title to ensure the recording is accurately retained and to comply with local, state and federal laws.
3. Members are prohibited from tampering with BWC recordings, accessing BWC recordings for personal use, and from uploading BWC recordings onto public or social media internet websites without written approval from the commanding officer of the RMO.

I. Duplication and Distribution.

1. The San Francisco Police Department's goal is to release BWC recordings to the greatest extent possible unless disclosure would:
 - a. endanger the safety of a witness or another person involved in the investigation,
 - b. jeopardize the successful completion of an investigation, or
 - c. violate local, state and/or federal laws, including but not limited to, the right of privacy.
2. Departmental Requests:
 - a. The officer-in-charge or commanding officer of the investigative unit assigned the incident recorded by the BWC, or the commanding officer of the RMO shall have the authority to permit the duplication and distribution of the BWC files.
 - b. Any member requesting to duplicate or distribute a BWC recording shall obtain prior written approval from the officer-in-charge or the commanding officer of the unit assigned the investigation, or the commanding officer of the RMO.
 - c. Duplication and distribution of BWC recordings are limited to those who have a "need to know" and a "right to know" and are for law enforcement purposes only. The Department shall maintain a log of access, duplication and distribution.
 - d. When releasing BWC recordings, members shall comply with federal, state and local statutes and Department policy.
3. Non-Departmental Requests:

- a. The Department shall accept and process PRA requests in accordance with the provisions of federal, state and local statutes and Department policy.
- b. Members shall provide discovery requests related to the rebooking process or other court proceedings by transferring the BWC recording to the requesting agency by using the computer server where the BWC recording is stored.
- c. When requested by the DPA, members of the Legal Division shall provide the BWC recordings consistent with the Police Commission's document protocol policy on DPA routine requests.

J. Retention.

1. Consistent with state law, the Department shall retain all BWC recordings for a minimum of sixty (60) days, after which recordings may be erased, destroyed or recycled.

Notwithstanding any other provision of this policy, the Department shall retain BWC recordings for a minimum of two (2) years if:

- a. The recording is of an incident involving a member's use of force or officer-involved shooting; or
 - b. The recording is of an incident that leads to the detention or arrest of an individual; or
 - c. The recording is relevant to a formal or informal complaint against a member or the Department.
2. Notwithstanding any other provision of this policy, a BWC recording may be saved for a longer or indefinite period of time as part of a specific case if deemed relevant to a criminal, civil or administrative matter.
 3. A member may not delete any BWC recording without prior authorization. The member seeking to delete a recording shall submit a memorandum to his/her Commanding Officer requesting to delete footage from a BWC file and shall make an entry of the request in the appropriate case file, if applicable. The Commanding Officer shall then forward the memorandum to the Commanding Officer of the RMO for evaluation and appropriate action.
 4. Subject to the above limitations, members of the RMO are authorized to delete BWC recordings in accordance with the Department's established retention policies on BWC recordings or when directed by the Commanding Officer of the RMO.
 5. The Department shall retain permanently all records of logs of access as set forth in I.1.3 and deletion of data including memorandums as set forth in J.3 and J.4 from the BWC.

K. Accidental or Unintentional Recordings.

If a BWC accidentally or inadvertently captures an unintended recording, the member may submit a memorandum through the chain of command specifying the date, time, location and a summary of the unintentionally recorded event. This memorandum shall be forwarded to the Commanding Officer of the RMO for evaluation and appropriate action.

L. Discovery of Potential Misconduct during Authorized Review.

Members reviewing recordings should remain focused on the incident captured in the BWC and should review only those recordings relevant to the investigative scope. If a member discovers potential misconduct during any review of the BWC, the member shall report the potential misconduct to a superior officer. The superior officer shall adhere to the provisions of Department General Order 1.06,

Duties of Superior Officers, Section I.A.4. Nothing in this procedure prohibits addressing Department policy violations.

M. Targeting Prohibited.

Department supervisors may access BWC footage for purposes consistent with the policy. Supervisors may not review an officer's BWC footage to search for violations of Department policy without cause.

References:

DGO 1.06, Duties of Superior Officers
DGO 2.01, Rules 23 and 24, Use of Department Property and Loss or Damage to Department Property
DGO 2.01, Rule 56, Surreptitious Recordings
DGO 8.10, Guidelines for First Amendment Activities.

AYES: Commissioners Turman, Mazzucco, Marshall, DeJesus, Melara, Hing, Hirsch

REPORTS TO THE COMMISSION

- a. Chief's Request**
- **Report on recent Police Department activities, including major events, weekly crime trends, and announcements to include updates staffing (current staffing levels, and overtime**
 - **Presentation of the 4th Quarters 2017 FDRB Finding & Recommendations & OIS Investigative Summary (Taken off calendar)**
 - **Chapter 96 – Status Update on Data Analysis Agreement**

Chief Scott gave a brief update on crime trends and crime stats. Chief Scott stated that there were 56 homicides for 2017. The Chief also spoke of property crimes in the city and spoke of structural changes to better address property crimes and spoke of Park Smart Campaign to encourage people to take more responsibility in not leaving anything in parked cars. The Chief then reported on overtime and staffing. The Chief reported that New Year's Eve was quiet in the city and was an uneventful night.

The Chief then reported on the Chapter-96 update on data analysis agreement. He stated that there is two independent institutions that the Department is in MOU with and will report back once agreements are signed.

Commissioner Mazzucco asked for an update on two officers that were injured last year. Chief Scott reported that Officer Lewin-Tankel is in rehab and is doing well. Officer Hintzen who was shot on Halloween is also doing well and recovering. Commissioner Mazzucco thanked the doctors and staff of SF General for taking care of the officers.

- b. DPA Director's Report**
- **Report on recent DPA activities, and announcements**

Director Henderson updated the Commission on internal projects happening at the DPA including staffing and filling vacancies in the office. He spoke of at least five investigators going through the background process now. He also spoke of bringing all staff up to speed for public records. He spoke of project expenditures including the new website; training for the entire office; expansion for Prop G; and, expansion of the mediation process.

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

No report.

- d. Commission announcements and scheduling of items identified for consideration a future Commission meetings**

Commissioner DeJesus asked that a resolution be presented regarding a Youth Commission representative sitting with the commission.

PUBLIC COMMENT

None

PUBLIC COMMENT

Ace Washington apologized to Commissioner Turman and explained that he just want to deliver a message and stated that his is the Czar of the Out-Migration.

Ms. Paulette Brown spoke of her son Aubrey Abrakasa who was murdered August 2006 and she is still waiting for closure of her son's investigation and asked for a venue to put or post her son's posters.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION, INCLUDING PUBLIC COMMENT ON VOTE WHETHER TO HOLD CLOSED SESSION6

Ace Washington spoke of the two-minute rule for public comment.

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Melara, second by Commissioner Marshall. Approved 7-0.

CLOSED SESSION: (6:31 p.m. – 7:59 p.m.)

PUBLIC EMPLOYEE APPOINTMENT: Pursuant to SF Charter Section 4.102(5) 4.136, and Government Code Section 54957(b)(1): Administrative Code Section 67.10(b): The Police Commission may submit to the Mayor one or more qualified applicant for the appointment of the permanent Executive Director, Department of Police Accountability

(Present: Commissioners Turman, Mazzucco, Marshall, DeJesus, Melara, Hing, Hirsch, Deputy City Attorney Cabrera, Sgt. Kilshaw, Officer Jones, Rania Adwan, Risa Tom)

CONFERENCE WITH LEGAL COUNSEL – Existing Litigation. Pursuant to Government Code Section 54956.9(d)(1) and San Francisco Administrative Code Section 67.10(d)(1): Lynette White v. Blake Cunningham et. al., SF Superior Court, Case No. CGC-16-550136, filed January 29, 2016

(Present: Commissioners Turman, Mazzucco, Marshall, DeJesus, Melara, Hing, Hirsch, Chief Scott, Assistant Chief Sainez, Deputy City Attorney Cabrera, Sgt. Kilshaw, Officer Jones, Rania Adwan, Risa Tom)

CONFERENCE WITH LEGAL COUNSEL – Existing Litigation. Pursuant to Government Code Section 54956.9(d)(1) and San Francisco Administrative Code Section 67.10(d)(1): Nicholas Kafkas v. City & County of SF et. al., San Francisco Superior Court, Case No. CGC-16-550258, filed February 3, 2016

(Present: Commissioners Turman, Mazzucco, Marshall, DeJesus, Melara, Hing, Hirsch, Chief Scott, Assistant Chief Sainez, Deputy City Attorney Cabrera, Sgt. Kilshaw, Officer Jones, Rania Adwan, Risa Tom)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police

Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative 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 17-007)

(Present: Commissioners Turman, Mazzucco, Marshall, DeJesus, Melara, Hing, Hirsch, Chief Scott, Assistant Chief Sainez, Deputy City Attorney Cabrera, Sgt. Kilshaw, Officer Jones, Rania Adwan, Risa Tom, Sgt. Franco, Sgt. Ospital)

PERSONNEL EXCEPTION: Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 83.7:

Assignment of disciplinary charges filed in Case No. ALW IAD 2017-0099 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

(Present: Commissioners Turman, Mazzucco, Marshall, DeJesus, Melara, Hing, Hirsch, Chief Scott, Assistant Chief Sainez, Director Henderson, Deputy City Attorney Pradhan, Deputy City Attorney Mongan, Sgt. Kilshaw, Officer Jones, Rania Adwan, Risa Tom, Attorney Betz, Attorney Nobles, member involved)

PERSONNEL EXCEPTION: Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 83.7: Assignment of disciplinary charges filed in Case No. ALW IAD 2017-0032 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

(Present: Commissioners Turman, Mazzucco, Marshall, DeJesus, Melara, Hing, Hirsch, Chief Scott, Assistant Chief Sainez, Director Henderson, Deputy City Attorney Cabrera, Sgt. Kilshaw, Officer Jones, Rania Adwan, 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 83.7:

Hearing to sustain or not sustain disciplinary charges filed in Case No. IAD 2014-0089, discussion and action to decide penalty, if necessary, or take other action, if necessary
(Present: Commissioners Turman, Mazzucco, Marshall, DeJesus, Melara, Hing, Hirsch, Chief Scott, Deputy City Attorney Pradhan, Deputy City Attorney Mongan, Sgt. Kilshaw, Officer Jones, Rania Adwan, Risa Tom, Attorney Betz, Attorney Robinson, member involved & friend)

(These proceedings are taken in shorthand form by Ms. Anna Greenley, CSR., Roomian & Associates)

PERSONNEL EXCEPTON: Pursuant to Government Code Section 54957(b)(1) and SF Administrative Code Section 67.10(b) and Penal Code Section 832.7: Status and calendaring of pending disciplinary cases

(Present: Commissioners Turman, Mazzucco, Marshall, DeJesus, Melara, Hing, Hirsch, Chief Scott, Assistant Chief Sainez, Deputy City Attorney Cabrera, Sgt. Kilshaw, Officer Jones, Rania Adwan, Risa Tom)

OPEN (7:58 p.m.)

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

Motion by Commissioner Mazzucco, second by Commissioner DeJesus for non-disclosure. Approved 7-0.

ADJOURNMENT

Motion by Commissioner Melara, second by Commissioner Marshall. Approved 7-0.

Thereafter, the meeting was adjourned at 7:59 p.m.

Sergeant Rachael Kilshaw
Secretary
San Francisco Police Commission

JANUARY 17, 2018

REGULAR MEETING

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 5:36 p.m.

PRESENT: Commissioners Turman, Mazzucco, Marshall, DeJesus, Melara, Hing, Hirsch

CONSENT CALENDAR

- **Police Commission Report of Disciplinary Actions, 4th Quarter 2017**

Motion by Commissioner Marshall, second by Commissioner Mazzucco.
Approved 6-0.

Public Comment
None

REPORTS TO THE COMMISSION

- a. **Chief's Request**
 - **Report on recent Police Department activities, including major events, weekly crime trends, and announcements**
 - **Presentation of the annual report regarding the Department's work with the Joint Terrorism Task Force "JTTF"**

Chief Scott reported on crime trends and statistics. The Chief announced upcoming events including the women's march, press conference regarding the upcoming Chinese Lunar New Year, press conference regarding Peace Park Program.

The Chief went on to report that the JTTF Report, there is nothing to report since the Department has not been part of the JTTF since the Joint Terrorism Task Force was suspended back in February, 2017. The Chief stated that the Department has had no officers assigned to the JTTF since that time and the Department has no MOU in place. The Chief also stated that the message is clear that SFPD will not assist in any Federal immigration enforcement.

Commissioner Turman explained that when an issue comes up in the city such as the one that recently came up on the pier, the Chief was fully briefed by the FBI. The Chief stated that he did get a call from the FBI Special Agent in charge of this region and was advised of the incident.

- b. **DPA Director's Report**
 - **Report on recent DPA activities, and announcements**

Director Henderson spoke in regards to SVRT meetings and spoke of new personnel and spoke of an office-wide retreat for all the new employees. He stated that the new investigators have finally been approved.

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

President Turman has no report.

- d. **Commission announcements and scheduling of items identified for consideration a future Commission meetings**

President Turman would like the new DGO handled by Commissioner Hing be calendared. President Turman also asked a report regarding preparedness for ICE raids & specific training done by the Department.

Commissioner DeJesus also talked about federal agents wearing jackets with the word "police" printed on the back. She asked if the Commission or the Board of

Supervisors can write a letter asking the FBI to cease and desist to stop imitating police and put "Federal Agents" on their jackets instead of "Police."

Commissioner Mazzucco agreed with Commissioner DeJesus and to avoid conflicts and for the safety of the officers, the jackets should say "Federal Agents."

Public Comment

Magick asked what would be the consequences for police if they do cooperate with ICE and asked how this issue can be addressed. She also addressed concerns regarding the POA.

Jim Salinas spoke of the issue of identification of police versus federal agents and that federal agents should truly identify themselves as federal agents and not members of the SFPD.

DISCUSSION REGARDING DRAFT DEPARTMENT GENERAL ORDER 3.01, "WRITTEN COMMUNICATIONS SYSTEMS"

Deputy Chief Connolly introduced Sergeant Buckner to report on DGO 3.01.

President Turman spoke of his participating in preparing the draft DGO and explained the proposed schedule.

Sgt. Buckner presented a brief synopsis of draft DGO 3.01.

Public Comment

None

DISCUSSION REGARDING DEPARTMENT GENERAL ORDER 2.04, "CITIZEN COMPLAINTS AGAINST OFFICERS"

President Turman explained that Citizen Complaints against Officers is typically a DGO. President Turman stated that it's been suggested that the complaint procedure be governed by an MOU because a DGO does not govern the actual performance of the DPA. The Commission needs a mechanism to look to see if both the DPA and the Department have met their responsibilities and their duties. The MOU will tell both the Department and the DPA what their responsibilities are and if either fail on their responsibilities, it should be reported to the Commission.

Commander Walsh gave a brief description of DGO 2.04.

Director Henderson spoke that the DPA have gone through the draft since July and is eager to move forward with this DGO.

Public Comment

Frank Libman, Bar Association, expressed concerns regarding the last sentence in section 1(a) of DGO 2.04.

Magick spoke of concerns regarding the expediency of DGO process in regards to body worn cameras.

PUBLIC COMMENT

Ms. Paulette Brown spoke in regards to her son's case and how she's still waiting for closure for his case and that it's been 12 years and asked that there be a venue for flyers regarding her son's case.

Commissioner Jim Salinas thanked the Chief for the respect and attentiveness he has given the Latino community.

Yulanda Williams spoke of how fantastic it's been working with the Commission and how much they appreciate their commitment to the DOJ reforms. She also thanked Chief Scott for his commitment to the Department.

Magick spoke of how data from body worn cameras go directly to Axiom and how that is appalling.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Melara, second by Commissioner Marshall. Approved 6-0.

CLOSED SESSION (6:41 p.m. – 7:33 p.m.)

CONFERENCE WITH LEGAL COUNSEL – Existing Litigation. Pursuant to Government Code Section 54956.9(d)(1) and SF Administrative Code Section 67.10(d)(1):
***Paulo Morgado v. CCSF*, SF Superior Court, Case No. CGC 12-518287, filed February 16, 2012**

(PRESENT: Commissioners Turman, Marshall, DeJesus, Melara, Hirsch, Deputy City Attorney Porter, Deputy City Attorney L. Mongan, Director Isen, Sgt. Kilshaw, Risa Tom, Rania Adwan) Commissioner Mazzucco recused.

CONFERENCE WITH LEGAL COUNSEL – Existing Litigation. Pursuant to Government Code Section 54956.9(d)(1) and SF Administrative Code Section 67.10(d)(1):
***Young Chi v. CCSF*, SF Superior Court, Case No. CGC 14-540675, filed July 22, 2014**

(PRESENT: Commissioners Turman, Marshall, DeJesus, Melara, Hirsch, Deputy City Attorney Porter, Deputy City Attorney L. Mongan, Director Isen, Sgt. Kilshaw, Risa Tom, Rania Adwan) Commissioner Mazzucco recused.

CONFERENCE WITH NEGOTIATOR-LABOR NEGOTIATION. Pursuant to Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e):
City Negotiator: Ms. Carol Isen, Employee Relations Director
Employee Organization: Police Officers Association
Anticipated Issues Under Negotiation: Procedures for Implementing Administrative Appeals in Police Discipline Proceedings

(PRESENT: Commissioners Turman, Marshall, DeJesus, Melara, Hirsch, Deputy City Attorney Porter, Deputy City Attorney Mongan, Director Isen, Sgt. Kilshaw, Risa Tom, Rania Adwan)

PERSONNEL EXCEPTION: Pursuant Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
Assignment of disciplinary charges filed in Case NO. ALW IAD 2017-0229 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

(PRESENT: Commissioners Turman, Marshall, DeJesus, Melara, Hirsch, Deputy City Attorney Mongan, Sgt. Kilshaw, Risa Tom, Rania Adwan)

PERSONNEL EXCEPTION: Pursuant 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 Turman, Marshall, DeJesus, Melara, Hirsch, Deputy City Attorney Mongan, Sgt. Kilshaw, Risa Tom, Rania Adwan)

OPEN SESSION (7:33 p.m.)

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

Motion by Commissioner Melara, second by Commissioner DeJesus for non-disclosure. Approved 5-0.

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Hirsch. Approved 5-0.

Thereafter, the meeting was adjourned at 7:34 p.m.

Sergeant Rachael Kilshaw
Secretary
San Francisco Police Commission