

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Kevin Allen
Director

Date: February 11, 2005

To: Hon.: Louise Renne, President
Members, San Francisco Police Commission

Re: OCC Suggested Revisions to DGOs 3.10 and 8.11

Dear President Renne and Commissioners:

The purpose of this letter is to highlight three areas of concern the OCC has regarding Department General Orders 3.10 and 8.11. The Department's current drafts (02/09/05) include the creation of a Firearm Discharge Review Board and clear timelines for officer-involved shooting investigations—proposals that the OCC fully supports. However, to strengthen the Department's accountability to the public, the OCC urges the inclusion of the OCC Director as an advisory member to the Review Board and the expansion of the Review Board's jurisdiction to include in-custody deaths and police vehicle pursuit fatalities. The OCC also recommends that the Review Board's findings be expanded beyond "in policy" or "not in policy" to include policy failure, insufficient evidence and accidental. These three suggestions are detailed below:

1. Include the OCC Director as an Advisory Member of the Firearm Discharge Review Board

Under the current draft of DGO 3.10, the OCC Director has been excluded from the Firearm Discharge Review Board.¹ Given the need for public trust in the review process and the Board's critical role in reviewing all officer-involved shootings (and firearm discharges), it is imperative that the Board include—at a minimum—one member who brings independent civilian oversight to the process. The OCC Director is the most logical choice because of the OCC Director's well-established duty to independently review all officer-involved shooting investigations.²

¹ In an earlier draft the Department included the OCC Director in an advisory position on the Shooting Review Board. (See pg. 7, DGO 8.11 (dated 11/18/04) which states in pertinent part that the "Department Shooting Review Board shall be composed of... Director of OCC, advisory.")

² In addition to OCC's obligation to investigate all complaints of SFPD police misconduct, the OCC Director is required to independently review all officer-involved shooting investigations. This duty is outlined in DGO 8.11 (11/08/95) and is incorporated in the current draft of DGO 3.10 (See section I (D) (4). The Police Chief is required to send a copy of the completed Management Control Division officer-involved shooting investigation and summary to the OCC Director. (DGO 8.11 (II) (F) (2)). The OCC Director is required to review the investigation and summary and recommend any further action (including an independent investigation that the Director concludes is warranted. A summary of the OCC Director's recommendations shall be a public record. (DGO 8.11 (II) (F) (3)).

Other cities require that their police department's shooting review boards include independent civilian oversight membership. For example, San Jose's shooting review panel includes the Independent Police Auditor³ in addition to the Chief of Police, the Deputy Chief for the Bureau of Field Operations, the Training Unit Commander and a representative from the City Attorney's Office. The Independent Police Auditor has access to the police department's completed investigation before attending the shooting review panel.

In Seattle, the Mayor is required to appoint a "citizen observer" to the Police Department's Firearms Review Board. The "citizen observer is required to "observe and report on the proceedings of the Board." The "citizen observer" must possess "demonstrated professional experience in criminal justice and/or constitutional law and some experience in fact-finding." (See Seattle Police Department Policies and Procedures 1.305 Firearms Review Board.)

To enhance accountability and the public's trust in the review process, it is imperative that the OCC Director be included in the Department's Shooting Review Board.

2. Expand the Jurisdiction of the Firearm Discharge Review Board to Include In Custody Deaths and Fatalities During SFPD Pursuits, or in the alternative, create an independent In Custody Death Review Board.

In fully supporting the concept of a firearm discharge review board, the OCC urges that the board's jurisdiction also include the review of in-custody deaths and fatalities during SFPD vehicle pursuits. Similar to officer-involved shootings, in-custody deaths and fatalities during SFPD pursuits have a significant impact on the public. The loss of human life and public need for information demand that these cases be subjected to the same type of thorough review and public accountability that firearm discharge cases will be subjected to under the Department's proposed DGO. Additionally, by including in-custody deaths and police vehicle pursuit fatalities in the board's jurisdiction, the department would continually review its training, policy and procedures in light of the circumstances that lead to the individual's death.

3. Expand the Board's Findings to Include Policy Failure, Insufficient Evidence and Accidental.

The OCC recommends that the Board adopt a broader range of findings beyond "policy" and "not in policy" to provide more information to the officer, the Department and the public about the investigation's results.

Under the proposed DGO, the Firearm Discharge Review Board has two findings it can make: the officer's actions were either "in policy"⁴ or "not in policy"⁵. However, the Review Board

³ The Office of the Independent Police Auditor was "established to audit the investigation of citizen complaints of misconduct by San Jose police officers." The Police Auditor office is independent from all other City departments and reports directly to the Mayor and City Council. (See <http://www.sanjoseca.gov/ipa>)

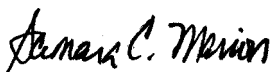
⁴ "In policy" is defined as the officer's actions in response to the discharge of his/her firearm were appropriate and consistent with department policy.

could reach a variety of other informative conclusions such as policy failure, insufficient evidence and accidental that are not conveyed by the limited nomenclature. For example, the Review Board could conclude that a shooting was justified under Department policy or procedure; however the policy or procedure is deficient, unconstitutional or illegal. A “policy failure” finding informs the officer and the public that the shooting was consistent with current policy and procedure but that the Department has also determined that the policy or procedure needs to be changed. Similarly, the Review Board could find that the evidence was insufficient to clearly prove or disprove the allegation. The designation “in policy” or “not in policy” fails to cover those situations where the evidence is simply lacking in proving or disproving the lawfulness of the shooting. Additionally, a discharge could be purely accidental in which case neither a finding a “in policy” or “not in policy” would be appropriate.

During the October 13, 2004 Police Commission meeting, the Department explained that part of its impetus in revising these DGOS was because “the [officer-involved shooting] reports were not capturing or there might be pattern of training deficiencies, policy deficiencies, and so on.”⁶ In order to accurately identify and report patterns of policy and training deficiencies, the Board needs a broader range of findings that include at a minimum policy failure. Otherwise, by characterizing as “in policy” those cases which require further departmental action, there is no distinction between cases in which the Review Board deemed the firearm discharge to be appropriate and those cases in which the Review Board recommends a change in policy. A “policy failure” finding is essential for identifying to the Department, the Commission, the OCC and the public those cases which require further departmental action.

I have included a line-edited version of DGOs 8.11 and 3.10 that reflects the aforementioned changes the OCC strongly urges this Commission to adopt.

Sincerely,



Samara C. Marion
OCC Policy Analyst

cc: Chief Heather Fong, Captain Charlie Keohane

⁵ “Not in policy” is defined as the discharge of the firearm was not appropriate under the circumstances and was not consistent with department policy.

⁶ Police Commission minutes (10/13/04), pg.2.

GENERAL ORDER

12/28/04

FIREARM DISCHARGE AND FATALITY REVIEW BOARD

This order outlines the functions and responsibilities of the Firearm¹ Discharge and Fatality Review Board. This order delineates the procedures for reviewing, investigating, and reporting to the Commission, cases in which members discharge a firearm or an in-custody death or police vehicle pursuit fatality occurs.

I. POLICY

A. DUTIES OF BOARD

It is the policy of the San Francisco Police Department to review every instance in which a firearm is discharged whether or not such discharge results in an injury or death. It is also the policy of the San Francisco Police Department to review every in-custody death and police vehicle pursuit fatality. The Firearm Discharge and Fatality Review Board shall review every discharge of a firearm by a member and every in-custody death and police vehicle pursuit fatality.

The purpose of this review process is to ensure that the department is continually reviewing its training, policy and procedures in light of the circumstances that lead to firearm discharges by members and to determine if the discharge was in policy. Additionally this review process is to ensure that the department is continually reviewing its training, policy and procedures in light of the circumstances that lead to the in-custody death and police vehicle pursuit fatality.

B. DEFINITIONS

- Officer-involved shooting.

An officer's discharge of a firearm that results in the physical injury or death of a person, even if it is an accidental discharge.

- Officer-involved discharge.

An officer's discharge of a firearm that does not cause injury or death to a person. Shots at, injuring, or killing animals also fall into this category, including accidental without injury.

- In-custody death

¹ For the purpose of this order, Firearm is defined in California Penal Code Section 12001(b), excluding Extended Range Impact Weapons.

A death which occurs when an officer is detaining, arresting, transporting or in any other manner has custody of an individual.

- Police vehicle pursuit fatality

A death which occurs when an officer is engaged in a police vehicle pursuit

C. COMPOSITION

The Department Firearm Discharge Review Board shall be composed of:

- Deputy Chief of the Administration Bureau, Chair
- Deputy Chief of the Field Operations Bureau

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- Deputy Chief of the Airport Bureau
- Deputy Chief of the Investigations Bureau
- Range Master, advisory
- Commanding Officer of Risk Management, advisory
- OCC Director, advisory

D. FUNCTION:

Officer Involved Shootings, In-custody deaths and police vehicle pursuit fatalities:

1. Within ninety calendar days of a shooting event, in-custody death, or police vehicle pursuit fatality or once per quarter, the Chair of the Department Firearm Discharge and Fatality Review Board shall convene the panel.
2. The Firearm Discharge and Fatality Review Board shall review written reports submitted by the Homicide Detail - Criminal Investigation, and the Management Control Division - Administrative Investigation. If the report of either unit is not completed, the investigator responsible for the investigation and his/her commanding officer shall appear before the Firearm Discharge and Fatality Review Board and explain the reason for not complying with the time limits of this order, orally and in writing to the "Firearm Discharge and Fatality Review Board".

Note: There is no provision here about whether the Review Board may grant an extension to the Homicide Detail and MCD and if so, under what conditions.

3. The Firearm Discharge and Fatality Review Board shall review the submitted reports, and interview the involved investigators as necessary.
4. The Firearm Discharge and Fatality Review Board shall discuss the circumstances surrounding the shooting event, and the response of the officer(s). The Firearm Discharge and Fatality Review Board will then submit to the Chief of Police, for his/her concurrence, a written summary of its findings on the officer-involved shooting, death in custody, or policy vehicle pursuit fatality -within 15 days. This summary shall indicate one of the following findings:

~~In Policy — The actions of the officer in response to the circumstances leading to the discharge of his/her firearm were appropriate and consistent with department policy.~~

~~Not in Policy — The discharge of the firearm was not appropriate under the circumstances and was not consistent with department policy.~~

In Policy — The actions of the officer in response to the circumstances were appropriate and consistent with department policy.

Not in Policy — The actions of the officer in response to the circumstances was not appropriate under the circumstances and was not consistent with department policy.

This finding shall be accompanied by a recommendation for discipline or a referral to M.C.D. for further investigation.

Insufficient Evidence

The investigation failed to reveal and document enough evidence to clearly prove or disprove whether the actions of the officer in response to the circumstances were appropriate and consistent with department policy.

Policy Failure

The act or event alleged did occur but was justified, lawful and consistent with Department policy or procedures; however, those policies and procedures were unconstitutional, illegal or deficient.

Accidental

The discharge occurred without premeditation, by chance, unexpectedly, or as a result extrinsic causes, without an element of negligence.

— Training Failure —

The investigation proves that the alleged act resulted from inadequate or inappropriate training.

~~This finding shall be accompanied by a recommendation for discipline, or a referral to M.C.D. for further investigation.~~

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Further Investigation – Matter referred back to M.C.D. for further investigation or clarification, with a stated due date to the Review Board.

The Chief shall review for concurrence and forward the Firearm Discharge and Fatality Review Board's written summary to the Police Commission within 15 days. In the event of disagreement between Management Control and the Firearm Discharge Review Board, the Chief of Police shall make a final recommendation. This summary report with recommendation shall be a public record. No report that is made public shall disclose any information deemed confidential by law. ~~The Police Commission shall forward a copy of this report to the Director of the O.C.C. upon receipt.~~

~~Concurrent with sending the Firearm Discharge and Fatality Review Board's written summary to the Police Commission, the Chief shall send a copy of the written summary and the completed Management Control Division investigation to the O.C.C. Director.~~

The Director of the O.C.C. shall review the investigation and summary and recommend any further action (including an independent investigation) that the Director concludes is warranted. A summary of the O.C.C. Director's recommendations shall be a public record.

The Police Commission shall review the Firearm Discharge and Fatality Review Board's summary and the O.C.C. Director's recommendations and take action as appropriate. No report that is made public shall disclose information deemed confidential by law.

The San Francisco Police Department recognizes the public's right to know about this department's use of deadly force, and for this department to be accountable to the public for this responsibility. It is the policy of the San Francisco Police Department to provide as much information as possible through this public

reporting process while complying with applicable civil and criminal laws and preserving the integrity of on going investigations.

Officer Involved Discharge:

In at least each quarter of the year, the Firearm Discharge and Fatality Board of Review shall convene to review all Officer Involved Discharges investigated by the Commanding Officers of the members involved. The Firearms Discharge Review Board will meet on the 3rd Tuesday of March, June, September and December to review Officer Involved Discharges if they were not addressed in previous meetings that quarter.

These cases shall be reviewed by the panel following step 3 in the Officer Involved Shooting protocol, and the panel shall make policy findings as indicated therein.

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These discharges shall be reported to the Commission on a quarterly basis. A summary report will be provided at the 1st Police Commission meeting following the reporting quarter. Police Commissioners shall have access to full reports.

E. POLICE COMMISSION QUARTERLY REPORT

The Chair of the Firearm Discharge and Fatality Review Board shall prepare a quarterly report to the Police Commission which contains a summary of each officer-involved shooting, ~~and~~ officer-involved discharge, ~~in custody death and police vehicle pursuit fatality,~~ and any disciplinary action or training recommended, and proposals for modifying department policy. This report shall be a public record. No report that is made public shall disclose any information deemed confidential by law. ~~The Chair of the Firearm Discharge and Fatality Review Board will provide Upon receipt by the Police Commission,~~ a copy of this report ~~shall be forwarded~~ to the Director of the O.C.C. ~~at the same time it is provided to the Police Commission.~~

GENERAL ORDER

12/28/04

OFFICER INVOLVED SHOOTINGS, IN-CUSTODY DEATHS AND POLICE VEHICLE PURSUIT FATALITIES

This order outlines the rules and procedures to be ~~used~~ followed in ~~any~~ the conduct of all officer-involved shooting, in-custody death and police vehicle pursuit fatality investigations.

I. POLICY

It is the policy of the San Francisco Police Department to respond immediately and conduct ~~an~~ a timely and immediate and complete investigation of all officer-involved shootings, in-custody deaths and police vehicle pursuit fatalities.

II. PROCEDURES**A. DEFINITIONS**

- Officer-involved shooting. ~~The~~ An officer's discharge of a firearm that results in the physical injury or death of a human-being person, even if it is an accidental discharge.
- Officer-involved discharge. ~~The~~ An officer's discharge of a firearm that does not cause injury or death to a human-being person. Shots at, injuring, or killing animals also fall into this category, including accidental discharge without injury.
- In-custody death. A death which occurs when an officer is detaining, arresting, transporting or in any other manner has custody of an individual.
- Police vehicle pursuit fatality. A death which occurs when an officer is engaged in a police vehicle pursuit.

B. INVESTIGATION PROTOCOL: Officer-involved shootings that result in injury or death, in-custody deaths, and police vehicle pursuit fatalities are investigated in two distinctly separate venues:

1. Criminal investigations. ~~These investigations are conducted by the Homicide Detail and the Office of the District Attorney. The focus of this investigation is to determine if there was criminal conduct on the~~

~~part of the officer(s) in the use of deadly force. Investigations to determine if there was criminal conduct on the part of the relevant involved officer(s) are conducted separately by the Homicide Detail and the Office of the District Attorney.~~

Officer-involved shootings occurring on San Francisco International Airport S.F.I.A. property or in its environs in San Mateo County shall be investigated by the San Mateo County Sheriff's Office in conjunction with the San Mateo County District Attorney's Office.

- ~~2. Administrative Investigation. These investigations are conducted by the Management Control Division, and often by the Office of Citizen Complaints separate from the M.C.D. effort. The focus of these investigations is to determine if the use of deadly force was consistent with department policy.~~

Investigations to determine if the officer-involved shooting, **in-custody death and police vehicle pursuit fatality** was within Department policy are conducted separately by the Management Control Division and by the Office of Citizen Complaints.

~~If the ~~For~~ officer-involved shootings ~~occurring~~ occurs on S.F.I.A. San Francisco International Airport property or its environs on its surrounding areas, the Management Control Division shall ~~make~~ contact with the San Mateo County Sheriff's investigators and the San Mateo County District Attorney's Office investigators responsible for the criminal investigation and ~~obtain their reports~~ request copies of any reports those agencies have made that are relevant to the officer-involved shooting.~~

C. **OFFICER-INVOLVED SHOOTINGS, IN-CUSTODY DEATHS AND POLICE VEHICLE PURSUIT FATALITIES** OCCURRING WITHIN THE CITY AND COUNTY OF SAN FRANCISCO. As soon as practical after an officer-involved shooting, **in-custody death or police vehicle pursuit fatality** occurring within the City and County of San Francisco, the following notifications shall be made:

1. If ~~reasonable~~ practical, ~~The officer(s)~~ the member(s) involved shall notify Emergency Communications Division (ECD), and his/her

immediate supervisor, or ~~and the station-keeper~~ platoon commander of the district in which the shooting took place.

2. ~~Communications~~ ECD shall immediately notify the Field Operations Bureau Headquarters (Operations Center after normal business hours).
3. ~~In cases in which injury or death has occurred,~~ The following notifications shall be made by the Field Operations Bureau or the Operations Center shall make the following notifications:
 - a. The on-call Homicide Inspectors
 - b. The ~~Crisis Critical~~ Incident Response Team (See DGO 8.04, Crisis Critical Incident Response Team)
 - c. Management Control Division
 - d. District Attorney's Office
 - e. The Commanding Officer of the member(s) involved
 - f. Chair of the ~~Weapon~~ Firearm Discharge Review Board
 - g. Office of Citizen Complaints ~~All other necessary notifications~~
 - ~~h. Deputy Chief of Administration~~
 - ih. Deputy Chief and Commander of involved member
 - ji. Legal Division
 - kj. Captain of Risk Management
 - k. Secretary of the Police Commission

D. OFFICER INVOLVED DISCHARGES. In cases where injury or death has not occurred, the Commanding Officer of the member involved is responsible for conducting a thorough shooting investigation, including accidental discharges. The Commanding Officer may delegate this investigation to another Commissioned Officer. The Commanding Officer, however, This investigation may be delegated to another supervisory member by the Commanding Officer, however the Commanding Officer shall be responsible for the proper conduct of the investigation, and the appropriate findings and recommendation as documented in an investigative summary. The Commanding Officer's Bureau Chief shall set an appropriate due date for this investigation. Officer involved discharges require the following notifications.

1. If practical, the member(s) involved shall contact the platoon commander of the district in which the discharge occurred.
2. The platoon commander shall contact the officer's Commanding Officer.

3. If outside San Francisco, as soon as practical, the officer shall contact that jurisdiction's Police or Sheriff's Department requesting that entity contact the San Francisco Police Department.

E. OFFICER-INVOLVED SHOOTINGS OR DISCHARGES OCCURRING OUTSIDE THE CITY AND COUNTY OF SAN FRANCISCO. If a member discharges a firearm outside the City and County of San Francisco (except at an approved range or during lawful recreational activities) either while on duty or off duty, he/she shall follow these procedures:

1. ~~If reasonable~~ Absent exigent circumstances, ~~R~~remain at the scene of the discharge ~~(except in cases of extreme emergency, e.g., a violent felony in progress)~~ and notify the relevant law enforcement agency. ~~of the jurisdiction.~~
2. Immediately contact the on duty supervisor in your unit or detail. If closed, the officer shall notify Operations Center.
2. ~~If reasonable, R~~request that the law enforcement agency investigating the incident send copies of all reports to the San Francisco Chief of Police.
43. As soon as practical, the member shall contact the senior ranking member on duty in the Bureau to which he/she is assigned, or the Operations Center after normal business hours, and report the incident without unreasonable delay. The senior-ranking member in the Bureau who is notified or the staff at the Operations Center shall notify the on-duty supervisor of the involved member. If the member's unit is closed, the notification shall be made to the Commanding Officer or Officer-in-Charge, contact the Field Operations Bureau Headquarters (Operations Center after normal business hours) and report the incident without unreasonable delay. FOB or OPS Center shall notify the on-duty supervisor of the involved member.

~~NOTE: If the member is hospitalized or seriously injured and unable to contact the department, the member shall, if able, request the law enforcement agency to contact the department.~~

- F. SCENE. The member(s) who has discharged his/her weapon in an officer involved shooting should ~~involved in the shooting shall~~ limit their his/her investigation and activity to the following:

1. ~~After all danger has passed~~ When officer safety permits: de-cock, holster, and strap in ~~his/her~~ your firearm. ~~He/she should not~~ Do not reload the weapon, ~~or do not~~ remove the magazine to examine its contents. Thereafter, ~~he/she should not~~ Do not remove the weapon from the holster until directed to do so by the Homicide Detail. In cases involving shotguns and/or long rifles the weapon shall be placed on "safe" and isolated in a secure location.
 - a. Nothing in this order shall preclude a member from ~~engaging in necessary officer safety procedures~~ taking reasonable actions to provide/ensure officer and/or public safety.
2. As soon as practical, seek ~~Obtain the necessary~~ medical assistance/ treatment for injured persons.
3. As soon as practical, Pprotect the crime scene and preserve all evidence. No person(s) should ~~shall~~ be permitted to enter the scene except to perform emergency medical assistance or assist in the preservation of the scene and evidence contained therein.
4. As soon as practical, attempt to ~~O~~obtain the name and address of any witness who may cannot or will not remain at the scene.
5. When an officer-involved shooting occurs within the City and County of San Francisco, the crime scene(s) shall be under the control ~~the exclusive domain~~ of the Homicide Detail upon the arrival of their investigators. No persons shall be permitted to enter the crime scene without the approval of the Homicide Inspector or Homicide OIC, assigned to the investigation.
6. Nothing in this order shall prohibit a member from taking reasonable actions to ensure his/her safety of the safety of another person.

G. INVOLVED OFFICERS. ~~The San Francisco Police Department is extremely sensitive to the concerns of the community and the well being of any member involved in any officer-involved shooting. In order to ensure full protection of everyone's rights, t~~The following actions will be taken in all cases of officer-involved shootings (resulting in injury or death):

1. All members shall be afforded all substantive and procedural rights and remedies as provided by applicable law, including without limitation thereto under the Peace Officer's Bill of Rights.
12. When a supervisor arrives on the scene, the supervisor shall have the involved member(s) escorted from the scene. If more than one officer member is involved in the discharging of a firearm, absent exigent circumstance, the members shall be separated and will be kept separate from one another, and shall not discuss the incident with each other prior to being interviewed by the Homicide Detail Inspectors. If possible, the supervisor shall contact the investigator from the Homicide Detail and ascertain if the involved member is to be taken to the Homicide Detail, the Investigations Bureau, or the involved member(s) Station or Detail. In all circumstances the member shall be taken to a department facility.
13. Members of the department's C.I.R.T. program may assist the member(s) involved prior to their interview with investigators; however, they shall not discuss the circumstances facts or details of the shooting with the member.
24. Absent circumstances that may require a lengthier re-assignment, members who discharge a firearm in an officer-involved shooting will be reassigned to administrative duty for a minimum of three (3) days.

Return to duty will occur only upon completion of any mandatory debriefing and/or retraining, and with the approval of the Chief of Police.

~~Members who discharge a weapon in an officer involved shooting. The officer will be reassigned to administrative duty pending the completion of the investigation and the approval of the Chief of Police. This reassignment is administrative only and in no way shall be considered punitive unless so stated by the Chief of Police.~~
35. The officer shall receive a debriefing by the Crisis Critical Incident Response Team and support as outlined in Section C., of Department General Order 8.04.

H. INVESTIGATIONS

1. Officer-involved shootings, in-custody deaths and police vehicle pursuit fatalities. The Homicide Detail and the Management Control Division shall ~~respond~~ ~~conduct an~~ immediately and conduct a timely investigation into every officer-involved shooting, in-custody death and police vehicle pursuit fatality. These investigations shall utilize the same numbering system, and be consistent with each other. E.g., 03-01 (first O.I.S. of 2003), 03-02 (second O.I.S. of 2003) etc.
2. Officer-involved discharges. The Commanding Officer of the member involved shall contact the Management Control Division and obtain an O.I.D. number. The report prepared by the Commanding Officer of the member involved shall reflect the M.C.D. issued O.I.D. number. The final report submitted shall be routed through channels, to the Management Control Division for evaluation prior to approval by the Chief of Police.

I. REVIEW OF INVESTIGATIONS

1. Officer-involved shootings, in-custody deaths and police vehicle pursuit fatalities:
 - a. Homicide Detail Investigation. The criminal investigation prepared by the Homicide Detail shall be completed and received by the Chair of the Firearm Discharge and Fatality Shooting Review Board within ~~sixty~~ forty-five-calendar days of the ~~shooting~~ event.
 - b. Management Control Division Investigation. The administrative investigation prepared by the Management Control Division shall be completed and submitted to the Chair of the Firearm Discharge and Fatality Shooting Review Board within ~~seventy-five~~ sixty-calendar days of the ~~shooting~~-event.
 - c. The ~~Shooting~~ Firearm Discharge and Fatality Review Board shall convene within ninety ~~seventy-five~~-calendar days of the incident.

J. ~~SHOOTING REVIEW BOARD~~

~~Composition: The Department Shooting Review Board shall be composed of:~~

- ~~Assistance Chief of Police, Chair~~
- ~~Deputy Chief of the Administration Bureau, Chair~~
- ~~Deputy Chief of the Field Operations Bureau~~
- ~~Deputy Chief of the Airport Bureau~~
- ~~Deputy Chief of the Investigations Bureau~~
- ~~Range Master, advisory~~
- ~~Commanding Officer of Risk Management, advisory~~
- ~~Director of O.C.C., advisory~~

~~Duties:~~

- ~~1. Within sixty calendar days of a shooting event, the Chair of the Department Shooting Review Board shall convene the panel.~~
- ~~2. The Shooting Review Board shall review written reports submitted by the Homicide Detail:, Criminal investigation, and the Management Control Division:, Administrative investigation.~~

~~If the report of either unit is not completed, the investigator responsible for the investigation and his/her commanding officer shall appear before the Shooting Review Board and explain the reason for not complying with the time limits of this order, orally and in writing to the "Shooting Review Board".~~

- ~~3. The Shooting Review Board shall review the submitted reports, and interview the involved member and witness members(s) as necessary.~~
- ~~4. The Shooting Review Board shall discuss the circumstances surrounding the shooting event, and the response of the officer(s). The Shooting Review Board will then submit to the Chief of Police, for his/her concurrence, a written summary of their findings on the officer-involved shooting. This summary shall indicate one of the following findings:~~

~~In Policy — The actions of the officer in response to the circumstances leading to the discharge of his/her firearm were appropriate, and consistent with department policy.~~

~~Not in Policy The discharge of the firearm was not appropriate under the circumstances and was not consistent with department policy.~~

~~This finding shall be accompanied by a recommendation for discipline, or a referral to M.C.D. for further investigation.~~

~~Further Investigation—~~

~~Matter referred back to M.C.D. for further investigation or clarification, with a stated due date to the Review Board.~~

- ~~5. The Chair Chief shall forward of the Shooting Review Board's written summary shall prepare a quarterly report to the Police Commission, which contains a summary of each officer involved shooting and officer involved discharge, any disciplinary action or training recommended, and proposals for modifying department policy to the Police Commission. This report shall be a public record. No report that is made public shall disclose any information deemed confidential by law. A copy of this report shall be forwarded to the Director of the O.C.C. upon receipt by the Police Commission.~~
- ~~6. The Director of the O.C.C. shall review the investigation and summary and shall may recommend any further action (including an independent investigation) that the Director concludes is warranted. A summary of the O.C.C. Director's recommendations shall be a public record.~~
- ~~7. The Police Commission shall review the Shooting Review Board's summary and the O.C.C. Director's recommendations and take action as appropriate.~~
- ~~8. No report that is made public shall disclose the officer's identity or any other information deemed confidential by law.~~

~~K. POLICE COMMISSION QUARTERLY REPORT~~

- ~~1. The Chair of the Shooting Review Board shall prepare a quarterly report to the Police Commission, which contains a summary of each officer involved shooting and officer involved discharge, any disciplinary action or training recommended, and proposals for modifying department policy. This report shall be a public record. No report that is made public shall disclose any information deemed confidential by law. A copy of this report shall be forwarded to the Director of the O.C.C. Upon receipt by the Police Commission a copy of this report shall be forward to the Director of the O.C.C.~~