



LONDON N. BREED
MAYOR

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

RECEIVED
9/14/2020



WILLIAM SCOTT
CHIEF OF POLICE

September 1, 2020

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

Re: Third Quarter 2020 In Custody Death Review Board Findings and Recommendations

Dear Commissioners:

On Monday August 31st, 2020 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 Third Quarter 2020.

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

The In-Custody Death Review Board reviewed completed **ICD cases 15-001, 16-002 and 17-001**. 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
Attorney Sharon Woo	Department of Police Accountability
Captain Mark Cota	Risk Management Office
Dr. Richard Martin	Public Health Physician/Staff Services
Commissioner Cindy Elias (via telephone)	Police Commission

Also present were Police Commission Secretary, Sergeant Stacy Youngblood, Lieutenant Angela Wilhelm and Sergeant James Tacchini of the Internal Affairs Division and Sergeant Joseph Minner of the Administration Bureau.

Sergeant Tacchini presented ICD 15-001. After the presentation, there was discussion regarding the availability of any surveillance footage or body worn camera footage for the investigation. Sgt. Tacchini advised that this incident occurred prior to the implementation of body worn cameras and no surveillance footage showed the Officers interaction with the Subject. 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 involved in this ICD.

Sergeant Tacchini presented ICD 16-002. After the presentation, there was discussion regarding current Department policies and practices related to the cell check process at district stations and the potential need to enhance or modify them. 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.

Sergeant Tacchini presented ICD 17-001. After considering the facts, analysis and conclusions in this case, the ICDRB unanimously voted to concur with the recommendations of "**IN POLICY/PROPER CONDUCT**" for the named officers in this ICD.

There was general discussion held by the Board following the presentations. Deputy Chief McEachern made the recommendation that cases should always be presented to the Board by the initial IAD investigator even if that member has transferred or promoted out of IAD. This practice would ensure any questions from the Board can be more accurately answered and addressed. Deputy Chief Ali suggested that in the future the photographs of the Officers and subjects in these incidents should be eliminated from the presentations in order to maintain confidentiality. He also recommended that any subject's criminal history be removed from the presentations in order to eliminate any appearance of bias toward the subject. Lieutenant Wilhelm advised IAD would take these suggestions under consideration and would discuss it with her chain of command.

The findings of the 2020 3rd Quarter In-Custody Death Review Board are hereby forwarded for your review and consideration.

Sincerely,


WILLIAM SCOTT
Chief of Police

3rd QUARTER 2020
IN CUSTODY DEATH REVIEW BOARD
MONDAY AUGUST 31ST, 2020

In Custody Death (ICD) Summaries

ICD 15-001:

On April 3rd, 2015 Bayview Station Officers responded to a call at 145 Kiska Road regarding a trespasser. They contacted Male (S1) Subject and placed him under arrest for an outstanding warrant. The Subject was transported to Bayview Station and processed for the booking on his outstanding warrant. The Subject was later transported to County Jail #1. While being triaged by the intake nurse at County Jail, the Subject stated "Yeah, I do want to kill myself." The intake nurse then advised she was refusing to accept the Subject until he was cleared by Psychiatric Emergency Services at San Francisco General Hospital ("SFGH"). The Subject then became agitated and started yelling. San Francisco Sheriff's Deputies handcuffed the Subject who began physically resisting the Deputies. The Subject was escorted out to the sally port and continued to resist. The Subject was forced to the ground and restrained but continued his resistance. One Deputy used his knee to deliver two distraction blows to the Subject's leg. The Officers on scene requested medics to respond to the sally port. While awaiting the medics, the Officers on scene assisted in restraining the resisting Subject. There was no reportable use of force by the SFPD officers. When AMR medics arrived on scene, they injected the Subject with Versed, a sedative. The Subject was placed in their ambulance for transport to SFGH and one SFPD officer rode with the medics. While en route to SFGH, the Subject stopped breathing and had no pulse. The medics initiated CPR and the Subject regained a pulse. Upon arrival at SFGH the subject was immediately sent to the Intensive Care Unit. On April 6th, 2015 the Subject was pronounced deceased.

ICD 16-002:

On June 18th, 2016 at 2124, Tenderloin Station Officers were dispatched to 41 Jones Street regarding a male Subject with a knife attempting to force his way into the building. Upon arrival, and subsequent to investigation, the Subject was placed under arrest and taken to Tenderloin Station for processing. At Tenderloin Station, the Subject indicated he was required to take blood pressure medication and accordingly not placed in a holding cell. At 0126 hours on June 19th, the Subject was transported to County Jail #1. At County Jail, the intake nurse refused to admit the Subject due to his high blood pressure. The Subject was transported to SFGH to be medically cleared prior to booking. The Subject was treated, provided a prescription for blood pressure medication and medically discharged. The Officers later advised they did not know if the medical staff administered any medication to the Subject while he was at SFGH. While escorting the Subject back to their patrol wagon, Officers noted that the Subject, sweating, shaking and was ambulatory but had some difficulty walking. The Subject was transported to County Jail #1 at 0455 hours. Upon return to County Jail #1, the Subject had difficulty walking,

was sweating profusely and appeared confused and disoriented. The intake nurse medically refused the Subject again due to his condition. Due to the Subject's worsening condition, an ambulance was requested for the Subject. While awaiting the ambulance, the Subject was placed back into a holding cell. The Subject then stopped breathing and CPR was administered until the ambulance arrived. The ambulance transported the Subject to SFGH where he was pronounced deceased at 0619 hours.

ICD 17-001:

On March 11th, 2017, Mission Station Officers responded to 2200 Market Street, the Hecho Bar and Restaurant. The call was regarding a male patron who per the 9-1-1 caller was being very aggressive breaking windows and harming himself. Upon arrival, the Subject was being restrained by other patrons. The Officers took over restraining the Subject who was actively resisting and also bleeding from a cut on his left wrist. Additional Officers arrived on scene and helped in the attempts to take the Subject, who was still actively resisting, into custody. The subject was handcuffed and a hobble was placed around his legs as he was kicking at the Officers. The Subject was then placed in a position of recovery and moved to a seated position, but he continued to resist the Officers. San Francisco Fire Department medics arrived on scene and administered the sedative Versed to the subject. After the Versed was administered the Subject became calmer and the medics were able to treat the laceration to his left wrist. The subject was then placed on a medical backboard, the handcuffs and hobble were removed and soft restraints were applied to the Subject's limbs and then tied to the backboard to restrict the Subject's movement. Shortly thereafter, one Officer noticed the Subject was nonresponsive. The Officer checked the Subject and recognized he had no pulse and was not breathing. The Officers on scene immediately began to perform CPR on the Subject while he was taken to the ambulance and until relieved by the medics. The Subject was transported to SFGH and at that time the Officers were advised the Subject was in critical but stable condition. On March 24th, 2017 SFGH notified the San Francisco Medical Examiner that the Subject was deceased as of that date.



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WILLIAM SCOTT
CHIEF OF POLICE

September 3, 2020

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

Re: Reconvened Third Quarter 2020 Firearm Discharge Review Board Findings and
Recommendations

Dear Commissioners:

On Thursday September 3rd, 2020 at approximately 1000 hours, pursuant to and in compliance with Department General Order 3.10.I, Subsection D, the Firearm Discharge Review Board reconvened to review an Officer Involved Shooting (OIS) investigation for the Third Quarter of 2020.

The Reconvened Firearm Discharge Review Board (FDRB) reviewed completed OIS case **2019-002**. A summary of the incident is attached. The FDRB was comprised as follows:

Voting Board Members	Assignments
▪ Commander Steve Ford (Chair).....	Administration Bureau
▪ Deputy Chief Gregory McEachern.....	Operations Bureau
▪ Commander Denise Flaherty.....	Airport Bureau
▪ Deputy Chief Ann Mannix.....	Special Operations Bureau

Advisory Board Members	Assignments
▪ Captain Mark Cota.....	Risk Management Office
▪ Lieutenant Angela Wilhelm.....	Internal Affairs Division
▪ Sergeant Alan Callaway.....	SFPD Range
▪ Attorney Sarah Hawkins.....	Department of Police Accountability

Also present were the Police Commission Secretary, Sergeant Rachel Kilshaw and Sergeant Joseph Minner of the Administration Bureau. Sergeant Cristina Franco joined the meeting via telephone.

Lieutenant Wilhelm presented OIS 19-002. After considering the facts, analysis and conclusions in the case there was discussion regarding the findings of the investigation which had determined the Officer was not in policy with regard to specific sections of Department General Orders, 2.01, 5.01 and 8.11. Deputy Chief McEachern made a motion that an additional recommendation that the Officer was not in policy with regards to

Department General Order 2.01 Rule 9 should be considered in the findings. This motion was passed unanimously.

After further considering the facts, analysis and conclusions in the case, the FDRB voted unanimously to concur with the recommendations of “**NOT IN POLICY**” regarding the discharge of the Officer’s firearm.

It should be noted that Department General Order 8.11 Section II A defines an Officer-Involved Shooting (OIS) as the following:

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.

The investigation of OIS 19-002 was unable to conclude if there was or was not any physical injury as a result of the discharge of the Officer’s firearm. However, the SFPD entered into a memorandum of understanding (MOU) with the San Francisco District Attorney and their Independent Investigations Bureau in May of 2019. That MOU defines an OIS as any discharge of a firearm when it is discharged intentionally at another person. Accordingly, this incident was classified as an OIS.

It should be noted that Department General Order 8.11 is being reviewed and updated as part of the San Francisco Police Department’s Collaborative Initiatives. The update will modify the definition of an OIS to include the intentional discharge at another person even when the discharge does not result in physical injury or death.

The findings of the Reconvened 3rd Quarter Firearm Discharge Review Board are hereby forwarded for your review and consideration.

Sincerely,


WILLIAM SCOTT
Chief of Police

Attachment: OIS Summary -3rd Quarter 2020

cc: Director Paul Henderson, Department of Police Accountability

3rd QUARTER 2020
RECONVENED FIREARM DISCHARGE REVIEW BOARD
Thursday September 3rd, 2020

Officer Involved Shooting (OIS) Summary

OIS 19-002:

On 09/13/19 at sometime between 1540-1555 hours, an off-duty San Francisco Police Officer was driving his personal vehicle on the I-80 East Freeway and exited at the University Avenue Exit in Berkeley, CA. The Officer had just completed an overtime shift and had his duty belt and Department issued firearm in his vehicle. As the Officer exited he drove toward Frontage Road and observed a Honda Civic attempting to overtake him on the passenger side of his vehicle using the emergency lane. The Officer maintained his speed and the Honda had to brake hard to avoid colliding with a cement wall or the Officer's vehicle. The Honda pulled behind the Officer and then passed him shortly thereafter.

At the intersection of Eastshore Highway and Hearst Avenue, the Honda proceeded through the intersection then pulled to the side of the road and stopped. The Officer saw the Honda was stopped and he then proceeded thorough the intersection and pulled alongside the Honda. The Officer said "What's up man" to the Unknown Male driver of the Honda, and Unknown Male replied "we ain't playing games out here". The Unknown Male then began to moving around as if he was retrieving something from between the seat and driver side door. The Officer believed he was reaching for a weapon so he unholstered his Department issued firearm. The Unknown Male then extended his arm out his driver side window as though he had a weapon. The Officer saw something shiny in the Male's hand and believing he was going to be shot fired one round from his firearm at the Unknown Male. The Unknown Male drove away rapidly, the Officer followed in an attempt to get the Honda's License Plate but was unable to do so. The Unknown Male and his vehicle were never located and any injuries are unknown. The shooting was later reported to the Berkeley Police Department who conducted a criminal investigation.