



LONDON N. BREED
MAYOR

CITY AND COUNTY OF SAN FRANCISCO
POLICE DEPARTMENT
HEADQUARTERS
1245 3RD Street
San Francisco, California 94158



WILLIAM SCOTT
CHIEF OF POLICE

January 6, 2021

Honorable Police Commission
City and County of San Francisco
1245 3rd Street, 6th Floor
San Francisco, CA 94158

Re: First Quarter 2021 In Custody Death Review Board Findings and Recommendations

Dear Commissioners:

On Monday January 4, 2021 at approximately 1300 hours, pursuant to and in compliance with Department General Order 8.12.III, Subsection F, the In-Custody Death Review Board convened to review completed In-Custody Death (I.C.D.) investigations for the First Quarter 2021. The meeting was held via WebEx.

The In-Custody Death Review Board (ICDRB) reviewed completed **ICD cases 16-001 and 20-001**. A summary of these incidents is attached. The ICDRB was comprised as follows:

Voting Board Members	Assignments
Deputy Chief Gregory Yee (Chair)	Administration Bureau
Deputy Chief Greg McEachern	Operations Bureau
Deputy Chief David Lazar	Investigations Bureau
Deputy Chief Mikail Ali	Airport Bureau
Captain Jack Hart	Academy/Training Division

Advisory Board Members	Assignments
Chief of Operations Sharon Woo	Department of Police Accountability
Captain Mark Cota	Risk Management Office
Dr. Richard Martin	Public Health Physician/Staff Services
Assistant Medical Examiner Dr. Ellen Moffatt	Medical Examiner's Office

Also present were Police Commission Secretary Sergeant Stacy Youngblood, Lieutenant Angela Wilhelm and Sergeant James Tacchini of the Internal Affairs Division, Lieutenant Andrew Cox of the Legal Division and Sergeant Joseph Minner of the Administration Bureau. Lieutenant Dennis Toomer of Tenderloin Station was also present as he was the initial Investigator assigned to ICD 16-001.

Lieutenant Cox presented ICD 16-001. After the presentation, there was discussion regarding the decedent's positioning on the ground after he was handcuffed as witnesses gave conflicting statements as to whether the decedent was lying on his stomach or on his side. Both Dr. Moffatt and Dr. Martin advised the decedent's positioning would not have been a factor in his death.

On February 20, 2019 the San Francisco District Attorney's Office advised they would not be filing any criminal charges in connection with this incident.

After considering the facts, analysis, and conclusions in this case, the ICDRB unanimously voted to concur with the recommendation of "**IN POLICY/PROPER CONDUCT**" for all named officers in this incident.

Sergeant Tacchini presented ICD 20-001. After considering the facts, analysis, and conclusions in this case, the ICDRB unanimously voted to concur with the recommendations of both "**IN POLICY/PROPER CONDUCT**" and "**OUT OF POLICY**" as relevant to the named officers for this ICD. It should be noted the only "**OUT OF POLICY**" finding was regarding an officer who responded as emergency backup without his Body Worn Camera which was plugged into the charging dock at the time. The San Francisco District Attorney's Office did not classify this incident as an In Custody Death and declined to investigate the incident.

The findings of the 2021 1st Quarter In-Custody Death Review Board were forwarded for my review and I concur with the Board's findings. The findings are hereby forwarded for your review and consideration.

Sincerely,


WILLIAM SCOTT
Chief of Police

Attachment: ICD Summaries -1st Quarter 2021
cc: Director Paul Henderson, Department of Police Accountability

1st QUARTER 2021
IN CUSTODY DEATH REVIEW BOARD
MONDAY JANUARY 4th, 2021

In Custody Death (ICD) Summaries

ICD 16-001:

On January 13th, 2016 at approximately 2104 hours, San Francisco Police Department (SFPD) Officers responded to 14th Avenue and Fulton Street in San Francisco, regarding a call of a Male Subject running in the roadway, yelling and screaming. One 911 caller stated it appeared that the Subject was attempting to be intentionally struck by passing vehicles.

Two SFPD Officers and one SFPD Sergeant arrived on scene and observed the subject standing in the westbound lanes of Fulton Street. The Subject was waving his arms and making what one officer described as “animal noises”. The Sergeant used verbal commands to order the subject out of the street and to sit down. The Subject complied, walked toward the curb, and sat down approximately three feet from the sidewalk. The subject then began to stand up and was ordered to sit again by the Sergeant. The subject was then handcuffed using a prone handcuffing technique. After he was handcuffed the officers advised they placed him in a position of recovery on his side and requested medics respond as they believed the Subject was in an Altered Mental Status. SFFD medics and firefighters arrived on scene and began to assess the Subject. As the Subject was being assessed, the medics observed he was no longer breathing, and they could not detect a pulse. The handcuffs were removed, the subject was placed on a backboard and CPR was initiated. The subject was then transported to St. Mary’s Hospital and admitted to the Intensive Care Unit. The Subject remained under medical care and was later transported to California Pacific Medical Center. The Subject was pronounced deceased on January 21st at 1400 hours.

After the presentation, there was discussion regarding the positioning of the Subject while handcuffed and the conflicting witness statements of whether the subject was lying on his side or front. Dr. Moffatt who performed the autopsy in this case, noted that she did not locate any signs of subcutaneous hemorrhaging on the decedent’s head, neck or upper back. The lack of this hemorrhaging indicated to her that even if the decedent were lying on his front while handcuffed, there was no additional pressure or force applied to his head, neck or back while in that position. Dr. Martin also commented that due to the fact that the cause of death was determined to be cardiac arrhythmia, the subject’s positioning would not have been a factor in the Subject’s death.

The Medical Examiner’s determination was that the cause of death was lethal cardiac arrhythmia, following restraint due to acute methamphetamine intoxication and the manner of death was deemed an accident.

ICD 20-001:

On January 21st, 2020, at approximately 0540 hours, two SFPD officers were on patrol driving down Sunnydale Avenue in San Francisco. They heard what they believed to be gunshots coming from the Sunnydale Housing Development. They saw a vehicle parked with a shattered window, they approached the vehicle and determined it was occupied by two people who were not injured.

Officer #1 then notified Officer #2 that in front of 1851 Sunnydale Avenue, there was a Subject lying face down holding a handgun, with his finger on the trigger. The Officers advised that they had a subject on the ground holding a gun and requested additional units. Officer #1 began giving commands to the Subject to drop the gun, but the Subject did not comply with the orders. Numerous officers arrived on scene to assist as CIT trained officers on the scene attempted to communicate with the Subject as well.

After a few minutes, the Subject complied and let go of the firearm. Officers approached the Subject, and he was placed in handcuffs without incident. Several officers conducted a search of the Subject for weapons or injuries but did not locate either. A Sergeant on scene asked the Subject if he was injured or shot. The Subject stated he was not shot or injured but stated he was intoxicated.

After the scene was deemed safe, SFFD Medics arrived on scene to assess the Subject. As the medics arrived, the Subject stopped breathing. As they began to render aid, the medics lifted the Subject's shirt and located a bullet hole in the Subject's right upper rib area. Medics initiated CPR. The Subject was taken out of handcuffs and transported to San Francisco General Hospital (SFGH). Upon arrival at SFGH, the Subject was immediately taken into surgery. At 0837 hours, the Subject was pronounced deceased.

The Medical Examiner's determination was that the cause of death was multiple gunshot wounds, and the manner of death was Homicide.

After the presentation, there was discussion regarding potential changes to the criteria used to classify an incident as an In Custody Death per Department General Order 8.12. It was noted this DGO is under revision and there may be changes or updates to the language contained therein.