

*San Francisco Police Department*  
*George Gascón, Chief of Police*

# **Officer-Involved Shootings**

## ***A Five-Year Study***



**January 20, 2010**

*There is no greater responsibility  
placed on members of  
law enforcement  
than the authority to use  
lethal force in the line of duty.*

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# 1 Executive Summary

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This study examines SFPD procedures followed in officer-involved shootings (OIS) for a five-year period, from 1/1/2005 to 8/27/2009.

**Data.** The study data consists of 15 incidents where 26 SFPD officers discharged their firearms, resulting in the injury or death of 15 subjects. Additional shootings that met the OIS definition involving non-SFPD officers in San Francisco, or cases where indeterminate injuries occurred not attributable to police firearms, were not analyzed in this study. On 8/28/2009, department policy redefined an OIS to include intentional discharges with or without injury, or death to a person. To maintain consistency with respect to the “process”, only the OIS’s under the old definitions were studied.

**Method.** The study was performed by round-table interviews of subject matter experts (SME’s) across the department and in other municipal agencies who participate in OIS investigations, such as District Attorney, Medical Examiner, and Office of Citizen Complaints. Interviews were followed up by additional questionnaires. Homicide Detail and Management Control Division (MCD) were provided an 8-page detailed worksheet which they completed by review of their case files for the 15 OIS’s involved.

**Policy.** All 15 OIS’s in this study were found to be within policy by the department’s Firearms Discharge Review Board.

**Results.** A review of the data gathered during this study leads to the following observations - recommendations follow in the body of the report.

1. **Less Lethal.** A number of shootings were identified where circumstances indicated that a less lethal option other than Extended Range Impact Weapon (ERIW) may have been a viable alternative to the use of deadly force.
2. **Firing at Moving Vehicles.** Three of the shootings studied involved moving vehicles. Shooting at vehicles produces poor results and high risk. Other major police departments have policies that prohibit this practice.
3. **Mental Health Issues.** Five of the shootings had strong indication of mental health issues being a contributing factor. Not all sworn members have received the 40-hour Police Crisis Intervention Training (CIT), which has been proven effective in enhancing officer safety and in dealing with persons in crisis.
4. **Post-Event Scene Management.** Crime-scene management following an OIS sometimes lacked consistency and adequate command and control. A response by a commissioned officer and the utilization of Incident Command System (ICS) procedures was not mandatory.
5. **Investigations.** Although comprehensive, investigations were not prepared and presented in a standardized format. Homicide Detail and MCD did not maintain a uniformed numbering system that tracked the same OIS case. The current interview facilities cannot adequately accommodate the number of persons necessary to be present during these interviews.

6. **Workload.** The recent change in definition requiring most officer involved discharges (OID's) to be investigated as officer involved shootings (OIS's) will require a reassessment of the staffing needs at Management Control Division (MCD,) Homicide, and Crime Scene Investigations (CSI.)
7. **Public Information.** As a practice, the Chief of Police or designee did not make a 24-hour statement to the media following an OIS, even though this has been proven effective in other jurisdictions in reducing public concern and the reporting of inaccurate information.
8. **Language.** Although language was not determined to be an impediment in the cases covered by this study, the diversity of San Francisco's population has presented language issues in the past and will again in the future. The Office of Citizen Complaints (OCC) has advocated for the implementation of the Language Efficiency Program to address this issue department-wide. The Department and OCC are currently working on implementing the provisions of this program in compliance with Department General Order (DGO) 5.20.
9. **Community.** No protocol currently exists for the notification of any entity to provide mental health assistance to community members impacted in the aftermath of an OIS.
10. **Employee Assistance.** The Behavioral Science Unit coordinates and provides employee assistance to members involved in an OIS; it also provides the same assistance to other members involved in the incident even though they may not have discharged their firearm. This support is provided immediately and includes a mandatory debriefing of the involved members within 72-hours of the incident whenever possible. Currently there is no set protocol in place that monitors members for ongoing negative effects of incident trauma over a longer period of time.

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## 2 Introduction

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On August 7, 2009, George Gascón was sworn in as San Francisco's thirty-ninth Chief of Police. Prior to this, he had served as Chief of Police in Mesa, Arizona for three years after serving over twenty-eight years with the Los Angeles Police Department and retiring as an Assistant Chief of Police.

Chief Gascón is very familiar with the sensitive issues surrounding an officer-involved shooting. Being that he had no historical perspective of officer-involved shootings in San Francisco, or the process by which this department investigated and reported these cases, Chief Gascón directed me to conduct a comprehensive review of the process used to investigate officer-involved shootings by San Francisco Police Department members for the preceding five years. The department's definition of an officer-involved shooting changed effective August 28, 2009. Therefore, the time period used for this study is from January 1, 2005 to August 27, 2009.

The Vision Statement of the San Francisco Police Department has two paragraphs that are particularly relevant to the study directed by Chief Gascón. The second paragraph of the San Francisco Police Department's Vision Statement reads:

*San Francisco has an international reputation for its commitment to human values: compassion, fairness, diversity, human rights, and justice. These values must be at the forefront of the SFPD as it fulfills its public safety mission.*

The fifth paragraph of this Vision Statement reads:

*The Police Department strives to maintain the trust of San Francisco community members by actively engaging with the neighborhoods it serves. The Police Department seeks to make its policies and operations as open as possible. When there are complaints involving the police department, both the public and the police are best served by a system of accountability that is expeditious and fair to all involved.*

These two segments of the Vision Statement are fundamental to the trust that the police department must maintain with the community it serves. There is no single issue that pulls at the delicate fabric of this sometimes tenuous relationship more than the exercise of force, especially deadly force, by members of law enforcement against the members of the community that it serves.

With this vision statement in mind, and its emphasis on accountability, this formal study, the first directed by any San Francisco Chief of Police in recent history was undertaken. This report reviews all fifteen cases in a five-year period in which San Francisco police officers discharged a firearm in the performance of their duties that resulted in an injury to, or the death of a person.

This study was undertaken with the participation and input of every department unit, municipal government agency and other entities that have involvement in officer-involved shooting investigations.

This report is not meant to be an analytical review of the propriety of any of these shootings. The focus of this report was to analyze the demographics of the fifteen shooting cases and examine the current investigative process. The purpose of this analysis was to evaluate the effectiveness of existing department policies and procedures and determine their impact upon the decision-making process prior to, during, and after the shooting incident.

This report describes the process of investigating these cases from beginning to end. It explains the interaction between the department, the member involved, and the impacted family following

the event. It identifies the demographics of department personnel involved, and the array of training provided to recruits in the basic academy. It also describes the circumstances surrounding the incidents, as well as aggregate profiles of the subjects involved.

The first draft of this report made several recommendations. Some of these recommendations emanated as a result of the study itself, while other recommendations were put forward independently by participating organizations. Upon reading the draft of this study, Chief Gascón directed the implementation of many of the recommendations. Those cases will be represented as Implemented Changes. The remaining cases will be represented as Recommendations.

All implemented changes or recommendations are made in the spirit of providing better guidance to department members and a more uniform, accountable and transparent process for investigating and formally reporting these cases.

*- Morris Tabak, Assistant Chief of Police*

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## 3 Shootings, Data & Implications

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### 3.1 Definitions and Scope

Prior to the tenure of Chief of Police George Gascón, **Department General Order 8.11** defined shootings and discharges as follows:

**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. Shooting at, injuring, or killing animals also falls into this category, as does accidental discharge without injury.*

On August 28, 2009, **Department Bulletin 09-239** was issued, changing the definition of shootings as follows:

**Officer-involved shooting:** *An officer's intentional discharge of a firearm, intended to stop a threat, with or without physical injury or the death of a person, or a negligent discharge that results in physical injury or the death of a person.*

For the purpose of this study, we are analyzing those shootings that occurred from January 1, 2005 through August 27, 2009. The reason for segregating the data in this manner is because an officer-involved shooting by the old definition (*resulting in injury or death*) mandated:

- An immediate formal criminal investigation by the San Francisco Police Department Homicide Detail and the Office of the District Attorney when occurring within the City and County of San Francisco,
- An immediate response for the purpose of conducting an administrative investigation by the Management Control Division whether or not they occurred within the City and County,

The investigation of officer-involved discharges using the old definition (*does not cause injury or death*) even though intentional, was conducted by the Commanding Officer of the member involved. These investigations were far less involved, less standardized, and did not utilize the full spectrum of resources available to the personnel conducting the investigation - therefore the decision was made to base this analysis only on those cases that fell under the old definition of officer-involved shootings so we could analyze the "same process" from beginning to end.

During the timelines for this study, the San Francisco Police Department investigated twenty-four officer-involved shootings. Of these twenty-four shootings, five involved outside law enforcement agencies.

- 04/09/2005 Golden Gate Bridge Police
- 05/15/2005 Oakland Police Department
- 05/25/2005 Colma Police Department
- 03/23/2006 California Highway Patrol
- 06/01/2007 Federal Bureau of Investigation

Since these involved non-SFPD members, these five shootings were eliminated from our study because they involved a different process and they provided no data regarding the hiring, training, supervision, or policies of the San Francisco Police Department.

An additional four shootings were removed from the study, even though they involved San Francisco Police Department personnel.

These shootings involved subjects who were either not injured, or who sustained injuries prior to, or during the shooting event, however the injuries could not be attributed to police gun fire. These cases were originally investigated as officer-involved shootings out of an abundance of caution, however due to the indeterminate cause of the injuries involved they did not fit the criteria of this study.

The data and charts produced in this report will be reflective of the remaining 15 officer-involved shootings by 26 members of the San Francisco Police Department that resulted in injury or death to members of the public unless otherwise specified.

In two of the incidents, more than one subject was present. For the purposes of this study, only the principal subject, i.e., the one who was injured or killed by the shooting was considered.

## **3.2 Scope**

The scope of this study was requested as “the last five years.” Because of the definitional change of OIS on August 28, 2009, the scope was modified slightly with the Chief’s approval to the following:

**January 1, 2005 to August 27, 2009**

## **3.3 Characteristics of the 15 Officer-Involved Shooting Incidents**

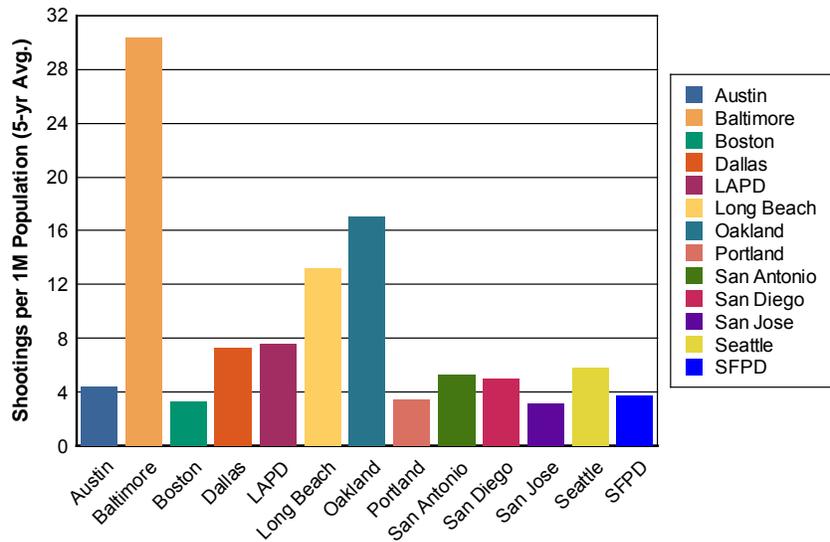
### **3.3.1 Overall Perspective**

In order to appreciate the information put forth in this report and to provide the proper context in which to consider this raw data, it is necessary to provide the reader with some basic facts and information relevant to this discussion. As the reader considers the raw data of those incidents in which SFPD employed deadly force in the performance of their duties that resulted in injury or death to a person, they should juxtapose this information against the backdrop of the complicated environment in which this data was produced.

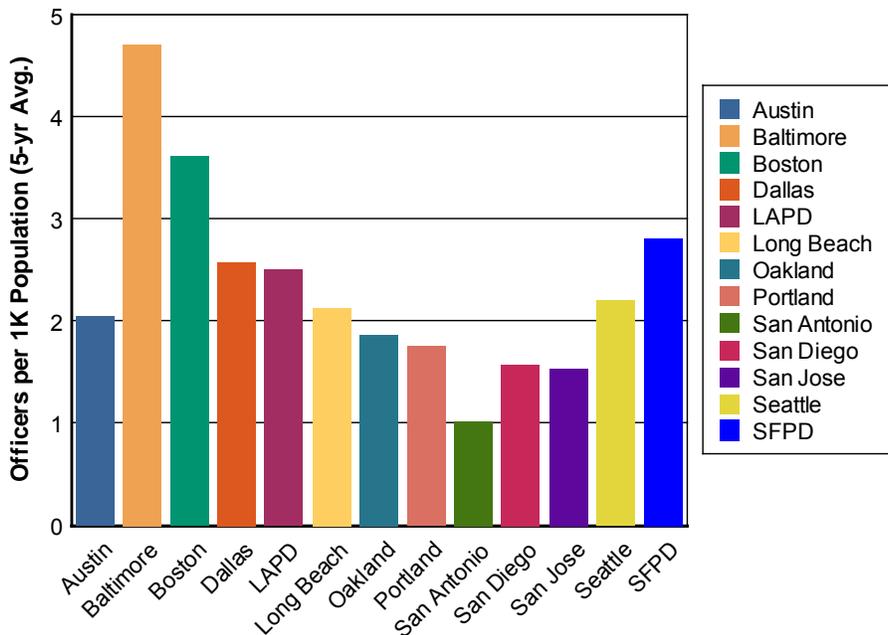
### 3.3.2 Multi-City Statistics

In assessing the data for SFPD, it is useful to view aggregate data from other cities of similar size and composition. For the following charts, the same cities were selected as those utilized in the recent PERF report.

#### 3.3.2.1 Shootings per Population<sup>1</sup>



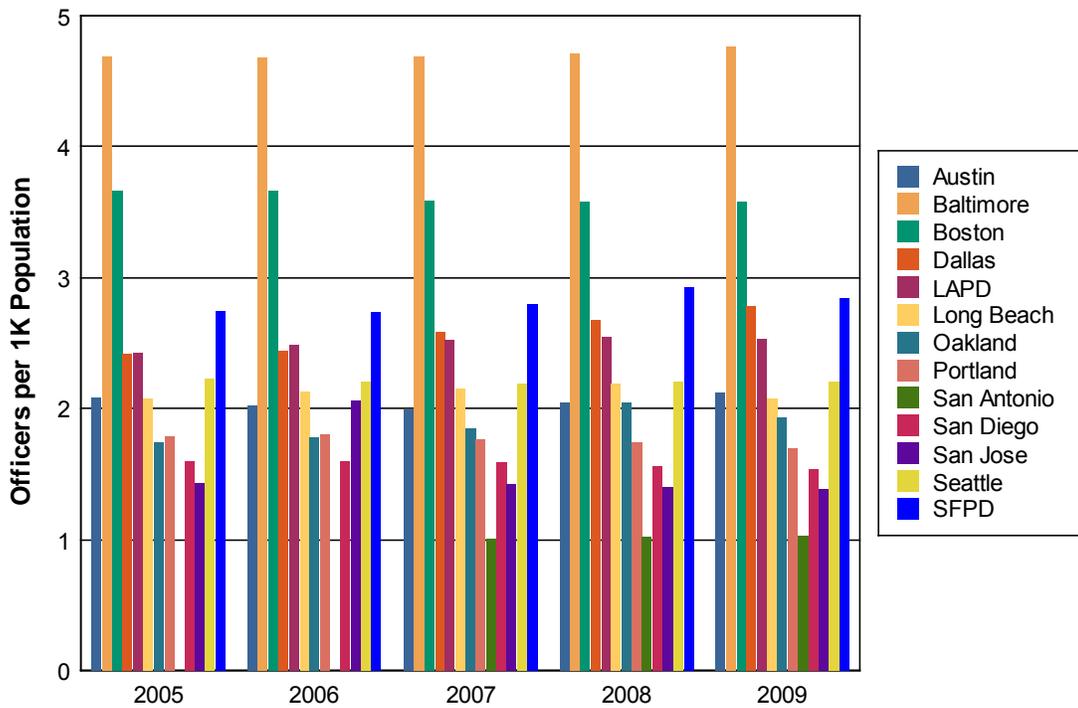
#### 3.3.2.2 Officers per Population<sup>2</sup>



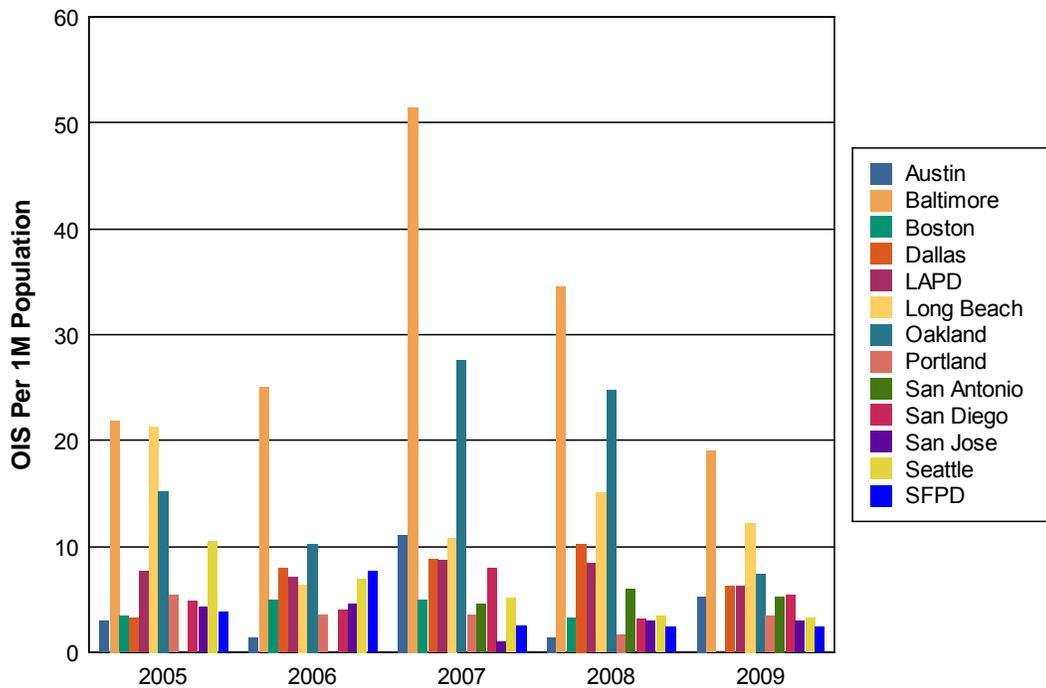
<sup>1</sup> Source: Email survey to each city police department, data requested for period 1/1/2005 to 8/27/2009.

<sup>2</sup> *Ibid.*

### 3.3.2.3 Officer Staffing – Annual Trends<sup>3</sup>



### 3.3.2.4 OIS Annual Trends<sup>4</sup>



<sup>3</sup> Source: Email survey to each city police department. San Antonio was unable to provide data for 2005-2006.

<sup>4</sup> *Ibid.*

### 3.3.3 City and County of San Francisco Statistics

- Population (2008) 808,976<sup>5</sup>
- Fourth most populous city in California<sup>6</sup>
- 12<sup>th</sup> most populous city in the U.S.<sup>7</sup>
- Land area of 46.7 square miles<sup>8</sup>
- Population density 17,323 per square mile

### 3.3.4 San Francisco Police Department

- 2,334 sworn personnel as of January 5, 2010

### 3.3.5 Calls for Service

During their working day, officers are in constant contact with the public. Many of their contacts are minor and not documented in CAD (Computer-Assisted Dispatch). All significant public contacts by patrol officers require a CAD entry. Such entries are often referred to as “Calls for Service,” although many are not actually “calls” from the public. A significant portion of such “calls” are officer-initiated activities, referred to as “on view.” Thus, the actual number of officer to public contacts is greater than the numbers shown below.

The Calls for Service data below illustrates that for the period of this study, January 1, 2005 to August 27, 2009, there were over six million documented contacts between members of the San Francisco Police Department and the members of the public that we serve. Out of all of these contacts, only fifteen resulted in our officers using deadly force, causing injury or death to a member of the public. In other words, 1 in 408,000 documented contacts resulted in an officer-involved shooting.

<b>Officer Activities<sup>9</sup></b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>Total for Study Period</b>
<b>Dispatch Initiated</b>	667,917	654,118	663,735	674,741	636,066	<b>3,067,967</b>
<b>Officer Initiated</b>	566,796	606,313	693,800	719,187	951,945	<b>3,052,035</b>
<b>Total</b>	<b>1,234,713</b>	<b>1,260,431</b>	<b>1,357,535</b>	<b>1,393,928</b>	<b>1,588,011</b>	<b>6,120,002</b>

<sup>5</sup> Source: U.S. Census Bureau, Population Division

<sup>6</sup> Source: S.F. Chronicle, 3/19/2009

<sup>7</sup> Source: *Ibid.*

<sup>8</sup> Source: U.S. Census Bureau

<sup>9</sup> Source: Dept. of Emergency Management

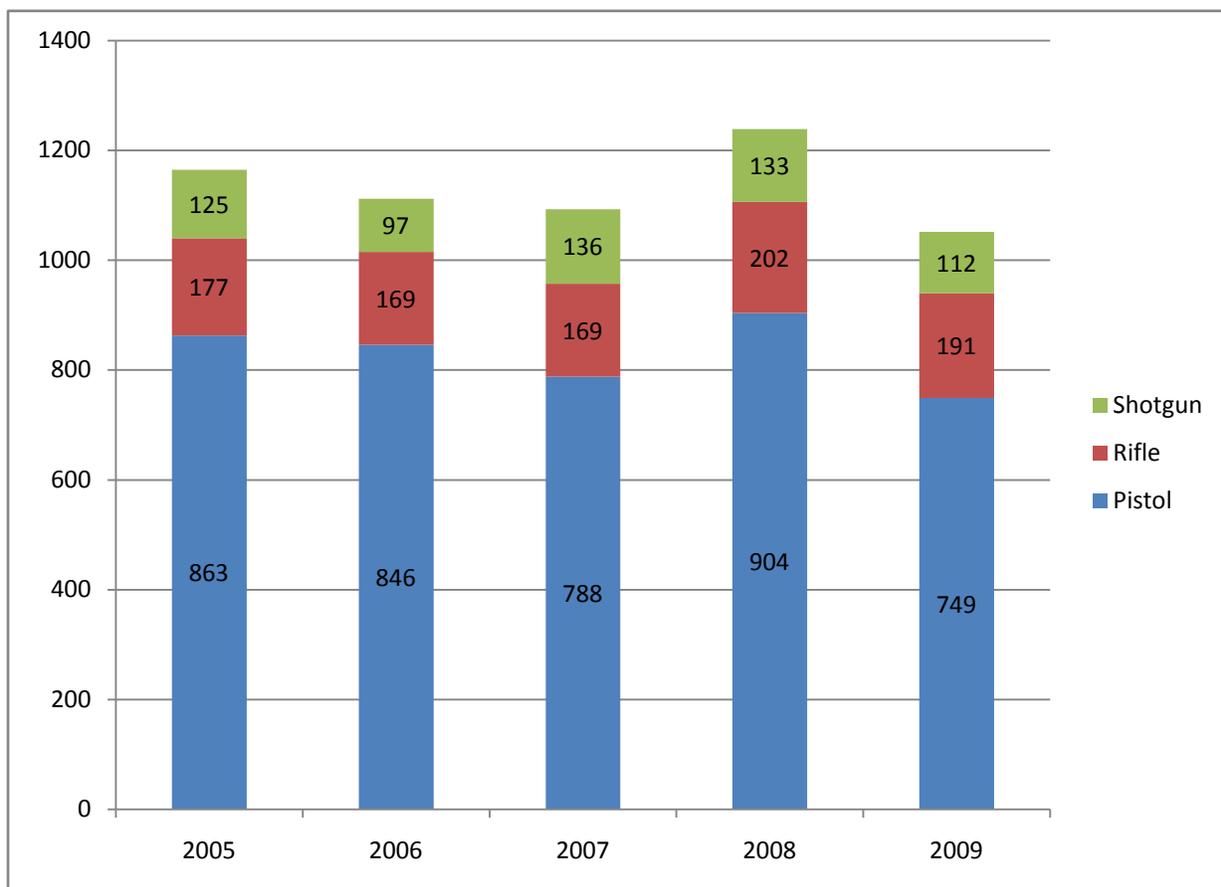
### 3.3.6 Arrests<sup>10</sup>

During the normal course and scope of their duties, officers place individuals under arrest for misdemeanor and felony crimes. Most arrests occur without incident; roughly only 1-in 10,000 involved the use of deadly force by officers.

Arrest Type	2005	2006	2007	2008	2009 <sup>11</sup>
Felony	17,681	17,314	17,176	18,282	12,702
Misdemeanor	14,042	15,038	15,282	13,445	9,946
<b>Total</b>	<b>31,723</b>	<b>32,352</b>	<b>32,458</b>	<b>31,727</b>	<b>22,648</b>

### 3.3.7 Firearms Seized

SFPD officers seized an average of 1,132 firearms annually from 2005 to 2009. Subjects who use firearms for criminal purposes are prosecuted both locally and in coordination with Federal authorities. Once their evidentiary value has been exhausted, seized firearms are destroyed to prevent their reentry into the community.



<sup>10</sup> Source: California Attorney General's website

<sup>11</sup> January to September data only. Preliminary data still being compiled by Attorney General and subject to change.

### 3.4 Demographics of the Subjects Involved

#### 3.4.1 Race, Ethnicity and Age of Subjects

Subject		Number in Group	Age Range		
Race	Gender		Lowest Age	Highest Age	Average Age
Black	Male	8	19	46	32
White	Male	3	43	58	52
Hispanic	Male	2	17	37	27
Pacific Island	Male	1	37	37	37
White	Female	1	56	56	56
	<b>Total</b>	<b>15</b>			

#### 3.4.2 Criminal History Profiles

Previous data indicates a great deal of intervention into known or suspected criminal activity by the officers involved. The below table provides insight to the histories of the subjects involved. All 15 subjects had prior arrest records, for an average of 12 misdemeanor and 15 felony arrests each.

#### 3.4.3 Misdemeanor Arrest History of Subjects

Number of Subjects	Total Arrests
3	0
1	2
1	3
1	5
1	7
3	8
2	21
1	25
1	36
1	72
<b>Total: 15</b>	<b>179</b>
<b>Average Misdemeanor Arrests per Subject</b>	<b>12</b>

### 3.4.3.1 Felony Arrest History of Subjects

Number of Subjects	Total Arrests
1	1
2	2
2	3
1	5
1	6
1	7
1	13
1	14
1	19
1	23
1	28
1	48
1	54
<b>Total: 15</b>	<b>223</b>
Average Felony Arrests per Subject	<b>15</b>

### 3.4.4 Supervised Release Status

Slightly less than an half of subjects were on felony probation at the time of the OIS. None were on misdemeanor probation.

Probation Status	Number of Subjects
Yes	7
No	8
<b>Total</b>	<b>15</b>

### 3.4.5 Three-Strikes Status

California's "three-strikes" law prescribes state imprisonment for a minimum term of 25 years upon conviction of a third qualifying felony. One-third of the subjects were three-strikes eligible at the time of the OIS.

<b>3-Strikes Eligible</b>	<b>Number of Subjects</b>
Yes	5
No	10
<b>Total</b>	<b>15</b>

### 3.4.6 Wanted Status

Subjects with active warrants are more likely to attempt flight or resist their arrest by officers. One-quarter of the subjects had an active felony or misdemeanor warrant at the time of the OIS.

<b>Active Warrant Type</b>	<b>Number of Subjects</b>
Felony	3
Misdemeanor	1
None	11
<b>Total</b>	<b>15</b>

## 3.5 Police Encounters with Individuals with Mental Illness

Subjects with mental health problems present special challenges for officers called to address their illegal behavior. Five of the fifteen OIS's involved subjects with indications of mental health issues. In four of the OIS's, indications were present suggesting possible "*suicide by cop*," and in these incidents the outcome was fatal.

<b>#</b>	<b>Possible "Suicide by Cop" Indication Prior to Shooting</b>	<b>Outcome</b>
1	Subject told officers he would not to be taken into custody alive and that plain clothes officers would have to kill him	Fatal
2	Subject pointed replica firearm at armed uniformed officer	Fatal
3	Subject told friend he was never going be arrested again	Fatal
4	Subject made silent prayer and advanced on armed uniformed officer with a knife	Fatal

### 3.5.1 “Suicide by Cop”

Dr. Emily Keram<sup>12</sup> has studied the phenomenon of suicide by cop and has identified some common behaviors that precede this activity. Perhaps the most significant of these behaviors is what she classifies as abnormally abnormal behavior. Dr. Keram believes such subjects are bringing themselves to law enforcement’s attention in order to get law enforcement to shoot them.

The largest study to date in the field of suicide by cop is the 1998 paper published by Hutson<sup>13</sup>. The study reviews all officer-involved shootings by the Los Angeles County Sheriff’s Office from 1987 through 1997. The requirements for a classification of suicide by cop were:

- 1) Evidence of suicidal intent
- 2) Evidence of wanting the officers to kill them
- 3) Possession of a lethal weapon or behavior consistent with being armed
- 4) Intentional behavior which provoked officers to employ deadly force

The study determined that 11% of the reviewed cases were suicide by cop. The study also found that:

- 48% of the subjects possessed a genuine firearm
- 95% of those weapons were functional
- 77% of those weapons were loaded
- In 15% of the cases the subject shot at the officers.
- In 23% of the cases less than lethal weapons had been employed
- In 3 cases officers were wounded

Dr. Keram has divided those who might employ suicide by cop into three categories:

1. **Fleeing Felons.** Are not suicidal and have no suicide by cop plan until they unintentionally come to the attention of law enforcement.
  - a. A two striker in commission of third strike.
  - b. Statements such as “I am not going back to prison.”
2. **Opportunists.** These are “suicide in progress” calls in which a previously suicidal subject develops the suicide by cop plan once they are aware law enforcement is present, or responding.
3. **Premeditators.** They premeditate their suicide by cop, so they have to bring themselves to law enforcement attention.

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<sup>12</sup> Dr. Emily A. Keram is a clinical and forensic psychiatrist. She is Board certified in Psychiatry and Neurology with added Board Certification in Forensic Psychiatry. For the past seventeen years, she has conducted hundreds of civil and criminal forensic evaluations as an expert witness in the field of psychiatry. She is qualified as an expert witness in psychiatry in United States District Courts in North Carolina and the Northern District of California, and California Superior Courts in Sonoma and San Francisco Counties. As a faculty member of the Psychiatry and the Law Program at the University of California, San Francisco School of Medicine, she has taught the theory and practice of the evaluation of competency to stand trial and other adjudicative competencies to fellows in forensic psychiatry, psychiatric residents, and medical students.

<sup>13</sup> Hutson *et al.*, *Suicide by Cop*, *Annals of Emergency Medicine*, 1998; 32: 665-9.

In our study, activity consistent with suicide by cop behavior was observed in the reviewed shootings:

- Verbal threats – requesting officers to kill him
- Pointed a replica firearm at a uniformed officer
- Statement to fiancé – “I am never going to be arrested again”
- Subject made a silent prayer and walked toward the officer with a knife

### 3.5.1.1 Recommendation

In order to effectively assess the likelihood of suicide by cop during the investigation of officer-involved shootings, Dr. Keram suggests two important factors must be addressed by investigators:

1. Investigators need to gather evidence of the subject’s mental health. Witness interviews should include an attempt to identify behaviors indicative of self destructive behavior based upon the suicide by cop model (see above.)
2. Investigators need to include a psychological autopsy as part of the investigative process. A psychological autopsy includes a review of the following factors:
  - a. Psychiatric and medical history, including substance abuse
  - b. Family and social history
  - c. Education
  - d. Military service
  - e. Occupation
  - f. Relationships, marriage and other social supports
  - g. Religious beliefs and religiosity
  - h. Law enforcement contacts and arrests, including jail and prison history
  - i. Involvement in civil lawsuits
  - j. History of violence and victimization

### 3.5.2 Mental Health Detentions of Subjects

Part of this study involved utilizing information contained in Draft 2 of “Involuntary Detentions for Mental Health Evaluation (W&I Code §5150) by San Francisco Police Officers”<sup>14</sup>.

This report represented a three-month study from January 1, 2009 through March 31, 2009. It reviewed all 5150 W&I referrals made by officers from the San Francisco Police Department. In this study there were 843 separate 5150 W&I incidents involving 638 individuals.

This is a very comprehensive analysis of these incidents which quite often are the basis for volatile contacts between those persons with mental health issues and law enforcement. This study by Dr. McConnell concluded in part:

- In the three-month sample period, SFPD officers were responsible for 843 separate 5150 W&I incidents involving 638 individuals. One conclusion is that this represents a significant part of the average officer’s workload. For a full year the projected number of 5150’s would be 3,372, and average of about 9.2 per day.
- In a previous study (McConnell and Pirkle, 2009) it was estimated that the average number of contacts with mentally ill people (not just 5150 incidents) during a typical shift

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<sup>14</sup> William A. McConnell, PhD, presented to the San Francisco Mental Health Board and San Francisco Police Department October, 2009

is 3.5. Based upon the reported time spent by officers, this led to a projection that the “average” officer spends about an hour per shift or about 10% of all police field time with mentally ill persons.

- Most (80.4%) of the 5150 individuals had housing and the lack of housing was not found to be related to danger to self, needing medical care and grave disability. While housing is very important in general, it did not appear to be related to 5150 incidents in this case...
- 5150 incidents were spread evenly across days of the week and somewhat evenly across hours of the day. Therefore, SFPD 5150 intervention efforts may not need to focus very much on these factors, with the possible exception of the 4PM to 8PM time slot which might be a logical time for expanding mental health program hours.
- Most 5150 incidents (92.9%) involve danger to self, but 35.4% of these same incidents involved people who were also judged to be a danger to others. Of the 7.1% judged not to be a danger to themselves, 83.3% were perceived as being dangerous to others.

This ratio of contact with persons with mental health issues is not surprising. At the present time, the San Francisco Police Department has a 40-hour Police Crisis Intervention Training (CIT) course developed by the Behavioral Sciences Unit of the San Francisco Police Department. This course was based upon a similar program developed by the Memphis Police Department. This program provides officers with in-depth training in the areas of Communication Techniques, Active Listening, 5151 Process, Major Mental Disorders, Personality Disorders, Suicide by Cop, SF Community Resources and other relevant topics. It was designed to assist field officers in identifying mental health issues when dealing with persons in the field, and to provide them with effective techniques in dealing with these persons in crisis.

In December, 2004, a review of this program was published by Dr. McConnell, Director of Quality Management, and Erin Pirkle, CBHS Epidemiologist for the Department of Public Health – Community Behavioral Health Services. This evaluation was based upon responses from 43% of the 196 officers who had received CIT training from the inception of the program in May, 2001, to October, 2003. The following represent just some of the findings published in “Results from the follow-up evaluation of the Police Crisis Intervention Training”:

- 73% of the officers said that the training changed their approach toward working with the mentally ill.
- Officers said they were better able to identify symptoms and behaviors and ask relevant questions.
- Officers indicated they have a better understanding of the behavior and symptoms of the mentally ill and are able to react with more compassion, empathy and patience.
- 87% of the officers said the training provided new strategies for meeting the challenges of working with the mentally ill.
- 70% of the officers said there should be a refresher course.

### 3.6 Forensic Toxicology Review<sup>15</sup>

Out of the fifteen OIS cases, fourteen were subjected to toxicology testing. The fourteen toxicology reports reflected positive toxicology findings in ten OIS cases (71%), and only four (29%) were negative.

Focusing on all ten OIS cases with positive toxicology reports, the drugs that were encountered in these cases were alcohol, amphetamines, cocaine, cannabis and opiates (Table 1).

No.	OIS Type	Alcohol	Amphetamines	Cannabis	Cocaine	Opiates
1	Injury			☠		
2	Fatality	☠	☠		☠	
3	Fatality				☠	
4	Fatality	☠	☠		☠	
5	Fatality				☠	
6	Fatality	☠	☠			
7	Fatality	☠	☠			
8	Fatality		☠		☠	
9	Fatality				☠	☠
10	Injury			☠		

Table 1: Officer-Involved Shooting (OIS) cases with positive toxicology results (n=10) between 2005 and 2009 showed the presence of alcohol, amphetamines, cannabis, cocaine and opiates.

Stimulants were found either alone or in combination with other drugs in 70% of all ten OIS cases. Cocaine (n=6) and amphetamines (n=5) were the stimulants present in these cases and methamphetamine and amphetamine were the two amphetamines found in the OIS cases. Alcohol (n=4) was found in 28% of all OIS cases and always in combination with other drugs. Cannabinoids (n=2) were found in 14% and opiates (n=1) in 7% of the OIS cases (Figure 1).

<sup>15</sup> Submitted by Dr. Nikolas P. Lemos, PhD, FRSC, Chief Forensic Toxicologist, Office of the Chief Medical Examiner, City and County of San Francisco.

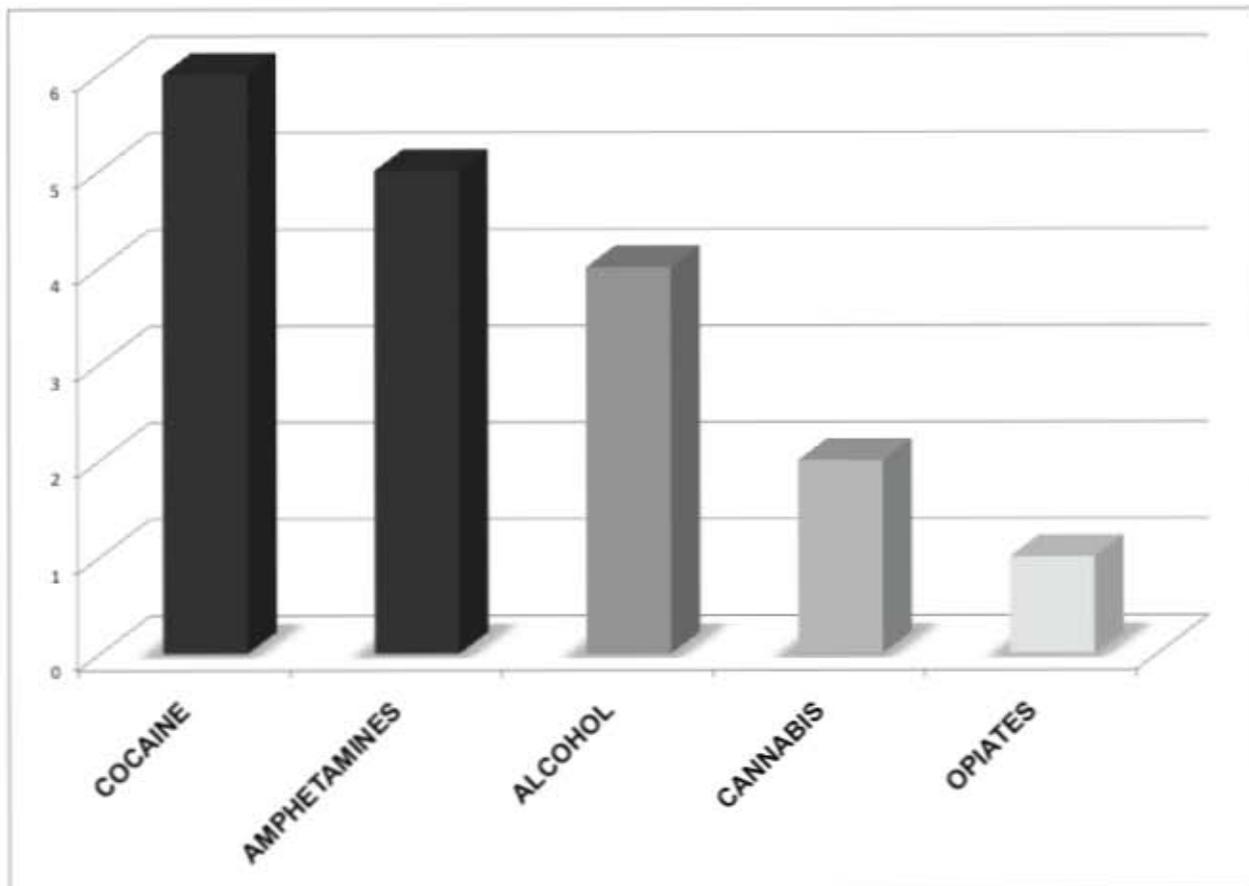


Figure 1: Cocaine (n=6) and amphetamines (n=5) were the most frequently encountered drugs in all San Francisco OIS cases, followed by alcohol (n=4), cannabis (n=2) and opiates (n=1) in the period between 2005 and 2009.

Finally, when reviewing all OIS case positive toxicology reports, it was apparent that a single drug was found in only the minority of positive cases (n=4, or 40%), where the majority of cases had two or more drugs present (n=6, or 60%).

### OIS Cases with Injury vs. OIS Cases with Death

The OIS cases were further examined based on whether they resulted in the civilian's injury or death. Of the fifteen OIS cases, seven resulted in survivable injuries by the civilian whereas eight resulted in the civilian's death. Of the seven OIS cases with injuries, six were toxicology tested and one was not tested due to unavailability of specimens. Four (67%) of the six tested OIS with injury cases had negative toxicology and two (33%) had a single drug present. That drug was cannabis. There were no cases in this group (0%) in which alcohol, cocaine, amphetamines, opiates, alone or in combination were detected (Figure 2, top chart). Civilians who survived the OIS cases in San Francisco from 2005 to 2009 were either drug-free or had cannabis onboard.

Of the eight OIS cases that resulted in non-survivable injuries by the civilian, all eight (100%) had positive toxicology reports. There was not a single drug-free case (0%) found in this group of OIS cases. Cannabis was also not found in any of these cases (0%). Cocaine was found in six of the eight cases (75%) either alone or in combination with other drugs. Amphetamines (i.e. methamphetamine and amphetamine) were found in five of the eight cases (62%) and always in combination with other drugs. Alcohol was found in four of these cases (50%) in combination with one or more drugs. Finally, opiates were found in 12% of these cases (n=1) and also

always in combination with other drugs (Figure 2, bottom chart).

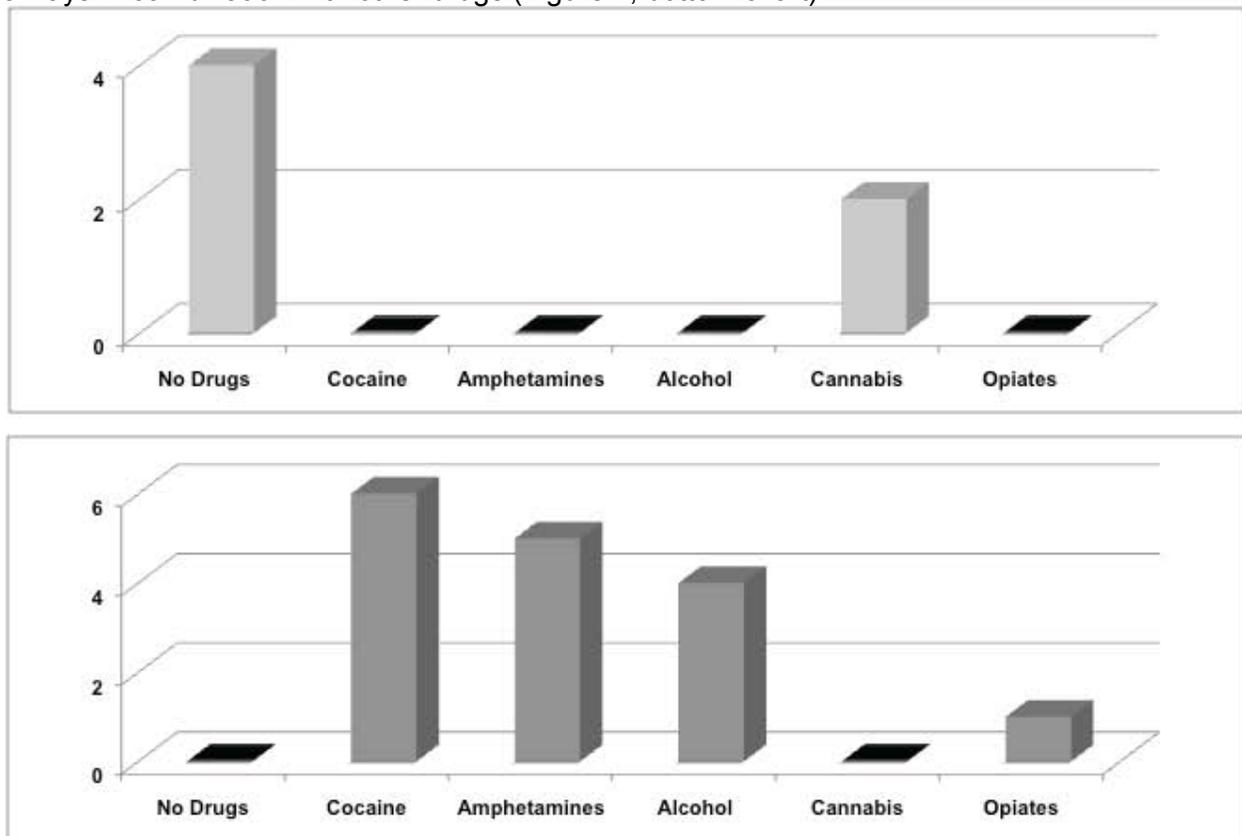


Figure 2: Toxicology findings in OIS cases resulting in civilian injury (top) and Toxicology findings in OIS Cases resulting in civilian death (bottom) in San Francisco between 2005 and 2009.

## Discussion

Based only on toxicology findings in the OIS cases reviewed and excluding all other factors in these cases, it is apparent that when the civilian was drug-free or under the influence of cannabis, he or she suffered non-life threatening injuries in the officer-involved shooting. This outcome could be either due to the civilian's mental and physical abilities properly functioning when drug-free allowing for the correct evaluation of risk and the correct and timely compliance with police instructions and orders or due to the civilian being less argumentative and behaving in less aggressive ways while under the influence of cannabis.

The opposite is true when the civilian was under the influence of stimulants such as cocaine and methamphetamine, alcohol and/or opiates. One hundred percent of the cases that resulted in a civilian fatality had significant toxicology findings including one or more psychoactive, mind-altering drugs including stimulants (e.g. cocaine and methamphetamine) as well as central nervous system depressants (e.g. alcohol).

Cocaine is a commonly abused stimulant used for its ability to produce euphoria, excitation, increased sexual libido, heightened focus and alertness, and mental clarity. Higher doses, however, often result in a pattern of psychosis characterized by confused and disoriented behavior, delusions, hallucinations, irritability, exaggerated fear, paranoia, antisocial behavior, and aggressiveness. Even as cocaine users come down from their "high," they exhibit significant symptoms including dysphoria, depression, agitation, nervousness and drug craving. Cocaine also changes the body's physiology with increased heart rate and blood pressure, increased body temperature, dilated pupils, increased light sensitivity, constriction of peripheral blood vessels, rapid speech, dyskinesia, nausea, and vomiting.

Similarly, methamphetamine is a powerful stimulant that is abused for its ability to produce euphoria, excitation, exhilaration, increased alertness, heightened sense of well-being and increased sexual libido. In higher doses, it causes rapid flight of ideas, rapid speech, motor restlessness, hallucinations, delusions, psychosis, insomnia, reduced fatigue or drowsiness, feelings of increased physical strength, and poor impulse control. The physiological effects of methamphetamine are also quite profound and include increased heart rate, increased blood pressure, increased respiration rate, elevated temperature, palpitations and irregular heartbeat. Users also experience dry mouth, abdominal cramps, suppression of appetite, twitching, pallor, dilated pupils, horizontal gaze nystagmus at higher doses, faster reaction time, increased strength, and more efficient glucose utilization. As methamphetamine users come down from their 'high,' they experience restlessness, dysphoria, residual stimulation, agitation, nervousness, paranoia, violence, aggression, lack of coordination, pseudo-hallucinations, delusions, psychosis, and drug craving. Methamphetamine is known to cause some powerful side effects including light sensitivity, irritability, insomnia, nervousness, headache, tremors, anxiety, suspiciousness, paranoia, aggressiveness, delusions, hallucinations, irrational behavior, and violence. Symptoms also include hyperthermia, tachycardia, severe hypertension, convulsions, chest pains, and subjects who overdose develop stroke, cardiovascular collapse, and possible death as a result of methamphetamine. Violent and erratic behavior is frequently seen among chronic abusers of methamphetamine.

Alcohol is a powerful central nervous system depressant. It is well-known that at low doses, alcohol causes euphoria which is often accompanied by increased self-confidence, decreased inhibitions, diminished attention as well as reduced judgment and control of oneself. As the level of intoxication due to alcohol increases, a person experiences emotional instability, loss of critical judgment and suffers perception, memory and comprehension impairment. Increases in reaction time, difficulties with vision, balance and speech, exaggerated emotions, disorientation and mental confusion are also symptoms often observed in people who are in the excitement and confusion stages of alcoholic intoxication.

Cannabis' effects include euphoria, relaxation, relaxed inhibitions, disorientation and altered time and space perception but mood changes such as panic reactions and paranoia have also been associated with cannabis use. Cannabis also has pronounced effects on the human physiology including increased heart rate and vasodilatation.

Opiates, including compounds related to morphine and heroin, are often abused with other drugs. Intravenous use of opiates such as heroin results in euphoria, relaxation, drowsiness, sedation, lethargy, disconnectedness, self-absorption, mental clouding, and delirium. Opiates also produce analgesia, depressed heart rate and depressed respiratory rate.

As described above, being under the influence of each one of the drugs found in the civilians involved in OIS in San Francisco would produce significant effects on a person's mental and physical capacities. Combining two or more of these powerful stimulants such as cocaine and methamphetamine and mixing them with alcohol would dramatically increase the effects experienced by the user in a rather unpredictable, non-linear fashion. People under the influence of drug cocktails such as the ones seen in the OIS cases examined herein would experience severe physiological and psychological effects that as a whole would be much greater and more dangerous than the sum of the effects of each drug had it been taken on its own.

## **Summary**

Between 2005 and 2009, fifteen officer-involved shootings (OIS) took place in the City and County of San Francisco, California. Seven of these OIS cases resulted in the civilian subject suffering survivable injuries whereas eight resulted in the civilian subject suffering non-survivable injuries.

Fourteen of the fifteen cases had toxicology analyses performed. Reviewing all fourteen toxicology reports irrespective of injury or fatality, suggests that alcohol and drugs played a significant role in the majority of these cases, as drugs were found in 71% of them. Cocaine, methamphetamine, amphetamine, alcohol, cannabis and opiates were the encountered drugs in all fourteen toxicology-tested OIS cases.

When the fourteen OIS cases are separated based on the outcome of the civilian's life (injury versus death), the drugs found in those two subsets of OIS cases are diametrically different. The six OIS cases that resulted in the civilian suffering survivable injuries showed either completely negative toxicology (67%) or cannabis presence (33%). There was not a single case (0%) in this subset that showed cocaine, methamphetamine, amphetamine, alcohol or opiates present either alone or in combination.

However, all eight (100%) OIS cases that resulted in the civilian suffering non-survivable injuries were positive for drugs and there was not a single case (0%) in which the civilian was drug-free. Cannabis was not found in any (0%) of these cases. Cocaine, methamphetamine, amphetamine, alcohol and opiates were found alone or in combination in all of these cases.

The toxicology review of the San Francisco OIS cases from 2005 to 2009 suggests that civilians who were drug-free or only had cannabis onboard engaged in behavior that resulted in injury without threat to their life. Those civilians, however, who were involved in fatal OIS cases were all under the influence of drugs such as cocaine and alcohol which are well known to produce reduced inhibitions, increased risk taking behavior, aggression and violence.

### 3.7 Department Demographics

Department demographic data was obtained as of January 5, 2010. A larger table with more detail appears in the Appendix.

Race/Ethnicity	Male	Female	Total	Percent
Asian	337	26	<b>363</b>	15.6%
Black	160	48	<b>208</b>	8.9%
Filipino	117	11	<b>128</b>	5.5%
Hispanic	298	64	<b>362</b>	15.5%
Native American	3	5	<b>8</b>	0.3%
White	1,037	219	<b>1,256</b>	53.8%
Other	7	2	<b>9</b>	0.4%
<b>Total</b>	<b>1,959</b>	<b>375</b>	<b>2,334</b>	100%
<b>Percent</b>	83.9%	16.1%	100%	

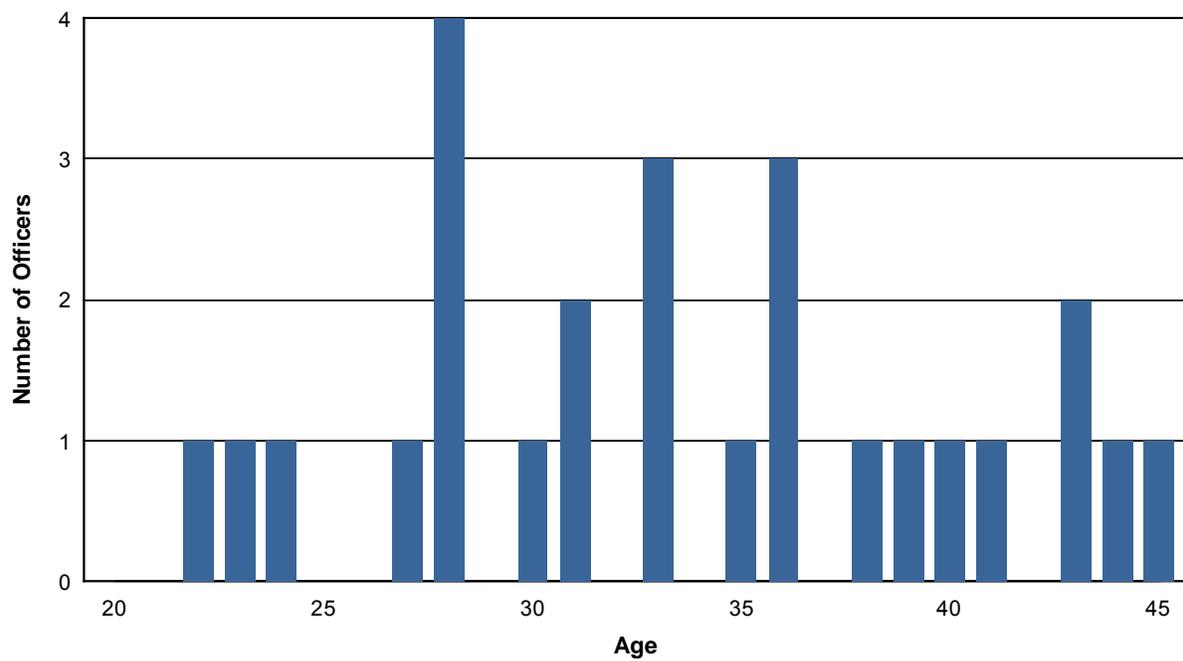
### 3.8 Involved Officer Characteristics

Personnel data regarding officers involved in each OIS were analyzed for associations of race, gender, age and tenure.

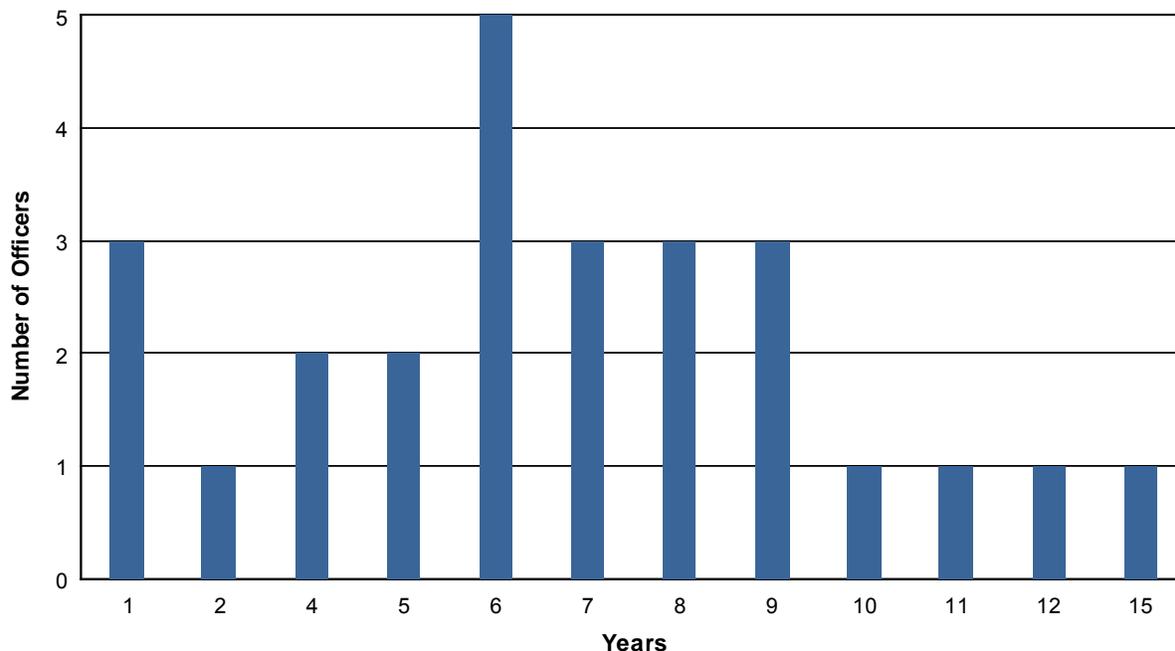
### 3.8.1 Race, Ethnicity, Gender

Race	Male	Female	Total	Percent
Asian	2	0	2	8%
Black	1	0	1	4%
Filipino	4	0	4	15%
East Indian	1	0	1	4%
White	13	5	18	69%
<b>Total</b>	<b>21</b>	<b>5</b>	<b>26</b>	<b>100%</b>
<b>Percent</b>	81%	19%	100%	

### 3.8.2 Officer Age



### 3.8.3 Officer Tenure



### 3.8.4 Officer Status, Assignment

Officers were analyzed for type of assignment uniformed or plain-clothes duty, if a partner was assigned, and prior military experience

Assignment	With Partner	Without Partner	Total
Plain-clothes	2	1	3
Uniform	12	0	12
<b>Total</b>	<b>14</b>	<b>1</b>	<b>15</b>

The two plain-clothes officers were assigned as follows:

- 1 Narcotics
- 1 Off-Duty

### 3.8.5 Prior Military Experience

Military Experience	Number of Officers
U.S. Marine Corp	3
U.S. Army	2
None	21
<b>Total</b>	<b>26</b>

### 3.8.6 Early Intervention System (EIS) Indicators

The San Francisco Police Department's Early Intervention System (EIS) identifies and tracks behaviors that result in performance related problems by individual members. The intent of the EIS is to provide non-disciplinary intervention, whenever possible, to assist our members in their professional development in order to provide the highest level of service and satisfaction to the public.<sup>16</sup>

#### 3.8.6.1 EIS Program Description

Prior to the activation of the EIS program in March 2009, the Early Warning System (EWS) was in place. Because the majority of the OIS cases in this study occurred before the initiation of EIS, the following statement<sup>17</sup> must be considered when analyzing this data:

*“The Professional Standards Unit (PSU) maintains the Early Intervention System (EIS) for the San Francisco Police Department. As outlined in DGO 3.19, ten types of reported incident data are fed into the EIS. PSU is not responsible for any data entry. The information accessed by PSU is entered and managed by each separate unit through the Administrative Investigation Management (AIM) system database. EIS pulls threshold activation data directly from the indicator unit’s databases. The thresholds, per DGO 3.19, are activated from data collected one year from the date of the report. Threshold activation does not always lead to an EIS alert or intervention. Threshold activation data pulled from the system is sent to the member’s supervisor where it is verified that it belongs to the member and that there are no indicator duplications, i.e. several indicators that all resulted from one event. Once confirmed that the data used in the threshold activation is accurate, an EIS alert occurs. The supervisor is then required to conduct a performance review, where documents attached to each indicator are reviewed for a pattern of at-risk behavior. Only if such a pattern exists is an intervention initiated.*

*The first EIS threshold activation report was issued in March 2009 (incorporating one year of data). Indicator unit data entered prior to this date cannot be verified for accuracy by PSU and was not processed through the Early Intervention procedure described above. For these reasons, the provided data cannot be accurately applied in determining whether these members would have been on EIS alert prior to their OIS.*

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<sup>16</sup> Dept. General Order 3.19

<sup>17</sup> Statement provided by Sgt. Paget Mitchell, EIS Unit.

### 3.8.6.2 EIS Indicators for OIS Officers<sup>18</sup>

EIS Indicator	Total for all OIS Officers	Average per OIS Officer
UOF (Use of Force)	16	2.3
OIS (Officer-Involved Shooting)	0	0.0
OID (Officer-Involved Discharge)	0	0.0
OCC (Office of Citizen Complaints)	16	2.3
MCD (Management Control Division)	7	1.0
EEO (Equal Employment Opportunity)	0	0.0
CS (Civil Suits)	1	1.0
TC (Tort Claims)	5	1.3
ODA (On-Duty Accidents)	4	1.0
VP (Vehicle Pursuit)	5	1.3
<b>Total</b>	<b>54</b>	<b>2.0</b>

## 3.9 Threat Environment

Officers determine the appropriate level of force to use in response to the threat they perceive at the time. The OIS's were analyzed for the threat perceived by the officer. To account for situations of simulated weapons, the actual weapon possessed by the subject at the time of the shooting was also considered.

<sup>18</sup> Data provided by Sgt. Paget Mitchell, EIS Unit, for the 26 involved officers.

### 3.9.1 Threats Posed & Weapons Used at Time of Shooting

Although more than one weapon or threat may have been involved in the events leading up to the shooting, the data below applies to only what the officer perceived to be the threat posed to them self or others at the moment they discharged their firearm.

Perceived Threat	Number of OIS's	Weapon When Shot
Firearm	7	Five (see below)
Bladed Weapon	3	Same
Moving Vehicle	3	Same
Physical Resistance	2	None (see below)
	<b>15</b>	<b>Total</b>

#### 3.9.1.1 Firearms as Threats (7 OIS's)

- **1 military carbine rifle**, brandished at officers during traffic stop of a vehicle broadcast of man with a gun.
- **1 handgun**, carried by subject involved in a homicide. Officers fired on when arriving on homicide scene as a “shots fired” call.
- **1 handgun**, carried by a wanted subject who had previously killed a police officer, is fired on by police and then turned the gun on himself.
- **1 handgun**, fired in the air by a subject participating in a sideshow. Subject pointed weapon at officers who confronted him.
- **1 handgun**, pointed by subject at officers who on-viewed a dispute on the street.
- **1 replica firearm**, subject brandished life-like gun in public. When officers responded to “man with gun” call, subject pointed gun at police. Indications of mental health issues.
- Subject with outstanding warrant fled into the attic space above vacant apartment. Subject failed to follow officers’ commands to show his hands. Indications of mental health issues.

#### 3.9.1.2 Bladed Weapons as Threats (3 OIS's)

- Subject stabbed one person to death, and was attacking another when confronted by police. Indications of mental health issues.
- Officers responded to a request for assistance with a person with mental health issues. Subject approached officers with a knife. Known mental health issues.
- Officers attempted to detain a wanted subject who produced a knife and approached officers. Indications of mental health issues.

#### 3.9.1.3 Moving Vehicles as Threats (3 OIS's)

- Two officers attempted to serve a warrant on a subject in stationary vehicle. Subject started his vehicle and drove toward approaching officers.

- Officers on viewed a possible gun sale. Subject fled, police pursuit followed, and ended near security gate when subject drove his vehicle in direction of officers who were on foot.
- Communications broadcasted a description of a stolen vehicle and a subject involved in a narcotics transactions. Officers observed the subject in a parked vehicle. Officers approached the subject on foot and ordered him out of the vehicle. Subject started vehicle and drove toward approaching officers.

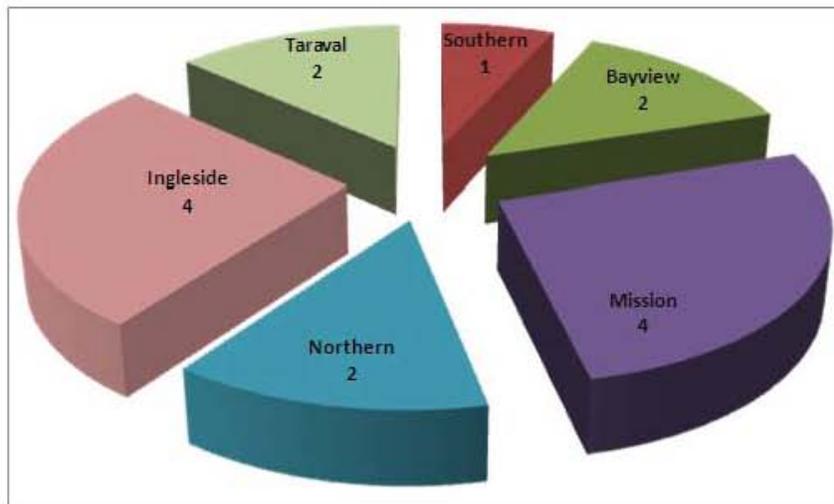
### 3.9.1.4 Physical Force / Resistance (2 OIS's)

- Subject was interrupted during the commission of an auto break-in in an alley by an off-duty officer. Subject refused to comply with directions to submit to arrest and made a furtive gesture. No weapon was found on subject.
- Subject broke into an occupied residence at 2:30 AM. Officers confronted the masked subject holding a pry tool on the interior staircase. Subject charged officers on staircase in poor lighting. The pry tool was found at top of the staircase following the shooting.

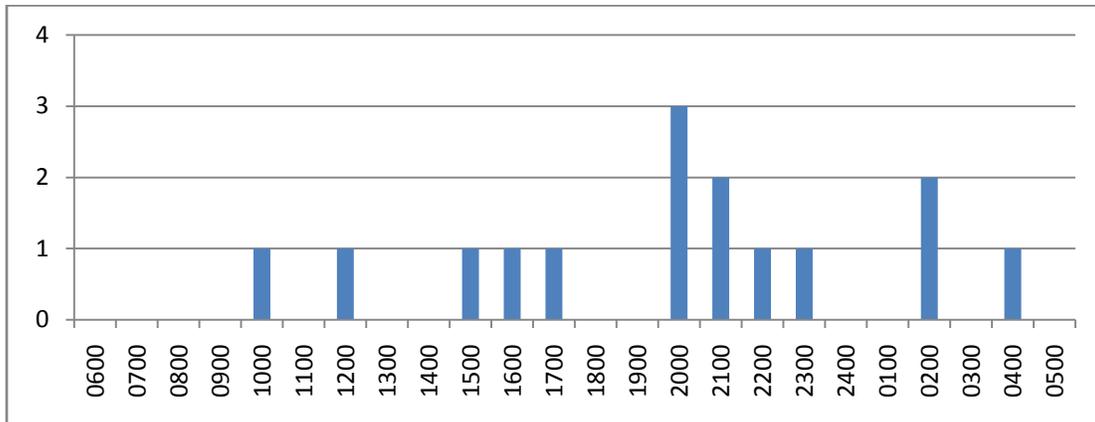
## 3.10 Shootings by Police District & Time of Day

Officer involved shootings (OIS's) were analyzed for police district of occurrence. Approximately half of the shootings occurred in two districts, Ingleside and Mission. Thirteen of the OIS's occurred between 3:00 PM and 4:00 AM.

### 3.10.1 Shootings by District



### 3.10.2 Shootings by Time of Day



### 3.10.3 Shootings by Police District and Time of Day

Hour	Bayview	Mission	Northern	Ingleside	Southern	Taraval	Total
0200	0	0	1	1	0	0	2
0400	0	0	0	0	1	0	1
1000	1	0	0	0	0	0	1
1200	0	1	0	0	0	0	1
1500	0	0	1	0	0	0	1
1600	0	0	0	1	0	0	1
1700	0	1	0	0	0	0	1
2000	0	1	0	0	0	2	3
2100	0	1	0	1	0	0	2
2200	1	0	0	0	0	0	1
2300	0	0	0	1	0	0	1
<b>Total</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>15</b>

### 3.10.4 Environmental Factors

Lighting and visibility were considered for each OIS. Lack of adequate visibility appeared to be a factor in only a small number of shootings.

**3.10.4.1 Indoors - Outdoors**

<b>Environment</b>	<b>Total</b>
Indoor	4
Outdoor	11
<b>Total</b>	<b>15</b>

**3.10.4.2 Visibility**

<b>Visibility</b>	<b>Total</b>
Clear	13
Obstructed	2
<b>Total</b>	<b>15</b>

**3.10.4.3 Weather**

<b>Weather</b>	<b>Total</b>
Clear	12
Cloudy	1
Rainy	2
<b>Total</b>	<b>15</b>

**3.10.4.4 Lighting**

<b>Lighting</b>	<b>Total</b>
Good	13
Poor	2
<b>Total</b>	<b>15</b>

### 3.10.4.5 Location Details

Location Details	Total
Commercial Business	1
Commercial Business District	2
Private Residence	3
Residential Neighborhood	6
Security Post	1
Supportive Housing	1
Other	1
<b>Total</b>	<b>15</b>

### 3.10.5 Initial Incident Type & Dispatched or On View

Officers were involved in a variety of incidents that led up to the OIS. Approximately an equal number were the result of dispatched calls for service as were “on viewed” by the officer prior to any dispatched call.

Initial Incident Type	Dispatched	On View	Total
Auto Boosting	0	1	1
Disturbance	0	1	1
Disturbance, Person w/Knife	0	1	1
Mental Health Detention	1	0	1
Person w/Gun inside Vehicle	1	0	1
Person Wanted for Felony	0	1	1
Person with a Gun	1	1	2
Person with a Gun, Shots Fired	0	1	1
Prowler	1	0	1
Resisting Arrest	1	0	1
Search Warrant	0	1	1
Shots Fired	1	0	1
Trespasser	1	0	1
Wanted Vehicle, Narcotics	1	0	1
<b>Total</b>	<b>8</b>	<b>7</b>	<b>15</b>

### 3.10.6 Time from Arrival to Shooting

The elapsed time from the officer's arrival to the shooting plays a significant role in the choice of tactics and resources an officer has available to address the threat presented by the subject. Nearly half of the shootings occurred in less than a minute after the officer's arrival on the scene, essentially limiting the officer's option to use those resources carried on their person.

Time From Arrival to Shooting (minutes)	Number of Incidents
Less than 1	8
1 to 5	5
10 to 15	1
Over 15	1
<b>Total</b>	<b>15</b>

### 3.10.7 Shooting Distance from Officer to Subject

The distance between the officer and the subject places limits on the less lethal options an officer can deploy safely and effectively.

Shortest Distance (ft)	Number of Incidents
0 to 5	7
5 to 10	3
10 to 15	4
20 or More	1
<b>Total</b>	<b>15</b>

#### 3.10.7.1 Analysis of Distance

Fourteen of the fifteen OIS's took place at a distance of 15 feet or less. The Extended Range Impact Weapon (ERIW) currently available to department members utilizes a bean bag cartridge fired from a shotgun. These are high energy rounds that can only be deployed safely from a minimum distance of 15 feet, to a maximum distance of 60 feet. Due to the short distance from officer to threat, the ERIW could not have been deployed except in one of the OIS's studied.

## 3.11 Use of Force Progression & Time Prior to Shooting

### 3.11.1 Hierarchy of Force Policy

Department General Order 5.01 USE OF FORCE provides the following levels of acceptable force to be used in ascending order:

- a. Verbal Persuasion
- b. Physical Control (e.g., passive resister, bent wrist control, excluding the carotid restraint)
- c. Liquid Chemical Agent (Oleoresin Capsicum)
- d. Carotid Restraint
- e. Department-issued Baton
- f. Firearm

### 3.11.2 Use of Force Progression

Ten of the fifteen events studied escalated from verbal persuasion directly to firearm. One additional event had physical control as an added component. Yet another event had use of liquid chemical agent as an added component. Three events involved firearms with no lesser level of force employed.

Force Hierarchy Progression Used	Number of Incidents
1.Verbal Persuasion 2.Liquid Chemical Agent 3.Firearm	1
1.Verbal Persuasion 2.Firearm	10
1.Verbal Persuasion 2.Physical Control 3.Firearm	1
1. Firearm	3
<b>Total</b>	<b>15</b>

#### 3.11.2.1 Analysis of Force Progression

When comparing the distance to the threat, hierarchy of force employed, and the contact to shoot times, some basic facts emerge:

- In fourteen of the fifteen OIS's studied, officers were confronted with situations in which they found themselves in close proximity to the threat presented, thus limiting their force progression choices.
- In seven of the fifteen events, officers had to weigh lesser options of effective force within 30 seconds of recognizing the threat. In an additional two events this had to be accomplished in one minute or less.

## 3.12 Less Lethal Options

### 3.12.1 Action Taken

Explore other less lethal options currently not available to department members.

This action is directed by the Chief of Police and is based upon findings of this study.

### 3.12.2 Basis for Action Taken

#### 3.12.2.1 Analysis

A review of the fifteen officer-involved shootings during the study period revealed that seven of the events involved firearms as threats. This form of threat does not lend itself to comparing the viability of a less lethal option as an alternative to deadly force.

However, the remaining eight events do provide a basis for the consideration of a less lethal option. In these cases, not involving firearms, the distance between the officer and the threat was 15 feet or less, making the distance to subject too close for the Extended Range Impact Weapon to be deployed safely.

#### 3.12.2.2 Threat Encountered

- Bladed Weapons: 3
- Vehicles as Weapons : 3
- Physical Force : 2

#### 3.12.2.3 Distance to Threat

- 0-5 feet: 6
- 10-15 feet : 2

#### 3.12.2.4 Time Involved

- Seconds – 30 or less: 4
- 1 minute : 1
- 2 minutes: 1
- 2-5 minutes: 1
- 5 minutes: 1

#### 3.12.2.5 Hierarchy of Force:

- Verbal Persuasion/Firearm: 5
- Verbal Persuasion/Liquid Chemical Agent/Firearm: 1
- Firearm: 2

This data demonstrates that in encountering threats other than firearms, SFPD members generally were able to attempt to exercise at least one other level of force prior to the discharge of their firearm. It also demonstrates some other inescapable facts:

- All of the incidents occurred within a distance of fifteen feet or less and therefore precluded the safe deployment of the Extended Range Impact Weapon (shotgun with bean bags) because at this distance it is deemed unsafe.
- The only less lethal option available to the officers in these eight cases would have been to either attempt to utilize their department issued baton, or attempt to apply a carotid restraint.

However, in the vast majority of these eight events, the officers were in need of incapacitating the confronted subject quickly in order to stop the immediate threat, which didn't allow the officer time the use of the baton or carotid restraint.

Any less lethal option would have had to have been present and available on the officer at the time the threat was encountered due to the proximity of the threat, and the limited time available to respond to the threat.

### 3.12.3 Method of Implementation

- Direct Training Division to explore other less lethal options not currently available to department members.

### 3.12.4 Implemented Change: Standardized Use of Force Form

#### 3.12.4.1 Action Taken

This action is directed by the Chief of Police and is based upon findings of this study, and recommendations previously made by Police Executive Research Forum (PERF.)

#### 3.12.4.2 Basis for Action Taken

At the present time, under Department General Order (DGO) 5.01, Use of Force, officers utilizing force in the performance of their duties are required to report the use of force in the form of a notification to their supervisor (from DGO 5.01):

- Physical control, when the person is injured or claims to be injured.*
- Liquid chemical agent, when sprayed on or at the person.*
- Department-issued baton, when the person is struck or jabbed.*
- When the officer finds it necessary to strike a subject with his/her fist, a flashlight, or any other object.*
- Carotid restraint.*
- Firearm (also see DGO 5.02, Use of Firearms)*

The supervisor is then provided with options regarding an immediate investigation, (from DGO 5.01):

*SUPERVISORY OFFICER'S RESPONSIBILITIES. When notified of the use of force, supervisors shall determine whether anyone (including the officer) has sustained an injury and its severity. If an injury has been sustained which is serious enough to require immediate medical treatment, the supervisor shall immediately respond to the scene of the incident unless a response is impracticable, poses a danger, or where officer's continued presence creates a risk. ....*

This order then directs the activity that should take place to investigate the use of force.

Department General Order 5.01 does mandate the reporting of the use of force on a 'Use of Force Log' that is maintained at the unit the member is assigned to, but that log does not readily provide a uniform foundation of investigation and information that would:

- Identify possible training needs of members,
- Require the presence of supervisors at all incident scenes,
- Require interaction between the supervisors and witnesses in the community in every event in which force is used,
- Provide more comprehensive and consistent analysis of force used by the entire agency.

#### **3.12.4.3 PERF Recommendation**

*The SFPD should design a new and separate Use of Force Report to be completed by all members of the department any time force is used. This form should be used not only to more thoroughly document the particular use of force, but also to allow for maintaining records and statistics on use-of-force incidents and the effectiveness of uses of force.*

*Currently in San Francisco, any incidents involving the use of force by officers are included in the narrative of the crime or crime/arrest report completed by the officers. In some cases, sergeants are required to respond to the scene when force has been deployed. The sergeants must always review the officer's report to ensure that all information is included to make a notification in the appropriate Use of Force Log. That information is forwarded to the Academy for review and accountability by members of the defensive tactics instructors.*

The PERF report then explains the analysis performed on over 100 reports regarding the use of force.

*Some were quite thorough and detailed, while others omitted pertinent information.*

*A report exclusively for documenting use-of-force incidents should be initiated by the department. It may be comprised of primarily check boxes to capture a good deal of information without creating an undue burden on officers and supervisors.*

The PERF report then provides a final recommendation regarding the use-of-force form and investigation into the use of force.

*Unless extenuating circumstances exist, a supervisor shall respond to all field incidents in which force was used by a member of the department. Personal observations shall be noted, and in all cases photographic evidence shall be taken to show the presence or absence of injuries to the subject. Photos shall also be taken of the officer if the officer is injured or if damage was sustained to the officer's uniform.*

#### **3.12.4.4 Method of Enacting**

The Director of Risk Management Division shall create a use of force form to be completed by each member employing force during the performance of their duties. This form shall be designed in consultation with MIS personnel to allow for a format that can be electronically scanned for the purpose of extracting information in an automated format for analysis and accounting purposes.

### 3.12.5 OCC Recommendation: ERIW Weapons<sup>19</sup>

#### 3.12.5.1 Recommendation

Review of Extended Range Impact Weapon Discharges

#### 3.12.5.2 Basis of Recommendation

Department Bulletin 09-266, "Extended Range Impact Weapon Guide Sheet," provides the current policy for use of the ERIW. (See Appendix for details.)

Unlike officer-involved shootings and firearm discharges, cases involving the discharge of an extended range impact weapon (ERIW) are not subject to review by the Firearm Discharge Review Board. Thus, there exists no formal process to determine whether the discharge was appropriate and consistent with department policy and to evaluate the need for any changes to existing policy and training.

Although they are not designed to be lethal and are safer than traditional firearms, ERIWs are capable of inflicting serious injury. Injuries caused by ERIWs include broken bones, serious lacerations and puncture wounds. Furthermore, ERIWs are not as accurate as traditional firearms; the distance between the officer and a subject is inversely related to the accuracy of the beanbag projectile. This lack of precision can cause injuries to the most vulnerable parts of a subject's body including the head, neck, pericardium and groin, areas that are more likely to cause serious injury or death.

In addition to serious injuries, ERIWs can also be fatal. ERIWs may inflict fatal injuries when a beanbag projectile breaks a bone that in turn punctures a vital organ or the beanbag itself penetrates the skin and punctures the organ. Other fatalities have occurred when officers incorrectly loaded the ERIWs with real bullets instead of less than lethal ammunition because of the similarly marked lethal and nonlethal ammunition.

ERIWs are frequently used in situations involving mentally ill individuals. Thus, it is even more imperative that ERIW cases be subject to a formal review process to evaluate the appropriateness and benefit of their use, especially because of the frequency with which they are used in situations involving mentally ill individuals. The Ninth Circuit recognizes that when evaluating the reasonableness of an officer's use of force, the mental capacity of the individual plays a significant role: "Even when an emotionally disturbed individual is 'acting out' and inviting officers to use deadly force to subdue him, the governmental interest in using such force is diminished by the fact that the officers are confronted, not with a criminal, but with a mentally ill person."

To better evaluate the effectiveness of ERIWs in incidents, especially because of their frequent use in situations involving mentally ill individuals, the OCC recommends that Department General Orders 8.11 and 3.10 be amended to include review of discharges by extended range impact weapons.

#### 3.12.5.3 Method of Implementation

Amend Department General Order 3.10, "Firearm Discharge Review Board," to delete footnote 1 that excludes Extended Range impact Weapons from being considered a firearm within the meaning of the order and add language stating that a discharge of a firearm includes a discharge of an Extended Range impact Weapon.

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<sup>19</sup> Submitted by O.C.C. Executive Director Joyce M. Hicks, Esq. and Samara Marion, Esq., O.C.C. Policy Analyst.

### 3.13 Use of Vehicles as Weapons by Subjects

In just one-fifth of the OIS's, vehicles were used as weapons. One of these three shootings involved the pursuit of a vehicle.

Vehicle Used as A Weapon	Pursuit	No Pursuit	Total
Yes	1	2	3
No	1	11	12
<b>Total</b>	<b>2</b>	<b>13</b>	<b>15</b>

#### 3.13.1 Policy

In three of the 15 officer-involved shootings analyzed, vehicles were deemed to be the threat the officers responded to - automobiles being used as weapons. In two of these incidents, the automobiles were stationary when first contacted by officers. However, due to current policy, as described in Department General Order 5.05, RESPONSE AND PURSUIT DRIVING, the officers encountering the stationary vehicles in these cases were not permitted to use their own vehicles to gain a tactical advantage over the subject.

*Section IV, Vehicle Pursuits,*

*M. Offensive Tactics (Legal Intervention)*

*RAMMING. Officers shall not attempt to stop a vehicle by ramming it or forcing the vehicle off the road. Pursuits shall be primarily following actions. Listed below are tactics that are not to be used:*

- *Boxing in*
- *Heading off*
- *Driving alongside*
- *Channeling*

*ROAD BLOCKS. Police shall avoid using their vehicles as roadblocks unless the officer has reasonable cause to believe that the subject has committed or attempted to commit a felony involving the use or threatened use of deadly force; and the officer has reasonable cause to believe that a substantial risk exists that the person to be arrested will cause death or serious bodily injury if his/her apprehension is delayed; and after all other reasonable means of apprehension and control have been exhausted.*

*If employed, supervisory approval and coordination is required.*

#### 3.13.2 Analysis of Vehicle Threat Options

At present, officers interpret this order literally, and when encountering stationary vehicles take measures to leave adequate space between their vehicle and the subject vehicle so as to avoid being in violation of the above policy.

It appears that this practice not only placed the officers at a distinct tactical disadvantage, but also provided subjects engaged in illegal activity not necessarily involving vehicular pursuit an opportunity to attempt escape in order to avoid arrest.

Because officers were not permitted to block the escape of the subject vehicle with their own, subjects seized the opportunity to flee the scene and their approaching vehicle then became a threat to the officers at the time of the event.

### 3.13.3 Action Taken

Department General Order 5.05 has been revised recently in a number of areas, and is presently undergoing the concurrence process. A recommendation by the participants of this study was included in the revised order. The following language is presently part of the revised order under concurrence:

*Nothing in this order shall preclude a member from using a department vehicle as a tactical tool to block a stationary subject vehicle to prevent its escape if any of the following conditions exist:*

- 1) *The subject vehicle is involved in a felony incident,*
- 2) *The vehicle came to a stop following a pursuit or flight from law enforcement, OR,*
- 3) *Substantial risk exists to the public if the operator or vehicle is allowed an opportunity at flight.*

Approval of this recommended language will allow department members to incorporate safer tactics in situations involving their approach on stationary subject vehicles. This change will enhance officer safety by providing a viable tool to officers on the street, and will prevent subject's vehicles from being used offensively against members as well as eliminate many pursuits.

This recommended language change also provides this study with an opportunity to make recommendations that will bring the department's firearms use policy comparable with the prevailing national practices in regards to officers discharging firearms at vehicles.

## 3.14 Implemented Change: Prohibit Shooting at Moving Vehicles

In three of the shootings reviewed, the subjects were inside of a moving vehicle at the time of the OIS. Firing at a moving vehicle presents a number of risks. As studies show, the potential benefits are few.

This action is directed by the Chief of Police and is based upon findings of this study, and recommendations previously made by PERF The Office of Citizen Complaints strongly endorses the Department's recommendation to prohibit shooting at or from a vehicle except under extreme circumstances.<sup>20</sup>

### 3.14.1 Action Taken

Enact a Prohibition Regarding Officers Shooting at or From Moving Vehicle Except Under Extreme Circumstances.

#### 3.14.1.1 Basis for Action Taken

Almost every major law enforcement agency in the United States has confronted and resolved the issue of their members discharging firearms at or from moving vehicles.

For years the San Francisco Police Department struggled with this issue due to language in Department General Order 5.05 Response and Pursuit Driving. Section M. "Offensive Tactics

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<sup>20</sup> In addition to the Department's proposed language, the OCC recommends that the rationale for the new restrictions be included in the Department General Order. Numerous law enforcement agencies such as Los Angeles, Boston and Seattle include the rationale in their policy. This information reinforces the inherent dangers of shooting at moving vehicles and gives officers a better understanding of how to avoid those dangers. The OCC also recommends including the LAPD's provision that "...the moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of force."

(Legal Intervention)” that prohibited the use of department vehicles for “Boxing In” among other intervention tactics. This language, which was written to address moving vehicles involved in pursuits, was also applied to the tactical use of a police vehicle to prevent the escape of a stationary vehicle.

The net result of this interpretation was that officers, who could eliminate or minimize a dangerous situation by blocking a stationary vehicle in place with a police vehicle in order to prevent escape and/or effect an arrest, were allowing adequate space between their vehicle and the subject to be in compliance with this D.G.O. The net effect was numerous confrontations in which the subject vehicle became a weapon and posed a threat to officers, resulting in the discharge of their firearms.

Language was recently added to proposed draft of D.G.O. 5.05 which would allow for the blocking of stationary vehicles under controlled circumstances. This modification provides a tactical solution to these dangerous situations and eliminates any officer safety argument that might arise from changing our shooting policy in regards to vehicles being used as weapons.

Adoption of this recommendation will make SFPD Department General Order 5.02, USE OF FIREARMS, consistent with other major departments in adopting the best practice of prohibiting this high risk use of deadly force.

### 3.14.1.2 Method of Implementation

- 1) Per PERF Recommendation - insert language in Department General Order 5.02, C 5 b (however, replace the permissive “should” with the mandatory “shall”:

*Firearms ~~should~~ **shall not** be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle itself.*

*Officers ~~should~~ **shall** employ all reasonable means available to move to an area of safety if a vehicle becomes a threat, including retreating from the threat if practical.*

*Officers ~~should~~ **shall not** intentionally place themselves in harm’s way by standing or moving in front of a vehicle, standing directly behind a vehicle, or reaching inside an operating vehicle.*

- 2) Issuance of a Department Bulletin notifying members of the change in D.G.O. 5.02, C, 5 b.
- 3) Issuance of a Department Bulletin notifying members of the change in D.G.O. 5.05, M, 1 a.
- 4) Direct the Commanding Officer of the Training Division to prepare a roll call training video regarding the changes in D.G.O. 5.02 and D.G.O. 5.05.
- 5) Direct the Commanding Officer of the Training Division to incorporate this training in all upcoming C.P.T. sessions at the Academy.

## 4 Selection & Training of Officers

### 4.1 Academy

California's Commission on Peace Officer Standards and Training (POST) provides guidelines for training of peace officers throughout the state. POST categorizes training in numbered learning domains.

The following POST guidelines for learning domain 33 regarding force and arrest-related subjects are taught to students at basic academy level:

- Tactical Communication
- Principles of Weaponless Defense
- Person Search
- Restraint Devices
- Physical Control Holds
- Carotid Restraint
- Impact Weapons
- Weapon Retention and Takeaway
- Prisoner Transportation

The POST requirement for learning domain 33 is 60 hours. The SFPD Academy staff currently provides recruits with 114 hours of training in this learning domain.

#### 4.1.1 SFPD vs. POST minimum training standards

Techniques Taught and Tested	POST Minimum	SFPD Training
Searching	4 tested	7 tested
Handcuffing	1 tested	5 tested
Control holds	2 tested	5 tested, approximately 10-15 others and variations instructed
Takedowns	2 tested	5 tested, approximately 10-15 others and variations instructed
Handgun Takeaway	2 tested	6 tested, approximately 10-15 others and variations instructed

## 4.1.2 Implemented Change: Mandatory Training for all Members for Dealing with Persons in Distress

### 4.1.2.1 Action Taken

Develop a twenty-hour training block for all department members designed to focus on, and dealing with persons in crisis.

This action is directed by the Chief of Police and is based upon findings of this study.

### 4.1.2.2 Basis for Action Taken

At the present time, the department provides communications training to its members in a variety of forms.

- In the Basic Academy we teach basic interviewing techniques designed to teach the officer to elicit information from persons for the purpose of:
  - Understanding what type of event has taken place,
  - Conveying relevant information to field units regarding the incident, and,
  - Preparing an effective incident report.
- In Continuing Professional Training (CPT) we provide updates in Interview and Interrogation.
- In Crisis Intervention Training (CIT) we provide a foundation a broad spectrum of training in a forty-hour course in dealing with persons with mental health issues.
- In Hostage Negotiation Team (HNT) training we provide a select group of officers with a combination of communication skills and formal procedure designed to contain and de-escalate volatile incidents.

Although most officers become effective communicators over a period of time by combining formal training with practical field application, the department does not currently provide a comprehensive training segment to every member designed to equip the officer with the tools to deal with persons in crisis. Officers deal with persons on a daily basis with serious health issues, financial issues, marital problems, substance abuse issues, family crisis, and a number of other problems that can invoke very abnormal emotional behavior. It is critical that every officer possess the communication skills to effectively deal with persons in crisis. Effective communication skills can defuse highly charged situations and as a result reduce the need to use force while at the same time reduce the incidence of citizen complaints against officers.

### 4.1.2.3 Method of Implementation

The Commanding Officer of the Training Division shall convene a panel of subject matter experts and develop a twenty-hour training segment of communicating with persons in crisis. This panel will be comprised of but not limited to the following persons:

- Training Division personnel as designated by the Commanding Officer of the Training Division,
- Department Psych Liaison Officer and Office in Charge of the Behavioral Science Unit,
- Mental Health expert(s) as designated by Commanding Officer of the Training Division in conjunction with the Psych Liaison Officer and Officer in Charge of the Behavioral Science Unit,

- Officer in Charge of Hostage Negotiation Team.

The training developed shall be a combination of classroom instruction and practical application through role playing and evaluation. All department members will receive this training within 24 months of its development.

### 4.1.3 Implemented Change: Mandatory 40-hour Crisis Intervention Training (CIT) for all First Responders and Field Supervisors<sup>21</sup>

First, it is clear that a higher and higher percentage of both police calls and officer involved shootings have involved mentally ill individuals over the past two to three decades.

Second, there is evidence that **CIT training** among law enforcement personnel is effective in improving outcomes in interactions with mentally ill persons and decreasing the incidence of use of force in this population. Less lethal options in conjunction with CIT trained officer interventions may also decrease fatal use of force in this population.

There is also evidence that less **lethal use of force options** may decrease injury not only in the mentally ill population, but also among law enforcement officers and the public.

Approximately 1200 officers have received 40 hours of training in CIT and another 800 have been trained for CIT in a one-day training course.

These training efforts are clearly valuable to our efforts to gain better outcomes in our interactions with mentally ill individuals.

#### 4.1.3.1 Action Taken

This action was directed by the Chief of Police to ensure compliance with the City's previously agreed upon settlement.<sup>22</sup>

#### 4.1.3.2 Basis for Action Taken

Five of the fifteen shootings involved in this study had indications of mental health issues. It is entirely possible that even more of the incidents may have involved mental health factors. However, our OIS investigations have not necessarily been conducted with a focus on identifying these types of issues. The department must continue to provide ongoing training to department members to ensure compliance with the settlement and to be able to provide the maximum level of service to the community.

It is critical that first line supervisors receive this type of training in order to effectively direct subordinates who are dealing with persons in crisis. Field supervisors and line officers who are untrained can inadvertently escalate these tenuous situations through actions and tactical decisions that may antagonize the subject and heighten their state of anxiety.

Patrol units and their immediate supervisors will be making the critical initial contact with the person in crisis. It is imperative that they have a fundamental basis of knowledge that assists them in:

- Identifying individuals with mental health issues or in personal crisis.
- De-escalating the incident by employing the skills and techniques taught in this week long training, maintaining a calm and helpful climate during contact.

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<sup>21</sup> As a result of a negotiated settlement in a 2001 OIS involving a mentally ill subject, the SFPD agreed to a one week course in crisis intervention for all department members.

<sup>22</sup> *Ibid.*

- Assisting the affected person and their family in gaining the most appropriate assistance through referral within the mental health network.

#### 4.1.3.3 Method of Implementation

- Increase the number of regularly scheduled sessions of the 40-hour Crisis Intervention Training to comply with the agreed upon settlement.
- Identify all members of the Operations Bureau, officers and supervisors that have not received the Crisis Intervention Training and schedule them for an available session within 18 months.
- Initiate a one-day refresher course through C.P.T. (Continual Professional Training) or through CIT for prior graduates of the training. This recognizes the need to maintain their skill level and support for this approach to dealing with persons in mental health crisis. This is a perishable skill and the referral information must be updated constantly.
- Implement regular roll call training that not only reviews the skills and techniques taught in the 40-hour course, but also updates members on the resources and facilities available to those with mental health issues.

#### 4.1.4 OCC Recommendation<sup>23</sup>

Deploy Specialized Police Officers to Improve Response to Incidents Involving People with Mental Illness.

##### 4.1.4.1 Basis for Recommendation

According to the June 2002 Criminal Justice Mental Health Consensus Project Report, an unprecedented national effort coordinated by the Council of State Governments, people with mental illness are significantly overrepresented among the segment of the population in contact with police officers and other members of the criminal justice system. The Department frequently responds to calls for service involving mentally ill individuals in crisis. These calls are frequently time-consuming and complex and often require on-scene expertise in mental illness and their manifestations for effective incident management. The outcome of these encounters significantly impacts the mentally ill individual and their family, the officers, and the larger community. Encounters resulting in serious bodily injury or loss of life provide a strong impetus to reevaluate response options for front-line officers.

Over 20 years ago, the Memphis Police Department originated the Crisis Intervention Team (CIT) model to train and deploy specialized police officers to handle incidents involving people with mental illness. Selected patrol officers (10 to 20 percent of those assigned to patrol) receive extra training to handle crisis situations. These officers are first responders to calls for service involving mentally ill individuals in crisis.

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<sup>23</sup> Submitted by O.C.C. Executive Director Joyce M. Hicks, Esq. and Samara Marion, Esq., O.C.C. Policy Analyst.

Commenting on the effectiveness of the Memphis's CIT model, a U.S. Department of Justice COPS report observed:

*Response times are generally under 10 minutes, the CIT officers handle 95 percent of all mental disturbance calls, regular patrol officers support the program, police time spent waiting for mental health admissions is dramatically down, arrest rates of people with mental illness are low, referrals to treatment are high, police-caused injuries suffered by people with mental illness are down, officer injury rates are down, and call-outs of the Special Weapons and Tactics team are down.*

As a recent Council of State Governments and Police Executive Research Forum report noted, "specialized responses to people with mental illnesses are an outgrowth of community policing and as such should reflect a partnership between a law enforcement agency and other stakeholder groups and individuals. To enhance the Department's ability to effectively respond to calls for service involving mentally ill individuals in crisis, the OCC suggests collaborating with the Department's hostage negotiation team, its Psychiatric Liaison officer, the San Francisco County's Mobile Crisis Treatment Team, and other relevant stakeholders to design and implement a CIT program of first-responder officers who have special mental health training.

#### **4.1.4.2 Method of Implementation**

- Identify stakeholders and convene multi-disciplinary group to develop the response program's design and objectives.
- Revise Department General Orders 6.14, "Psychological Evaluation of Adults," and DGO 7.02 "Psychological Evaluation of Juveniles," to reflect protocol for CIT program of first-responder officers with special mental health training.
- Revise Department General Order DGO 8.02, "Hostage and Barricaded Subject Incidents," to include protocols for mentally ill individuals who are not subjects.
- Develop and implement specialized training.
- Identify performance measures based on program goals and collect and analyze data as to program's success in achieving its goals.

#### **4.1.5 Supervision & Management Training**

Supervisors play a key role in the proper control of OIS scenes and in aiding the investigations that follow.

##### **4.1.5.1 Use of Force Investigations**

An officer's use of firearm during an OIS is a reportable use of force under Department General Order 5.02, "Use of Force." In addition to firearm use, officers are required to report non-firearm uses of force as follows:

- Physical control, when the person is injured or claims to be injured,
- Liquid chemical agent, when sprayed on or at the person,
- Department-issued baton, when the person is struck or jabbed,
- When the officer strikes a person with fist, flashlight, or any other object,
- Use of Carotid Restraint.

#### 4.1.5.2 Incident Command Training

The Department has provided incident command training to supervisors to equip them with the ability to manage incidents and events that require coordination of multiple units in an involved area of operation. OIS's present challenges similar to those of any shooting crime scene, where an area must be cordoned off so as to exclude the public, injured persons must receive treatment, threats must be neutralized, witnesses located and interviewed, and evidence gathered – often in the presence of a gathering crowd and arriving media.

#### 4.1.6 Implemented Change: OIS Training for Supervisors at OIS Scenes

##### 4.1.6.1 Action Taken

This action is directed by the Chief of Police and is based upon findings of this study.

##### 4.1.6.2 Basis for Action Taken

In order to implement the changes recommended by this report, and to provide ongoing training to improve the knowledge and skills of supervisors pertaining to their responsibilities at officer-involved shooting scenes.

##### 4.1.6.3 Method of Implementation

The Training Division shall:

- 1) Develop roll-call training for all members explaining the shooting officer's responsibilities and supervisory responsibility at officer-involved shooting scenes. This training will explain:
  - The proper use of the Incident Command System (ICS) at all officer involved shooting scenes.
  - The proper method of obtaining a public safety statement and adhering to Peace Officers Bill of Rights (POBR), while separating members involved in shooting.
  - The follow-up investigative process to reinforce the need for crime scene preservation and the chain of custody of firearms involved.

This roll-call training will be mandatory for all members.

- 2) Develop and conduct a four-hour training segment for sergeants at Continuing Professional Training (CPT) that will be taught in the "force-on-force" format, providing them with an interactive crime scene that they will have to direct and control.

#### 4.1.7 Implemented Change: Training for Building Searches

This action was directed by the Chief of Police based upon the recommendation of this study in conjunction with the OCC.

##### 4.1.7.1 Recommendation<sup>24</sup>

Although the Department provides training on how to conduct a building search, locations involving dark, confined areas, high density housing and abandoned buildings pose additional challenges. The OCC recommends that the Department develop written materials and training to address more comprehensively tactics for conducting building searches and retrieving individuals from confined areas.

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<sup>24</sup> Submitted by O.C.C. Executive Director Joyce M. Hicks, Esq. and Samara Marion, Esq., O.C.C. Policy Analyst.

#### 4.1.7.2 Method of Implementation

- Develop written guidelines and training materials that emphasize other less than lethal weapons.
- Incorporate into the Force Options training scenarios involving appropriate tactics for removing individuals from a confined space, including the following:
  - How to devise and coordinate a plan for a building search, including reassessment of the plan and an exit strategy;
  - Risk assessment that evaluates both officer and civilian safety concerns, especially when officers are entering a dark, confined area;
  - The role of the supervisor to determine appropriate procedures, particularly when officer and civilian safety risks are high; and
  - Appropriate tactic for retrieving an individual from a confined space, such as the deployment of the canine unit, the extended range impact weapon, hostage negotiators, and tactical assault teams.

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## 5 Controlling the Scene of an Officer Involved Shooting

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The control of an OIS scene is crucial to ensure injured persons receive prompt treatment; witnesses are located and interviewed before they disappear; valuable evidence is recovered and properly processed.

### 5.1 Implemented Change: Public Safety Statements

Supervisors responding to the scene of an OIS must ascertain quickly the extent to which public safety has been affected and continues to be affected. They must ask the involved officers at the scene who has been injured, if there is a subject or outstanding weapons that continue to threaten public safety. The answers provided to the supervisor by involved officers are accorded special evidentiary status in court and are referred to as “public safety statements.”

#### 5.1.1 Action Taken

Develop and distribute standard formatted questions to be used by field supervisors when obtaining public safety statements from officers immediately following an OIS incident.

This action was directed by the Chief of Police based upon a recommendation by this study in conjunction with the San Francisco Police Officers Association.

#### 5.1.2 Basis for Action Taken

In the immediate aftermath of an officer-involved shooting, it is imperative for the first supervisor arriving on the scene to obtain vital information regarding the nature of the event at hand, and any danger that might still exist for the community and for law enforcement members. It is also incumbent upon the supervisor to determine the size of the crime scene to be secured, the resources necessary to secure the scene, and the relevant information to be broadcast if subjects are still outstanding.

While police officers have a Fifth Amendment right against self-incrimination like any other person, they also have an obligation to the department to explain the immediate impact of their actions and dangers that may still exist following the event.

#### 5.1.3 Method of Implementation

- 1) The department shall develop a pocket-size card with a public safety statement that can be distributed to each officer, supervisor and manager.
- 2) The department in consultation with the other stakeholders will make agreed upon recommendations regarding the public safety statement and guide.
  - One side of the card should contain an agreed upon public safety statement, such as:
    - Is anyone injured? Where are they?
    - In what direction did you shoot? With which firearm?
    - Approximately how many rounds did you fire and in what direction did you fire them?
    - Approximately where were you when you fired the rounds?
    - Do you know if anyone else discharged a firearm? Where are they? In which direction did they shoot?

- Are there any outstanding subjects? If so, what is their description, direction, and mode of travel? How long have they been gone? What crime(s) are they wanted for? What weapons are they armed with?
  - Are you aware of any witnesses? What is their location?
  - Can you identify the crime scene including all weapons and prospective evidence?
  - The other side of the card should contain orders from the supervisor following the public safety statement that would order the officer not to discuss the event with any member or person, except their attorney, prior to their interview with the Homicide Detail investigators and the District Attorney's office.
- 3) The department shall issue a Bulletin notifying members of the purpose of a public safety statement and of the distribution of the public safety statement cards.

## **5.2 Implemented Change: Supervisory Response to Officer-Involved Shooting Scenes**

At present, there is no requirement for a captain or above to immediately respond to an OIS. The current department practice is for a commissioned officer to respond if available. However, when unavailable, a non-commissioned officer (sergeant) may be left to manage the OIS scene.

### **5.2.1 Action Taken**

Establish a mandatory response by a captain or above for all OIS scenes.

This action is directed by the Chief of Police and is based upon findings of this study, and recommendations previously made by PERF.

### **5.2.2 Basis for Action Taken**

Officer-involved shooting scenes are hectic, and very often emotionally charged environments requiring immediate preservation and supervisory control. It is imperative that proper notifications are made, department policy and procedure is followed, and accountability established after the crime scene is secured.

In order to provide the appropriate level of authority commensurate with responsibility, it is necessary to have a high-ranking commissioned officer present at the scene and treat each officer-involved shooting scene as a critical incident utilizing the ICS incident management model.

### **5.2.3 Method for Implementation**

Amend Department General Order 8.11, F. to reflect this recommendation.

#### **5.2.3.1 Recommended Procedure for First Response Supervisors**

##### **5.2.3.1.1 Supervisor Duties upon Arrival**

- Secure the scene, assume command, and set up a command post,
- Ensure aid is given to any injured party,
- Coordinate the apprehension of any outstanding subjects,
- Designate crime scene log officer,
- The crime scene will be under the control of the Homicide Detail,

- Direct officers to begin a canvass for witnesses and document all persons contacted, even those who deny being a witness. Coordinate with Homicide Detail witness interviews,
- Determine if there are any video or surveillance cameras at or near the scene,
- If more than one member is involved in the discharge of a firearm, the members shall be kept separate. A supervisor shall be assigned to assist and monitor each involved member,
- Make required notifications.

#### 5.2.3.1.2 Obtaining Public Safety Statements from the Involved Members at the Scene

- Scope of questions appropriate for a public safety statement (see section 5.1.3, above, for a discussion of the public safety statement card).
- Supervisors should not ask *why* or *how* the involved members reacted to the incident.
- An officer does not have a right to wait for representation prior to answering these limited questions. Due to the immediate need to take action, this statement shall be ordered if not provided voluntarily.
- Encourage the officer to contact their family to inform them of the circumstances. However, direct involved members not to discuss further the facts or details of the incident with anyone until they have retained legal representation and are interviewed by investigators from the Homicide Detail, the District Attorney's office, and the Management Control Division.
- The supervisor who obtained the public safety statements, absent exigent circumstances, shall remain at the scene to provide information to responding investigators.

#### 5.2.3.1.3 Involved Member Procedures

- Involved members shall remain separate from one another and not discuss the incident with one another prior to being interviewed by investigators.
- When members are transported from the scene they shall be accompanied by a supervisor and shall be taken to a department facility. If possible, coordinate with Homicide Detail where the members should be taken.
- When officer safety permits, members shall de-cock, holster and strap in their firearm. At the direction of Homicide investigators, firearms discharged in a shooting shall be seized by Crime Scene Investigations (CSI) as evidence. Replacement firearms will be issued to members by the Police Range staff. In cases involving rifles or shotguns, the firearm shall be placed on "safe" and isolated in a secure location.

#### 5.2.3.1.4 Incident Report Requirements

- On-scene supervisor shall designate an officer to prepare the initial incident report.
- Officers preparing the incident report shall discuss with the Homicide Detail team members the nature of the information to be included in the initial incident report.
- Record the incident in the Use of Force Log.
- An on-scene commissioned officer shall sign the report as the "OIC Approving."

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## 6 Investigation Procedures

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Officer involved shooting investigations require the participation of several units from this department, as well as other municipal agencies, each with a specific role and timeline<sup>25</sup> to follow.

### 6.1 Officer Involved Shooting Investigation Procedures

#### 6.1.1 Current Practice

Officer-involved shooting cases mandate two separate types of immediate investigations, criminal and administrative.

##### 6.1.1.1 Criminal Investigation

The first type of investigation is criminal in nature, to ascertain if there was criminal conduct or criminal negligence on the part of the officers involved. There are two independent criminal investigations immediately undertaken by two different law enforcement agencies:

- The San Francisco Police Department Homicide Detail
- The San Francisco Office of the District Attorney

The criminal investigation is not limited to just the local domain. If significant issues arise regarding the shooting, state and federal participation is possible:

- State of California, Department of Justice, Office of the Attorney General
- United States Department of Justice, Federal Bureau of Investigation

##### 6.1.1.2 Administrative Investigation

The second type of investigation is administrative in nature to determine if there was a violation of San Francisco Police Department policies or procedures by the members involved. Administrative Investigations are conducted by two separate entities.

- The San Francisco Police Department Management Control Division investigation begins immediately after the shooting.
- The Office of Citizen Complaints investigation begins upon an independent allegation of police misconduct by a civilian any time after the event. (O.C.C. Investigators immediately respond to the shooting scene and observe, but do not actively investigate at that time.)

It is very important to note that even though initially three separate units have active investigations taking place at the scene of the shooting, and in the days and weeks that follow, the Office of Citizen Complaints may also join the investigative effort, the flow of information from the investigative process flows only from the criminal investigation to the administrative investigation and not in the other direction.

Like any other person, San Francisco Police Officers are entitled to their Fifth Amendment rights against self-incrimination when they are the subject of a criminal investigation and are therefore entitled to representation by an attorney prior to speaking to the criminal investigators. Also like

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<sup>25</sup> An investigative and administrative process flowchart is provided in the Appendix.

any other person, they are not obligated to speak with the criminal investigators from the SFPD Homicide Detail and the Office of the District Attorney, if they choose not to.

Unlike other persons, peace officers do not enjoy the same protection against self-incrimination when being interviewed by their employer regarding matters pertaining to their employment. As peace officers in the State of California, members of the San Francisco Police Department receive specific protections under §3300 of the California Government Code, the Peace Officer's Bill of Rights. However, §3303 (h) of the California Government Code provides for the employer's ability to obtain a compelled statement from an officer under investigation. These statements can be compelled by the issuance of a *Lybarger Admonition*.

The administrative investigator (from Management Control Division) would begin the Lybarger admonition by recognizing the employee's constitutional right to remain silent by reading the Miranda Warning to the officer. If the officer invokes their Fifth Amendment rights against self-incrimination under Miranda, the administrative investigator proceeds by reading the Lybarger Admonition. This admonition informs the member that:

- *While you have the right to remain silent with regard to any criminal investigation, you do not have the right to refuse to answer my questions administratively.*
- *This is an administrative investigation. I work for the Management Control Division of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation. I am therefore ordering you to answer all of my questions fully and honestly.*
- *If you refuse to answer my question, your silence can be deemed insubordination and result in administrative discipline, up to and including termination.*
- *Any statement you make under compulsion of threat of such discipline is for administrative purposes only and cannot be used against you criminally.*
- *Your statements and information gathered will be held confidential consistent with California Penal Code §832.7, and information gathered will not be divulged except as required by law.*

This information is presented to demonstrate the degree of contrast between the two types of investigations as they pertain to an officer's rights. It is therefore necessary for the criminal and administrative functions to maintain a one way flow of information. The investigator from the Management Control Division receives all information garnered during the criminal investigation by the Homicide Detail. The Homicide Detail investigator receives no information from the Management Control Division investigator.

- The voluntary statement given to the Homicide Detail by the involved officer is given to the Management Control Division and is used as part of the administrative investigation.
- The compelled statement given to the Management Control Division by the involved officer cannot be given to the Homicide Detail and cannot be used as part of the criminal investigation.
  - The compelled statement can be used against the involved officer in a criminal prosecution if that officer chooses to testify. The compelled statement can then be used to impeach that officer's testimony.
  - The compelled statement taken from an involved officer can be used against the involved officer, or any other officers in an administrative hearing.

The City Charter and Department General Orders require San Francisco Police Officers to cooperate fully with the Office of Citizen Complaints during its administrative investigations, including officer-involved shootings that are the subject of a civilian complaint.

San Francisco Police Department members traditionally have provided voluntary statements during the criminal investigation. In many police departments throughout California, members invoke their Fifth Amendment right against self-incrimination and insist that all statements be compelled under a Lybarger Admonition.

By willingly providing voluntary statements during the criminal investigation, the members of the San Francisco Police Department add a basic layer of transparency to the investigative process.

## 6.1.2 Activities Following an Officer Involved Shooting

When an officer-involved shooting incident occurs, the following activities should take place.

### 6.1.2.1 First Twenty-Four Hours

1. **Involved Officers** would immediately assess the scene:
  - a. Notify Emergency Communication Division (ECD) of the officer-involved shooting, and broadcast relevant information regarding outstanding subjects, and request emergency assistance as necessary.
    - i. ECD notifies the SFPD Operations Center.
    - ii. SFPD Operations Center provides notifications to SFPD Investigative Units, and outside agencies as mandated in D.G.O. 8.11.
  - b. When danger has passed, immediately de-cock, holster, and strap in firearm, and render any rifle or shotgun safe.
  - c. Render immediate first aid to injured persons.
  - d. Establish a perimeter for the incident scene, leaving physical evidence undisturbed pending arrival of investigative units.
    - i. Weapons and physical evidence may only be moved and secured for safety reasons or in the event of exigent circumstances.
    - ii. When weather conditions threaten the integrity of physical evidence, every reasonable effort shall be made to protect evidence in place. Items of evidence may be moved if they cannot be reasonably protected in place.
  - e. Identify witnesses present, request that they remain at the scene.
2. **Supervisor** arriving at the scene shall:
  - a. Ensure that injured persons are tended to and emergency assistance responds as necessary,

- b. Obtain a public safety statement from the officers as described in section 5.1.3, above.
  - c. Order officers who discharged their firearms not to discuss the shooting with anyone until they speak with their attorney, and are subsequently interviewed by investigators from Homicide Detail and the Office of the District Attorney, or MCD.
  - d. Separate officers involved, and transport away from scene if necessary. Transportation to be performed by a supervisor who will ensure that the officers do not communicate with unauthorized persons.
  - e. Evaluate the perimeter established and expand the area if deemed necessary.
  - f. Supervise the incident scene, and be responsible for the incident scene until the arrival of the Homicide Detail. Identify evidence and ensure that it is left undisturbed until processed by Crime Scene Investigations (CSI).
  - g. Limit access to incident scene to emergency personnel needed within the perimeter and designate an officer to maintain the crime scene log.
  - h. Ensure that all witnesses remain at the scene or are transported to a police facility, if they consent. If witnesses insist on leaving the scene prior to being interviewed, every attempt shall be made to properly identify them.
  - i. Check for video or fixed cameras at or near the scene.
  - j. Contact SFPD Operations Center and provide them with updated information regarding the event.
3. **Homicide Detail** team members' arrival at incident scene:
- a. The Officer-in-Charge of the Homicide Detail (or their designee) will assume command of the incident scene upon arrival.
  - b. Homicide Detail team members will meet with the supervisor in charge of the incident scene and obtain pertinent information (if officers involved are not present).
  - c. Homicide Detail team members will meet with the on-call Assistant District Attorney and the D.A. investigators assigned to the case, and the M.C.D. investigator upon their arrival at the incident scene.
  - d. Homicide, D.A., and M.C.D. investigators will meet with Crime Scene Investigations (CSI) and Photo Lab personnel to:
    - i. Discuss the incident scene and identify all items of evidence.
    - ii. Identify evidence to be processed at the scene and that which will be processed in the laboratory later.

- iii. Identify the physical environment and items of evidence to be photographed.
- e. Criminal investigators from the Homicide Detail and Office of the District Attorney will jointly interview witnesses at scene. If this is not practical, witnesses may be transported to a District Station or the Homicide Detail.
  - i. All interviews are audio recorded by both the Homicide Detail and the Office of the District Attorney.
  - ii. Involved officers are always interviewed last to ensure that investigators have as complete a picture as possible prior to interviewing the involved members.
- f. Prior to the incident scene being secured, the Officer-in-Charge of the Homicide Detail or the designated Homicide Detail team member assigned to the incident scene will conduct a walk-through of the incident scene with the on-call representative of the Office of Citizen Complaints.
  - i. This practice allows the O.C.C. an opportunity to observe the incident scene, even though at this point they will not have an active investigative function. Should a complaint be received, they will have a basic understanding of the circumstances and environment in which the incident occurred.
- g. Homicide Detail and representatives from the Office of the District Attorney return to the Homicide Detail.
  - i. Interview the witness officers (who are not entitled to legal representation).
  - ii. Interview the involved officer(s) who are represented by legal counsel.
  - iii. If time does not allow for these officers to be interviewed on the same day as the incident, designated interview times will be determined for each officer within twenty-four hours of the incident. Officers will be directed not to discuss the incident until interviewed by Homicide Detail team members and District Attorney representatives.
- h. Brief Media Relations Unit and/or representative of the Chief of Police regarding the status of the investigation.
- i. Crime Scene Investigations will take possession of discharged firearms from the officers involved.
- j. Police Range personnel will replace the service firearm prior to the officer leaving the Homicide Detail.
- k. M.C.D. representative will make an appointment for the officer(s) to respond to Management Control Division for administrative interview if necessary.

#### 4. Office of the District Attorney

Even though the Office of the District Attorney conducts an independent criminal investigation, they are dependent upon the Forensic Sciences Division of the S.F.P.D. and the San Francisco Medical Examiner for much of the evidence they will base their final findings upon. It is for that reason they are very involved in the preliminary stages of the criminal investigation with the Homicide Detail.

- a. On-call Assistant District Attorney and members of D.A. Investigations respond to incident scene and meet with Homicide Detail team members.
  - i. Immediately walk through incident scene with Homicide Detail team members and observe conditions of scene and evidence present.
  - ii. Confer with Homicide Detail team members regarding collection and documentation of evidence items.
- b. Directly participate in the interview of witnesses and officers involved.
- c. Confer with Homicide Detail team members regarding investigative process to follow.

#### 5. Crime Scene Investigations

- a. Respond to incident scene and confer with Homicide Detail and District Attorney representative,
- b. Locate, document, and collect physical evidence present,
- c. Prepare crime scene sketch with location of evidence items and accurate distance measurements.

#### 6. Behavioral Sciences Unit

- a. Upon notification by SFPD Operations Center, members of the Critical Incident Response Team (CIRT) respond to the incident scene, station or hospital to assist the involved members and offer psychological support.
- b. Members of CIRT are present as peer support only and are prohibited from discussing the incident or circumstances surrounding the event.

#### 7. Media Relations Unit

- a. Responds to incident scene and upon conferring with Homicide Detail investigators and command staff, provides releasable information to the media.
- b. Establishes one member of the unit who will not appear on camera during the investigation to act as liaison with the family of the individual shot during the incident. A member of this unit is utilized in this capacity as they have access to the most recent information regarding the investigation. The liaison will

attempt to establish contact with the family within the first twenty-four hours if circumstances permit.

8. **Office of the Chief Medical Examiner** when fatality occurs:
  - a. The San Francisco Office of the Chief Medical Examiner will dispatch a Medical Examiner and Medical Examiner Investigators to the incident scene.
    - i. The San Francisco Office of the Chief Medical Examiner is one of the few agencies that dispatch a Medical Examiner to the incident scene. This serves two purposes:
      1. It provides an expert resource to the criminal and administrative investigators at the scene.
      2. It also provides the Medical Examiner performing the autopsy with a complete picture of the event that led to the fatality.
    - ii. When the processing of the event scene is complete, the Medical Examiner's investigator will remove the deceased person(s) and transport them to the Medical Examiner's Office.
    - iii. The Medical Examiner's investigator will formally notify the next-of-kin of the deceased person.
    - iv. The Medical Examiner will conduct an autopsy on the remains, and collect:
      1. Biological evidence for toxicological examination.
      2. Physical evidence, such as spent bullets.
    - v. The Medical Examiner will write a final Autopsy Report in the weeks that follow, documenting the results of their examinations and testing.

### 6.1.2.2 First Ten Days

#### 1. Involved Members

- a. Participate in mandatory debriefing with Behavioral Sciences Unit,
- b. Respond to Police Range for a post-discharge firearm debriefing,
- c. Respond to Academy for a modified force options training course.  
*Note: Training is not to be considered punitive,*
- d. Obtain audio of interview with Homicide Detail,
- e. Interview with Management Control Division,
- f. Assigned to their respective Bureau Headquarters for a minimum of ten calendar days. (The member can be scheduled to complete the above listed requirements during this time.) Members shall not be returned to their regular duty until the Police Commission has met in closed session with the Chief of Police.

**2. Homicide Detail**

- a. Team members will conduct a meeting within seventy two hours of the incident with the Office of the District Attorney, Crime Scene Investigations, Forensic Services Division, and other offices and disciplines to determine:
  - i. Laboratory testing and analysis to be performed on evidence obtained.
  - ii. Timelines for test results.
  - iii. Additional witnesses to be interviewed.
  - iv. Other investigative actions to be taken.
- b. Obtain sample of injured person(s) blood from San Francisco General Hospital (First Blood) for toxicological examination.
- c. Continue witness interviews as necessary.
- d. Provides involved officers with copy of their criminal interview prior to their interview with M.C.D.

**3. Office of the District Attorney**

- a. Meet with Homicide Detail investigators and review the status of the evidence that has been collected, as well as the witness and involved officer statements.
- b. Obtain copies of all relevant case documents including supplemental reports, Chronological Record of Investigation, Laboratory Requests, and diagrams.
- c. Agree on evidence to be submitted for further analysis and testing.
- d. Identify timelines for expected laboratory test results.
- e. Agree on additional statements to be obtained, participate in interview of additional witnesses.

**4. Forensic Services Division**

- a. Receive evidence collected and booked by Crime Scene Investigations.
  - i. Conduct ballistics examination of every expended shell casing and spent bullet collected and match them to the donor firearm.
  - ii. Examine all department issued firearms for adherence to trigger pull standards and inspect for unauthorized modifications.
  - iii. Verify that the ammunition used by members was department issued ammunition.
  - iv. Perform DNA testing as requested.
  - v. Perform other testing and analysis as requested.

**5. Media Relations Unit**

- a. Receive relevant updates on investigation in response to media inquiries and as a basis for conveying information to the family of the individual shot during the incident.
- b. Designate a member to be liaison to the family of the individual shot during the incident. Establish contact with the family if it has not already occurred and promptly provide the family with information about SFPD and Medical Examiner's Office procedures, crime scene processing, processing of the deceased individual and his or her property, the agencies conducting investigations into the

fatality and their respective roles, and relevant SFPD policies<sup>26</sup>. Maintain availability to the family and provide information to them on a regular basis.

#### 6. Office of the Chief Medical Examiner

- a. Notify Homicide Detail team members of any physical evidence collected during the conduct of the autopsy.
- b. Arrange to have clothing evidence booked into Property Control Section for transfer to Forensic Services Division.

#### 7. Behavioral Sciences Unit

- a. Conduct a mandatory debriefing with the involved officers (within 72-hours if possible).
- b. Assess member's ability to return to duty or continued need to be detailed to BSU to receive additional support.
- c. Depending upon the nature of the event, offer an opportunity to attend a debriefing to dispatchers and other first responders involved in the incident. Such group debriefings are voluntary attendance for involved outside agencies. Attendance at the debriefing is mandatory for involved SFPD personnel.
- d. Participate in the return to duty hearing for the members involved.

#### 8. Return To Duty Panel

- a. Conduct a return to duty hearing (within five business days of event) for the member involved including:
  - i. Assistant Chief of Administrative Services Bureau, Chair,
  - ii. Assistant Chief of the Bureau of the member involved,
  - iii. Commander of member involved,
  - iv. Commanding officer of the member involved,
  - v. Director of Risk Management,

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<sup>26</sup> On August 11, 2004, pursuant to Resolution 82-04, the Police Commission conditionally adopted the following OCC recommendation concerning a SFPD liaison to families of individuals killed during an officer-involved shooting:

The Chief of Police shall assign SFPD personnel to serve as the liaison to the family of an individual killed in an officer-involved shooting, who dies while in the custody of the SFPD or as a result of a traffic fatality involving a SFPD vehicle or pursuit. **These liaisons shall initiate contact with the family of the deceased individual, and promptly provide them with information about SFPD and Medical Examiner's Office procedures, crime scene processing, processing of the deceased individual and his or her property, the agencies conducting investigations into the fatality and their respective roles, and relevant SFPD policies. The liaison shall be available to provide information to the family on an ongoing basis concerning investigations by the SFPD and other agencies. The liaison would have training relevant to the position.** [emphasis added].

- vi. Commanding officer of the Management Control Division,
  - vii. Officer-in-charge of the Homicide Detail,
  - viii. Homicide Detail investigators
  - ix. Management Control Division investigators
  - x. Behavioral Sciences Unit
- b. Make recommendation to the Chief of Police regarding officer(s) return to duty.
    - i. Chief of Police to meet with the Police Commission in closed session at the first Police Commission meeting held following receipt of the recommendation.

## 9. Management Control Division

- a. Schedule interview of involved officer(s) and witness officers.
- b. Obtain information from Homicide Detail; witness interviews, crime scene diagrams, lab requests, supplemental reports, etc.
- c. Participate in return to duty hearing for involved officer(s).
- d. Submit preliminary investigation to Chief of Police and make a presentation to the Police Commission, following return to duty panel.

## 10. Office Of Citizen Complaints

A civilian complaint of police misconduct or improper performance initiates the OCC's administrative investigation into an officer-involved shooting. Within 10 days of receiving a complaint, OCC investigators:

- a. Interview the complainant.
- b. Request all documents and evidence accessible through the complainant.
- c. Notify SFPD of the civilian complaint.
- d. Request records, documents and information pursuant to the OCC-SFPD document protocol.
- e. Request the Medical Examiner's autopsy report.
- f. Identify and schedule interviews of witnesses.

### 6.1.2.3 Forty-Five Days from Incident

#### 1. Homicide Detail

- a. Submit final report to the Chair of the Firearms Discharge Review Board (per D.G.O. 8.11, I, 1, a). The final report from the Homicide Detail is submitted to the

Chair of the Firearms Discharge Review Board upon receipt of all laboratory reports regarding the examination of all physical submitted for laboratory analysis by the Forensic Services Division.

## **2. Office Of The District Attorney**

- a. Upon conclusion of its independent investigation and receipt of all reports from the Homicide Detail, the Office of the District Attorney will evaluate all the evidence to determine the potential criminal liability, or lack thereof, of any party. After completing its evaluation, the Office of the District Attorney will notify the San Francisco Police Department of its decision in writing.
- b. The Office of the District Attorney will not finalize its investigation without all necessary reports. In the case of a fatality, the autopsy report from the Office of the Medical Examiner must be final and part of the criminal investigation file.

## **3. SFPD Administrative Response To Criminal Charging Of Member**

- a. The accused officer is suspended from duty without pay.
  - The Chief of Police has the authority to suspend an officer from duty without pay when a member is:
    - Charged with a felony,
    - Charged with any serious crime,
    - Charged with a violation of moral turpitude.
- b. The member will remain on suspension pending:
  - Resolution of the criminal prosecution,
  - Adjudication of any pending administrative investigation.
- c. If the member is acquitted at trial, and, there are no administrative charges pending within the department, the member can submit a request to the Chief of Police requesting a Return to Duty Hearing.

## **4. Management Control Division**

- a. Receive the original report submitted to the Chair of the Firearms Discharge Review Board from the Homicide Detail. This original report to be included in the Management Control Division investigative case file.
- b. Prepare a final recommendation and report for submission to the Firearm Discharge Review Board and the Chief of Police.

## **5. Office of Citizen Complaints**

- a. Receive and review all reports, chronologies, interviews, and evidence from SFPD, Medical Examiner and other agencies. (OCC's review is contingent on SFPD's, the Medical Examiner's and other agencies' completion and subsequent disclosure of relevant documents to the OCC).
- b. Interview involved and witness officers.

### 6.1.2.4 Sixty Days From Incident

#### 1. Management Control Division

- a. Prepare and submit to the Chair of the Firearms Discharge Review Board the completed Administrative Investigation with recommendations.
- b. Submit final report to the Chair of the Firearms Discharge Review Board (per D.G.O. 8.11, I, 1, a). If this cannot be accomplished in accordance with established timelines, the Commanding Officer of the Management Control Division shall appear before the Police Commission at the earliest possible meeting to explain why this report has not been submitted. It should be noted that the Management Control Division makes a quarterly report to the Police Commission regarding the status of all Officer-Involved Shooting investigations.
- c. A Management Control Division investigator will prepare a formal presentation to the Firearm Discharge Review Board when an investigation is completed

### 6.1.2.5 Ninety Days From Incident

#### 1. Firearm Discharge Review Board (FDRB)

- a. The FDRB shall review every discharge of a firearm by a member.
- b. The FDRB shall be composed of<sup>27</sup>:
  - i. Member of the Police Commission, Advisory
  - ii. Assistant Chief of the Administrative Services Bureau, Chair
  - iii. Assistant Chief of the Operations Bureau (voting member)
  - iv. Deputy Chief of the Airport Bureau (voting member)
  - v. Deputy Chief of the S.F. Municipal Transit Authority (voting member)
  - vi. Range Master, Advisory
  - vii. Director of Risk Management, Advisory
  - viii. Director of the Office of Citizen Complaints, Advisory
- c. The FDRB shall review the submitted reports from the criminal and administrative investigations. A Management Control Division investigator will make a formal presentation and include recommendations.
- d. The FDRB shall indicate one of the following findings: In Policy or Not in Policy. These finding shall also include a review of applicable Department policy, lack of Department policy and recommendations for further policy adoptions.
- e. Within fifteen days, the FDRB will submit to the Chief of Police, for his/her concurrence, a written summary of its findings.
- f. The Chief of Police will review for concurrence and forward the FDRB's written summary to the Police Commission, with a copy to the O.C.C. Director, within

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<sup>27</sup> The Department has recently reorganized its command structure. Therefore, Department General Order 3.10 will need to be updated to reflect those changes. The restructured FDRB members are listed above.

fifteen days of receipt. This summary report with the Chief's decision shall be a public record. No report that is made public shall disclose any information deemed confidential by law.

- g. The Chair of the FDRB shall prepare a quarterly report to the Police Commission, and a copy to the Director of the O.C.C., that 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.

## **2. Office of Citizen Complaints**

- a. Review FDRB's quarterly report to the Police Commission and provide OCC's written response if appropriate.
- b. Upon conclusion of the OCC's administrative investigation and receipt of the SFPD's and Medical Examiner's reports, interviews, and evidence, the OCC issues written findings. In cases resulting in a sustained finding, the OCC provides the Police Chief a written report summarizing the evidence and basis of the findings.

## **6.2 Recommendations**

### **6.2.1 Implemented Change: Homicide Detail Team Member to Confer with Officer Making Initial Report**

#### **6.2.1.1 Action Taken**

Homicide detail investigators shall confer with the officer preparing the initial report to establish report parameters.

This action was directed by the Chief of Police based upon findings of this study in conjunction with the San Francisco Police Officers Association.

#### **6.2.1.2 Basis for Action Taken**

Officer-involved shooting scenes are most often hectic environments with a flurry of activity taking place in an emotionally charged atmosphere. To ensure that the most accurate initial report regarding the incident that led to the officer-involved shooting is prepared, the officer preparing the initial report will confer with the responding Homicide Investigators prior to preparing it.

#### **6.2.1.3 Method of Implementation**

The Officer-in-Charge of the Homicide Detail is to prepare a Unit Order directing the Investigator conducting the officer-involved shooting investigation, to meet with the officer that will be preparing the initial incident report. The Homicide Detail investigator will instruct the reporting officer as to:

- The proper title for the initial incident report
- The scope of the narrative for the initial report
- The property to be booked in the initial report

- Any additional information that the investigator deems appropriate

The Homicide Detail investigators will prepare the comprehensive supplemental reports that will document the investigative activities pertaining to the shooting incident.

## 6.2.2 Implemented Change: Minimum Standard for OIS Investigators

### 6.2.2.1 Action Taken

Establish Minimum Standards for Investigators Conducting Officer-involved Shooting Investigations.

This action was directed by the Chief of Police based upon findings of this study in conjunction with the San Francisco Police Officers Association.

### 6.2.2.2 Basis for Action Taken

Recently the San Francisco Police Department has provided for significant staffing increases within the Homicide Detail. Not all of the new personnel have attended a POST recognized officer-involved shooting investigation course.

Given the complex nature of these types of investigations, it is imperative that those investigators responding to officer-involved shootings have been formally trained in the investigation of these cases.

The officer in charge of the Homicide will ensure that all investigators assigned to officer-involved shootings have been formally trained in the investigation of these cases. Consistent with operational needs, the officer in charge of the Homicide Detail will take steps to immediately schedule all investigators currently assigned who have not received this training to the first available POST certified course.

### 6.2.2.3 Method of Implementation

- 1) The officer in charge of the Homicide Detail shall prepare a unit order regarding qualifications for conducting an officer-involved shooting investigation. The order shall state:

*No investigator shall act as the lead investigator in an officer-involved shooting investigation until he/she has attended a POST certified officer-involved shooting investigation course, and has participated in a supporting role in a prior OIS investigation.*

*Each four person Homicide Detail on-call team shall have at least one OIS trained investigator that has participated in an Officer-involved shooting investigation available during each on-call cycle.*

## 6.2.3 Implemented Change: Chain of Custody for OIS Firearms

### 6.2.3.1 Action Taken

Collection of Firearms from Officers in Officer-Involved Shooting Investigations

This action is directed by the Chief of Police and is based upon findings of this study.

### 6.2.3.2 Basis for Action Taken

At the present time there is no standard policy or procedure for the timely collection of firearms used during officer-involved shooting incidents. The lack of a standardized protocol can lead to circumstances in which the integrity of the chain of custody could be called into question.

To ensure that the integrity of the investigative process is maintained and that a procedural continuity is established, it is imperative that a clear procedure be established for the collection of firearms following an officer-involved shooting.

### 6.2.3.3 Method of Implementation

- 1) Amend Department General Order 8.11, Investigation of Officer Involved Shootings and Discharges:

#### *G. CHAIN OF CUSTODY OF FIREARMS USED*

*The following procedure shall be adhered to in order to establish a clear chain of custody of firearms used during an officer-involved shooting. All firearms involved will be submitted to the Forensics Services Division for analysis, therefore they must remain undisturbed following the shooting until turned over to Crime Scene Investigation personnel.*

1. **Handgun:** *When officer safety permits; de-cock, holster, and strap in his/her firearm.*
  - a. *The member shall not unload or reload the firearm, or remove the magazine to examine its contents.*
  - b. *Thereafter, the member shall not remove the firearm from its holster until it is turned over to a member of Crime Scene Investigations.*
  - c. *Crime Scene Investigations may receive the firearm from the member at the scene, or at a secondary location after the officer has left the shooting scene. This is generally accomplished at the Homicide Detail prior to the interview of the involved member.*
  - d. *The member shall not relinquish control of the holstered firearm until it is turned over to a member of CSI (except in cases of clear emergency).*
  - e. *If the member involved is injured, a supervisory officer will be responsible for the firearm until it is turned over to C.S.I. personnel. The firearm shall remain holstered and strapped in.*
  - f. *The department firearm will be replaced by Range personnel prior to the member reporting off duty following the incident.*
2. **Rifles and Shotguns:** *When officer safety permits, place the firearm on the "safe" position.*
  - a. *The member shall not unload or reload the firearm, or manipulate the action of the firearm for any reason.*
  - b. *Thereafter, the member shall find a safe location at the scene to store the firearm until it is turned over to Crime Scene Investigations. The trunk of a vehicle that is not removed from the scene would qualify as a safe location.*
  - c. *The firearm (rifles and shotguns) should not leave the scene of the incident (except in cases of clear emergency) prior to being turned over to C.S.I. personnel.*

## 6.2.4 Implemented Change: Forty-Eight Hour Incident Review

### 6.2.4.1 Action Taken

Homicide Detail investigators to conduct a mandatory comprehensive incident review within two business days of every OIS incident.

This action is directed by the Chief of Police and is based upon findings of this study in conjunction with the Office of the District Attorney.

### 6.2.4.2 Basis for Action Taken

Issues centered on OIS investigations have risen regarding:

1. The timeliness of completing the OIS investigations,
2. A review of the tactics utilized by the officers involved in the incident preceding the discharge of the firearm;
3. An analysis of the supervision of the officers prior to the discharge:
  - a. Was a supervisor present at the scene prior to the shooting?
  - b. Should a supervisor have been present due to the nature of the incident the officers were involved in?
  - c. Was proper direction being given by the supervisor regarding the incident preceding the shooting?
4. The behavioral analysis of the subject involved.

At present, an informal practice of assembling all of the parties involved in the criminal and administrative investigations takes place following an officer-involved shooting. There is a distinct need to establish a protocol that mandates and schedules such a meeting.

Part of expediting completion of the investigative reports is to provide the Office of the District Attorney with all laboratory tests and witness interviews, facilitating the rendering of a timely charging decision.

The inclusion of Training Division personnel, to discuss and review tactics used by supervisors and members, prior to and during the shooting incident, would provide helpful insight to both criminal and administrative case investigators, while identifying potential training needs.

The inclusion of pre-designated outside mental health experts in cases of contacts with persons of possible mental health issues would also contribute to the criminal and administrative investigations, while also identifying possible training needs.

### 6.2.4.3 Method of Implementation

- 2) The Commanding Officer of the Homicide Detail shall prepare a Unit Order as follows:
  - a) The Unit Order shall direct that within two business days of an officer-involved shooting, the OIC of the Homicide Detail shall convene a meeting of all members charged with the responsibility of investigating an officer-involved shooting incident.
  - b) The Unit Order shall designate the OIC of the Homicide Detail as the chair, and shall identify participants in this meeting to include at the minimum:
    - i) SFPD Homicide Detail
      - OIC Chair
      - Case investigators

- ii) Office of the District Attorney (DA)
    - Head of OIS team or on-call DA for incident
  - iii) SFPD Forensic Services Division
    - Forensic Services Division Director or Crime Lab Manager
    - Crime Scene Investigator(s) who processed the scene
  - iv) Management Control Division
    - OIC and/or case investigator
  - v) Office of the Medical Examiner (when fatality occurs)
  - vi) SFPD – CIRT
  - vii) SFPD – Training Division
    - Representative versed in tactical issues relevant to shooting case under investigation
- c) Outside experts as deemed necessary by the OIC of the Homicide Detail or the District Attorney Representative
- i) Psychological Autopsy
  - ii) Mental Health Experts
- 3) Issues to be resolved at this meeting include:
- a) Physical Evidence to analyzed and specific tests to be performed
  - b) Realistic timelines in which laboratory results can be expected
  - c) Agreement on additional witnesses to be interviewed
  - d) Agreement on additional information to be obtained
  - e) Assessment of tactics utilized by members prior to and during shooting event (consistent with training protocol / reasonable application of tactics)
    - i) It will be the duty of the Training Division representative to analyze the tactics used by the officers and render a determination as to their effectiveness and propriety for the situation encountered.
    - ii) Their evaluation shall be presented to the Homicide Detail in the form of an intra-departmental memorandum.
    - iii) This representative shall also provide training recommendations to the Department based upon the information developed during their analysis of the incident.
  - f) Assessment of possible mental issues concerning the subject
    - i) Assess need for a Psychological Autopsy
- 4) Following the meeting, the OIC of the Homicide Detail, in his/her role as chairperson, will prepare a memorandum to all participants outlining the agreed upon actions and time lines for completion.

## **6.2.5 Implemented Change: Standardized OIS Numbering System**

### **6.2.5.1 Action Taken**

Adhere to a standardized departmental numbering system for OIS investigations involving SFPD personnel.

This action is directed by the Chief of Police and is based upon findings of this study.

### 6.2.5.2 Basis for Action Taken

Department General Order 8.11 – H. 1 states:

*Officer-involved shootings. The Homicide Detail and the Management Control Division shall respond immediately and conduct a timely investigation into every officer-involved shooting. These investigations shall utilize the same numbering system, and be consistent with each other, e.g., 03-01 (first OIS of 2003) 03-02 (second OIS of 2003) etc.*

As a practical matter, the SFPD Homicide Detail investigates OIS incidents involving outside agencies (California Highway Patrol, California State University Police, etc.) that occur within city limits. These cases are not investigated by the Management Control Division. Conversely, the Management Control Division investigates every OIS involving SFPD personnel, even those occurring outside of our city limits. Invariably, these two units fall out of sequence with each other. For example, OIS 03- 2003 in the Homicide Detail might involve an outside agency, while OIS 03-2003 in the Management Control Division might involve an SFPD officer from a district station.

There should be no question or guess work when tabulating the number of officer-involved shootings to date. The Department should maintain and adhere to a numbering system that tracks officer-involved shootings for SFPD personnel separate from those involving outside agencies.

### 6.2.5.3 Method of Implementation

1) D.G.O. 3.10 shall be modified as follows:

*D. FUNCTION*

- 1. The Chair of the Firearm Discharge Review Board shall maintain a Master List of officer-involved shooting cases for each calendar year. The Chair of the Firearm Discharge Review Board shall ensure that the independent lists maintained in the Homicide Detail and the Management Control Division are synchronized, and reflect the same information for each OIS number.*

## 6.2.6 Implemented Change: Standardized Case Files for OIS Cases

### 6.2.6.1 Recommendation

Develop a Standardized Case File for Officer-Involved Shooting Investigations.

This action is directed by the Chief of Police and is based upon findings of this study in conjunction with the Office of the District Attorney.

### 6.2.6.2 Basis for Action Taken

Officer-involved shootings are investigated by experienced investigators from the Homicide Detail. At the present time, there is no structured format indicating how the information obtained during these investigations is formatted, assembled, and ultimately reported. Every investigator does it a bit differently.

While this study finds no overall problems or criticisms regarding the ultimate product presently produced in officer-involved shooting reports, our current product could be improved by the development and implementation of a mandatory format that every incident would follow.

This methodology would not only contribute to the transparency of the process, but would provide necessary checks and balances to ensure every case investigated receives the same degree of investigative attention and scrutiny, regardless of the degree of injury involved.

With the modification of D.G.O. 8.11, "Investigation of Officer-Involved Shootings and Discharges," all non-injury intentional discharges are now subject to investigation by the Homicide Detail. An assessment offered in the final PERF report stated:

*The circumstances that cause an officer to discharge a weapon are independent of whether or not the intended target is struck. It is therefore prudent for the department to investigate all incidents in order to assure adherence to policy, identify training opportunities, and maintain the confidence and trust of the community.*

This mandatory standardization of investigative case files will not only provide absolute uniformity in content, but also provides a basis for the OIC of the Homicide Detail to periodically review the progress of investigations in an organized and expeditious fashion, with an eye to adhering to reporting guidelines.

### **6.2.6.3 Method of Implementation**

- 1) The officer in charge of the Homicide Detail shall form a committee to review the standardized investigative case files used by other major agencies regarding officer-involved shooting cases or like major investigations.
  - a) At least one member of this committee will be a representative of the Office of the District Attorney.
- 2) The system developed by this committee shall include:
  - a) Sections for each major component of the investigation such as:
    - i) Subject History
    - ii) Laboratory Requests
  - b) An overall checklist / information sheet where necessary to document compliance with mandatory actions or necessary tasks:
    - i) Obtained first blood from San Francisco General Hospital (SFGH)
  - c) Submitted blood for toxicology

## **6.2.7 Implemented Change: Proper Interview Facility**

### **6.2.7.1 Action Taken**

Establish a suitable interview facility for OIS cases.

This action was directed by the Chief of Police based upon the findings of this study in conjunction with the Office of the District Attorney and the San Francisco Police Officers Association.

### **6.2.7.2 Basis for Action Taken**

The interview rooms in the investigative units within the Hall of Justice were constructed in the early 1960's, and were not designed with the comfort of the participants in mind. Most of these facilities are poorly ventilated and suited for no more than four persons being present at a time.

Officer-involved shooting cases require the presence of more persons in the interview room than would be present during a normal criminal interview process, including the following:

- Officer Involved
- Attorney for Involved Officer
- Homicide Detail Investigators
- On-call Assistant District Attorney
- On-call District Attorney Investigator

The presence of this many people in the small interview rooms within the Hall of Justice makes the effective interview of officers very difficult. When the Homicide Detail relocated to the fifth floor of the Hall of Justice in 2005, they were able to utilize a conference room to facilitate these interviews. This room, however, was not equipped with video-taping capability and was not sound-proof.

To provide a professional environment in which these vital interviews can be conducted, it is recommended:

### **6.2.7.3 Method of Implementation**

- 1) The OIC of the Facilities Unit, in consultation with the officer in charge of the Homicide Detail, shall identify a room accessible to the Homicide Detail on a 24-hour a day basis.
  - a) Room should be large enough and furnished to accommodate six to eight persons.
  - b) Room should have adequate ventilation, lighting, and proper sound-proofing.
  - c) Room should be equipped with state of the art recording equipment (both audio and video)
- 2) The Assistant Chief of Administrative Services in consultation with the Assistant Chief of Staff shall identify the funding necessary to accomplish upgrading or modification of the interview room.

## **6.2.8 Implemented Change: Designated Waiting Areas**

### **6.2.8.1 Action Taken**

Designate locations for officers involved in officer-involved shooting incidents to wait prior to homicide detail interview.

This action was directed by the Chief of Police based upon the findings of this study in conjunction with the Office of the District Attorney and the San Francisco Police Officers Association.

### **6.2.8.2 Basis for Action Taken**

The integrity of the investigative process in previous officer-involved shooting cases has been brought into question due to officers being transported to the Police Officers Association facility pending their interview by the Homicide Detail. This well-intentioned effort to provide the involved members with a familiar and comfortable environment during stressful times can provide a critical platform for those who may question the integrity of the investigative process and it may suggest collusion on the part of the officers and taint the investigation prior to litigation.

Quite often, there is a lengthy delay, between the time the shooting scene is secured and the time the involved member is interviewed by the Homicide Detail investigators. Between the hours the officer leaves the scene of the incident, until he/she is interviewed by Homicide Detail, where does he/she wait?

### 6.2.8.3 Method of Implementation

- 1) The Commanding Officer of the Risk Management Division, the OIC of the Homicide Detail, and a designated representative of the Police Officers Association, shall form a committee to review the options in this area.
  - a) Upon review of available Department facilities, the Commanding Officer of the Risk Management Division shall prepare a report to the Chief of Police with the findings and recommendations of the committee.
  - b) Facilities of employee organizations shall not be considered for this purpose.
- 2) A Department Bulletin will be published informing members of the agreed upon locations for officers involved in shootings while awaiting their interview by Homicide Detail.

## 6.2.9 OCC Recommendation: Department Liaison to Families

### 6.2.9.1 Recommendation<sup>28</sup>

Department Liaison to Families Whose Members Have Been Killed During Officer Involved Shooting, In-Custody Death and SFPD Pursuits

### 6.2.9.2 Basis of Recommendation

On August 11, 2004 the Police Commission conditionally adopted OCC policy recommendations concerning the release of information (including the release of incident reports) and the assignment of a SFPD liaison to families whose members have been killed during an officer-involved shooting, in-custody death or pursuit.<sup>1</sup>

Pursuant to Resolution 82-04, the Police Commission's conditional adoption of the OCC's policy recommendations "was subject to any future amendments as recommended by the Chief of Police after the Department and the POA meet to discuss the impact of the OCC policy recommendation on the terms and conditions of employment." The Police Commission directed the Chief of Police to prepare changes to the Department's General Orders for Commission approval as necessary to implement the OCC's policy recommendation. (see Attachment A, Police Commission Resolution 82-04).

Changes to the Department's General Orders to implement the OCC's policy recommendation concerning the role, responsibilities and training of the SFPD liaison officer are still outstanding. The Department and the OCC are in continued discussions concerning the release of information in general and the incident report more specifically to families whose members have been killed during an officer-involved shooting, in-custody death or SFPD police pursuit.

### 6.2.9.3 Method of Implementation

Amend Department General Order 8.11 (Investigations of Officer Involved Shootings and Discharges), Department General Order 8.12 (In-Custody Deaths) and Department General Order 5.05 (Response and Pursuit Driving) to include provisions that outline the role and responsibilities of the SFPD liaison to families whose members have been killed during an officer-involved shooting, in custody death or SFPD police pursuit.

- Implement a system for assigning SFPD liaisons to families whose members have been killed during an officer-involved shooting, in-custody death or SFPD police pursuit.
- Provide training to SFPD liaisons for the position.

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<sup>28</sup> Submitted by O.C.C. Executive Director Joyce M. Hicks, Esq. and Samara Marion, Esq., O.C.C. Policy Analyst.

- Amend Department General Order 3.16 (Release of Incident Reports) to include provisions consistent with Police Commission Resolution 82-04.

## 6.2.10 OCC Recommendation: LEP Training for Officers and OIS Investigators

### 6.2.10.1 Basis of Recommendation<sup>29</sup>

Language barriers can jeopardize both officer and public safety. As a recent Department of Justice study on innovative language assistance practices points out, “[w]ithout dialogue, police cannot effectively conduct investigations, build community trust, or ensure that victims will report crime. If police do not get an accurate description of problems, their responses may be unsuccessful or counterproductive.”<sup>30</sup> In the context of an officer-involved shooting incident and investigation, it is even more imperative that an officer be able to effectively communicate with a LEP suspect, witness and/or victim.

Under DGO 5.20, SFPD officers are required to provide free language assistance to Limited English Proficient (LEP) individuals they encounter or whenever a LEP person requests language assistance. The policy establishes a preference for direct communication between LEP persons and qualified bilingual officers. If a qualified bilingual officer is not available, a qualified civilian interpreter shall provide in person interpretation. When neither a qualified bilingual officer nor qualified civilian interpreter is available, an officer may rely upon a telephone interpreter.

Department General Order 5.20 prohibits officers from using children, bystanders, family members and minors as interpreters unless exigent circumstances exist. Once the exigency is resolved, a qualified bilingual officer or civilian interpreter must confirm or supplement information. Officers are required to interview victims and witnesses in their primary language. Interrogations must be recorded and conducted in an LEP suspect’s primary language. The policy requires incident reports to indicate the primary language of the witness, victim and/or suspect, the person providing interpretation and the manner in which interpretation services were provided. Officers are required to provide police forms to victims, witnesses and/or suspects in their primary language.

### 6.2.10.2 Method of Enactment

- Provide training that emphasizes during OIS investigations the need to communicate with LEP witnesses, victims, and suspects in their primary language through a qualified bilingual officer or qualified civilian interpreter and in the absence of either, through a language line interpreter.
- Identify appropriate qualified bilingual officers and qualified civilian interpreters to conduct OIS interviews and interrogations of LEP individuals.
- Provide equipment to audiotape interviews and interrogations of LEP individuals.
- Provide Miranda advisements and other significant SFPD forms in the LEP individual’s primary language.
- Revise the incident report so that a LEP suspect’s primary language and manner of obtaining language assistance is documented.

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<sup>29</sup> Submitted by O.C.C. Executive Director Joyce M. Hicks, Esq. and Samara Marion, Esq., O.C.C. Policy Analyst.

<sup>30</sup>“Bridging The Language Divide: Promising Practices for Law Enforcement” (February 2009), The Vera Institute & Community Oriented Policing Services, US Department of Justice.

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## 7 Post-Incident Procedures

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### 7.1 Recommendations

#### 7.1.1 Implemented Change: Reassignment of Officers to BSU

##### 7.1.1.1 Action Taken

Reassignment of all officers involved in officer-involved shootings to the Behavioral Sciences Unit.

This action is directed by the Chief of Police and is based upon findings of this study in conjunction with the San Francisco Police Officers Association.

##### 7.1.1.2 Basis for Action Taken

At the present time, members who are involved in an officer-involved shooting are reassigned to their respective Bureau Headquarters for a period of ten calendar days pursuant to Department General Order 8.11, G. 4. While in this temporary assignment, members are mandated to participate in a debriefing with members of the Crisis Incident Response Team, as well participate in any retraining that is recommended.

Temporary assignment of all members involved in an officer-involved shooting to the Behavioral Sciences Unit instead for ten calendar days, would:

- Provide a more conducive environment that allows for the flexibility to accommodate recommended retraining and debriefing.
- Allow for more personal interaction between BSU personnel and the affected member prior to the Return to Duty Panel recommendation.
- Allow for a more confidential environment while interacting with BSU personnel.

##### 7.1.1.3 Method for Implementation

- 1) Department General Order 8.11, G. 4. shall be modified (first paragraph)

*Officers who discharge a firearm in an officer-involved shooting will be reassigned to the Behavioral Sciences Unit. Officers shall not return to their regular assignment for a minimum of 10 calendar days. This reassignment is administrative only and in no way shall be considered punitive.*

#### 7.1.2 Implemented Change: Twenty-Four Hour Briefing by Chief of Police

##### 7.1.2.1 Action Taken

Twenty-four hour press briefing by the chief of police or his/her designee following an officer-involved shooting incident.

This action is directed by the Chief of Police and is based upon findings of this study in conjunction with the San Francisco Police Officers Association.

### 7.1.2.2 Basis for Action Taken

Officer-involved shooting incidents are well publicized events that test the basic trust between the public and San Francisco Police Department. It has been the past practice of the SFPD to refrain from commenting on the circumstances of the initial findings until the final report has been submitted to the Chief of Police.

Lacking an official response by the SFPD, the media and public are led to speculate regarding partial information that is publicly available. Members of the San Francisco Police Department have voiced a great deal of frustration over the department's lack of response to comments made by the public following officer-involved shooting cases.

Department members were recently very heartened by the actions of Chief Gascón when he conducted a press briefing following a recent officer-involved shooting that provided the media with preliminary information while acknowledging that the investigation was ongoing.

### 7.1.2.3 Method of Implementation

- 1) The Chief of Police or the Media Relations Officer will be briefed by the Homicide Detail investigators regarding all aspects of the ongoing investigation.
- 2) A summary of the incident would be released to the media as soon as practical after the event indicating the circumstances of the shooting, and the actions taken by the officers.
- 3) The media would be provided with a profile of the officers at this juncture (five-year veteran, assigned to a particular district station, etc.) with the formal release of the officer's names in the days that followed.
- 4) This type of immediate address to the media will:
  - a) Demonstrate the department's commitment to transparency,
  - b) Reinforce the professional response of the Department in investigating these cases,
  - c) Dispel misinformation and rumors within the organization.

## 7.1.3 Implemented Change: SFPD Notification to DPH Following OIS

### 7.1.3.1 Action Taken

SFPD to notify the Department of Public Health (DPH) following officer-involved shootings for the purpose of a neighborhood mental health assessment.

This action is directed by the Chief of Police and is based upon findings of this study.

### 7.1.3.2 Basis for Recommendation

Officer-involved shootings are traumatic events that occur in a variety of neighborhood settings within the City. Often these incidents involve a number of civilian witnesses who observe all or part of the shooting.

Part of the formal notification process in our homicide investigations is to alert the Department of Public Health so as to enable their mental health workers to perform outreach in the impacted neighborhood. This action is performed to assess the need for the affected community members to receive additional assistance in dealing with the emotional issues associated with having witnessed these violent events. This action will extend this same service to persons witnessing or impacted by officer-involved shooting events.

### **7.1.3.3 Method of Implementation**

SFPD shall prepare a protocol directing the notification of the Department of Public Health by the next business day following an officer-involved shooting incident.

The OIC of the Homicide Detail shall ensure that the notification of the Department of Public Health following an officer-involved shooting incident is included in the protocol being established in the standardized investigation package.

## 8 Definitional Change in Officer-Involved Shootings and Officer-Involved Discharges

### 8.1 Workload Impact of OIS-OID Definition Change

#### 8.1.1 Officer-Involved Shooting Protocol Changes

On August 28, 2009, the Department issued Department Bulletin 09-239 regarding protocol changes related to investigations of Officer-Involved Shootings and Discharges.

The new definition of an Officer-Involved Shooting is as follows: An officer's intentional discharge of a firearm, intended to stop a threat, with or without physical injury or the death of a person, or a negligent discharge that results in physical injury or the death of a person. Only negligent discharges not resulting in injury or death to a person or shooting at an animal will still be considered Officer-Involved Discharges.

Officer-Involved Shootings are to be investigated by the Homicide Detail and Management Control Division. Officer-Involved Discharges are to be investigated by the Commanding Officer of the member involved. All cases will be referred to the Firearm Discharge Review Board upon completion.

The new definition of OIS will affect workload staffing of the Homicide Detail, MCD, and CSI. Resources will need to be adjusted to meet the projected increase in calls for services.

The following charts compare the number of Officer-Involved Shootings and Discharges from 2005 until 2009 YTD (November 6, 2009).

#### 8.1.2 Old Protocol

Year	OIS	OID
2005	4	6
2006	6	11
2007	3	16
2008	3	11
2009 YTD	4	6
<b>TOTALS</b>	<b>20</b>	<b>50</b>

#### 8.1.3 New Protocol

Year	OIS	OID
2005	6	4
2006	12	5
2007	11	8
2008	7	7
2009 YTD	5	5
<b>TOTALS</b>	<b>41</b>	<b>29</b>

## 9 Appendix

### 9.1 Department Demographics (detail)

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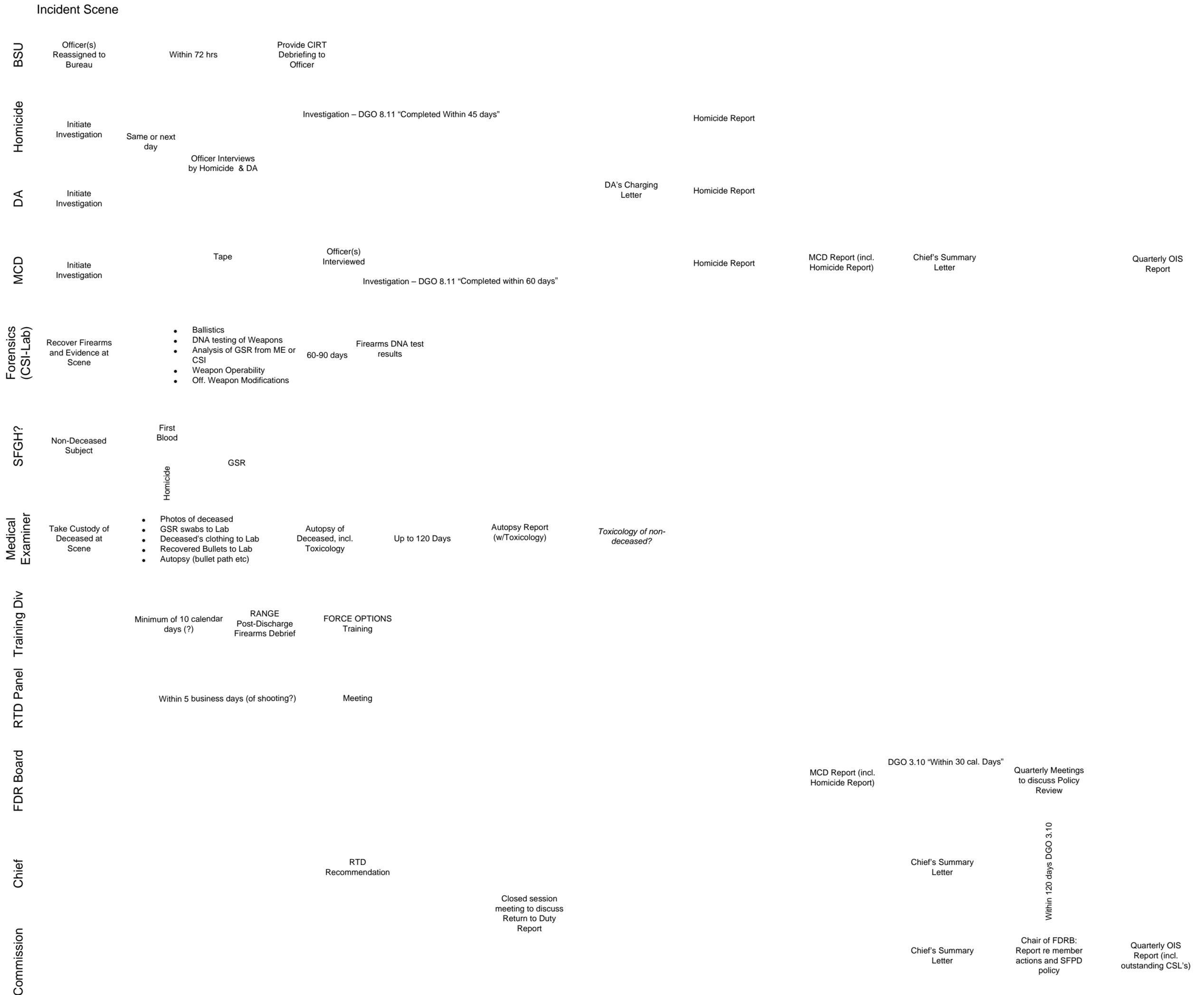
SAN FRANCISCO POLICE DEPARTMENT  
Department Statistics Report

Rank	0390	0395	0400	0488	0460	Q 80	Q 63	Q 60	Q 50	0380	Q 35	Q 2	TOTAL
<b>White</b>													
Male		2	1	2		15		50	169	94		704	1,037 44.43%
Female				1		4	1	16	35	20		142	219 9.38%
Subtotal		2	1	3		19	1	66	204	114		846	1,256 53.81%
<b>Black</b>													
Male								7	13	10		129	160 6.86%
Female						2		2	7	9		28	48 2.06%
Subtotal				1		2		9	20	19		157	208 8.91%
<b>Hispanic</b>													
Male	1	1		1		6		9	35	17		228	298 12.77%
Female								1	7	5		51	64 2.74%
Subtotal	1	1		1		6		10	42	22		279	362 15.51%
<b>Asian</b>													
Male						2		12	47	27		248	337 14.44%
Female				1						1		24	26 1.11%
Subtotal						2		12	47	28		272	363 15.55%
<b>Filipino</b>													
Male								2	11	2		102	117 5.01%
Female									2			9	11 0.47%
Subtotal								2	13	2		111	128 5.48%
<b>Nat. Amer.</b>													
Male												3	3 0.13%
Female										1		3	5 0.21%
Subtotal								1		1		6	8 0.34%
<b>Other</b>													
Male												7	7 0.30%
Female												2	2 0.09%
Subtotal												9	9 0.39%
<b>Totals</b>													
Male	1	3	2	4		23		80	275	150		1,421	1,959 83.93%
Female				2		6	1	20	51	36		259	375 16.07%
SFPD Totals	1	3	2	6		29	1	100	326	186		1,680	2,334
<b>BUDGETED</b>	<b>1</b>	<b>1</b>	<b>6</b>	<b>4</b>	<b>1</b>	<b>24</b>	<b>1</b>	<b>103</b>	<b>299</b>	<b>244</b>	<b>0</b>	<b>1,656</b>	<b>2,340</b>

SFPD Officer-Involved Shooting Procedure (current)

Appendix Section 9.2 - OIS Timeline

Prepared by Sgt. Tom Feledy, 11/4/2009



## **9.3 OIS Investigative Units, Profiles, and Roles**

### **9.3.1 Participants**

The following investigative and participating units play key roles in the OIS investigation. They are described in more detail in the sections that follow. These profiles were submitted by the participating units.

- Homicide Detail
- Office of the District Attorney
- Management Control Division
- Office of Citizen Complaints
- Forensics Services Division (Crime Lab and Crime Scene Investigations)
- Medical Examiner (For OIS's involving deceased subjects or officers)
- Behavioral Sciences Unit
- Legal Division

## 9.3.2 Investigative Entities, Profile & Role



### 9.3.2.1 Homicide Detail

#### 9.3.2.1.1 Mission Statement

With regard to Officer Involved Shootings, the mission of the Homicide Detail is to conduct timely and complete criminal investigations of all Officer Involved Shootings.

#### 9.3.2.1.2 General Duties

All investigators assigned to the Homicide Detail who are on the call out rotation are organized into four person teams. Any team can be tasked at any point in time to conduct a criminal investigation into the circumstances associated with an Officer Involved Shooting or an In Custody Death. The team will submit written reports on all assigned incidents within the timelines set forth in the applicable Department General Orders.

#### 9.3.2.1.3 Specific Duties in OIS cases

- Respond to all incidents; take command of the scene and the investigation. Coordinate with and direct as appropriate Station Patrol and Investigative Personnel at the scene, coordinate with and direct as appropriate Crime Scene and Photo Personnel at the scene, coordinate with and direct as appropriate Additional Personnel at the scene. Coordinate with personnel from ME, MCD, DA, OCC, and employee union and legal representatives at the scene and during the investigation.
- Conduct orientations of the crime scene and investigation and walk through of the crime scene for ME, MCD, DA, OCC, and other department personnel as appropriate and at the discretion of Homicide Investigator in command at the scene.
- Make presentations to department personnel, public entities and media representatives as directed by superiors in the investigative chain of command.
- Prepare and present a formal Officer Involved Shooting or In Custody Death Report to the Commanding Officer of Investigations.

#### 9.3.2.1.4 Response of Unit in OIS Cases

1. On Call Homicide Team notified by Operations Center.
2. Respond to Scene.
3. Meet with Officers at the scene for incident briefing.
4. Walk-Through of crime scene with initial reporting officers.
5. Coordinate with CSI-Photo to document the scene and seize evidence as appropriate
6. Coordinate with Medical Examiner's Personnel as appropriate to obtain evidence from deceased and examine remains of deceased
7. Coordinate with Station Personnel and other investigative personnel to conduct neighborhood canvass and develop investigative leads.
8. Conduct interviews of witnesses and personnel involved in the incident.

9. Conduct further investigative activities as appropriate
10. Meet within 72 hours to discuss the case to include: assigned Homicide team, Captain of Investigations, Lieutenant of Homicide, Crime Lab, CSI, District Attorney personnel, and/or Medical Examiner's personnel (if necessary)
11. Discuss case with District Attorney re: criminal charges
12. Participate in criminal judicial process as appropriate
13. Complete Officer Involved Shooting or In Custody Death Report



### **9.3.2.2 District Attorney's Office**

#### **9.3.2.3 Mission Statement**

- The District Attorney's role in an officer-involved shooting is to conduct an independent criminal investigation. The purpose of the District Attorney's investigation is to accurately, thoroughly, and objectively determine the potential criminal liability, or lack thereof, of any party involved.

##### **9.3.2.3.1 General Duties**

- The District Attorney conducts an independent criminal investigation in officer-involved shootings and in incidents of in-custody deaths to determine if any criminal laws have been violated.
- At the conclusion of the investigation the District Attorney's Office will review and analyze all evidence to determine if there is any criminal liability, or lack thereof, on the part of the involved officers.
- The District Attorney shall notify the involved law enforcement agency in writing of its charging decision as soon as possible after the conclusion of its independent investigation.

##### **9.3.2.3.2 Specific Duties in O.I.S Cases**

- Respond to all officer-involved shootings and in-custody deaths.
- Conduct "walk-through" of the incident scene as soon as possible with SFPD ranking personnel.
- Interview all relevant law enforcement witnesses.
- Interview all relevant civilian witnesses.
- Obtain relevant documentary evidence.
- Assist and consult with SFPD investigators in preserving the scene and collection of evidence, and evaluating what other investigative steps need to be taken.
- Ascertain the medical condition of injured personnel.

##### **9.3.2.3.3 Response of Unit in OIS Cases (list of steps)**

- On-call OIS team notified by SFPD Operations Center.
- Respond to scene.
- Check-in with ranking member of SFPD Bureau of Investigations, or designee, to receive briefing of the known facts, and conduct "walk through" of the scene as soon as possible.

- Gather information on all relevant law enforcement and civilian witnesses.
- Ascertain the medical condition of any injured parties. DA personnel shall remain at the scene of a fatal shooting or in-custody death until the Medical Examiner arrives and completes their investigation.
- Ascertain status of physical evidence gathered and where located.
- Participate in non-compelled interviews of involved officers.
- Participate in interviews of all civilian witnesses.
- Gather copies of reports and any other information produced by the San Francisco Police Department. This includes all recordings of communications.



### **9.3.2.4 Management Control Division (MCD)**

#### **9.3.2.4.1 Mission Statement**

The mission of the Management Control Division is to conduct timely and complete administrative investigations of all Officer-Involved Shootings.

#### **9.3.2.4.2 General Duties**

The Management Control Division has an Officer-Involved Shooting Team. The team is responsible for the administrative investigations of Officer-Involved Shootings, Officer-Involved Discharges, and In-Custody Deaths. The team will submit written reports on all incidents within timelines set forth in Department General Orders.

#### **9.3.2.4.3 Specific Duties in OIS Cases**

Respond to all incidents; coordinate with Homicide Detail and Crime Scene Investigations; participate in Return to Duty panels; coordinate Range debriefing and any recommended retraining; conduct administrative interviews of involved members and witnesses, if necessary; prepare debriefing for Chief of Police and Police Commission.

Make formal presentations of all completed investigations at the quarterly meetings of the Firearm Discharge Review Board. This board will make findings and recommendations to the Chief of Police. Make quarterly presentations to the Police Commission of the Board's findings.

Make quarterly presentations to the Police Commission on the Officer-Involved Shooting Investigations Status Report. Coordinate and assist in the drafting of Chief Summary Letters upon the completion of all Officer-Involved Shooting investigations.

#### **9.3.2.4.4 Response of Unit in OIS Cases (list of steps)**

- On-Call OIS Team notified by Operations Center.
- Respond to scene.
- Meet with Homicide for incident briefing.
- Walk-Through of crime scene with Homicide.
- Coordinate with CSI and Photo Lab to obtain reports.
- Observe Homicide interviews of involved and witness members via closed circuit feed.
- Gather required information for preliminary investigation packet to be submitted the Chief of Police. After Return to Duty Panel, attend closed door session with Police Commission.



### **9.3.2.5 Office of Citizen Complaints**

#### **9.3.2.5.1 Mission Statement**

The mission of the Office of Citizen Complaints is to promptly, fairly and impartially investigate civilian complaints against San Francisco police officers and make policy recommendations concerning San Francisco Police Department practices.

#### **9.3.2.5.2 General Duties**

Created by a charter amendment in 1982, the Office of Citizen Complaints is a civilian-staffed local government agency that reports to the Police Commission. By City Charter, the OCC is obliged to take every complaint of alleged police misconduct or improper performance made by a member of the public, where the complaint involves one or more San Francisco Police Department sworn members engaged on-duty. All complaints are investigated unless the allegation on their face show proper conduct or they are outside of DCC's jurisdiction.

The OCC performs four distinct functions: (1) investigates complaints and makes findings on those complaints; (2) mediates complaints; (3) makes policy recommendations concerning San Francisco police practices and procedures; and (4) performs community outreach.

#### **9.3.2.5.3 Specific Duties in OIS Cases**

In all OIS cases, an on-call OCC investigator(s) responds to the incident scene for a walk-through with a member of the Homicide Detail. The OCC Director attends the Firearm Discharge Review Board as an advisory member. Additionally, the OCC Director receives and reviews FDRB's quarterly report to the Police Commission and provides OCC's written response if appropriate.

In OIS cases in which the OCC receives a civilian complaint of police misconduct, OCC investigators request and review SFPD's and Medical Examiner's reports, interviews, and evidence cases. OCC investigators also interview the complainant, witnesses, and involved and witness officers. OCC investigators will conduct further investigative activities as appropriate. Upon conclusion of the administrative investigation, the OCC prepares written findings that are provided to the Police Chief.

#### **9.3.2.5.4 Response of Unit in OIS Cases (list of steps)**

- On-call OCC investigator(s) notified by Operations Center
- On-call OCC investigator(s) responds to incident scene for walk-through with
- Officer-in-Charge of the Homicide Detail or designated Homicide Detail team member assigned to the
- OCC investigation commences upon civilian complaint of police misconduct concerning the incident.
- OCC investigator(s) interview the complainant.
- OCC provides written notification to SFPD of the civilian complaint.
- OCC investigator(s) request records, documents and information pursuant to the aCC-SFPD document protocol.

- OCC investigator(s) request the Medical Examiner's autopsy report.
- OCC investigator(s) identify and schedule interviews of civilian witnesses.
- OCC investigator(s) interview involved and witness officers.
- OCC Director attends Firearm Discharge Review Board meetings as advisory member.
- OCC Director receives and reviews FDRB's quarterly report to the Police Commission and provides OCC's written response if appropriate.
- Upon conclusion of the OCC's administrative investigation and receipt of the SFPD's and Medical Examiner's reports, interviews, and evidence, the OCC issues written findings. In cases resulting in a sustained finding, the OCC provides the Police Chief a written report summarizing the evidence and basis of the findings.



### 9.3.2.6 Forensic Services Division

#### 9.3.2.6.1 Mission Statement

The mission of the Forensic Services Division is to assist the criminal justice system through the efficient and reliable identification, collection, evaluation, analysis, and comparison of physical evidence and to provide clear, objective interpretations of all findings.

#### 9.3.2.6.2 General Duties

The FSD is responsible for all forensic processing of crime scenes for physical evidence in the City and County of San Francisco, which encompass local, state and federal jurisdictions. Examples of typical duties include:

- Responding to crime scenes where service is requested.
- Processing, identifying and collecting physical evidence from crime scenes and providing photographic and video graphic services at crime scenes and other City events or functions.
- Providing, when requested or necessary, crime scene reconstruction techniques, e.g., Trajectory Analysis and Bloodstain Pattern Interpretation.
- Fingerprint Processing at Crime Scenes and in the Laboratory.
- Fingerprint Comparisons in the Laboratory.
- Running and maintaining the Identification Unit.
- Running and maintaining the Automated Fingerprint Identification System (AFIS).
- Laboratory based testing in the following areas:
  - Forensic Biology (DNA)
  - Firearm and Tool Mark Analysis
  - Controlled Substances Analysis
  - Breath Alcohol Analysis
  - Gun Shot Residue Analysis
  - Forensic Document Examination
  - Trace and Impression Evidence

#### 9.3.2.6.3 Specific Duties in OIS Cases

- Crime Scene Investigations:
  - Provide scene processing, evidence collection and associated field forensic duties, to include latent print processing, bloodshed pattern interpretation, trajectory analysis. CSI officer is point person for securing any officer firearms used in the OIS.
- Crime Laboratory:
  - Follow up forensic analysis on firearms involved in the shooting (officer(s) and suspects)

- Any other of the crime lab disciplines that may assist in the investigation.

**9.3.2.6.4 Response of Unit in OIS Cases (list of steps)**

- Notification through Operations Center. Response will be dependent on time of incident (regularly scheduled shift personnel will respond if during the normal two shifts CSI operates under **(0600-1600 and 1400-0000)**, or an on-call representative will respond during non-covered shift times **(0000-0600)**).



### 9.3.2.7 Crime Scene Investigations

#### 9.3.2.7.1 Mission Statement

The SFPD Crime Scene Investigations Unit shall observe, evaluate, document, collect, and analyze evidence and crime scenes in adherence to established legal and scientific standards.

#### 9.3.2.7.2 General Duties

- Recognize and lift latent fingerprints at crime scenes and from items of evidence.
- Determine which of those fingerprints are AFIS quality and conduct searches and comparisons using AFIS.
- Sketch crime scenes to show the relationship between articles of evidence.
- Collect biological evidence via swabs, hair samples, and reference samples.
- Interview victims and witnesses to determine possible locations of evidence.
- Photograph crime scenes and pieces of evidence; videotape homicide and officer-involved shooting scenes.
- Search crime scenes for evidence; when located, mark numerically, establish coordinates, take measurements, draw diagrams, and collect, process, and book the items.
- Seize clothing and other items that may contain biological and other evidence; book and process same.
- Document crime scene investigative work via notes, specialized reports, evidence inventories, and diagrams; assemble and maintain these documents in unit case files.
- Provide quality control through technical and administrative reviews of the case files prepared by other CSI members.
- Retrieve, analyze, and maintain video and digital evidence.
- CSI Forensic Artist provides composite sketches.
- Testify in court as an expert in the field of fingerprint identification and evidence collection.
- Advise and direct other Department members regarding evidence care and handling.

#### 9.3.2.7.3 Specific Duties in OIS Cases

- Investigators notified to respond to scene by Operations Center:
  - i) At least two on duty investigators and one photographer; or,
  - ii) When after hours, one on-call investigator and one photographer.
- Lieutenant also notified by Operations Center. One lieutenant will respond to supervise, and will notify Crime Lab Manager and Director of Forensic Services.

- Upon arrival, investigators will obtain briefing with officers on scene and homicide investigators.
- Prepare notes regarding conditions and observations at scene.
- Investigators will locate and identify items of evidence with numbered cones or tape. This process usually begins with a “walk-through” with officers and homicide investigators.
- If necessary, inspect officer’s firearm to determine the number of rounds fired.
- If “long guns” were fired (i.e. patrol rifle, shotgun, or ERIW) in concert with firearm, ascertain their location and direct officers to record chain of custody, and isolate and secure them (with safety on, but otherwise as found) at the station for retrieval by CSI members.
- Interview witnesses to determine possible locations of evidence and the specific locations of the witnesses when observations were made.
- Search for bullet strikes and attempt to account for equal number of spent bullets and casings, if applicable. Attempt to locate terminus of all spent rounds to ensure public safety and to recover evidence.
- If applicable, determine sources of possible latent fingerprints and process those areas/items using a variety of chemical and physical means.
- If applicable, identify and isolate sources of biological (DNA) evidence.
- If applicable, locate and collect video and digital evidence.
- Photographer will videotape and photograph scene and evidence.
- Measure scene with roll-a-tape (outside scene) or tape measures (inside scene) and establish “x, y, and z” coordinates.
- Measure locations of evidence using coordinates.
- Prepare diagram of scene.
- Collect the items of evidence and prepare evidence inventory.
- Before leaving scene, consult with homicide investigators and other CSI team members for post-process review.
- Respond to officer’s location and take possession of his/her firearm, spare magazines, and ammunition, after “loaners” have been provided by Range staff.
- Collect suspect’s clothing as evidence.
- Respond to Hall of Justice and process and book items of evidence.
- Unload firearm and record number and placement of cartridges and other data requested on the Firearm Information Report.
- If applicable, conduct a fingerprint comparison of the deceased at the request of the Medical Examiner for identification purposes.
- Assemble case file: Crime Scene Response Forms, SFPD 235 (“run sheets”), Firearm Information Report, SFPD 235A, C.S.I. Evidence Inventory and Processing, SFPD 235E, Chart of Scene Coordinates/Measurements of Evidence, notes from scene, photos, finished diagram, copy of Officer Involved Shooting Log from Operations Center, CAD Event History Detail, Crime Scene Report (typed report of observations of scene from notes).
- Forensic Services Director, Lieutenant, Crime Lab Manager, and CSI Investigator to attend Evidence Review Meeting within 72 hours with Homicide Investigators/Lieutenant and Deputy District Attorney to ascertain priorities of evidence processing by CSI and Crime Lab.



### 9.3.2.8 Medical Examiner

#### 9.3.2.8.1 Mission Statement

The legal purpose of the Chief Medical Examiner is to protect the public health and legal requirements of the County relating to Forensic Pathology.

#### 9.3.2.8.2 General Duties

The Office of the Chief Medical Examiner practices Forensic Pathology for the City and County of San Francisco. The Medical Examiner is appointed by law to many responsibilities, the foremost of which is the investigation and certification of a variety of deaths of legal or public health interest. The Chief Medical Examiner is required, by law, to determine the cause, circumstances and manner of death for those cases found to be under the Office's legal jurisdiction. Those deaths that are due to the sequelae<sup>31</sup> of natural disease are not reportable to the Medical Examiner, and the responsible treating physician can properly complete the Death Certificate. However, all deaths in which there is some reason to believe that the death is not due to a natural disease process, is a homicide, suicide, accident or one of the many types of deaths mentioned by law, must be reported to the office. Only Medical Examiners can investigate and sign the Death Certificate if the death is related to a homicide, suicide, accident, a patient with no attending physician, an industrial related death, an unidentified person or where there is some medical reason to consider that the death might be due to a contagious disease.

In addition to the work that is performed in accordance with the various sections of local, State and Federal Laws, examination of living persons is performed for a number of purposes. Adults and children are examined to evaluate injuries or to collect evidence. The Forensic Laboratory of the Office of the Chief Medical Examiner performs drug and poison analysis for the County. This work includes analysis of blood and urine in cases of driving under the influence of alcohol or drugs. The results of any examination or testing are often presented as expert testimony in the criminal courts of the County.

The Medical Examiner differs from the Coroner in that the latter is a lay office, usually associated with the Office of the Sheriff in most California Counties. The Coroner is usually not a physician, is not trained in medicine, Forensic Pathology or Forensic Science. A Medical Examiner is required to be a physician, certified by the American Board of Pathology in the medical specialty of Forensic Pathology, and experienced in the Forensic Sciences. As such, there is no Office of Coroner in San Francisco. The Office of Coroner is an ancient position that was first established in Great Britain in 1164. The position combined law enforcement, investigation and rudimentary medicine together for the Crown's purposes. It was the Coroner's system that was first brought to the United States as a fledgling Country. The Medical Examiner System is a modern replacement.

<sup>31</sup> A pathological condition resulting from a disease, injury, or other trauma.



### 9.3.2.9 Behavioral Sciences Unit

#### 9.3.2.9.1 Mission

The mission of the Behavioral Science Unit is to provide and coordinate psychological support and education to all members of the San Francisco Police Department. Our role is to advise and consult with the chain of command on the impact of psychological issues; to minimize the negative effects of incident trauma on department members; and to assist all department members and their dependents with access to their psychological benefits and services.

#### 9.3.2.9.2 General Duties

The Behavioral Science Unit Oversees and Coordinates the following programs:

- Employee Assistance Program
- Peer Support Program (312 Peer Counselors)
- Critical Incident Response Team (40 CIRT team members)
- Catastrophic Illness Program
- Psychological Professional Group of Clinicians (20 Clinicians)
- United Behavioral Health
- Stress Unit (Alcohol and Chemical Dependency)
- Police Chaplains
- Hostage Crisis Negotiation Team (35 team members)

The Behavioral Sciences Unit also performs the following functions:

- Coordinates training for peer support and critical incident response, tracks peer support contacts and referrals, coordinates CIRT responses and conducts follow-up critical incident stress management debriefings when needed and mandated per D.G.O.8.11.
- Coordinates the evaluation and rehabilitation for members involved in the D.G.O. 11.11 Program.
- Holds monthly meetings for the CIRT team as well for the Psychological Professional Group of Clinicians. Instructs recruits, laterals and advanced officers regarding the BSU and its programs and resources.
- Instructs FTO'S regarding recruit stress management, and conducts Family/Partner Training for recruits and their loved ones.
- Provides direct counseling services to members and their dependents.
- As OIC of the Hostage Crisis Negotiation Team, BSU facilitates and selects new applicants, conducts training, coordinates response and communication between command and officers.
- Makes staff available to members who may be in crisis on or off duty.

#### 9.3.2.9.3 Specific Duties in OIS Cases

- OIC BSU (Sgt. Dunnigan) notified by Operations Center.
- On-call CIRT team notified by Operations Center.
- CIRT responds to scene, station or hospital, and defuses involved members/offers psychological support.

- On-call CIRT team coordinates with OIC of BSU for debriefing date and time.
- Teletype issued regarding details of debriefing.
- Mandatory debriefing conducted within 72-hours if appropriate.
- OIC of BSU to attend and participate in return to duty meeting within five days.
- Recommendation that officers be detailed to BSU, if necessary.
- On-going follow-up and psychological support for officers and their families.



### **9.3.2.10 Legal Division**

#### **9.3.2.10.1 Mission Statement**

The function of Legal Division is to be prepared to assist the Office of the City Attorney for future possible civil litigation in defense of the Department.

#### **9.3.2.10.2 General Duties**

- Maintain File for civil discovery
- Investigate Claims and make recommendation to City Attorney
- Make members available for civil process (depositions, trial attendance)

#### **9.3.2.10.3 Specific Duties in OIS Cases**

- Respond to Scene
- Liaison with RMO (MCD & OCC) for document production
- Ensure evidence is seized/photographs that may be beneficial for litigation
- Obtain incident report, CAD for come-up file and for claim investigation

#### **9.3.2.10.4 Response of Unit in OIS Cases (list of steps)**

- On-Call Representative notified by Operations Center
- Respond to OIS scene
- Distribute claim forms (if necessary) to unintended victims (usually damaged cars, houses)
- Document scene for Legal Division "come-up" file



### 9.3.2.11 Psychiatric Liaison Unit

#### 9.3.2.11.1 Mission Statement

The Psychiatric Liaison Office Unit's mission is to provide support and education regarding mental health issues for the San Francisco Police Department. Provides advice and consults with officers in the field when they are addressing situations involving possible mental health issues with a subject. The Psychiatric Liaison Unit also acts as the liaison when conflicts arise between other San Francisco agencies and the San Francisco Police Department regarding mental health individuals.

#### 9.3.2.11.2 General Duties

The Psychiatric Liaison Unit Oversees and Coordinates the Below Programs

##### A) Case Management:

- 1) Read and review 250-300 monthly incident reports involving police generated 5150 W & I Code detentions.
- 2) Follow-up investigations of criminal reports from SID, Domestic Violence, General Work, Arson, etc. that have a mental health aspect follow-up.
- 3) Firearm returns on mental health detention 5150 W&I cases.
- 4) Case management of MDI (mentally disturbed individual) reports from persons (including reports by family, co-workers, neighbors etc); generally resulting in 'outreach' visits with mental health professionals (e.g. Mobile Crisis Treatment Team-MCTT).
- 5) Tarasoff Reports and their follow-ups
- 6) Police Academy course instruction

##### B) Additional responsibilities:

- 1) 25-30 daily telephone contacts from:
  - a. Members of the public
  - b. Mental health professionals
  - c. Outside law enforcement agencies
  - d. SFPD district station officers
  - e. Investigators' Bureau personnel
- 2) Represents SFPD at DPH meetings
- 3) Coordinate problem resolution between mental health professionals (public and private providers) and police department personnel in diversion procedures and transportation policy problems.

#### 9.3.2.11.3 Response of Unit of O.I.S (list of steps)

- 1) If time allows – PLU officer assists in gathering information on suspect's psychiatric history.
- 2) PLU-officer responds to the scene to assist where needed:

- a. Defusing situations.
- b. Gathering information on suspects.
- c. Coordinating appropriate referrals to medical or mental health.



## 9.3.2.12 Training Division

### 9.3.2.12.1 Mission Statement

The Training Division's mission is to enhance the professionalism throughout the San Francisco Police Department through quality education, training and support. The five objectives are: 1) to anticipate and respond to the training and educational needs of all department employees; 2) to provide equal access to training resources; 3) maintain an atmosphere of cooperative effort amongst all department trainers; 4) utilize the diversity within our department to enhance training effectiveness; and 5) to support the purpose, values and goals of the San Francisco Police Department through effective, quality training of its employees.

### 9.3.2.12.2 General Duties

- Physical Training / Defensive Tactics (PT/DT) Office Duties
- Continuing Professional Training
- Basic Recruit Class Training
- Developing and instructing specialized courses ranging from 3 hour to 24 hour courses, Arrest and Control Techniques refresher, Yawara Stick, Expandable Baton, Police Service Aids, etc....
- Training outside various agencies, Office of Citizens Complaints, Patrol Specials, Health Department, Department of Human Resources, etc...
- Instruct and maintain equipment for the Lifetime Fitness Program.
- Responsible for reading and analyzing the bi-monthly use of force logs and incident reports from each district station or unit and preparing a quarterly and end-of-year use of force reports. The information is also used to identify officer safety issues, identify any training deficiencies and develop new techniques or training courses.
- PT/DT members assist the Fitness Coordinator if there is a large group of officers taking the scheduled physical assessment. The PT/DT office members assume the responsibilities of the Fitness Coordinator, if the coordinator is detailed to training, vacation or sick leave.
- PT/DT members conduct arrest and control tactic and physical training group training approximately two to five hours a week.

### 9.3.2.12.3 Specific Duties in OIS Cases

- The PT/DT unit has no specific duties in OIS cases.

### 9.3.2.12.4 Response of Unit in OIS Cases (list of steps)

- The PT/DT unit does not respond to OIS cases.

## Appendix Section 9.4.1

San Francisco Police Department

**3.10****GENERAL ORDER**

09/21/05

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**FIREARM DISCHARGE REVIEW BOARD**

This order outlines the functions and responsibilities of the Firearm<sup>1</sup> Discharge Review Board and delineates the procedures for reviewing, investigating, and reporting to the Police Commission, cases in which members discharge a firearm.

**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. The Firearm Discharge Review Board shall review every discharge of a firearm by a member.

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.

*The San Francisco Police Department recognizes the public's right to know about this department's use of deadly force. 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 ongoing investigations.*

**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. Shooting at, injuring, or killing animals also fall into this category, including an accidental discharge that does not cause injury.

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<sup>1</sup> For the purpose of this order, "firearm" is defined in conformance with California Penal Code Section 12001(b), excluding Extended Range Impact Weapons shall not be considered firearms within the meaning of this order.

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C. COMPOSITION

1. The Department Firearm Discharge Review Board shall be composed of:
  - Member of the Police Commission, Advisory
  - 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 the Office of Citizen Complaints (OCC), Advisory
2. The Police Commission member shall be appointed by the Commission President and serve a one year term.

D. FUNCTION:

Officer Involved Shootings:

1. Within 30 calendar days following receipt of investigatory reports from the Homicide Detail and Management Control Division regarding a shooting event, the Chair of the Department Firearm Discharge Review Board shall convene the panel to determine whether the shooting was within policy. Within 30 days following the first meeting of the Firearm Discharge Review Board, the Chair shall report the status of the matter to the Commission. Within 120 days following the first meeting of the Firearm Discharge Review Board the panel shall complete its investigation and issue its findings in accordance with this policy.
2. The Firearm Discharge Review Board shall review written reports submitted by the Homicide Detail - Criminal Investigation, and the Management Control Division - Administrative Investigation.
3. The Firearm Discharge Review Board shall review the submitted reports and interview the involved investigators, as necessary.

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4. The Firearm Discharge Review Board shall discuss the circumstances surrounding the shooting event and the response of the officer(s). Within 15 days of completion of the investigation referred to in paragraph I. D.1., the Firearm Discharge Review Board will submit to the Chief of Police, for his/her concurrence, a written summary of its 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. The Firearm Discharge Review Board shall assign a due date for cases found Not in Policy and referred back to MCD for further investigation.***

These findings, In Policy, Not in Policy, shall also include a review of applicable department policy, lack of department policy and recommendations for further policy adoptions.

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 Review Board's written summary to the Police Commission, with a copy to the OCC Director, within 15 days of receipt. In the event of disagreement between Management Control and the Firearm Discharge Review Board, the Chief of Police shall make the final decision. This summary report with the Chief's decision shall be a public record. No report that is made public shall disclose any information deemed confidential by law.

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.

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The Police Commission shall review the Firearm Discharge 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.

Officer Involved Discharges:

At least once during each quarter of the year, the Firearm Discharge Review Board 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 3<sup>rd</sup> Tuesday of March, June, September and December to review Officer Involved Discharges that were not addressed in previous meetings during the respective quarter.

The Firearm Discharge Review Board shall review the submitted reports and interview the involved investigators, as necessary.

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

#### E. POLICE COMMISSION QUARTERLY REPORT

The Chair of the Firearm Discharge Review Board shall prepare a quarterly report to the Police Commission, and a copy to the Director of the O.C.C., that 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.

## EARLY INTERVENTION SYSTEM

### I. POLICY

The San Francisco Police Department's members are its greatest asset. The Department has a responsibility to its members and the community to identify and assist members who show symptoms of job stress and/or personal problems. Such symptoms may be exhibited in problematic performance behaviors.

The San Francisco Police Department's Early Intervention System (EIS) is a structured system that identifies and manages behaviors that result in performance related problems by individual members. The intent of this system is to provide non-disciplinary intervention, whenever possible, to assist our members in their professional development in order to provide the highest level of service and satisfaction to the public.

It is the policy of the Department to provide for the protection and confidentiality of the EIS records maintained by the Department that are peace officer personnel records.

### II. DEFINITIONS

- A. EIS/SYSTEM DEFINED. Early Intervention System.
- B. INDICATOR DEFINED. Factors tracked in EIS are given a numerical point to allow for a compilation scoring. This total point score will be the basis for comparison of members within their peer group. Numerical points begin from the date of the first indicator entry; time is calculated on a rolling basis.
- C. ASSOCIATED FACTORS DEFINED. Once a member has surpassed indicator thresholds, all items listed under associated factors will be reviewed in order to provide a comprehensive review of the member in question.
- D. THRESHOLD DEFINED. Aggregate value(s) of indicators that would trigger EIS review.
- E. INTERVENTION DEFINED. A proactive management tool intended to improve the efficiency of individual members and the Department as a whole.
- F. PERFORMANCE REVIEW DEFINED. A performance review, for the purposes of this order, is defined as an informal examination of all aspects of a member's work, with an emphasis on the manner in which the member performs job tasks and how that manner may contribute to EIS Indicator Entries.
- G. COUNSELING DEFINED. For the purposes of this order, personnel counseling is defined as a process in which a command or supervisory officer meets with a member in a non-punitive setting to discuss the member's performance. Counseling sessions employ techniques designed to reinforce good performance, improve poor performance, and when appropriate, correct behaviors that precipitate or contribute to EIS Indicator Entries. The counseling defined in this order is intended to be a positive tool to assist members in reaching a higher level of effectiveness.

- H. TRAINING DEFINED. Training is a non-punitive tool used to make members more efficient by providing instruction. Training can be in-house or outside training, specific to the needs of the member and the Department.
- I. EAP/BSU REFERRAL DEFINED. Supervisory or self-initiated referral to Employee Assistance Program or Behavior Science Unit.
- J. PERFORMANCE IMPROVEMENT PLAN DEFINED. A written performance improvement plan, agreed upon by the member, the reviewing supervisor and the member's commanding officer, designed to reduce or eliminate identified behaviors that contribute to EIS Indicator Entries. A performance improvement plan must describe the behaviors to be addressed, actions designed to change those behaviors, measures to enable both the member and supervisor to gauge progress and a time-line for reaching the objective of changing, moderating, or eliminating the behavior(s). The plan, once agreed to by member and supervisor, shall be placed in the member's PIP folder (or Personnel File). Once the time period of the plan has expired, the supervisor shall write a memorandum to the member's commanding officer describing the outcome of the plan and recommending further action, if warranted. Completed performance improvement plans shall be retained in the member's PIP folder for six months after completion and then forwarded to the Personnel Section for filing. If the member subject to the review does not have a PIP folder, the supervisor shall document the review in a memorandum to his/her Commanding Officer. Memoranda documenting such reviews shall be retained in a member's Personnel File. Successfully completed performance improvement plans shall be placed in a sealed envelop at such time that the affected member has had no activity in the EIS System that rises to the level of requiring a performance review for two years. Sealed envelopes will be opened only where required to comply with a court or administrative order or process, or where otherwise necessary to comply with a legal mandate.
- K. REASSIGNMENT DEFINED. The Chief of Police or designee may determine that temporarily reassigning a member, who has been identified as reaching a threshold is an appropriate means of intervention. Reassignment is an intervention option that will be used only when absolutely necessary for the welfare of the member and the Department.
- L. POST INTERVENTION MONITORING DEFINED. Follow-up to determine the behavioral patterns. Also, to reassess additional intervention needs and to ensure the facilitation of any additional intervention needs to further assist a member's success.
- M. DISCIPLINE DEFINED. Punishment intended to correct inappropriate behavior. For purposes of the EIS, cases will be forwarded for discipline only when intervention has been ineffective or when the member refuses to cooperate in the intervention process.
- N. DAILY REVIEW. On a daily basis, supervisors will review the EIS system, during their tour of duty, for members under their supervision.

### III. EARLY INTERVENTION SYSTEM TRACKING

A. The EIS shall identify and track the following indicators:

1. Use of force as required by DGO 5.01
2. Officer Involved Shootings
3. Officer Involved Discharges
4. OCC Complaints
5. MCD Complaints
6. EEO Complaints
7. Civil Suits
8. Tort Claims
9. On Duty Accidents
10. Vehicle Pursuits

OCC or MCD complaints that are determined to be "proper conduct" or "unfounded" shall not be counted as indicators.

B. The EIS shall also identify and track the following associated factors:

1. Citizen initiated compliments and commendations
2. Department commendations and awards
3. Arrest by officers
4. Citations by officers
5. Motor vehicle stops
6. Pedestrian stops
7. Training history
8. Voluntary overtime worked
9. Discretionary time off
10. Sick time usage not protected by federal, state or local law
11. Principal participant in a critical incident
12. Criminal cases not filed or dismissed due to documented concerns with a member's conduct, as provided by the District Attorney's Office.
13. Charges of resisting, obstructing or delaying a police officer.
14. Charges of assault on a police officer.

- C. The EIS is a non-disciplinary system that is designed to improve the performance of the Department and its members through coaching, training and types of professional development as described in this order and the EIS Procedures Manual.

**The EIS System shall not be accessed or used for the purpose of discipline, promotion, or when a member requests a transfer of special assignment,** provided that information that exists outside of and separate from the EIS System may be accessed outside of the EIS System and used for the purpose of discipline, promotion, or when a member requests a transfer or special assignment where appropriate and consistent with Department policies and procedures.

Allegations that Section III(C) has been violated may be addressed through dispute-resolution and/or appeals processes established by Charter or ordinance that apply by their terms to the disputed action. This paragraph is not intended to expand or restrict any existing administrative or legal remedies.

#### IV. EARLY INTERVENTION SYSTEM INDICATOR ENTRIES

- A. The early intervention system is established to identify and evaluate the behavior of members who have received:
1. Five (5) or more EIS Indicator Points, or three (3) or more citizen complaints (OCC) within a six month period.
  2. Six (6) or more EIS Indicator Points, or four (4) citizen complaints (OCC), within one year.
  3. Three (3) or more documented uses of force, as mandated by General Order 5.01, within a three month period.
  4. Involvement as a principal in an officer involved shooting or discharge.

Each indicator tracked in the system is given one specific point. The member's score will be the basis for comparison to members within similar job assignments.

If a member is involved in an incident where multiple points could be accrued, only one point value will be counted.

Once the system has been in use, thresholds may be modified to make the best use of the analysis capabilities of the system.

Indicator points and thresholds, including any adjustments recommended by the EIS Board and approved by the Police Commission, shall be contained in the EIS Procedures Manual.

- B. **EARLY INTERVENTION PERFORMANCE REVIEW.** The Early Intervention System involves a two-step approach. The EIS Unit, and a member's supervisor during their daily review, will conduct an initial review of all members who exceed the stated thresholds. Supervisors may conclude that a pattern of at-risk behavior does not exist and forward their finding to the EIS Unit through their commanding officer. The EIS Unit may concur that a pattern of at-risk behavior does not exist and that corrective action is not necessary. Conversely, the EIS Unit may not concur with the supervisor's finding that a pattern of at-risk behavior does not exist; the EIS Unit will electronically return the name(s) of the member(s) to the respective commanding officer, who shall ensure that the member's supervisor engages in a performance review and, if appropriate, initiate intervention with the member. Further, the commanding officer shall ensure that the supervisor electronically transmits a report within 21 days to the EIS Unit, indicating what type of intervention has taken place. The supervisor shall continue to monitor the member's performance after the intervention has taken place, and transmit a follow-up report at three months and at one year after the initial intervention.

## **V. EIS PANEL BOARD MEMBERS**

- A. The Deputy Chief of Administration is responsible for the operation of the EIS and for reports to the EIS Board, the Chief of Police, and the Police Commission.
- B. The Deputy Chief of Administration shall serve as Chairperson for the EIS Board.
- C. The EIS Board will consist of the following individuals.
1. Deputy Chief of Administration (Chairperson)
  2. Deputy Chief of Field Operations
  3. Commanding Officer of Risk Management
  4. Commanding Officer of the Training Division
  5. Officer in Charge of the EIS Unit
  6. Officer in Charge of the EAP/BSU Unit
  7. POA Representative
  8. OCC Representative
- D. The board will meet on the first Wednesday of every quarter at 1000 hours at the Hall of Justice, Room 551, to review aggregate information for thresholds surpassed during the previous quarter. In order to encourage transparency in the review of the aggregate information of EIS, the board meetings shall be open to the public.
- E. The Chairperson may designate a replacement in his/her absence. The number of board members needed for a quorum will be five, and consist of at least three Department members, with the rank of lieutenant or higher.
- F. The board is an advisory panel; as such, on a quarterly basis, the board will review EIS data on an aggregate basis. The board's primary functions are as follows:

1. Review EIS data for identified patterns of successes or ineffectiveness resulting from intervention efforts of supervisors and commanding officers;
2. Make recommendation(s) and/or suggestion(s) to the administrative staff regarding the use of alternate intervention strategies that may be useful to supervisors and commanding officers.
3. Review the total number of interventions for the quarter, the types of interventions employed, and the effectiveness of those interventions.
4. Determine future direction, needs, and development for the EIS program, including modifications to the EIS.
5. Review new trends and thresholds as recommended by the EIS administrative staff.
6. Review quarterly and annual reports prepared by the OIC of the EIS Unit.
7. Review and recommend changes of relevant policies to the Police Commission.

## **VI. PROCEDURES FOR INTERVENTION**

- A. **EIS PROCEDURES.** On a daily basis, the EIS Unit will review the system to determine if any member(s) has surpassed a threshold. The EIS Unit will conduct an initial performance review of the surpassed indicators and associated factor information to determine if it appears that a pattern of at risk behavior exists. For those which a pattern appears probable, the EIS Unit will electronically transmit the information to the member's commanding officer, for further review and intervention by the member's immediate supervisor. On a quarterly basis, the Officer-in-Charge of the EIS Unit will forward the aggregate number of members who have breached thresholds, along with information relative to the categories surpassed and types of interventions employed to the DC of Administration for distribution to the EIS Board. Also, on a quarterly basis, the Officer-in-Charge of the EIS Unit will forward the names of members who have surpassed the system indicator and associated factor information, and supervisor's performance review and/or intervention documentation to the Captain of Risk Management and DC of Administration for their review. The Officer-in-Charge of the EIS Unit will provide quarterly and annual statistical reports to the Deputy Chief of Administration, who will in turn provide the reports to the Chief and Police Commission.
- B. **OCC PROCEDURES.** On a daily basis, the Office of Citizen Complaints will input new complaint information into the system in order for the EIS Unit to accurately track indicator entries and threshold breaches. On a weekly basis, OCC will forward the names of members who have received any complaints to the member's commanding officer. Quarterly, OCC will compile a list of officers who have received three citizen complaints within a six month period or four or more citizen complaints within a year. The report will be forwarded to the Commanding Officer of the Risk Management Office. For purposes of any second or third referral under this order, no citizen complaint that was filed more than two years prior to the current quarter shall be counted or included in the OCC's Quarterly Report.

- C. RISK MANAGEMENT OFFICE PROCEDURES. Upon receipt of the EIS and the OCC Quarterly Reports, the Commanding Officer of the Risk Management Office will prepare a memorandum to the DC of Administration identifying members who fall within the provisions of the EIS as outlined in section IV (A) of this order. A copy of the memorandum shall be sent to the respective member's deputy chief and commander, if applicable. Another copy shall also be sent to the member and to the member's commanding officer, along with copies of the records creating the EIS Tracking Indicators and Associated Factor information.

For purposes of any second or third referral under this order, no EIS Tracking Indicator that was filed more than two years prior to the current quarter shall be counted or included in the Risk Management Office's Quarterly Report.

- D. DUTIES OF COMMANDING OFFICERS AND SUPERVISORY OFFICERS  
Commanding Officers shall ensure that supervisors input data into the system by the end of their tour of duty in order to track indicator entries and threshold levels. (Refer to DM 17, EIS Manual)
1. On a daily basis, supervisors shall review the EIS system for members under their supervision. Based on the information in the EIS system and their knowledge of the members' work performance, a supervisor may initiate a counseling session prior to a threshold being surpassed. Members on loan or special assignment will be tracked by their currently assigned supervisor and their regularly assigned supervisor.
  2. Commanding officers shall review electronically transmitted information sent by the EIS unit and assign these reviews to the appropriate supervisor(s).
  3. Command and supervisory officers are encouraged to initiate performance reviews and counseling sessions with members under their command whenever they deem it appropriate. Counseling sessions shall not be considered as discipline; however, the fact that a counseling session took place may be considered. Counseling sessions should be recorded in the member's PIP binder (or personnel file) after the member has been given an opportunity to review and sign the documentation.
- E. INITIAL REFERRAL-PERFORMANCE REVIEW.
1. If the Commanding Officer is not familiar with the member subject to review due to a recent transfer, the Commanding Officer's superior officer shall determine whom to assign the Performance Review. The Officer in Charge of the EIS Unit shall be electronically notified of any changes in assignment of a Performance Review.
  2. Commanding Officers shall review the EIS Unit's and Risk Management Office's Quarterly Report with the member's supervisor.
  3. The EIS Unit and a member's supervisor, during their daily review, will conduct an initial review of all members who exceed the stated thresholds. The supervisor may conclude that a pattern does not exist and forward their finding to the EIS Unit through their commanding officer. The EIS Unit may concur that a pattern of at-risk behavior does not exist and that corrective action is not necessary. Conversely, the EIS Unit may not concur with the supervisor's finding that a pattern does not exist, in which case the EIS Unit will electronically return the name(s) of the member(s) to the respective

commanding officer, who shall ensure that the member's supervisor engage in a performance review and, if appropriate, initiate intervention with the member. Further, the commanding officer shall ensure that the supervisor electronically transmit a report within 21 days to the EIS Unit, indicating what type of intervention has taken place. The supervisor shall continue to monitor the member's performance after the intervention has taken place, and transmit a follow-up report at three months and at one year after the initial intervention. This performance review and intervention plan shall be noted in the member's PIP folder in Section II - Record of Entry, as well as transmit an electronic reply through the EIS System.

4. If the member subject to the review does not have a PIP folder, the supervisor shall document the review in a memorandum to his/her Commanding Officer. Memoranda documenting such reviews shall be retained in a member's Personnel File.
  5. Commanding officers shall, within 21 days of receipt of an EIS referral for a member of their command, certify that the required performance reviews have been completed and that the information has been electronically transmitted to the Officer in Charge of the EIS Unit. The commanding officer shall electronically notify the EIS Unit if the performance review cannot be completed within 21 days, along with the reason(s) why it cannot be completed.
- F. **SECOND REFERRAL-PERFORMANCE REVIEW SESSION.** A second performance review session shall be held with any officer who has previously surpassed a threshold and come to the attention of the EIS Unit, and receives one or more additional EIS Indicator Entries within a six (6) month period after the Initial Referral - Performance Review. This session shall be conducted by both the member's supervisor and commanding officer within 21 days of the referral from the EIS Unit.
1. When conducting this second performance review session, commanding officers and supervisors shall review Quarterly Reports along with the member's EIS Indicator and associated factor history for the last five years.
  2. The member, the member's commanding officer, and the member's supervisor shall jointly develop, in the course of this performance review session, a performance improvement plan in order to reduce or eliminate member's behaviors that may contribute to unnecessary conflicts. The plan shall be agreed to by the member and signed by the member, the supervisor, and the commanding officer. The original of the plan shall be placed in the member's PIP folder (or Personnel File). Any member subject to a second referral, who refuses to assist in the development of a performance improvement plan or declines to sign the plan, shall be immediately referred to a counseling panel.
  3. If the member's complaint history indicates similar conduct, as reported in the Quarterly Reports, a behavior pattern may be evident. If the member's PIP file documents any prior corrective action or failed performance plans, the matter shall be immediately referred to a counseling panel so that a comprehensive plan can be developed to correct the behavior.
- G. **THIRD AND SUBSEQUENT REFERRALS- COUNSELING SESSION/ COUNSELING PANEL.** Whenever a third counseling session is warranted, the matter will be examined by a counseling panel composed of the member's Supervisors Commanding Officer, Deputy Chief or Commander, the

Commanding Officer of the Management Control Division and the Commanding Officer of the Risk Management Office. The panel will review the member's EIS Indicator and associated factor history and recommend a course of action in writing to the Chief of Police within 21 days. Upon the Chief's approval, the action plan shall be initiated, a copy of the plan shall be included in the member's PIP folder (or Personnel File).

If a member complies with the intervention plan but the plan has been ineffective, the EIS Unit shall review the intervention strategies used and determine if other intervention is appropriate. In cases where the member has been non-compliant with the intervention process, the EIS Unit shall make a recommendation to the Chief of Police that an administrative investigation be initiated.

- H. PIP BINDERS (See PIP, A Supervisor's Guide, DM-06). Supervising officers are required to review citizen complaints as they are received, notify the involved member that a complaint has been filed against him or her, and file the complaint in the member's PIP binder.

## VII. BEHAVIOR FACTORS

- A. When conducting a performance review or a counseling session, the following behavior factors should be among the items to be considered.
1. Is there a behavior pattern that may be causing these EIS indicator entries, whether or not the EIS indicator entries have been investigated or sustained.
  2. How does the EIS indicator history of the member compare with other members in similar assignments?
  3. Can EIS indicator entries be reduced by simply informing the member of Department policies and procedures?
  4. Can better interpersonal skills be developed?
  5. Can formal or informal training correct the problem?
  6. Are the details of the EIS indicator entries and the allegations so different as to suggest that there is no improper behavior pattern?
  7. Is there any other relevant information about the member or circumstances that contributes to the number of EIS indicator entries?
  8. Is there a common thread of conduct in separate EIS indicator entries that may be contributing to the frequency of EIS indicator entries?
  9. In addition to the other options provided in this order, supervisors may make referrals to the Employee Assistance Program or other intervention programs available to Department members (see DGO 11.09, Employee Assistance Program/Stress Unit).
- B. UNFOUNDED/PROPER CONDUCT COMPLAINTS. Once identified, unfounded and/or proper conduct complaints shall not be counted or included in OCC quarterly reports or EIS quarterly reports.

## VIII. OVERSIGHT OF THE EARLY INTERVENTION SYSTEM

- A. Each Deputy Chief is responsible for ensuring that his or her subordinates adhere to the provisions of this order. If the Deputy Chief determines that a Supervisor or Platoon Commander/Officer-in-Charge has not complied with the requirements of this order, the Deputy Chief shall direct the Commanding Officer to conduct an immediate investigation to determine why the Supervisor and/or Platoon Commander/Officer-in-Charge failed to comply with this order. This investigation shall be forwarded to the respective Deputy Chief within 21 days, who will, in turn, determine whether any, or all, of his or her subordinates will be subject to disciplinary action. In addition, the commanding officer may be required to prepare a plan to bring the unit into compliance. If a commanding officer has not complied with this order, the respective Deputy Chief will be notified by the EIS Unit and the Deputy Chief shall conduct an immediate investigation and submit his/her findings to the Chief of Police within 21 days, who will, in turn, determine whether the commanding officer will be subject to disciplinary action.
- B. The Commanding Officer of the Risk Management Office is responsible for ensuring that an audit of the early intervention system takes place every six months. Such audits shall evaluate the data entry system, the quality of supervisory evaluations, the outcomes of supervisory evaluations, and the quality of supervisory reviews. Audits shall be presented to the Chief of Police, the OCC, and the Police Commission.
- C. The Commanding Officer of the Risk Management Office is responsible for ensuring that audits tracking 148 PC/243PC charges and cases dismissed by the District Attorney's Office due to documented concerns with a member's conduct, are maintained and presented to the Board on a quarterly basis for review.

## IX. STATISTICAL REPORTS

- A. The EIS Unit will provide quarterly and annual statistical reports to the Commanding Officer of Risk Management and the Deputy Chief of Administration.
  1. The Deputy Chief of Administration shall review the reports and provide this statistical information to the Chief of Police and the Police Commission.
- B. An audit of the EIS will be performed every six months to verify accuracy of data. The EIS Unit will forward a report of the findings of this audit to the Deputy Chief of Administration.

### References

DGO 1.04, Duties of Sergeants

DGO 1.06, Duties of Superior Officers

DGO 2.04, Citizens Complaints against Officers

DGO 11.09, Employee Assistance Program/Stress Unit

DM 17 EIS Procedures (this is currently not in existence)

**Appendix Section 9.4.3**

San Francisco Police Department

**5.01****GENERAL ORDER**Rev. 10/04/95

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**USE OF FORCE**

The purpose of this order is to set forth the circumstances under which officers may resort to the use of force. The order also outlines procedures for reporting and evaluating incidents involving the use of force.

**I. POLICY**

- A. It is the policy of the San Francisco Police Department to accomplish the police mission as effectively as possible with the highest regard for the dignity of all persons and with minimal reliance upon the use of physical force. The use of physical force shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police task.**
- B. Officers are frequently confronted with situations where control must be exercised to effect arrests and to protect the public safety. Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations that cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances.**
- C. Officers are permitted to use whatever force is reasonable and necessary to protect others or themselves, but no more. The purpose of this policy is not to restrict officers from using sufficient force to protect themselves or others, but to provide general guidelines under which force may be used. If exceptional circumstances occur which are not contemplated by this order, officers should use any force reasonably necessary to protect themselves or others; however, they must be able to articulate the reasons for employing such force.**

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**D. CATEGORIES OF FORCE TO EMPLOY (IN ASCENDING ORDER OF GRAVITY)**

- 1. When the use of force is necessary and appropriate, officers shall, to the extent possible, utilize an escalating scale of options and not employ more forceful measures unless it is determined that a lower level of force would not be adequate, or such a level of force is attempted and actually found to be inadequate. The scale of options, in order of increasing severity, is set forth below:**
  - a. Verbal Persuasion**
  - b. Physical Control (e.g., passive resister, bent wrist control, excluding the carotid restraint)**
  - c. Liquid Chemical Agent (Mace/Oleoresin Capsicum)**
  - d. Carotid Restraint**
  - e. Department-issued Baton**
  - f. Firearm**
- 2. It is not the intent of the order to require officers to try each of the options before escalating to the next. Clearly, good judgment and the circumstances of each situation will dictate the level at which an officer will start. Officers using any type of force are accountable for its use.**

**E. REASONABLE FORCE**

- 1. Officers must frequently employ the use of force to effect arrests and ensure the public safety. It is not intended that any suspect should ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation. Nothing in this order should be interpreted to mean that an officer is required to engage in prolonged hand-to-hand combat with all its risks before resorting to the use of force that will more quickly, humanely and safely bring an arrestee under physical control.**

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2. **Penal Code Section 835 a provides that, " Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self defense by the use of reasonable force to effect the arrest, or to prevent escape, or to overcome resistance."**

#### **F. CIRCUMSTANCES JUSTIFYING THE USE OF FORCE**

1. **Officers may use force in the performance of their duties in the following circumstances:**
  - a. **To prevent the commission of a public offense.**
  - b. **To prevent a person from injuring himself/herself.**
  - c. **To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.**
  - d. **In self-defense or in the defense of another person.**
2. **Before using force, the officer should consider these questions:**
  - a. **What actions on the part of the suspect justify the use of force?**
  - b. **What crime is being or has been committed?**
  - c. **Does the situation require the immediate use of force?**

#### **G. VERBAL PERSUASION AS A MEANS OF EFFECTING CUSTODY**

1. **The practice of courtesy in all public contact encourages understanding and cooperation; lack of courtesy arouses resentment and often physical resistance. Simple directions which are complied with while you merely accompany the subject are by far the most desirable method of dealing with an arrest situation. Control may be achieved through advice, persuasion and warnings before resorting to actual physical force.**

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2. **The above should not be construed to suggest that you should ever relax and lose control of a situation, thus endangering your personal safety or the safety of others. Officers are permitted to use that force which is reasonable and necessary to protect themselves from bodily harm.**

#### **H. USE OF PHYSICAL CONTROL TO ACCOMPLISH CUSTODY**

1. **Frequently, subjects are reluctant to be taken into custody and offer some degree of physical resistance. Normally all that is required to overcome the resistance is physical strength and skill in defensive tactics, e.g., passive resister, bent wrist control.**
2. **Defensive tactics are techniques intended for use when weapons are not available or their use is inadvisable or unreasonable under the circumstances. You must, however, ensure that you are capable of utilizing physical skills to subdue a person. Good judgement is extremely important in deciding which tactics to use and how much force to apply. The force used must be necessary.**
3. **When confronted with a situation that may necessitate the use of physical control, consideration should be given to calling for additional cover officers prior to the contact.**
4. **In encountering physical resistance and/or assault, an officer's primary goal is to control the situation. The level of force encountered determines what form of defense should be exercised. When conditions permit, the best means of controlling a subject is by the imposition of manual restraint according to methods taught in Department training courses.**
  - a. **Choking by means of pressure on the subject's trachea is a prohibited practice.**
  - b. **Rendering a subject unconscious by applying pressure to the carotid artery is permissible only when lesser types of restraint would be ineffective (see Section I, J).**

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## **I. USE OF LIQUID CHEMICAL AGENT (MACE/OLEORESIN CAPSICUM) TO ACCOMPLISH CUSTODY**

- 1. Liquid chemical agent is a non-lethal device designed to subdue a person by projecting a specially formulated liquid onto the face. It is not designed to replace the police revolver or baton. Liquid chemical agent is a defensive weapon intended for use when attempting to subdue an unarmed attacker or to overcome resistance likely to result in injury to either the suspect or the officer.**
- 2. In most instances, liquid chemical agent will reduce or eliminate the necessity for greater physical force to effect the arrest. Every officer should be equipped with liquid chemical agent and, when practical to do so, should use it rather than the baton or carotid restraint.**
- 3. MEDICAL TREATMENT. Persons who have had Mace or O.C. sprayed on their faces shall have their faces washed and their eyes flushed with clean water at the scene or as soon as possible. Medical evaluation shall occur:**
  - a. Prior to booking and as soon as practicable.**
  - b. If the person is recovering normally, request an ambulance (Code 2) to the scene or arrange to have paramedics meet you at another location to medically assess the individual.**
  - c. If the ambulance is unavailable or the delay will be excessive, transport the exposed subject to SFGH for medical evaluation.**
  - d. If the sprayed suspect loses consciousness or has difficulty breathing, summon an ambulance Code 3.**
- 4. TRANSPORTATION. Persons who have been sprayed with Mace or O.C. must be transported in an upright position by two officers. The passenger officer shall closely monitor the subject for any signs of distress which would require medical evaluation and/or treatment. Hobble cords or similar types of restraints shall only be used to secure a subject's legs together. They shall not be used to connect the subject's legs to his/her waist or hands in a "trussed" position.**

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5. **MONITORING SUBJECTS.** Supervisors shall ensure that any person who has been sprayed with Mace or O.C. is kept under direct visual observation until he/she has been medically evaluated. If the person appears to be having difficulty breathing, an ambulance shall be summoned immediately.
6. **BOOKING FORM.** Persons who have been sprayed with liquid chemical agent shall have that noted on the booking form.

**J. USE OF CAROTID RESTRAINT TO ACCOMPLISH CUSTODY**

1. The carotid restraint, when properly applied, is a very effective means of subduing a violent subject; however, caution must be used in its application. The officer applying the hold must attempt to ensure the hold does not slip into a bar arm trachea choke.
2. The carotid restraint is an acceptable use of force in the following situations:
  - a. The officer is physically attacked.
  - b. To stop a physical attack on another person.
  - c. The officer has attempted a lesser level of force and found it to be inadequate.
  - d. In the officer's best judgement, having evaluated the particular circumstances, a lesser level of force would be inadequate.
3. **MEDICAL TREATMENT.** Officers finding it necessary to apply the carotid restraint must monitor the subject's vital signs closely. Additionally, if the subject has difficulty breathing or does not immediately regain consciousness, the arresting officer shall immediately call paramedics to the scene. In all cases where the carotid restraint is used, the subject shall be medically evaluated.
4. **BOOKING FORM.** Persons who have been the subject of a carotid restraint shall have that noted on the booking form.

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**K. USE OF BATON TO ACCOMPLISH CUSTODY.** The baton in the hands of an officer trained in its use is a very formidable weapon. If we are to obtain effective results, avoid unnecessary injury to suspects, and minimize criticism of the Department, the baton must be used properly and judiciously.

- 1. The baton must be carried properly in the officer's baton ring. A baton left in the car is of no use to an officer in a confrontation.**
- 2. Officers are not to slap the palm of their hand with the baton or poke the baton at people as an intimidation technique.**
- 3. The baton, when properly used, is capable of delivering extremely powerful blows to stun and incapacitate an aggressive opponent. It is also capable of delivering lethal or permanently disabling blows. Blows to the head, throat, side of the neck, or armpit must be avoided whenever possible.**
- 4. To properly control and therefore maximize its effectiveness, the baton should normally never be raised above the head to strike a blow. The use of the baton as a club is generally prohibited.**
- 5. Striking a handcuffed prisoner with a baton is expressly prohibited (except as allowed for in Section I., C., of this order).**
- 6. Officers will carry only batons issued by the Department.**

**L. USE OF FIREARM TO ACCOMPLISH CUSTODY.** See DGO 5.02, Use of Firearms.

**M. UNNECESSARY FORCE (DEFINED)**

- 1. Unnecessary force occurs when it is apparent that the type or degree of force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful.**
- 2. Malicious assaults and batteries committed by officers constitute gross and unlawful misconduct. Penal Code Section 149 provides criminal penalties for every public officer who under the color of authority, without lawful necessity, assaults or beats any person.**

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- 3. When the use of force is applied indiscriminately, the officer will face civil and criminal liability and Department disciplinary action.**
- 4. Justification for the use of force is limited to what is reasonably known or perceived by you at the time. Facts discovered after the event, no matter how compelling, cannot be considered in determining whether the force was justified.**

**N. REPORTING AND INVESTIGATING THE USE OF FORCE**

- 1. TYPES OF INCIDENTS REQUIRING REPORTING. Officers must report the use of the following types of force:**
  - a. Physical control, when the person is injured or claims to be injured.**
  - b. Liquid chemical agent, when sprayed on or at the person.**
  - c. Department-issued baton, when the person is struck or jabbed.**
  - d. When the officer finds it necessary to strike a suspect with his/her fist, a flashlight, or any other object.**
  - e. Carotid restraint.**
  - f. Firearm (also see DGO 5.02, Use of Firearms).**
- 2. NOTIFICATION/INCIDENT REPORT. In all cases in which an officer is required to report the use of force, the officer using the force shall immediately notify his/her supervisor, and:**
  - a. When the officer using force is also the reporting officer, prepare an incident report containing the following information:**
    - (1) The type of force used (e.g., carotid restraint, struck with fist).**
    - (2) Reason for the use of force (e.g., subject resisted arrest).**
    - (3) The supervisor's name, rank, star number and time notified. If applicable, the supervisor's reason for not responding to the scene shall also be included.**

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- b. In the event that the officer using force is not the officer preparing the incident report, the officer using the force shall:**
- (1) Ensure that he/she is clearly identified in the incident report.**
  - (2) Ensure that the incident report includes:**
    - **The type of force used (e.g., carotid restraint, struck with fist).**
    - **Reason for the use of force (e.g., subject resisted arrest).**
    - **The supervisor's name, rank, star number and time notified.**
  - (3) Or prepare a supplemental report or a statement form with the above information.**
- 3. SUPERVISORY OFFICER'S RESPONSIBILITIES. When notified of the use of force, supervisors shall determine whether anyone (including the officer) has sustained an injury and its severity. If an injury has been sustained which is serious enough to require immediate medical treatment, the supervisor shall immediately respond to the scene of the incident unless a response is impracticable, poses a danger, or where officers' continued presence creates a risk. Response is optional in other reportable use of force incidents. Upon arrival, the supervisor shall do the following (when more than one supervisor responds, the responsibility shall fall on the senior supervisor):**
- a. Ensure that witnesses (including officers) to the criminal incident and also the reportable use of force incident are identified, interviewed, and that this information is included in the incident report. Hostile situations or number of witnesses may preclude identification and interview of all witnesses.**
  - b. Conduct observations of the scene and injured subjects or officers.**
  - c. Conduct a supervisory evaluation to determine whether the force used appears reasonable and within the provisions of this order.**
  - d. When appropriate, cause photographs of injuries or other evidence connected to the case to be taken and booked as evidence.**



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- 6. RECORDING PROCEDURES/USE OF FORCE LOG/TRAINING DIVISION USE OF FORCE REPORT.** Every unit of the Department whose officers normally perform street duty (e.g., district stations, Narcotics, Vice Crimes, Traffic, Special Operations Division, etc.) shall maintain a Use of Force Log (SFPD 128). Other units (e.g., administrative, investigative, etc.) need not maintain a Use of Force Log; however, commanding officers of these units are responsible to ensure compliance with all other provisions of this order along with the following recording procedures:
- a.** On each occasion that an officer reports the use of force in an incident report, he/she shall verbally notify the supervisor reviewing the report if different than the supervisor notified that the report contains reportable use of force. The supervisor reviewing this report shall ensure the necessary information is placed in the Use of Force Log. Two copies of the incident report shall be attached to the log.
  - b.** On the 1st and 15th of each month, commanding officers shall sign the log and send it, along with one copy of each of the incident reports, to their respective deputy chief. The deputy chief will review the log and route it to the Management Control Division. Commanding officers shall forward a copy of the log and one copy of each incident report to the Commanding Officer of the Training Division.
  - c.** The Commanding Officer of the Management Control Division will maintain controls that assure all unit logs are received and shall review completed forms to ascertain if any officer appears to be having problems with the use of force. If so, he/she shall notify the appropriate command personnel (also see DGO 3.18, Performance Improvement Program and *Performance Improvement Program, A Supervisor's Guide, DM-06*).
  - d.** The Commanding Officer of the Training Division will maintain controls that assure all unit logs and reports are received, and shall perform a non-punitive review of completed logs and incident reports to ascertain the number, types, proper application and effectiveness of uses of force reported by members of this Department. The information developed shall be used to identify training needs. The Commanding Officer of the Training Division shall report to the Chief of Police quarterly on the use of force by members of the Department.

**Appendix Section 9.4.4**

San Francisco Police Department

**5.02****GENERAL ORDER**

Rev. 11/01/95

**USE OF FIREARMS**

This order establishes policies and reporting procedures regarding the use of firearms.

**I. POLICY**

- A. GENERAL.** It is the policy of the San Francisco Police Department that officers exhaust all reasonable means of apprehension and control before resorting to the use of firearms. Officers, however, shall not unnecessarily or unreasonably endanger themselves in applying the policies and procedures contained in this order in actual situations.
- B. DRAWING FIREARMS**
- 1. PUBLIC PLACES.** An officer shall not draw a firearm in any public place, except in the line of duty or for inspection by a superior.
  - 2. OFFICER/PUBLIC SAFETY.** Nothing in this policy shall prohibit the drawing or exhibiting of a firearm in the line of duty when an officer reasonably believes it necessary for his/her own safety or for the safety of others. Officers may also draw and be ready to use a firearm anytime they have reasonable cause to believe that they or another person may be in immediate danger of death or great bodily injury. Officers shall not cock their firearms in these instances.
  - 3. JUSTIFICATION.** Any officer drawing a weapon in public must be able to articulate the reasons consistent with this order and any other current order regarding the subject. Firearms shall not be displayed without justifiable cause.
  - 4. HOLSTERING WEAPONS.** When an officer determines that the danger is eliminated, the handgun shall be holstered or the shoulder weapon held in a port arms position away from the person. If the person is not arrested, the officer should tell the individual the reason the weapon was pointed at him/her if the circumstances permit.
  - 5. COCKING OF FIREARMS.** An officer shall not carry a firearm in the cocked position at any time.

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### **C. DISCHARGE OF FIREARMS**

- 1. REASONABLE METHODS OF APPREHENSION. Officers shall not discharge a firearm in the performance of their duties except in the circumstances described below in Section I. C. 2, and only after all other reasonable methods and procedures of apprehension and control have failed. "Other reasonable methods and procedures of apprehension and control" shall be based upon the officer's capabilities at the time of the discharge, the nature and immediacy of the threat, the extent of the threat to innocent persons, the nature of the crime, and the suspect's reputation for violence.**
  
- 2. PERMISSIBLE CIRCUMSTANCES. Officers may discharge a firearm in any of the following circumstances:**
  - a. In the necessary defense of himself/herself when the officer has reasonable cause to believe that he/she is in imminent danger of death or serious bodily injury.**
  
  - b. In the necessary defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury.**
  
  - c. To make an arrest when:**
    - (1) The officer has reasonable cause to believe that the suspect has committed or attempted to commit a felony involving the use or threatened use of deadly force; and**
  
    - (2) The officer has reasonable cause to believe that a substantial risk exists that the person to be arrested will cause death or serious bodily injury if his/her apprehension is delayed; and**
  
    - (3) After all other reasonable means of apprehension and control have been exhausted.**
  
  - d. To kill a dangerous animal or one that is so badly injured that humanity requires its removal from further suffering, and where other alternatives are impractical.**

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- e. To give an alarm or to call for help for an urgent purpose when no other means can be used.
3. **VERBAL WARNING.** If feasible, and if to do so would not increase the danger to the officer or others, a verbal warning to submit to the authority of the officer shall be given prior to the use of deadly force.
  4. **ENDANGERING THE PUBLIC/RECKLESS DISCHARGE.** Officers shall take extreme care when discharging their weapons so as not to endanger innocent persons or jeopardize property. The discharging of firearms in a reckless and irresponsible manner, or while under the influence of any substance likely to impair physical or mental processes, is prohibited and subject to disciplinary action by the Department, whether the incident occurs within or outside the City and County limits.
  5. **PROHIBITED CIRCUMSTANCES.** Officers shall not discharge firearms under any of the following circumstances:
    - a. As a warning.
    - b. At or from a moving vehicle unless the circumstances come within the provisions as set forth in Section I, C, 2., a., b., c. of this order.
    - c. In misdemeanor cases, except if the circumstances come within the provisions as set forth in Section I, C, 2., a., b. of this order.
    - d. In circumstances that do not require police action.
    - e. At a moving vehicle with the intent to disable it.
- D. REPORTING DISCHARGE OF FIREARMS** (also see DGO 8.11, Officer-Involved Shootings). Except while at an approved range, an officer who discharges a firearm, either on or off duty, shall report the incident according to the procedures in this order. This includes an intentional or accidental discharge, either within or outside the City and County of San Francisco.

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### References

DGO 8.01, Critical Incident Notification  
DGO 8.04, Critical Incident Response Team  
DGO 8.11, Officer-Involved Shootings

**Appendix Section 9.4.5**

San Francisco Police Department

**5.05****GENERAL ORDER**Rev. 02/12/97

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**RESPONSE AND PURSUIT DRIVING**

The purpose of this order is to establish policies and procedures for the operation of police vehicles in both response and pursuit driving situations.

**I. GENERAL POLICY**

- A. Members shall at all times drive defensively, maintain control of their vehicle and consider the safety of all persons using the roadway.
- B. It is the policy of the San Francisco Police Department that officers respond to emergency calls expeditiously and make reasonable efforts to apprehend fleeing violators.
- C. It is also the policy of the Department that if an emergency response or pursuit would pose an unreasonable risk to persons or property, the pursuit or emergency response shall not be initiated. Similarly, when it becomes apparent that an emergency response or pursuit is posing an unreasonable risk to persons or property, the emergency response or pursuit shall be immediately terminated.
- D. All emergency responses and pursuits shall be performed in accordance with applicable laws and with regard for the safety of persons using the highway.<sup>1</sup> The safety of persons is a consideration that demands responsible and controlled emergency responses and pursuits.
- E. State law requires supervisory control of emergency vehicle operations, and it is the policy of the Department that field supervisors (patrol sergeants) continually monitor, evaluate and control their subordinates' emergency responses and pursuits. Supervisors shall continually evaluate the risk to persons and property. When the risk appears to be unreasonable, or when specifically prohibited by this order, the supervisor shall immediately order the emergency response or pursuit terminated.

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<sup>1</sup> See Section 21056 California Vehicle Code

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## II. RESPONSE CODES

- A. **NON-EMERGENCY RESPONSE.** Respond directly to the assignment and observe all traffic laws and regulations. No emergency is involved. All calls are dispatched as non-emergency unless specified otherwise.
- B. **EMERGENCY (Code 3) RESPONSE.** Respond immediately in an emergency status, i.e., activate the vehicle's emergency red light, and sound the siren as may be reasonably necessary [see California Vehicle Code Section 21055 (b)].

## III. EMERGENCY (CODE 3) RESPONSES

- A. **DEFINITION.** An emergency (Code 3) response occurs when an emergency vehicle is displaying a lighted red lamp visible from the front and sounding a siren as may be necessary and is responding to an emergency call, or is engaged in a rescue operation.<sup>2</sup>
- B. **RESPONSE POLICY.** It is the policy of the Department that officers respond Code 3 only when an emergency response appears reasonably necessary to prevent serious injury to persons, whether or not a criminal offense is involved.
- C. **DETERMINING THE RESPONSE.** The officer responding to the call and/or the officer's field supervisor shall determine the appropriate response code based upon information in their possession. A non-emergency call may require an emergency response.
- D. **NOTIFICATION.** An officer initiating an emergency (Code 3) response shall be responsible for causing Communications to be immediately notified from where he/she is responding. In the event that either member is a probationary officer, the senior officer shall ensure that this notification is made.
- E. **MONITORING FOR SUPERVISORY DIRECTION.** Officers shall at all times monitor radio traffic for supervisory direction. Officers shall not respond Code 3 when specifically instructed not to by a superior.

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<sup>2</sup> Section 21055 (a) of the California Vehicle Code defines emergency responses.

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- F. **RED LIGHT AND SIREN REQUIRED.** Neither the "European hi-lo" phase of the electronic siren system nor the electronic air horn is recognized under California law as an emergency signaling device for purposes of California Vehicle Code Section 21806. Therefore, officers shall not use the "hi-lo" setting nor the air horn in lieu of the siren.
- G. **NON-EMERGENCY VEHICLE.** Vehicles owned or operated by the Department that are not equipped with authorized red lights and sirens are prohibited from engaging in emergency responses or pursuits.

#### IV. VEHICLE PURSUITS

- A. **VEHICLE PURSUIT DEFINED.** A vehicle pursuit is an attempt by an officer, while driving an emergency vehicle, to stop a moving motor vehicle when the officer has reasonable cause to stop the vehicle and the driver fails to do so as required by law.<sup>3</sup>
- B. **PURSUIT POLICY**
  - 1. There are few situations in law enforcement that require a higher degree of common sense and sound judgment than sustained vehicle pursuits. Officers must effectively perform in an atmosphere where long-range consequences may hinge upon the soundness of split-second decisions.
  - 2. Even though the Department expects officers to make reasonable efforts to apprehend fleeing violators, a pursuit shall never be carried to such an extent as to impose an unreasonable risk to persons or property. When it becomes apparent that the benefits of immediate apprehension are clearly outweighed by an unreasonable danger to the officer or others, the pursuit shall not be initiated or, if already in progress, shall be terminated.

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<sup>3</sup> See Section 21055(a) of the California Vehicle Code

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3. The following factors and conditions shall be considered by every member in deciding, under the totality of the circumstances, whether to initiate, continue or terminate a pursuit. These factors shall be weighed continuously by the pursuing member(s) and the Pursuit Supervisor and safety shall come first:
  - a. Seriousness of the originating crime and its relationship to community safety;
  - b. Safety of the public in the area of the pursuit;
  - c. Safety of the pursuing officers;
  - d. Speeds involved in the pursuit;
  - e. Volume of pedestrian traffic;
  - f. Volume of vehicular traffic;
  - g. Weather conditions;
  - h. Proximity of the fleeing vehicle;
  - i. Familiarity of the officer and supervisor with the area of the pursuit;
  - j. Quality of radio communications between pursuing unit(s), dispatcher and supervisor;
  - k. Time of day;
  - l. Road conditions;
  - m. Capability of the police vehicles involved.

**C. NOTIFICATION TO COMMUNICATIONS (DISPATCH)**

1. Communications from the pursuing unit to Dispatch is essential. It is imperative that the pursuing unit(s) provide Dispatch with all information necessary for initial and ongoing supervisory evaluation of the pursuit.

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2. If the initial broadcast of a pursuit does not contain the below information, and if it is not provided by the pursuing unit(s) in a reasonable amount of time, the pursuing unit(s) shall be ordered to terminate the pursuit by the Pursuit Supervisor.
3. An officer initiating the pursuit of a vehicle that has failed to stop for the officer's red lights and siren shall immediately contact Communications, request a Code 33, and initially transmit the following information:
  - a. Unit designation and description of the pursuing unit if it is not a marked police sedan with a light bar.
  - b. Reason for pursuit.
  - c. Location, direction of travel, and speed of suspect and police vehicle.
4. After acknowledgment of the pursuit by Dispatch and designation of a Pursuit Supervisor, the pursuing unit shall provide the following additional information:
  - a. Traffic conditions.
  - b. Color, make and license number of the suspect vehicle.
  - c. Number, description, and identity of occupants.
  - d. Information concerning weapons.

**D. PURSUING UNITS.**

1. **PRIMARY PURSUIT VEHICLE.** The unit initiating the pursuit shall be designated the Primary Pursuit Vehicle unless directed by a superior, or as otherwise provided in this order.
2. **SECONDARY PURSUIT VEHICLE.** No more than two units are to be involved in a vehicle pursuit unless directed by a supervisory or command officer.

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3. **RESPONDING TO VICINITY OF PURSUIT.** Units not designated as primary or secondary pursuing units shall not respond in a Code 3 mode to the vicinity of a pursuit nor parallel a pursuit in a Code 3 mode.
4. **PASSING.** There shall be no attempt by officers to pass other field units involved in the pursuit unless the passing officer receives permission from the Primary Pursuit Unit.

**E. ASSUMPTION OF SUPERVISORY CONTROL**

1. A field supervisor of a member involved in a pursuit shall immediately assume control of the pursuit by notifying Communications (e.g., 3X100, I'm monitoring the pursuit.") That supervisor shall then be designated the Pursuit Supervisor.
2. The Pursuit Supervisor shall continue to supervise the pursuit until the abandonment or termination of the pursuit, even if the pursuit leaves the district. In the event that a field supervisor is unavailable, the officer's platoon commander shall assume supervisory control.
3. Should an officer from another unit (e.g., TAC, Traffic, Vice, Narcotics) become involved in a pursuit and the officer's supervisor does not acknowledge control, a supervisor in the district in which the pursuit initiated shall assume control. Officers shall comply with the directions of the designated Pursuit Supervisor.

**F. COMMAND TERMINATION OF PURSUITS.** Command level officers may, at any time, direct the termination of a pursuit for any reason.

**G. ADDITIONAL PURSUIT UNITS.** Any additional vehicle intending to join a vehicle pursuit shall request supervisory approval.

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## H. SUPERVISOR CONTROL OF PURSUITS - PURSUIT SUPERVISOR

1. **NUMBER OF VEHICLES.** Supervisors shall actively control pursuits and determine the appropriate number of units to be involved. **No more than two units should actively pursue.**

a. However, other factors may be considered when determining the appropriate number of pursuit vehicles. For example, if the primary and secondary units are one-officer units, an additional pursuit unit may be authorized. Other factors to consider are the nature of the crime, the number of suspects, weapons, and other facts that would warrant the need for additional officers.

### 2. UNMARKED VEHICLES/MOTORCYCLES/PATROL WAGONS

a. If an unmarked unit, a marked unit with no light bar, or a motorcycle is being used as a pursuit vehicle, a marked four-wheel light bar equipped vehicle shall be dispatched as soon as possible. When the marked four-wheel unit with light bar enters the pursuit, the unmarked unit, marked unit with no light bar, or motorcycle shall - cease its pursuit. If the unit withdrawing from the pursuit was the initiator, the unit shall respond to the termination point of the pursuit in a non-emergency mode.

b. Should a patrol wagon initiate a pursuit, it shall be immediately relieved by a marked four wheeled, light bar equipped police vehicle. A patrol wagon shall then leave the pursuit. Patrol wagons shall not initiate or become involved in a pursuit while transporting prisoners.

c. Vehicles owned, leased or operated by the Department that are not equipped with authorized red lights and sirens are prohibited from engaging in pursuits in any role.

d. Any Department vehicle containing a ride along, victim, or witness shall not initiate or become involved in a pursuit.

I. **COLLISIONS/DUTIES OF SECONDARY UNIT.** If an innocent party is struck by a pursuing unit or by the suspect vehicle, the secondary unit shall immediately cease pursuit and assist at the collision scene.

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**J. PURSUITS BY OTHER LAW ENFORCEMENT AGENCIES**

1. If a single police vehicle from another law enforcement agency pursues within the City, a field supervisor may authorize one marked SFPD unit to join in the pursuit.
2. If requested, the SFPD unit may take over as the primary pursuit vehicle. Should the pursuit leave San Francisco, the SFPD unit shall revert to the secondary unit.

**K. PURSUITS OUTSIDE OF SAN FRANCISCO/OTHER JURISDICTION.**

Should a pursuit continue outside of San Francisco or extend into another agency jurisdiction (e.g., freeways, federal property, etc.) Communications shall notify the appropriate agency and request that they assume the primary role in the pursuit.

**1. PURSUITS ONTO STATE HIGHWAYS/FREEWAYS (CHP JURISDICTION)**

- a. **CHP NOTIFICATION.** In the event that a pursuit enters a state highway/freeway, Communications shall immediately request the assistance of the California Highway Patrol (CHP).
  - b. **PRIMARY PURSUIT VEHICLE.** If a marked CHP unit joins in the pursuit, the role of the primary unit shall be turned over to the CHP and the SFPD unit shall assume the secondary pursuit position. If a second CHP unit joins the pursuit, the SFPD unit shall discontinue its pursuit.
2. **RADIO CONTACT.** An SFPD unit that has lost radio contact with Communications shall terminate its pursuit unless the violator was involved in a violent felony.

- L. **FIREARMS.** Firearms shall not be discharged at or from a moving vehicle unless the circumstances fall within the provisions set forth in Department General Order 5.02, Use of Firearms.

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**M. OFFENSIVE TACTICS (Legal Intervention)**

1. **RAMMING.** Officers shall not attempt to stop a vehicle by ramming it or forcing the vehicle off the road. Pursuits shall be primarily following actions. Listed below are tactics that are not to be used:
  - a. Boxing in
  - b. Heading off
  - c. Driving alongside
  - d. Channeling
2. **ROADBLOCKS.** Police personnel shall avoid using their vehicles as roadblocks unless the officer has reasonable cause to believe that the suspect has committed or attempted to commit a felony involving the use or threatened use of deadly force; and the officer has reasonable cause to believe that a substantial risk exists that the person to be arrested will cause death or serious bodily injury if his/her apprehension is delayed; and after all other reasonable means of apprehension and control have been exhausted.
  - a. If employed, supervisory approval and coordination is required.
3. **OTHER MEANS OF DISABLING PURSUED VEHICLES.** Other means of disabling and stopping pursued vehicles, including "road spikes," shall be employed only under the direction of a supervisor trained in their use and shall be deployed only by personnel certified by the Department in their use.

**N. DECISION TO DISCONTINUE THE PURSUIT.** Officers must continually question whether the seriousness of the crime justifies continuing the pursuit. A pursuit shall not be initiated or, if already in progress, the pursuit shall be discontinued when:

1. **UNREASONABLE RISK.** There is an unreasonable risk to persons, including the officers. The following are a few examples of factors that may make the risk of a pursuit unreasonable:

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- a. **BENEFIT OF IMMEDIATE APPREHENSION.** It becomes apparent that the benefits of immediate apprehension are clearly outweighed by an unreasonable danger to the officer or others (see Section V., B.).
  - b. **SPEED.** Speeds dangerously exceed the normal flow of traffic or when vehicle or pedestrian traffic requires dangerous maneuvering that exceeds the performance capabilities of the vehicle or the driver.
  - c. **MINOR VIOLATION.** An unreasonable risk exists when the reason for apprehending the suspect is clearly outweighed by the danger to persons or property, e.g., when the only reason for the pursuit is traffic violations or a misdemeanor, or a non-violent felony.
2. **SUSPECT KNOWN.** The violator can be identified and safely apprehended at a later time.
  3. **LOSING THE SUSPECT.** Officers lose visual contact with the suspect vehicle.
  4. **ORDERED BY A SUPERIOR.** A command officer or field supervisor orders the pursuit terminated.
  5. **WRONG WAY PURSUITS.** Officers shall not chase a vehicle the wrong way on a freeway.
- O. USE OF AIR SUPPORT UNIT.** The role of the Air Support Unit during vehicle pursuits is to assist and coordinate field activities. When available, the Air Support Unit shall respond to a vehicle pursuit. The Air Support Unit shall be responsible for monitoring and broadcasting pursuit information. The Air Support Unit shall advise the concerned ground units of road hazards or any unsafe conditions. Overall control of the pursuit shall remain with the primary ground unit and the identified supervisor.
- P. RESPONSIBILITIES AT TERMINATION POINT OF PURSUIT**
1. **OFFICER'S RESPONSIBILITY**
    - a. **CONTROL AND DIRECTION.** Safety is critical at the termination of a pursuit. At no time will the need for decisive action, self control, and strict personal discipline be more essential. In the absence of a supervisor, the primary pursuit unit has the responsibility for

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directing activities at the termination point of a pursuit.

- b. **ADDITIONAL ASSISTANCE.** Once a pursuit has ended, the primary unit is responsible for advising dispatch of the location and situation. The officer shall also indicate whether additional units are needed to assist at the scene. Once a Code 4 has been broadcast, officers shall not respond to the termination point unless specifically requested.
2. **SUPERVISORY RESPONSIBILITY.** Upon termination of a pursuit by apprehension of the fleeing operator or any occupant of the pursued vehicle, the Pursuit Supervisor shall respond to the location of the termination of the pursuit and shall take charge of the scene and be responsible for the strict compliance with Department policy by all members present.
- Q. **VEHICLE PURSUIT SUMMARY.** State law requires that a Vehicle Pursuit Summary be completed for every pursuit, regardless of duration and outcome and be reported to the California Highway Patrol. The Pursuit Supervisor of the pursuit shall complete a Vehicle Pursuit Summary (SFPD 436) prior to reporting off duty. Copies of the SFPD 436 shall be sent to the Deputy Chief of the Field Operations Bureau.

## V. COMMUNICATIONS (DISPATCH) DUTIES

- A. **CALL INFORMATION.** When dispatching a call, dispatchers shall provide responding and/or dispatched officers with all background information that could indicate an emergency.
- B. **IDENTIFICATION OF PURSUIT SUPERVISOR.** When an officer communicates that he/she is in pursuit, and the supervisor acknowledges control, the dispatcher shall record in CAD the unit identifier of the Pursuit Supervisor.
- C. **DISPATCH PURSUIT SUPPORT.** The flow of information is critical during a pursuit. The role of Dispatch is to obtain and broadcast essential information to ensure safety and effective supervisory control. To ensure that this vital information is relayed, Dispatch shall at a minimum:
  1. Re-broadcast the commands of the Pursuit Supervisor directly to pursuing units and;

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2. Assist the Pursuit Supervisor in obtaining information needed to assess and supervise the pursuit.

D. OUTSIDE JURISDICTION NOTIFICATION AND COORDINATION. Should a pursuit progress toward or enter another jurisdiction Dispatch shall immediately contact the jurisdiction's law enforcement agency, inform them of the pursuit, and all relevant facts available, and maintain contact and coordination with that outside agency until the pursuit leaves their jurisdiction, is terminated or canceled. Dispatch shall inform the Pursuit Supervisor when contact with the outside agency is made and keep the Pursuit Supervisor informed of the agency's intended response to the pursuit and relay any instructions or information provided by the agency.

E. EMERGENCY RESPONSE SUPERVISOR NOTIFICATION. Dispatch shall, when possible, notify a field supervisor (preferably the responding officer's field supervisor) an Emergency (Code 3) Response is being undertaken, and provide other relevant information about the response including; location responding from, location responding to, and the nature of the call.

## VI. COMMAND LEVEL NOTIFICATION AND RESPONSE

- A. Should any person, including the occupants of a pursued vehicle or any member involved in a pursuit be injured in the course of the pursuit, the Pursuit Supervisor shall cause the on-duty Patrol Commander or designated Duty Captain, to be notified.
- B. The Patrol Commander or designated Duty Captain shall, upon such notification, respond to the scene of the injury and shall cause to be made such other and further notifications as are appropriate.

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### References

DGO 2.06, Vehicle Accidents Involving Members  
DGO 3.07, Department Accident Board of Review  
DGO 5.02, Use of Firearms  
DM-14, Administrative Investigation of Member-Involved Collisions

## Language Access Services for Limited English Proficient (LEP) Persons

The purpose of this order is to establish language access procedures, consistent with federal, state and local law, for San Francisco Police Department (SFPD) members to follow when encountering a limited English proficient (LEP) person. This order also defines the importance of effective and accurate communication between SFPD members and the community they serve. Language barriers can impede such effective and accurate communication in a variety of ways. Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency from accessing and/or understanding important rights, obligations, and services, or from communicating accurately and efficiently in different situations. Hampered communication with limited English proficient victims, witnesses, suspects, and community members can jeopardize safety and create evidentiary and investigative challenges.

### I. POLICY

It shall be the policy of the San Francisco Police Department to take every reasonable step to ensure timely and accurate communication and access to all individuals regardless of national origin or primary language. When performing law enforcement functions, members shall provide free language assistance to LEP individuals whom they encounter or whenever an LEP person requests language assistance services. The San Francisco Police Department recognizes the importance of effective and accurate communication between its members and the diverse community it serves. It is the policy of this department to inform members of the public that language assistance services are available free of charge to LEP persons and that the Department will provide these services to them as part of the department's community policing and enforcement efforts.

### II. DEFINITIONS

- A. **PRIMARY LANGUAGE:** The language in which an individual is most effectively able to communicate.
- B. **LIMITED ENGLISH PROFICIENCY (LEP) PERSON:** Individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English.
- C. **INTERPRETATION:** The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
- D. **TRANSLATION:** The replacement of written text from one language (source language) into an equivalent written text into another language (target language).
- E. **QUALIFIED BILINGUAL MEMBER:** For purposes of this order, SFPD members who identify themselves as "bilingual" must demonstrate, through a formal procedure which has been established by the Department of Human Resources (DHR), competency to communicate in the source language by demonstrating the ability to listen to a communication in one language (source language) and orally convert it to another language (target language) while retaining the same meaning. The Department will provide all members with training in interpreting techniques, roles, and ethics so that they may understand and follow confidentiality and impartiality rules for interpreters as defined by DHR.

- F. **QUALIFIED CIVILIAN INTERPRETER:** A Qualified Civilian Interpreter is an individual who has been certified by the City or other designated qualifying agency. A Qualified Civilian Interpreter may be an employee of another city department or an outside agency contracted to provide language interpretation services to the Department. The Department will contract with outside agencies to provide in person as well as telephonic interpretation services.
- G. **EXIGENT CIRCUMSTANCES:** Exigent circumstances are defined as situations that require deviation from procedures, such as a threat to life, safety, or property, a fleeing suspect, or the potential loss or destruction of evidence. (e.g., physical loss of property, witness or victim.)

### III. PROCEDURES

SFPD members are to follow these procedures in all encounters absent exigent circumstances; however, exigent circumstances may require some deviation. In such situations, SFPD members shall use the most reliable, temporary interpreter available. Once the exigency has passed, members are expected to revert to the procedures set forth in this general order.

A. **GENERAL.** The following procedures shall apply to members who encounter LEP individuals while performing law enforcement functions.

B. **IDENTIFICATION OF PRIMARY LANGUAGE.**

1. All SFPD members will be provided a language identification card to aid in the identification of the primary language spoken by the LEP individual.
2. SFPD members should display the language identification card to the LEP person so the person can identify the language they speak prior to calling a qualified bilingual member, contract, or professional interpretation service. The member should then request the appropriate interpreter.
3. If the LEP person does not appear able to read or understand the language identification card, the member should call Department of Emergency Management (DEM/ECD) or the professional interpretation service and advise the service of the situation. With assistance from the language service member, members should attempt to ascertain the LEP individual's language in order to obtain a suitable interpreter.

C. **USE THE SERVICES OF BILINGUAL MEMBERS**

1. Staff Services shall maintain a listing of all SFPD Qualified Bilingual Members. This list will be provided to and kept at the Operations Center.
2. In the event that SFPD Bilingual Members are unavailable, SFPD members may also utilize a Qualified Civilian Interpreter. Contract and professional interpretation associations, or other professional interpreter services include interpretation services offering in-person interpretation, as well as those offering telephonic interpretation. SFPD

officers shall be provided with the appropriate contact information and any department account code information to access such services.

- D. ORDER OF PREFERENCE. Members shall provide oral interpretation services to LEP persons they encounter in the following order of preference unless deviations are required to respond to exigent circumstances.
1. Direct Communication by Qualified Bilingual Member: The preferred method of providing services to LEP persons is through the use of a Qualified Bilingual Member.
  2. Use of Qualified Civilian Interpreter: When Qualified Bilingual Members are unavailable, members shall use a Qualified Civilian Interpreter or a professional interpreter to provide in person interpretation services.
  3. Telephone Interpreter: When qualified interpreters are not available to provide service in person, SFPD members may utilize DEM/ECD or use the language card to access the professional language service provider or Qualified Civilian Interpreter to provide interpretation services by telephone.
  4. Officers should take reasonable steps to insure that the qualified interpreter does not know any of the parties.
- E. RESTRICTIONS.
1. SFPD members should not use family members, neighbors, friends, volunteers, bystanders or children to interpret for a LEP person unless exigent circumstances exist and a more reliable interpreter is not available, especially for communications involving witnesses, victim and potential suspects, or in investigations, collection of evidence, negotiations or other sensitive situations.
  2. If an exigent circumstance requires a member to use family members, neighbors, friends, volunteers, bystanders or children for initial language assistance, the member shall seek the assistance of a Qualified Bilingual Member, Qualified Civilian Interpreter, or other professional interpreter to confirm or supplement the initial translation or interpretation as soon as practical.
- F. GENERAL INTERVIEWS: When conducting general interviews, members should seek the assistance of a Qualified Bilingual Member, Qualified Civilian Interpreter, or other professional interpreter, or the language line whenever the member encounters an LEP person who requests an interpreter or is unable to communicate with or is experiencing difficulty communicating with the member.
- G. FORMAL INTERVIEW: The accuracy of victim and witness statements is a priority in criminal investigations. Thus, to ensure effective communication and accuracy, either a Qualified Bilingual Member or Qualified Civilian Interpreter shall be used when taking formal statements or conducting any formal interview of a LEP witness and/or victim. Written forms shall be provided to the witness and/or victim in his or her primary language when available. In the case of forms that have not been translated into the LEP person's primary language and

in the case of illiteracy, forms shall be read to the witness and/or victim in his or her primary language by a Qualified Bilingual Member, or Qualified Civilian Interpreter.

#### H. INTERROGATIONS

1. The Miranda admonition, and all other written forms shall be provided to the suspect in his or her primary language when available. In the case of forms that have not been translated into the LEP person's primary language and in the case of illiteracy, forms shall be read to the suspect, by the Qualified Bilingual Member or Qualified Civilian Interpreter, in his or her primary language.

#### I. PROCEDURES FOR SPECIFIC SCENARIOS

##### 1. Custodial Interrogations and Crime Victim Interviews:

- a. Formal crime victim interviews and custodial interrogations of suspects potentially involve statements with evidentiary value, upon which an individual may be impeached in court. As such, accuracy is a priority. Moreover, a failure to protect the rights of LEP individuals during arrests and custodial interrogations presents risks to the integrity of the process. SFPD members must recognize that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. A Qualified Bilingual Member or Qualified Civilian Interpreter shall be used for any custodial interrogation or taking of a formal statement where the suspect or witness' legal rights could be adversely impacted. The preferred method for interviewing a LEP individual is direct communication. When a Qualified Bilingual Member is not available to directly communicate with a LEP individual a Qualified Civilian Interpreter shall be provided. The following procedures shall be utilized in custodial interrogations:

- 1) Contact a Qualified Bilingual Member or Qualified Civilian Interpreter to appear in person, unless the LEP person consents to the use of an interpreter via telephone or other exigent circumstance(s) exist. SFPD members shall have access to contract interpreters and/or a directory of professional interpreter associations and services. All LEP custodial interrogations shall be taped unless exigent circumstance(s) exist.
- 2) Advice of Miranda admonition and all other written forms and notices shall be provided to both the suspect and witness in his or her primary language when available. In the case of forms that have not been translated into the LEP person's primary language and in the case of illiteracy, forms shall be read to the individual, by the Qualified Bilingual Member or Qualified Civilian Interpreter, in his or her primary language.

##### 2. Field Contacts, Enforcement, and Investigations:

- a. Field contacts with LEP persons could generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts.

3. Notification of Interpretation Services to LEP Individuals: At the main public entry or lobby of each SFPD Facility, as defined in Administrative Code Section 91.2 (e), signs shall be posted stating that interpreters are available free of charge to LEP individuals.
- J. INCIDENT REPORTS. Whenever an incident report is prepared regarding an incident involving an LEP person, the incident report shall identify the primary language spoken by the LEP individual, the person who provided the interpretation, and the manner in which interpretation services were provided.
- K. TRANSLATED DOCUMENTS. SFPD shall maintain written forms and guidelines for assistance to LEP individuals.
1. Transcribing Tapes and Other Evidence Into English: The Department shall translate tapes, documents, evidence, or documents submitted by LEP individual(s) into English when such evidence is necessary to continue the investigation and/or prosecution of a criminal case or a Departmental administrative investigation.
- L. AIRPORT BUREAU. Airport Bureau members, and other members of the San Francisco Police Department providing services at the Airport, will adhere to department policies. Airport Bureau members and other members of the San Francisco Police Department providing services at the Airport will contact Airport Communications when language assistance is required at the San Francisco International Airport.
- M. COORDINATION WITH DEPARTMENT OF EMERGENCY MANAGEMENT. On a monthly basis the Department shall provide the Department of Emergency Management (DEM/ECD) with a copy of the Department's Bilingual Personnel List.
- N. TRAINING.
1. In an effort to ensure all SFPD members are properly trained in these guidelines, the SFPD will provide periodic training in member awareness of the LEP policies, how to access both in-person and telephone interpreters, and how to work with interpreters. The Department shall conduct such trainings for new recruits, at in-service training and at Roll Call for SFPD members at least every two (2) years. Initial training shall be conducted within 180 days of the Police Commission's adoption of this General Order.
- O. RECORDING AND TRACKING OF LANGUAGE ACCESS EFFORTS: The Deputy Chief of the Administration Bureau will be responsible for, and will direct as necessary, divisions within the Bureau to address translation and interpreter services, develop training, respond to language access concerns/suggestions by staff and the public, review Department progress and coordinate budgetary, procurement and contracting matters related to language access.
1. Language Access Liaison Officer
    - a. The Department shall designate a Language Access Liaison officer. This officer shall prepare quarterly (or more frequently as needed), a written report on LEP matters, through the chain of command, to the Chief of Police.

- b. The Language Access Liaison officer's duties include but are not limited to:
    1. Monitoring compliance with the General Order;
    2. Coordinating language access training at the Academy;
    3. Coordinating interpreter training for qualified bilingual members and employees;
    4. Coordinating telephonic and third party interpreter services as required by this order;
    5. Working with the Department of Emergency Management to establish a system that immediately identifies LEP calls and promptly dispatches language assistance, preferably with a bilingual officer speaking the needed language;
    6. Coordinating as needed meetings with the Office of Citizen Complaints and community groups to discuss and resolve language access complaints;
    7. Overseeing the LEP data collection as detailed below; (this will require implementation of RMS); and
    8. Preparing a biannual report for the Police Commission addressing the Department's language access efforts.
  2. Each year, the Department shall collect the information required by San Francisco Administrative Code sec. 91.9(b)(1-14). In addition, the Department shall collect LEP data as to all calls for service, contacts and investigations that require an incident report.
  3. In a yearly report to the Police Commission, the Department shall provide data concerning 1) the number of calls for service, contacts and investigations involving LEP persons where an incident report was required; 2) the manner in which interpretation services were provided; 3) any complaints concerning language access which have been forwarded by the Office of Citizens Complaints; and 4) the Department's resolution to any language access complaints. This report shall be a public document that is posted on the Police Department and Police Commission's website and provided to the Office of Citizen Complaints in advance of its presentation to the Police Commission.
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Reference:

DGO 2.04, Citizen Complaints Against Officer

**Appendix Section 9.4.7**

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**6.14****GENERAL ORDER****07/27/94****PSYCHOLOGICAL EVALUATION OF ADULTS**

This order outlines policies and procedures for dealing with psychologically distressed adults, including abatement, detainment, and arrest. It includes procedures for admission to facilities, medical treatment, weapons confiscation, and preparation of incident reports.

**I. GUIDELINES**

**A. CRITERIA FOR INVOLUNTARY DETENTIONS.** Officers may detain an individual for psychiatric evaluation pursuant to Section 5150 of the Welfare and Institutions Code only when the officer believes that, as a result of mental illness, an individual is:

1. A danger to himself/herself, or
2. A danger to others, or
3. Gravely disabled, meaning the individual is unable to care for himself/herself and has no reliable source of food, shelter or clothing.

**II. POLICY**

**A. It is the policy of the San Francisco Police Department that in incidents involving psychologically distressed adults, officers shall:**

1. **ABATE.** If the individual has not committed a crime and is not, as a result of a mental disorder, a danger to himself/herself, a danger to others, or gravely disabled, abate the incident and recommend that the individual contact a mental health professional.
2. **DETAIN.** If an individual has not committed a crime but is, as a result of a mental disorder, a danger to himself/herself, a danger to others, or gravely disabled, detain the individual for psychiatric evaluation and treatment.

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3. **ARREST.** If an individual has committed a crime, arrest the individual and book or cite according to Department policies and procedures. Cited individuals who are, as a result of mental disorder, a danger to themselves, a danger to others, or are gravely disabled shall also be detained for psychiatric evaluation.

**B. ASSISTANCE TO OUTSIDE AGENCIES**

1. **STAFF MEMBER IS PRESENT.** It is the intention of the Department that police assistance to clinicians will be restricted to cases where the person to be detained for psychiatric evaluation (5150 W & I) is currently violent and presenting a public safety risk.
2. **STAFF MEMBER IS NOT PRESENT.** When an emergency evaluation is requested by a clinician who is not at the scene, the officer shall make his/her own independent evaluation and take appropriate action consistent with that evaluation.
3. **APPLICATION FOR EVALUATION.** Except in an emergency situation as determined by the officer, a clinician must prepare the "Application for 72-Hour Detention for Evaluation and Treatment" and make arrangements with Psychiatric Emergency Services (PES) prior to requesting assistance.
4. **STAFF IDENTIFICATION.** Clinicians who are certified to initiate involuntary detentions must carry an identification card issued by the County Director of Mental Health. If the clinician cannot show his/her card, the decision to detain will be the responsibility of the officer at the scene.
5. **TRANSPORTATION.** If all criteria are met for a psychiatric detention, take the person and the clinician's paperwork to PES at SFGH only. If the person is currently not demonstrating a public safety risk, do not transport. Advise the clinician to consult with his/her supervisor regarding appropriate transportation.

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### III. PROCEDURES

- A. **ABATEMENT.** When abating a situation involving a mentally disturbed individual, follow these procedures:
1. **INCIDENT REPORT.** If the individual needs psychiatric evaluation but does not meet 5150 W & I criteria, prepare an incident report entitled "Aided Case/Request Evaluation" and list the individual as "D" (detained).
  2. **COPIES.** Forward a copy of the report to the Psychiatric Liaison Unit which will be responsible for appropriate follow up.
- B. **DETENTION.** When detaining an individual for psychiatric evaluation and treatment, follow these procedures:
1. **TRANSPORTATION.** Take the individual to Psychiatric Emergency Services (SFGH) only and complete an "Application for 72-Hour Detention for Evaluation and Treatment."
  2. **REPORT.** Prepare an incident report and title it "Aided Case/5150 W & I." List the individual as "D" (detained).
    - a. **DESCRIPTION.** Include a detailed physical description of the individual and an accurate residence address. Also include his/her date of birth, SF number, driver license number, Social Security number, any other identification numbers.
    - b. **FIREARMS/WEAPONS.** List any confiscated firearms or deadly weapons in the incident report.
    - c. **PROPERTY.** Describe how the person's property was safeguarded or placed in police custody.
    - d. **CRITERIA.** Describe the circumstances that formed the reasonable and probable cause to believe that one or more of the criteria listed under Section I., A. above were present.

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- C. **ARRESTS.** After arresting a mentally disturbed individual for a criminal offense, cite or book according to Department policy (see DGO 5.06, Citation Release). Also follow these procedures:
1. **CITATION.** If an individual is eligible for citation release, but as a result of a mental disorder is a danger to himself/herself, a danger to others, or is gravely disabled, cite the individual and take him/her to PES at SFGH. Indicate on the "Application for 72-Hour Detention for Evaluation and Treatment" that the person has been cited for an offense.
  2. **BOOKING.** If an individual cannot be cited pursuant to Department policy, book him/her and request on the booking form that the Jail Psychiatric Services evaluate the individual in the jail.
  3. **INCIDENT REPORT.** In either of the above cases, prepare an incident report and forward a copy to the Psychiatric Liaison Unit. Title the report by the offense and indicate that you have either cited and detained the individual for psychiatric evaluation or booked the individual and made a referral to Jail Psychiatric Services.

Example: Battery/Fists/Cited & 5150'd  
Robbery/Gun/Referral Made to Jail Psychiatric Services

- D. **FACILITIES.** Currently, adults are evaluated at Psychiatric Emergency Services (PES) at SFGH. Due to policy and budget considerations, facilities may change along with the hours of operation. Any changes will be announced in Department Bulletins.
- E. **VOLUNTARY ADMISSIONS.** There is no such thing as a "voluntary 5150." The fact that an individual is willing to accompany you to a psychiatric facility does not make the evaluation voluntary. If you believe that psychiatric evaluation is necessary, complete an "Application for 72-Hour Detention for Evaluation and Treatment" even though the individual willingly accompanies you to PES.

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- F. COORDINATING PSYCHIATRIC DETENTION WITH EMERGENCY MEDICAL TREATMENT.** If an individual is injured or ill, you must have him/her medically treated before requesting a psychiatric evaluation. The following procedures apply when an individual is not under arrest:
- 1. SAN FRANCISCO GENERAL HOSPITAL.** If the individual is being treated at San Francisco General Hospital, Emergency Department, go to the Psychiatric Emergency Services (PES) and complete the "Application for 72-Hour Detention for Evaluation and Treatment." Leave the original at PES and take a copy to the emergency room attending physician. Your responsibility ends here. Any security services will be provided by SFGH Institutional Police.
  - 2. OTHER MEDICAL FACILITIES.** When an individual is being treated at any other hospital emergency room, complete the "Application for 72-Hour Detention for Evaluation and Treatment" and present it to the attending physician. The physician is responsible for arranging for transportation of the patient to PES at San Francisco General Hospital. Any security required will be provided by the hospital's security staff. Your responsibility ends here.
  - 3. INCIDENT REPORT/EVALUATION FORM.** In either of the cases above, prepare an incident report, title it "Aided Case/5150 Detention," and attach a copy of the "Application for 72-Hour Detention for Evaluation and Treatment" to it. List the individual as "D" detained and include the circumstances of the incident, the name of the medical facility, and the attending physician.
- G. JUVENILES.** See DGO 7.02, Psychological Evaluation of Juveniles.

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**H. FIREARMS AND DEADLY WEAPONS.** Welfare and Institutions Code Section 8102 requires law enforcement officers to seize firearms and other deadly weapons from individuals detained or apprehended for examination of a mental condition pursuant to Section 5150 W&I. When seizing a firearm or deadly weapon, advise the individual to contact the SFPD Legal Division concerning its return. Also fax a copy of your incident report to the Department's Legal Division.

**1. MENTAL HEALTH FIREARMS PROHIBITION SYSTEM.** The Department of Justice, Bureau of Criminal Identification and Information, has developed a data base for the Mental Health Firearms Prohibition System (MHFPS). If you are conducting a criminal investigation that involves the acquisition, carrying or possession of a firearm, the CLETS data base will include a message that the person you are investigating may be subject to a mental health firearms prohibition pursuant to Sections 8100/8103 of the Welfare and Institutions Code. This message is provided in addition to the person's name, personal description, available identifying numbers, such as driver's license, Social Security, California Identification, Military Identification, or other miscellaneous identification numbers. You can use any CABLE terminal that has CLETS inquiry capability to access this data base using one of two ways:

**a. Using RF/**

- RF/CJIS/FQA Name inquiry
- RF/CJIS/FQN Number inquiry
- RF/CJIS/FQP Record number inquiry

**b. Using the HELP system**

You can access the three inquiries listed above using the HELP system by first selecting the Firearms category (E), then the MHFPS category (E7), finally entering the respective category for name inquiry (E7A), number inquiry (E7B), or record number inquiry (E7C).

If you need the reason a person has been prohibited from owning firearms, contact the DOJ Firearms Clearance Section.

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- I. **PROPERTY.** When detaining an individual per 5150 W & I, take reasonable precautions to secure his/her premises and private property. Document this in your incident report. Any personal property that cannot be properly secured must be booked as Property for Safekeeping (see DGO 6.15, Property Processing).
  - J. **MEDICATION.** Any medication seized goes with the individual either to jail or the hospital.
  - K. **QUESTIONS.** For consultation or information, call officers at the SFPD Psychiatric Liaison Unit (PLU) at 206-8099 (Monday - Friday 0900-1700 hrs.). During non-business hours, contact the PLU through the Operations Center.
  - L. **TARASOFF INCIDENTS.** See DGO 6.21, Tarasoff Incidents.
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### References

DGO 7.02, Psychological Evaluation of Juveniles  
DGO 3.23, Department Weapon Return Panel  
5150 W & I Code  
8102 W & I Code

**Appendix Section 9.4.8**

San Francisco Police Department

7.02

**GENERAL ORDER**Rev. 08/04/04

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**PSYCHOLOGICAL EVALUATION OF JUVENILES**

This order presents guidelines for arrangement of emergency psychological assessment of persons under the age of eighteen, including coordination, emergency medical treatment and filing of criminal charges.

**I. INFORMATION AND GUIDELINES**

- A. **PSYCHOLOGICAL DISTRESS.** Occasionally, officers may come into contact with a juvenile who appears to be in acute psychological distress. In addition to many other symptoms, this distress may be characterized by severe depression, suicidal behavior, or threats of violence constituting a danger to the juvenile or to others.
- B. **COMPREHENSIVE CHILD CRISIS SERVICE (CCCS).** CCCS is a program of the City and County of San Francisco/ San Francisco Department of Public Health/ Community Behavioral Health Service. It is the City and County of San Francisco's designated agency responsible for psychiatric evaluation of persons under 18 years who may require urgent psychiatric services. CCCS is a 24-hour mobile response unit that has a response time of approximately 30 minutes. The telephone number for CCCS is (415) 970-3800. To obtain an emergency evaluation, call CCCS and request services.
- C. **PSYCHIATRIC EMERGENCY SERVICES (PES).** PES is a holding facility for adults at San Francisco General Hospital, 1001 Potrero Ave, San Francisco, CA. (415) 206-8125. If juveniles need to be assessed in a secure setting, CCCS will determine if the juvenile should go to PES. If CCCS determines that an evaluation should occur at PES, a CCCS team will meet the juvenile and responsible adult at PES. If an adult does not accompany the juvenile to PES, the officer will be required to stay throughout the evaluation. Do not transfer a juvenile to PES without first consulting with CCCS.

**II. POLICY**

- A. It is the policy of the San Francisco Police Department that officers respond in a helpful manner to juveniles whom they believe to be in acute psychological distress. Pursuant to section 5585.50 of the Welfare and Institutions Code, an officer may take a minor for psychiatric evaluation when the minor, as a result of mental disorder, is a danger to others, is a danger to himself/herself, or is gravely disabled, and authorization for voluntary treatment is not available. These are the same criteria that apply to adults under section 5150 W & I Code.

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Members are required to provide a Miranda Advisement only in instances described in the Welfare and Institution Code § 625(c).

### **III. PROCEDURES.**

#### **A. CCCS ASSESSMENT WITHOUT PENDING CRIMINAL CHARGES.**

When requesting an assessment, follow these procedures:

1. **NOTIFICATION.** Notify CCCS. CCCS will consult with you and decide where an assessment team will meet with you to conduct the evaluation.
2. **SUPERVISION.** If a responsible adult (parent, legal guardian, or school staff) does not accompany the juvenile, the officer shall remain until the evaluation is complete.

#### **B. CCCS ASSESSMENT WITH PENDING CRIMINAL CHARGES.**

When requesting an assessment of a juvenile in custody for a criminal offense, follow these procedures:

1. **CITATION PROCEDURES.** When it is appropriate to issue a criminal citation (see DGO 5.06, Citation Release), telephone CCCS and arrange to have an assessment team meet with you to conduct an evaluation. Members must remain with the juvenile during the evaluation. If the juvenile is not placed on a hold per 5150 W & I, the officer, prior to citing the juvenile, shall contact the authorized receiving facility during their operating hours. A probation officer from the authorized receiving facility, after consulting with the member, will determine whether the arrested juvenile should be brought to his/her facility.
2. **BOOKING PROCEDURE.** When booking is required, follow these procedures:
  - a. Prior to transporting a juvenile, contact CCCS as soon as practical and arrange to have the assessment team meet with you. A member of the assessment team will consult with you and determine where the evaluation should take place. (CCCS may join the officer(s) in the field and evaluate the juvenile at home, school, CCCS office, PES or other locations appropriate for the situation.)
  - b. Stay with the juvenile. If the assessment team decides not to request a psychiatric evaluation (5150 W& I), the arresting officers, prior to

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booking the juvenile, shall contact the authorized receiving facility during its operating hours. A probation officer from the authorized receiving facility, after consulting with the member, will determine whether the arresting juvenile should be brought to his/her location.

- c. If the assessment team decides to psychiatrically hospitalize the juvenile for psychiatric evaluation. CCCS staff will make arrangements to secure an inpatient psychiatric bed and transportation to that bed.
- d. Put a "police hold" on the juvenile by filling out the lower portion of "Application for 72-hour Detention for Evaluation and Treatment," under the section labeled "Notification to be provide to Law Enforcement Agency." Notify the staff that you will book the juvenile into Youth Guidance Center in absentia. Leave the juvenile in CCCS custody, complete the admissions form and deliver it to the Youth Guidance Center.

#### C. NOTIFICATION AND TELEPHONE CALLS.

1. NOTIFICATION. Take reasonable and immediate steps to notify the juvenile's parent, guardian or responsible relative that the juvenile is in custody and is being detained for assessment. Inform the parent or guardian that they may be present during the assessment or should be accessible by phone to talk with CCCS during the evaluation.
2. TELEPHONE CALLS. Advise the juvenile that he/she has a right to make at least (2) completed phone calls: (1) to a parent, guardian, responsible relative or employer, and (1) to an attorney.

#### D. COORDINATION OF CCCS ASSESSMENT WITH EMERGENCY MEDICAL TREATMENT. When requesting an assessment of a juvenile receiving emergency medical treatment, follow this procedure:

1. NOTIFICATION. Telephone CCCS from the emergency room. CCCS will consult with you regarding coordination of its psychological assessment with the emergency medical treatment. CCCS will respond to the emergency room when the juvenile is medically cleared.

#### E. COORDINATION OF CCCS ASSESSMENT WITH EMERGENCY MEDICAL TREATMENT OF A JUVENILE IN CUSTODY FOR CRIMINAL OFFENSE. When requesting an assessment of a juvenile who is in custody for

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a criminal offense and is receiving emergency medical treatment, follow these procedures:

1. NOTIFICATION. Telephone CCCS from the emergency room. CCCS will consult with you regarding coordination of its psychological assessment with the emergency medical treatment. CCCS will respond to the emergency room when the juvenile is medically cleared.
2. CITATION. If appropriate (see DGO 5.06, Citation Release) cite the juvenile. Prior to releasing the juvenile, arresting officers shall contact the authorized receiving facility during its operating hours. A probation officer from the authorized receiving facility, after consulting with the officer, will determine whether the arrested juvenile should be brought to his/her location.
3. BOOKING. If the juvenile must be admitted to the hospital, and booking is required, place a "police hold" on the juvenile with the emergency room staff by following these procedures:
  - a. Complete the lower portion of the "Application for 72- hour Detention for Evaluation and Treatment" under the section "Notification to be provided to Law Enforcement Agency."
  - b. Complete a YGC Admission Form and deliver it along with a copy of the completed "Application for 72-hour Detention for Evaluation and Treatment" to the Youth Guidance Center. The absentia booking process is complete. The officer shall remain at the hospital until a probation officer from YGC arrives to relieve him/her of responsibility for the juvenile.

#### F. INCIDENT REPORT

1. NO PENDING CRIMINAL CHARGES. Write an incident report, title it "Aided Case/5150 Evaluation/CCCS."
2. PENDING CRIMINAL CHARGES. If criminal charges are involved, write an incident report and title it by the primary offense, e.g., Battery/Fists/Aided Case/5150 Evaluation/CCCS.

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G. QUESTIONS. For consultations or further information, call the Juvenile Division at (415) 558-5500, Monday-Friday, 0900-1700 hours. During non-business hours, contact the Operations Center.

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**Reference**

DGO 5.06, Citation Release

DGO 7.01, Juvenile Policies and Procedures

**Appendix Section 9.4.9**

San Francisco Police Department

**8.02****GENERAL ORDER**

08/03/94

**HOSTAGE AND BARRICADED SUSPECT INCIDENTS**

This order specifies procedures for handling hostage and barricaded suspect incidents, establishes negotiation policies, and outlines the duties of responding officers.

**I. DEFINITIONS**

- A. **HOSTAGE INCIDENT.** A hostage incident is a situation where a suspect holds another person against his/her will and where the suspect generally would be in violation of 236 P.C. (False Imprisonment).
- B. **BARRICADED SUSPECT INCIDENT.** A barricaded suspect incident is a situation where a criminal, intent upon evading arrest, takes up a defensive position armed with a gun, explosive, or a weapon capable of harming others and presents a deadly hazard to arresting officers.

**II. POLICY**

- A. **HOSTAGE INCIDENTS.** In the event that a person is being held hostage and normal police procedures fail to bring about his/her release, it is the policy of the San Francisco Police Department to use hostage negotiators to attempt a negotiated release of the hostage and the surrender of the suspect.
  - B. **BARRICADED SUSPECT INCIDENTS.** In the event that a suspect resists arrest by barricading himself, and normal police procedures fail to bring about his arrest, it is the policy of the San Francisco Police Department to use hostage negotiators to attempt a negotiated surrender.
- C. NEGOTIATIONS POLICY**
- 1. **EVALUATION.** The Hostage Negotiation Team will evaluate all available information about the suspect and the situation, and will advise the Operational Commander of the potential for successful negotiation.

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2. **METHODS OF NEGOTIATIONS.** Negotiations will be conducted by telephone, field phone or by voice with negotiators in a secure position. Face-to-face negotiations shall be used only as a last resort and must be authorized by the Operational Commander with the concurrence of the Deputy Chief of Field Operations.
3. **DEMANDS.** The suspect's demands will be evaluated by the Hostage Negotiation Team and relayed to the Operational Commander. Hostage negotiators will not independently make any concessions; any decisions concerning concessions will be made by the Operational Commander.
4. **CESSATION OF NEGOTIATIONS.** If a hostage is seriously injured or killed, all negotiations for concessions will cease; however, the Hostage Negotiation Team may continue contact with the suspect in order to gain tactical advantage.
5. **NECESSARY FORCE.** Nothing in this order shall preclude officers from using necessary force to protect themselves and others from death or serious injury (see DGO 5.01, Use of Force and DGO 5.02, Use of Firearms).

### III. PROCEDURES

- A. **OFFICER'S DUTIES.** When confronted with a hostage or barricaded suspect incident, follow these procedures:
  1. **NOTIFICATION.** Notify Communications Division of the situation.
  2. **EVALUATION.** Request that your field supervisor and the District Captain respond immediately to the scene. If the District Captain is not available, request that the lieutenant respond.
  3. **PERIMETER.** Establish a perimeter around the location.
  4. **COMMAND POST.** Establish a Command Post and notify Communications Division of its location and safe avenues of approach.

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**B. DISTRICT CAPTAIN OR LIEUTENANT DUTIES**

1. **EVALUATE.** After arriving at the scene, evaluate the situation, confirm that a hostage or barricaded suspect situation exists, and make the proper notifications (see DGO 8.01, Critical Incident Notification).
2. **COMMAND.** Assume command of the Field Command Post and the responsibility as the Operational Commander.
3. **SPECIALIZED UNITS.** Contact the Communications Division and request:
  - a. Tactical Specialist Team
  - b. Hostage Negotiation Team
  - c. Special Operations Group SWAT Team
4. **NOTIFICATION.** Personally contact the Deputy Chief of the Field Operations Bureau and the Commander or, if applicable, the Night Captain. Use a cellular phone if available.
5. **PERIMETER.** Establish an outer perimeter

**C. COMMAND POSTS.** As the situation develops and various specialized units arrive at the scene, three separate command posts must be established. The locations of these command posts will be determined by the Operational Commander. Whether these three command posts are located together or at separate locations, a system of instantaneous and constant communication between all three must be developed.

1. **OPERATIONAL COMMAND POST/FIELD COMMAND POST.** The Operational Command Post will be the source of all command authority, decisions and media information. It is also responsible for establishing and maintaining an outer perimeter.
2. **HOSTAGE NEGOTIATION COMMAND POST.** The Hostage Negotiation Command Post reports directly to the Operational Commander and maintains constant contact with the Tactical Command Post. It is responsible for establishing contact with the suspect and will be the exclusive source of all negotiation with the suspect.

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3. **TACTICAL COMMAND POST.** The Tactical Command Post reports directly to the Operational Commander and maintains constant contact with the Hostage Negotiation Command Post. It is responsible for developing tactical plans that will gain advantage over the suspect and executing those plans with the approval of the Operational Commander.

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### References

*Event Management Manual, SFPD*  
DGO 8.01, Critical Incident Evaluation and Notification  
DGO 8.09, Media Relations

**GENERAL ORDER**

09/21/05

**INVESTIGATION OF OFFICER INVOLVED SHOOTINGS AND DISCHARGES**

This order outlines the rules and procedures to be followed in the conduct of all officer-involved shooting and discharge investigations.

**I. POLICY**

It is the policy of the San Francisco Police Department to respond immediately and conduct a timely and complete investigation of all officer-involved shootings.

**II. PROCEDURES****A. 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. Shooting at, injuring, or killing animals also falls into this category, including accidental discharge without injury.

**B. INVESTIGATION PROTOCOL: Officer-involved shootings that result in injury or death are investigated in two distinctly separate venues:**

1. Criminal Investigations. Investigations to determine if there was criminal conduct on the part of the 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 property or 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.*

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2. Administrative Investigation. Investigations to determine if the officer-involved shooting was within Department policy are conducted separately by the Management Control Division and by the Office of Citizen Complaints if and when initiated by a citizen complaint.

*If the officer-involved shooting occurs on San Francisco International Airport property or on its surrounding areas, the Management Control Division shall contact the San Mateo County Sheriff's investigators and the San Mateo County District Attorney's Office investigators responsible for the criminal investigation and request copies of any reports those agencies have made that are relevant to the officer-involved shooting.*

- C. OFFICER-INVOLVED SHOOTINGS OCCURRING WITHIN THE CITY AND COUNTY OF SAN FRANCISCO. As soon as practical after an officer-involved shooting occurring within the City and County of San Francisco, the following notifications shall be made:

1. If practical, the member(s) involved shall notify Emergency Communications Division (ECD), and his/her immediate supervisor, or the platoon commander of the district in which the shooting took place.
2. ECD shall immediately notify the Field Operations Bureau Headquarters (Operations Center after normal business hours).
3. The Field Operations Bureau or the Operations Center shall make the following notifications:
  - a. The on-call Homicide Inspectors
  - b. The Crisis Incident Response Team (See DGO 8.04, Crisis 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 Firearm Discharge Review Board
  - g. Office of Citizen Complaints
  - h. San Francisco Police Department Command Staff
  - i. Legal Division
  - j. 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, 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. However, this investigation shall not exceed 45 days. 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.
4. An officer who discharges a firearm in an Officer-Involved Discharge shall be assigned to his or her respective Bureau Headquarters. The officer shall not return to regular assignment for a minimum of 5 days or unless, upon recommendation of the member's Commanding Officer with the approval of his or her respective Bureau Chief, the Chief of Police determines the member may return to his/her assignment.

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. Absent exigent circumstances, remain at the scene of the discharge and notify the law enforcement agency.
2. Immediately contact the on duty supervisor in your unit or detail.
3. 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

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Center after normal business hours, and report the incident. 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.

- F. SCENE. The member who has discharged his/her weapon in an officer involved shooting should limit his/her investigation and activity to the following:
1. When officer safety permits: de-cock, holster, and strap in his/her firearm. He/she should not reload the weapon, or remove the magazine to examine its contents. Thereafter, he/she should 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 taking reasonable actions to provide/ensure officer and/or public safety.
  2. As soon as practical, seek medical assistance/ treatment for injured persons.
  3. As soon as practical, protect the crime scene and preserve all evidence. Prior to the arrival of the homicide detail investigators as provided under II.F.5., no person(s) should 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 obtain the name and address of any witness who may 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 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 assigned the investigation or the Homicide OIC.
  6. Nothing in this order shall prohibit a member from taking reasonable actions to ensure his/her safety or the safety of another person.

G. INVOLVED OFFICERS. 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 the Public Safety Officers' Bill of Rights.
2. When a supervisor arrives on the scene, the supervisor shall have the involved member(s) escorted from the scene. If more than one member is involved in the discharging of a firearm, absent exigent circumstances, 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.
3. 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 facts or details of the shooting with the member.
4. Officers who discharge a firearm in an officer-involved shooting will be reassigned to his or her respective Bureau Headquarters. Officers shall not return to regular assignment for a minimum of 10 calendar days. This reassignment is administrative only and in no way shall be considered punitive.

Within 5 business days of an officer-involved shooting, the Chief of Police shall convene a panel to discuss whether it is appropriate for the involved member to return to duty. The Panel shall include a representative of the Behavioral Science Unit, the officer-in-charge of the Homicide Detail, the Deputy Chief, Commander, and Captain overseeing the involved officer's unit, the officer-in-charge of the Management Control Division, the Deputy Chief of Investigations and officer-in-charge of Risk Management.

The Chief, after consulting with the panel shall determine if the member should be returned to their regular field assignment, but only after completion of any mandatory debriefing (per DGO 8.04, Section 1.A), and any recommended retraining. This decision, including the factors supporting the decision, shall be contained in a written report that shall be forwarded immediately to the Police Commission. A copy of the report

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shall also be forwarded to the Director of the OCC. This report will be part of the officer's confidential personnel file and shall not be disclosed to any member of the public except by court order. The Police Commission shall, at the first Commission meeting following receipt of the report, meet in closed session with the Chief of Police to review the Chief's findings and decision. Officers shall not be returned to their regular duty until the Commission has met in closed session with the Chief of Police.

Any determination by the Chief not to return an officer to their regular assignment and to continue their reassignment is administrative only and in no way shall be considered punitive.

5. The officer shall receive a debriefing by the Crisis Incident Response Team and support as outlined in Section C., of Department General Order 8.04.

## H. INVESTIGATIONS

1. Officer-involved shootings. The Homicide Detail and the Management Control Division shall respond immediately and conduct a timely investigation into every officer-involved shooting. 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 review by the Chief of Police.

## I. REVIEW OF INVESTIGATIONS

1. Officer-involved shootings.
  - a. Homicide Detail Investigation. The criminal investigation prepared by the Homicide Detail shall be completed and received by the Chair of the Firearm Discharge Review Board within forty-five-calendar days of the shooting event. If the criminal investigation report is not completed within forty-five calendar days of the shooting event, the Officer-in-charge of the Homicide Detail shall appear before the

Commission at the earliest possible meeting to explain why the report has not been completed.

- 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 Review Board within sixty-calendar days of the shooting event. If the administrative investigation report is not completed within sixty-calendar days of the shooting event, the Officer-in-charge of the Management Control Division shall appear before the Commission at the earliest possible meeting to explain why the report has not been completed.
- c. The Firearm Discharge Review Board shall convene within thirty calendar days of receipt of the Management Control Division investigation report. Within 120 calendar days following the first meeting of the Firearm Discharge Review Board, the panel shall complete its investigation and issue its findings in accordance with Department General Order 3.10. If the Firearm Discharge Review Board report is not completed within the required 120 calendar days, a representative of the Firearms Discharge Review Board shall appear before the Commission at the earliest possible meeting to explain why the report has not been completed.

IN-CUSTODY DEATHS

This order outlines the rules and procedures to be followed in the investigation, review and reporting to the Police Commission of In-Custody Death Investigations.

**I. DEFINITIONS**

- A. In-Custody Death. Any death that occurs when a person is restrained by law enforcement personnel by means of (1) physical restraints and/or any use of force, as defined by Department Policy (DGO 5.01), (2) detention or confinement in a law enforcement vehicle, or (3) detention or confinement in a jail or detention facility while in the custody of the San Francisco Police Department.
- B. Involved Member. Member(s), who through facts that establish logical and consequential involvement, are reasonably responsible for the relevant physical restraint, detention or confinement at the time of death.

**II. POLICY**

It is the policy of the San Francisco Police Department to immediately respond to the scene and conduct a complete investigation of any death of a person(s) that occurred while in the custody of the San Francisco Police Department.

The In-Custody Death Review Board shall review every in-custody death.

The purpose of this review process is to determine if the SFPD members acted reasonably within policy at the time of the in-custody death and evaluate the Department’s training, policies and procedures in light of circumstances that led to the in-custody death.

The San Francisco Police Department recognizes the public’s right to know about circumstances involving an in-custody death. It is the policy of the San Francisco Police Department to provide as much information as is reasonable through its public reporting process while also complying with applicable civil and criminal laws and preserving the integrity of ongoing investigations.

**III. PROCEDURES**

- A. IN-CUSTODY DEATHS OCCURRING IN SAN FRANCISCO POLICE DEPARTMENT FACILITIES, VEHICLES, OR CUSTODY. As soon as practical after a person dies while in the custody of the San Francisco Police Department, reasonable efforts shall be taken to make the following notifications:
  - 1. When practical, an “involved member” shall notify the Department of Emergency Management (DEM), and his/her immediate supervisor, or the platoon commander of the district in which the in-custody death took place.

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2. The supervisor should immediately notify the Field Operations Bureau Headquarters (Operations Center after normal business hours).
3. The Operations Center shall make the following notifications:
  - The on-call Homicide Detail investigators and Homicide O.I.C.
  - The Critical Incident Response Team,
  - The Photo Lab unit on duty or on-call,
  - The C.S.I. unit on duty or on-call,
  - The Management Control Division,
  - The Commanding Officer of the member(s) involved,
  - Chair of the In-Custody Death Review Board,
  - Deputy Chief of member(s) involved.
  - Legal Division,
  - Director of Risk Management,
  - Secretary of the Police Commission,
  - The District Attorney Office,
  - The Director or Designee of the O.C.C.,
  - Public Affairs Office,
  - All other notifications as necessary.

B. INVESTIGATION PROTOCOL. The investigation into an In-Custody Death will be generally divided into separate investigations, criminal and administrative.

1. Criminal Investigation. Investigations to determine if there is any criminal conduct on the part of any participant. This investigation will be conducted separately by the Homicide Detail and the Office of the District Attorney.
2. Administrative Investigation. Investigations to determine if the member acted within policy at the time of the in-custody death are conducted separately by the Management Control Division and by the Office of Citizen Complaint, if and when a citizen's complaint has been generated.
3. The Homicide Detail and the Management Control Division (MCD) shall respond promptly and conduct a timely investigation into every in-custody death. These investigations will utilize the same numbering system and be consistent with each other, e.g., ICD 03-01 (first in-custody death of 2003), ICD 03-02 (second in custody death of 2003), etc. The Homicide Detail Inspector shall contact the MCD Investigator and obtain the MCD in-custody death (ICD) case number.
4. The Homicide Detail's final report shall be routed to the Management Control Division for evaluation, prior to review by the Chief of Police.

C. SCENE. The member(s) who is involved in an in-custody death should limit his/her investigation to the following:

1. As soon as practical, protect the crime scene and preserve all evidence. Prior to the arrival of the Homicide Detail Investigators, as provided under III.C.3., no person(s) should be permitted to enter the scene except to perform emergency medical assistance or assist in the preservation of the scene and evidence.
2. As soon as practical, attempt to obtain the name and address of any witness who may not remain at the scene.
3. When an in-custody death occurs within the City and County of San Francisco, the crime scene(s) shall be under the control of the Homicide Detail upon the arrival of its investigators. No person shall be permitted to enter the crime scene without the approval of the Homicide Inspector assigned the investigation or the Homicide OIC.
4. Units maintaining the crime scene should ensure that all tools of medical intervention left at the scene by treating medical personnel remain at the scene for possible collection by C.S.I. personnel.
5. A crime scene log shall be maintained at the scene.
6. Nothing in this order shall prohibit a member from taking reasonable actions to ensure his/her safety or the safety of another person.

D. COMPOSITION. The In-Custody Death Review Board shall be composed of:

1. Deputy Chief of the Administration Bureau – Chair
2. Deputy Chief of the Field Operations Bureau
3. Deputy Chief of the Airport Bureau
4. Deputy Chief of the Investigations Bureau
5. Commanding Officer of the Training Division or Designee
6. Director of Risk Management - Advisory
7. Designated Public Health Physician - Advisory
8. The Director or Designee for the Office of Citizens Complaints - Advisory
9. San Francisco Police Commissioner (to be appointed by the San Francisco Police Commissioner President and to serve for one year) - Advisory
10. Medical Examiner-Advisory

E. INVOLVED OFFICERS. The following actions will be taken in all cases of in-custody deaths:

1. All members shall be afforded all substantive and procedural rights and remedies as provided by applicable law, including without limitation thereto, the Public Safety Officers' Bill of Rights.
2. When a supervisor arrives on the scene, the supervisor shall have the involved member(s) escorted from the scene unless their presence is necessary for investigative purpose. If more than one member is involved in the in-custody death, absent exigent circumstances the members shall be kept separated from one another and shall not discuss the incident with each other prior to being interviewed by the Homicide

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- Detail Inspectors. If possible, the supervisor shall contact the investigator from the Homicide Detail and ascertain if the involved member is directed to the Homicide Detail, the Investigations Bureau, or the involved member's station or detail, or another Department facility. In all circumstances, the members shall be taken to a Department facility.
3. 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 knowingly discuss the facts or details of the in-custody death with the member.
  4. Involved members shall be assigned to their respective Bureau Headquarters. The Officer shall not return to regular assignment for a minimum of 10 calendar days.
    - a. Within 5 business days of an in-custody death, the Chief of Police shall convene a panel to discuss whether it is appropriate for the involved member(s) to return to duty. The Panel shall include a representative of the Behavioral Science Unit, the officer-in charge of the Homicide Detail, the Deputy Chief, Commander, and Captain overseeing the involved officer's unit, the officer-in-charge of the Management Control Division, the Deputy Chief of Investigations and officer-in-charge of Risk Management.

The Chief, after consulting with the panel shall determine if the member should be returned to their regular field assignment, but only after completion of any mandatory debriefing (per DGO 8.04, Section 1.A.), and any recommended retraining. This decision, including the factors supporting the decision, shall be contained in a written report that shall be forwarded immediately to the Police Commission. A copy of the report shall also be forward to the Director of the Office of Citizen Complaints. This report will be part of the officer's confidential personnel file and shall not be disclosed to any member of the public except by court order. The Police Commission shall, at the first Commission meeting following receipt of the report, meet in closed session with the Chief of Police to review the Chief's findings and decision. Officers shall not be returned to their regular duty until the Commission has met in closed session with the Chief of Police.

This reassignment is administrative only and in no way shall be considered punitive.

5. The officer shall receive a debriefing by the Critical Incident Response Team and support as outlined in Section C., of Department General Order 8.04, unless upon the recommendation of the members Commanding Officer.

#### F. REVIEW OF THE INVESTIGATIONS.

1. Homicide Detail Investigation. The criminal investigation prepared by the Homicide Detail shall be completed and received by the Chair of the In-Custody Death Review Board within 90 calendar days of the in-custody death event, unless evidence material to the investigation is not yet available. If the investigation is not completed, the OIC

- of the Homicide Detail, shall provide an updated report to the Police Commission every 30 days or upon its completion.
2. Management Control Division Investigation. The administrative investigation prepared by the Management Control Division shall be completed and submitted to the Chair of the In-Custody Death Review Board within 30 calendar days after receipt from Homicide Detail of the in-custody death event, unless evidence material to the investigation is not yet available. If the investigation is not completed, the OIC of the Management Control Division shall provide an update report to the Police Commission every 30 days or upon its completion.
  3. The In-Custody Death Review Board shall review the submitted reports and interview the involved investigators, as necessary.
  4. Within 120 days of the event, the Chair shall report the status of the matter to the Commission.
  5. The In-Custody Death Review Board shall review written reports submitted by the Homicide Detail (Criminal Investigation) and the Management Control Division (Administrative Investigation). The Chair shall submit his/her finding within 60 days of receipt. If the report from either unit is not completed, the investigator responsible for the investigation and his/her commanding officer shall appear before the In-Custody Death Review Board and explain, orally and in writing, the reason for not complying with the time limits of this order.
  6. The In-Custody Death Review Board can refer a case back to M.C.D. for further investigation or clarification, with a stated due date to the Review Board.
  7. The In-Custody Death Review Board shall discuss the circumstances surrounding the in-custody death and the response of the officer(s). Within 15 days of completion of its investigation, the In-Custody Death Review Board will submit to the Chief of Police, for his/her concurrence, a written summary. This summary shall include recommendations concerning the following:
    - a. Adherence to department policy by the member(s) involved.
    - b. The need to develop new policy where none existed at the time of the incident.
    - c. The need to develop new training and techniques to improve department performance.
    - d. Consideration for commendation (Life Saving Award).

This summary shall also indicate one of the following findings:

- a. Proper Conduct,
- b. Improper Conduct (Recommendation for Discipline),

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- c. Policy/Training Failure (Identify needs to develop or improve a policy and/or training for the type of incident when encountered in the future).
8. The chief shall review for concurrence and forward the In-Custody Death Review Board's written summary to the Police Commission, with a copy to the OCC Director, within 15 days of receipt. In the event of disagreement between the Management Control Division and the In-Custody Death Review Board, the Chief of Police shall make the final decision. This summary report with the Chief's decision shall be a public record. No report that is made public shall disclose any information deemed confidential by law.

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. No report that is made public shall disclose information deemed confidential by law.

The Police Commission shall review the In-Custody Death 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.

G. MANDATORY CALIFORNIA ATTORNEY GENERAL REPORT. California Government Code Section 12525 requires that in any case in which person dies while in the custody of a local law enforcement agency or local or state correctional facility, the agency shall report facts concerning the death, in writing, to the California Attorney General within ten (10) days after the death. In addition, each agency must report annually regarding the deaths that occurred within their jurisdiction for that calendar year.

1. The O.I.C. Homicide Detail, will complete both of these documents and forward a copy to Management Control Division for review and transmittal.

H. POLICE COMMISSION YEARLY REPORT. The Chair of the In-Custody Death Review Board shall prepare and provide a yearly report to the Police Commission, and a copy to the Director of the O.C.C., that contains a summary of each in-custody death occurring in the San Francisco Police Department. Any disciplinary action, training issues and proposals for modifying department policy shall be included. This report shall be a public record. No report that is made public shall disclose any information deemed confidential by law.

I. AIRPORT BUREAU OPERATIONS: Police Department operations at the San Francisco International Airport (SFO) are conducted, in part, pursuant to policies required to meet federal mandates and necessary to interface effectively with San Mateo County Agencies. Airport Bureau policies sometimes differ from department-wide policies contained in General Orders and Department Bulletins. The policies contained in this order are applicable to all members, including those assigned to the Airport Bureau. However, as to those parts, if any, of this General Order that conflict with or differ from Airport Bureau written policy, members assigned to the Airport Bureau shall

follow Airport Bureau Policy. If in doubt as to the controlling policy, Airport Bureau members shall immediately notify their supervisor of the conflict in policy.

Notifications to the Department of Emergency Management (DEM) will be made by SFO Communications. Related criminal investigations will be conducted by the San Mateo County Sheriff's Office and the San Mateo County District Attorney, consistent with San Mateo County protocols.

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**DEPARTMENT BULLETIN****Appendix Section 9.4.12**A  
09-239  
08/28/09**PROTOCOL CHANGES RELATED TO DGO 8.11  
{Investigation of Officer-Involved Shootings and Discharges}**

The following definitional changes affect the procedural and investigatory follow-up of Officer-involved shootings and discharges.

Department General Order 8.11, Section II.A. currently reads as follows:

**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. Shooting at, injuring, or killing animals also falls into this category, including accidental discharge without injury.

Effective with the publication date of this bulletin, these definitions are revised as follows:

**DEFINITIONS:**

- Officer-involved shooting. An officer's intentional discharge of a firearm, intended to stop a threat, with or without physical injury or the death of a person, or a negligent discharge that results in physical injury or the death of a person.
- Officer-involved discharge. An officer's negligent discharge of a firearm that does not cause injury or death to a person. Shooting at, injuring, or killing animals also falls into this category.

These changes will be incorporated into a forthcoming revision of Department General Order 8.11., as well as related general orders, department bulletins, bureau general orders, manuals, and roll call training bulletins.



GEORGE GASCÓN  
Chief of Police



## Appendix Section 9.4.13

A  
09-266  
09/18/09

### EXTENDED RANGE IMPACT WEAPON GUIDE SHEET

(Supersedes Department Bulletin 07-281)

Members are reminded of the extended range impact weapon program. Please review and be familiar with the following Guide Sheet.

#### AMMUNITION SPECIFICATIONS

Make: Combined Tactical Systems (CTS)  
 Model: Super Sock Bean Bag #2581  
 Caliber: 12 gauge  
 Characteristics: Casing is translucent with clearly identifiable markings and white beanbag inside.  
 Optimal Range: 15 – 60 FEET  
 Point of Aim: Zone 2, the waist and below, unless unavailable.  
 NON – target areas: Avoid the face, head, neck, throat, heart, spine, kidneys and groin.  
 Considerations: Avoid multiple impacts to the same area, which may cause “softening” of the tissues.  
 Lethality: Can cause serious injury or death if:
 

- A non-target area is hit.
- If closer than recommended distances.
- If multiple hits strike the same area.

#### PROCEDURAL PRECAUTIONS

ERIW Officers shall:

- Check the ERIW out of and back into the armory at the start and end of each watch.
- Check that the ERIW is empty and unloaded at the start and end of each watch with another officer.
- Check that the ERIW is equipped with an orange fore end and butt stock.
- Check that all boxes of ERIW rounds contained therein are clearly marked as such with another officer.
- Not have any lethal shotgun ammunition on their person
- Conduct the loading protocol with another officer prior to leaving the station.
- Load 4 rounds in the magazine, chamber empty.

## PRE-DEPLOYMENT PROCEDURES

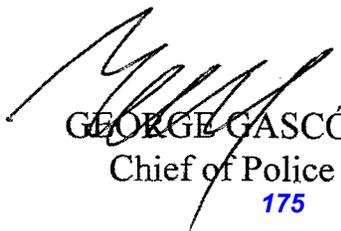
- Ask the requesting supervisor for a response code.
- Have communications rebroadcast on an all that ERIW is en route.
- Have communications dispatch a 408 code 1 to standby.
- Upon arrival:
  - Obtain a quick briefing to determine if the ERIW is warranted
  - Formulate a plan with your Cover Officer and ground arrest teams

## DEPLOYMENT PROCEDURES

- ERIW gunner shall always have a Cover Officer along side.
- Point of aim is Zone 2, the waist and below.
- Verbal Challenge
  - “Red Light! Less Lethal! Less Lethal! Drop the \_\_\_\_\_ or I will shoot!
- Assess after each shot.
- If subsequent rounds are needed, take aim at a different Zone 2 target area.

## REPORTING PROCEDURES

- Every time you pull the trigger, you must be able to clearly articulate and justify each shot fired.
- When a subject is struck with ERIW:
  - Closely monitor the subject for signs of distress.
  - Have the subject evaluated by a physician (obtain name).
  - Note that the subject was struck by ERIW on the top of the booking card.
  - Use of Force Log entry (provide name & star).
- Have photographs taken of injuries, in area of alleged injury and the scene, if possible.
- Recover the casing and projectile and either book it as evidence or have it returned to the Range via Station Weapons Officers.
- Document whenever ERIW has a bearing on the outcome:
  - Adherence to loading protocol
  - Circumstances of deployment
  - Effects of ERIW
  - Name & star of Lethal Cover Officer
  - Name & star of who made the Use of Force Log entry
  - Outcome of medical evaluation and the doctor’s name
- Have the reporting officer provide you with a copy of the incident report.
- Fax or mail all reports to the Rangemaster at (415) 587-0178.



GEORGE GASCÓN  
Chief of Police