



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

April 1, 2019

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

Re: First Quarter, 1st Session 2019 Firearm Discharge Review Board Findings and Recommendations

Dear Commissioners:

On Tuesday, March 26, 2019 at approximately 1005 hours, pursuant to and in compliance with Department General Order 3.10.I, Subsection D, the Firearm Discharge Review Board (FDRB) convened to review completed Officer Involved Shooting (OIS) and Officer Involved Discharge (OID) investigations for the First Quarter 2019.

The FDRB reviewed completed OIS cases 2016-001, 2018-001, and completed OID cases 001-18 and 002-18. A summary of these incidents is attached. The FDRB was comprised as follows:

<u>Voting Board Members</u>	<u>Assignments</u>
▪Deputy Chief Robert Moser (Chair).....	Administration Bureau
▪Deputy Chief Mikail Ali.....	Airport Bureau
▪Deputy Chief Ann Mannix.....	Operations Bureau

<u>Advisory Board Members</u>	<u>Assignments</u>
▪ Commissioner Damali Taylor.....	Police Commission
▪ Captain Denise Flaherty.....	Police Academy
▪ Lieutenant R. Andrew Cox.....	Internal Affairs Division
▪ Acting Captain William Braconi.....	Risk Management Office
▪ Sergeant Alan Callaway.....	SFPD Range
▪ Director Paul Henderson	Department of Police Accountability

Also present were the Police Commission Secretary Sergeant Walter Ware, Sergeant Jayme Campbell of the Police Commission, Sergeant Joseph Minner of the

Administration Bureau, Sergeants Cristina Franco, John Crudo and Paul Ospital of the Internal Affairs Division and Attorney Sarah Hawkins of the Department of Police Accountability.

Sergeant John Crudo presented OIS 16-001. After considering the facts, conclusions, and analysis in this case, the FDRB did not vote regarding the recommendations of both “**IN POLICY**” and “**OUT OF POLICY**” for this OIS. The board did hold a discussion regarding one of the findings pertaining to a Department Bulletin regarding tactics officers should consider when they respond to calls where it is believed an armed suspect is experiencing mental health issues. A motion was made and unanimously approved to return this investigation to IAD-Admin for thirty days for further investigation and clarification of the finding pertaining to the Department Bulletin regarding how to respond to mental health calls with an armed suspect.

Sergeant Paul Ospital presented OIS 2018-001. After considering the facts, conclusions, and analysis in this case, the FDRB unanimously voted to concur with the recommendation of “**IN POLICY**” for this OIS. Discussion was held about the tactics used by the officers in this incident. It was noted that the Training Division has developed the Critical Mindset training in part due to this OIS and the issues it raised. The Critical Mindset training was developed to provide officers with more training on how to better conduct a coordinated response at high risk incidents with multiple officers on scene.

Addendum to 2018-001: After my review of the investigatory findings in regards to OIS 2018-001, I recommended that OIS 2018-001 be sent back to IAD-Admin in order for them to further investigate the tactics used in the incident and consider additional findings. I particularly want them to consider any findings pertaining to any additional Departmental policies or training that may be relevant to the evaluation of the tactics used in this incident.

Sergeant Franco presented OIS 001-18. After considering the facts, conclusion and analysis in the case, the FDRB did not vote regarding the recommendation of “**OUT OF POLICY**” for this OIS. There was a discussion initiated by DC Ali as to whether or not attention to duty was considered as an additional factor or potential finding in the investigation. Sgt. Franco advised it was not. A motion was made and unanimously passed for the investigation to be returned to IAD Admin for thirty days in order for this potential additional finding to be investigated.

Sergeant Franco presented OIS 002-18. After considering the facts, conclusion and analysis in the case, the FDRB unanimously voted to concur with the recommendation of “**OUT OF POLICY**” for this OIS. There was discussion regarding the recommended consequence for the involved officer. Currently the scheduled discipline is typically for the involved officer to receive retraining depending on the circumstances of the OIS. DC Ali proposed that the scheduled discipline for an OIS be reviewed and increased in severity. He noted that an OIS

is a potentially lethal incident that could possibly lead to a member being charged criminally and thus they should be regarded with due seriousness. No official motion was made regarding this recommendation.

The Department of Police Accountability (DPA) was then given the time for their comments. Director Henderson noted that this was the first time DPA had been placed on the FDRB agenda and expressed his thanks. He gave a general update and advised DPA was working to bring their investigations to completion in an efficient manner to allow them to be presented to the FDRB without undue delay. He also commended the collaborative effort of the SFPD and DPA in regards to FDRB cases.

The findings of the First Quarter, 1st Session Firearm Discharge Review Board are hereby forwarded for your review and consideration.

Sincerely,


WILLIAM SCOTT
Chief of Police

Attachment: OIS and OID Summaries -1st Quarter, 1st Session 2019
cc: Director Paul Henderson, Department of Police Accountability

1st QUARTER, 1st Session 2019
FIREARM DISCHARGE REVIEW BOARD
Tuesday March 26th, 2019

Officer Involved Shooting (OIS) Summaries

OIS 16-001- On April 7th, 2016 at approximately 0957 hours, members of the San Francisco Homeless Outreach Team contacted dispatch regarding a homeless male who was on the 400 Block of Shotwell Street acting erratically and in possession of a large knife. The first unit to arrive on scene was a single officer unit followed closely by the arrival of a Sergeant. The officer deployed his Extended Range Impact Weapon (ERIW) and the Sergeant assumed the role of the lethal cover officer as they approached the subject. As they approached the male who was seated on the ground they could see he had a knife in his right hand. The officer began to yell commands and fired his ERIW at the male's right upper arm. As he was struck by the ERIW round, the male stood up and began to walk toward the street away from the officers. The male was still in possession of the knife. The male then abruptly turned toward the Sergeant and began to walk toward him with the knife extended and making what witnesses later described as a flailing motion. The Sergeant and officer retreated but the male continued to advance and with the knife still extended came within five feet of the Sergeant. Fearing for his safety the Sergeant shot the male with his firearm. The officer also fearing for the safety of his Sergeant fired his firearm at the male. The male was struck multiple times. Medical aid was rendered on the scene, the male was transported to San Francisco General Hospital and later pronounced deceased.

OIS 18-001- On February 17th, 2018 at approximately 0013 hours, officers located a vehicle wanted in a homicide and carjacking investigation. The vehicle was found parked on Alameda Street between DeHaro and Rhode Island Streets. The vehicle was parked at the curb directly behind a recreational vehicle (RV). The officers conducted an exterior visual search of the wanted vehicle and RV. One officer was able to see the homicide suspect sleeping in the RV. The officers requested assistance and numerous units responded to assist. The units began to conduct a high risk stop by ordering the occupants of the RV to exit. Three individuals exited the RV, but the homicide suspect did not. As they continued to call out to the homicide suspect to exit the RV, gunshots were fired from inside the RV at the officers. Fearing for their safety and the safety of others on scene, numerous officers returned fire into the RV. No one was struck by gunfire during this incident. After the initial volley of gunfire, the suspect remained in the RV. Critical Incident protocol was initiated and the suspect was taken into custody approximately two hours later.

Officer Involved Discharge (OID) Summaries

OID 001-18- On March 28th, 2018 at approximately 1215 hours, a Sergeant was in his office located at 850 Bryant Street. While at his desk, he began cleaning an off duty weapon in preparation to use it a firing range after work. While cleaning the weapon, one round was fired. The Sergeant's partner conducted a canvas of both the inside and outside of the building and located no victims of the gunshot. There was damage to the Sergeant's desk. The Sergeant later advised he did not recall if he had his finger on the trigger when the shot occurred. The Sergeant notified his supervisor of the discharge.

OID 002-18- On May 24th, 2018 at approximately 0546 hours an officer was in the Female locker room at the Richmond District Police Station. The officer was preparing to go to the SFPD Range later that day to qualify and was preparing to conduct a dry fire drill she normally practiced prior to attending the range. The officer released the round from the firearm's chamber and then removed the firearm's magazine. Prior to beginning her drill, the officer pointed the firearm down and pulled the trigger and one round was fired from the firearm. The officer placed the firearm on a bench and immediately notified her supervisor of the discharge. No one else was present in the locker room and no one was injured as a result of the gunfire.