

## **Serious Incident Review Board**

### **3.10.01 POLICY**

Objective, timely, and thorough review of use of force and other serious incidents is a critical priority of the San Francisco Police Department (SFPD). Such incidents may offer valuable lessons related to procedure, tactics, tools, policy, training, or other aspects. Efficient review of these incidents will enhance officer safety, procedures, and training. Transparency around the Serious Incident Review Board (SIRB) findings will strengthen public trust.

This order outlines the organization and duties of the SIRB and defines the procedures for the review of use of force cases and other incidents designated for SIRB review.

### **3.10.02 PURPOSE**

The purpose of the SIRB is to review the analysis and conclusions from investigations of designated use of force and critical incidents and to make corresponding recommendations to the Chief of Police. The SIRB will opine upon policy findings, training, tactics, decision-making, procedures, trends and/or other issues identified by the SIRB.

### **3.10.03 DEFINITIONS**

- A. Proximate Cause** – The act or event that is the primary or direct (not remote) cause of the injury.
- B. Training Review** - An objective training-based assessment of tactics and force option decisions, including related identified policy and equipment issues.

### **3.10.04 THE SERIOUS INCIDENT REVIEW BOARD**

- A.** The Serious Incident Review Board (SIRB) is responsible for direct review of investigative findings and related recommendations related to incidents including:
  - 1. Use of Deadly Force
  - 2. Use of other than deadly force directly resulting in bodily injury requiring hospitalization
  - 3. Use of other than deadly force resulting in serious bodily injury (as defined in Section 243(f)(4) of the California Penal Code), **and**, upon supervisory evaluation the use of force appears unreasonable
  - 4. In-Custody Death
    - a. In which a member's restraint or use of force is proximate to the cause of death
    - b. Detention or confinement in a SFPD vehicle
    - c. Detention or confinement in a jail or detention facility while in the custody of a SFPD member

5. Officer-Involved Discharges

Incidents not listed above may also be designated for SIRB review by the Chief of Police.

**B. Composition** - The SIRB is composed of Voting and Advisory members.

1. **Voting Members** - The voting members are responsible for the findings and recommendations for the SIRB. In the event that a voting member is unable to participate, the voting member shall designate a Command Staff member from the same bureau to participate in their stead. The SIRB voting members are as follows:

- a. Deputy Chief—Administration (Chair)
- b. Deputy Chief—Field Operations Bureau
- c. Deputy Chief—Special Operations Bureau
- d. Deputy Chief—Investigations Bureau
- e. Deputy Chief—Airport Bureau

2. **Advisory Members** - The advisory members are non-voting participants for the SIRB and may actively participate in discussions with the SIRB voting members. The non-voting SIRB advisory members include, but are not limited to:

- a. A Police Commissioner (appointed by the Police Commission President)
- b. The Executive Director of Department of Police Accountability or designee
- c. Commander of Risk Management
- d. Director of Constitutional Policing
- e. Captain of Training Division
- f. Captain of Risk Management
- g. Lieutenant of Field Tactics Force Options Unit
- h. Lieutenant of Crisis Intervention Team
- i. Lieutenant of Internal Affairs Division
- j. Sergeant of Administration Bureau (as SIRB Secretary)
- k. Subject Matter Experts (SMEs) may be invited by the SIRB Chair. The type of SME may vary based on the incident scheduled for review. These could include, but are not limited to:
  - i. Medical Examiner
  - ii. Criminal Investigator
  - iii. Internal Affairs Division (IAD) Investigator
  - iv. Rangemaster
  - v. Emergency Vehicles Operations Course Sergeant or designee
  - vi. Physical Training/Defensive Tactics Sergeant or designee
  - vii. Field Tactics Force Options Unit Sergeant or designee
  - viii. Designees per Department of Police Accountability (DPA) with case knowledge on the incident in review

**C. Procedure**

1. **Convention** - The SIRB will convene on a quarterly basis to review completed investigations and recommendations unless there are no cases to review. The Chair may call for additional SIRB conventions, as needed.

2. **Materials** - Prior to the SIRB convention, the SIRB Chair will ensure that materials for incident review have been assembled, produced, and distributed to all SIRB members. The materials distributed are intended to inform the members of the specific circumstances and details of each incident to be reviewed and its respective investigations. To ensure there is sufficient time for members to review all pertinent information, these materials should be distributed to the members at least (5) five calendar days prior to the SIRB.
3. **Review Process** - For each incident scheduled by the SIRB for review, representatives designated by the respective unit(s) responsible for investigation and/or evaluation of the incident will present their findings. The SIRB will make its recommendations to the Chief of Police informed by these presentations and any follow-up discussion.

If the DPA has conducted an investigation of the incident, the DPA may elect to present the DPA's findings and recommendations to the SIRB.

- a. **Presentation by the Training Division** - After presentation of the investigative findings, a training review may be presented by the Training Division addressing performance, training issues, or other aspects of the incident that were examined, related to the reviewed incident. This may include a summary of the corresponding review and analysis by the Field Tactics Force Options Unit. It is understood that there are incidents reviewed by the SIRB that do not require training analysis.
- b. **Deliberation** - Following the presentations related to the incident, Voting and Advisory members of the SIRB may engage in discussion for the purpose of analyzing and synthesizing the investigative presentations and training reviews, in order to develop a consensus for findings and recommendations to be made to the Chief of Police.
- c. **Recommendations** - For each member who is the focus of a presented internal investigation, the SIRB will vote to make a recommended finding to the Chief of Police. The SIRB review may forward additional recommendations based on concerns or issues identified during their review. Some recommendations may require additional follow-up.
  - i. **In Policy** - The review finds that the decision-making and actions taken by members at the reviewed incident were reasonable, and consistent with law, policy, and procedures. There were no identified violations.
  - ii. **Not In Policy** - The review finds that the decision-making, action taken and/or force used in the reviewed incident was not reasonable under the totality of the circumstances and/or the actions which were the focus of the investigations violated Department policy. This finding is reserved for the

most severe policy violations or failures in decision-making and performance.

- iii. **Peripheral Policy Violation** - The review finds that the decision-making and actions taken by members during the incident were reasonable, consistent with law and policy. However, a policy violation not directly related to the incident was identified that had little to no bearing on the progression or outcome of the incident (e.g., missing a piece of required equipment).
- iv. **Policy/Training/Equipment Deficiency** - The review finds that identified issue(s) did not result from a violation of policy, procedure, or a failure to follow protocols. Rather, organizational deficiencies were identified. Policy, training, and/or equipment were determined to be inadequate, ineffective, and/or nonexistent.
- v. **Decision Making/Tactical Deficiency** - The review finds that decision-making and/or tactics utilized by the member(s) may not have conformed to Department standards or training. Specific training to address such identified deficiencies shall be prescribed by the SIRB. Decision-making or tactical deficiencies should be identified as belonging to one (or more) of the following categories:
  - a. **Arrest and Control** (includes issues such as: maintaining control of a custody; effective application of control holds and Type 1 or Type 2 force; appropriateness of technique(s) applied or attempted);
  - b. **Tactical Coordination and Situational Assessment** (includes issues such as: communication; interaction between members on scene; staging/pre-planning; integration of resources, tools, and/or partner agencies; effectiveness of planning and responding as a team; members' awareness of designated roles/objectives; effective perimeter or containment, appropriate approach for type of call; sufficient members for circumstances; threat recognition; disengagement procedure);
  - c. **Cover/Concealment** (includes issues such as: effective utilization of cover/concealment; repositioning; recognition of appropriate protection);
  - d. **De-Escalation** (includes issues such as: efforts to isolate and contain the subject; reactionary gap; avoidance of overwhelming/conflicting communication; use of additional resources; tactical repositioning, attempts to develop rapport);

- e. **Deadly Force** (includes issues such as: backdrop; crossfire; correct recognition of deadly threat; proper handling/manipulation of firearm; proper drawing, exhibiting, or pointing; deadly force warning);
  - f. **Equipment** (includes issues such as: possession of proper, working equipment; appropriate tools or resources to resolve the issue; care, operation, use or application of equipment);
  - g. **Intermediate Force** (includes issues related to the use of intermediate force options, such as: effectiveness of force applied by member; reasonable force option selection; force transitions; warning; adherence to protocols or procedures for force option(s) used);
  - h. **Leadership** (includes issues such as: obligatory supervisory response; establishment/operation of command post; single voice communication; effective adjustments to changing conditions; addressing recognized or obvious deficiencies in planning or deployment; organized response to situational changes); and/or
  - i. **Rendering Aid** (includes issues such as: providing first aid appropriately; adherence to policy related to first aid for specific force options; proper prioritization of first aid, based on totality of circumstances).
- d. **Reporting** - Within (5) five business days of the conclusion of the SIRB convention, the SIRB Chair will prepare a final report and submit it to the Chief of Police through the chain of command. The SIRB Chair will ensure that the Chief of Police receives a summary report of the SIRB presentations, and their corresponding findings and recommendations.
4. **Debriefings/Notifications** – The SIRB Chair will make a determination on any debriefings/notifications to the involved members as deemed appropriate and will assign it accordingly.

Within (30) thirty business days of receipt of the SIRB Secretary's summary report, for each incident reviewed, the Chief of Police shall submit a written summary of the SIRB findings and recommendations to the Police Commission. This summary to the Police Commission shall include the Chief's findings related to the reviewed incident. The summary from the Chief of Police will be included as an agenda item at the next scheduled SIRB convention for informational purposes. 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.