

**San Francisco Police Department  
Firearm Discharge Review Board Report  
&  
In-Custody Death Review Board Report**



**CITY & COUNTY OF SAN FRANCISCO**

**Police Department**

09/11/24

# Firearm Discharge Review Board

In the 2<sup>nd</sup> Quarter of 2024, the Firearm Discharge Review Board reviewed the following completed Officer-Involved Discharges:

- OIS 17-001
- OIS 19-003
- OID 001-23

# Officer-Involved Shooting 17-001

On January 6, 2017, at 0351 hours, the Reportee/Victim called the police to report that their neighbor was violating a restraining order by hitting a shared wall between their houses in the middle of the night.

The officers responded to the scene and split up upon arrival, Officer #1 contacted the Reportee/Victim while Officer #2 contacted the person alleged to have violated the restraining order.

While Officer #1 attempted to get background information from the Reportee/Victim, the subject could be heard yelling next door. Officer #1, out of concern for Officer #2, left the Reportee/Victim abruptly to render assistance if needed.

The subject could be heard clearly on the audio portion of the BWC as they berated, yelled, argued, and threatened the two officers.

# Officer-Involved Shooting 17-001 (cont'd)

The subject repeatedly told the officers to leave, which the officers responded that they were not going to leave until their investigation into the violation of the restraining order was completed.

This displeased the subject who became more and more irate with the officers' attempts to inform them of the terms of the restraining order. The subject made repeated hostile, belligerent, and profane comments to both officers for several minutes before they were able to determine their identity. The subject appeared to be speaking irrationally and nonsensically at times.

After about 3 minutes of alternating between yelling at the officers and multiple demands that the officers leave their stairway, the subject entered their home, and the officers descended the stairs to read the restraining order more carefully.

# Officer-Involved Shooting 17-001 (cont'd)

The subject reemerged from their home with an unknown dark object in their hand . The object was later determined to be a portable phone. The subject launched back into insults towards the officers who ascended the stairs a second time.

The subject again demanded that the officers leave their stairwell and up to this point, had remained behind the security gated portion of the landing of the stairs. At the same time, officers remained solely on the area of the stairs leading to the landing that would be accessible to any member of the public.

Officer #1 attempted to advise the subject of the restraining order's content, to which the subject responded even more aggressively while simultaneously banging their hand on the gate and yelling.

# Officer-Involved Shooting 17-001 (cont'd)

The subject again demanded the officers leave (“Get off my stair!”) and gestured in an aggressive way with their hands and arms while yelling. The subject was still behind the gate and officers remained on the stairs and repeated that they would not leave.

The subject then aggressively pulled open the security gate door and stepped through the gateway but remained on the landing. Officers both moved back slightly as the subject advanced and waved their right hand, and ordered they leave. Officer #2 had removed their pepper spray cannister as the subject approached and warned them that they would be sprayed to which the subject responded with profanity. The subject continued to make aggressive waving gestures with their hand, at which point Officer #2 deployed their pepper spray towards the subject who kicked outward toward Officer #2 and then retreated into their home. The pepper spray contacted all three people.

# Officer-Involved Shooting 17-001 (cont'd)

Officer #2 later told interviewers it was at this point that the subject's foot contacted their face. Both officers retreated partway down the stairs, during which time Officer #1 dropped the copy of the restraining order provided to them by the Reportee/Victim. The subject reemerged and picked up the dropped paper while standing on the stairwell and then re-entered their home.

At the base of the stairs, both officers tried to clear their eyes of the pepper spray and Officer #2 called on their radio for an ambulance for pepper spray exposure. The subject then opened the window and yelled at the officers that they were interested in getting the matter "resolved". Officer #1 yelled to the subject to return the paper and Officer #2 yelled that the subject should come out so that the officers could get them help for the pepper spray exposure. The subject asked police if they were going to leave.

# Officer-Involved Shooting 17-001 (cont'd)

The subject exited their home, tossed the papers back towards officers, and again reentered the residence. The subject suddenly re-appeared and in an even more aggressive and angry manner stepped forward, squatted, clenched their fists, and yelled irately and threatened to harm the officers. The subject then bent over to pick up a part of their phone that dropped and Officer #1 charged up the staircase. Officer #2 followed.

Both officers told interviewers that they thought this was an opportunity to try to arrest the subject. But the subject retreated as the officers advanced with Officer #1 in the lead with their baton, which they used to strike the subject at least twice. The subject also reached for Officer #1 with a closed fist and struck them in the face. The contact caused Officer #1 to fall backwards down the stairs past Officer #2. Officer #2, left to face the subject alone who had positional/height advantage, had limited force options as the pepper spray and baton failed to prevent the subject from attacking. Officer #2 drew their department issued firearm and fired, striking the subject twice.



# Officer-Involved Shooting 17-001 (cont'd)

Following the Officer Involved Shooting (OIS), the subject barricaded themselves inside their residence. After approximately 25 minutes, the SFPD Tactical Unit and Specialist Team members entered the residence and took the subject into custody. The subject was transported to SFGH where they were treated for their injuries.

Both officers were also transported to SFGH for their injuries. Officer #1 was treated for a broken nose, and Officer #2 was treated for scrapes and abrasions.

## Officer-Involved Shooting 17-001 (cont'd)

### Recommendations to COP:

#### Officer #1

1. DGO 6.09 Restraining Orders: **Improper Conduct**
2. DGO 10.11 Body Worn Camera: **Improper Conduct**
3. DGO 5.01 Use of Force (Baton)
  - Proportionality: **Proper Conduct**
  - Immediate Threat: **Proper Conduct**
  - Reasonable Force: **Proper Conduct**

#### Officer #2

1. DGO 6.09 Restraining Orders: **Improper Conduct**
2. DGO 10.11 Body Worn Camera: **Proper Conduct**
3. DGO 5.01 Use of Force (OC spray and Firearm)
  - Proportionality: **Proper Conduct**
  - Immediate Threat: **Proper Conduct**
  - Reasonable Force: **Proper Conduct**
  - Firearms and Other Deadly Force: **Proper Conduct**
  - Reporting Discharge of Firearms: **Proper Conduct**
4. DGO 8.11 Investigations of Officer-Involved Shootings: **Proper Conduct**

# Officer-Involved Shooting 19-003

On December 7, 2019, at approximately 0834 hours, an OIS occurred on 23<sup>rd</sup> street between Capp Street and Mission Street. Officer #1 and Officer #2 were the primary unit on both the hot prowl incident and the vehicle tampering incident, and they believed the two calls may have been related. They began searching the area in their vehicle to locate the Suspect.

Officer #1 was driving, and Officer #2 was the front passenger. While searching the area, they observed a subject at 23<sup>rd</sup> Street/ Mission Street, walking in front of their vehicle in the crosswalk. The officers observed that the subject appeared to match the physical characteristics and clothing description of the suspect as reported in the two prior incidents.

The officers then pulled their vehicle to the side of the road, intending to contact the suspect. As Officer #2 opened their door to step out of the vehicle, the Suspect turned and ran to the passenger side door. The Suspect aggressively advanced into the open car door where Officer #2 was seated. The Suspect was armed with a glass bottle in their hand and attacked Officer #2.

Officer #2 kicked at the Suspect while they swiveled in their seat with their feet up to protect themselves. Officer #2 backed up within the vehicle onto the center console to create distance between themselves and Suspect. Officer #1 exited the vehicle and began to run around the rear of the vehicle to assist Officer #2.

# Officer-Involved Shooting 19-003 (cont'd)

The Suspect then attacked Officer #1 near the rear of the vehicle, beating them repeatedly in the head and face with a thick glass vodka bottle from a standing position, knocking Officer #1 onto the ground. Officer #1 was injured, sustaining lacerations to the cheek and back of their head. Officer #1 attempted to stand to perform baton strikes before being knocked to the ground a second time. Officer #1 lost control of their baton when knocked to the ground, and their BWC was knocked off their uniform and onto the ground.

Officer #1, suffering from head injuries, ran eastbound on 23<sup>rd</sup> Street to put distance between themselves and the Suspect. The Suspect, while still holding the glass bottle, chased Officer #1 on the south sidewalk of 23<sup>rd</sup> Street.

Officer #2 interrupted the Suspect's pursuit of Officer #1 by drawing and pointing their firearm at the Suspect. Both officers drew their firearms and shouted repeated verbal commands to the Suspect to "Get on the ground!". The Suspect stopped on the sidewalk, paused briefly, and took a bladed stance while facing the officers.

# Officer-Involved Shooting 19-003 (cont'd)

The Suspect then ran a short distance on the south sidewalk and re-entered the roadway. Both officers gave additional verbal commands for the Suspect to get on the ground and Officer #2 deployed OC spray (commonly known as pepper spray), which failed to stop the Suspect's actions.

The Suspect then ran onto the north sidewalk and ran westbound on 23<sup>rd</sup> Street. Shortly thereafter, the Suspect left the sidewalk and entered the roadway between two parked cars towards Officer #2. The Suspect was still holding the glass bottle, and Officer #2 discharged their duty weapon.

After being shot, the Suspect went down to the ground, rose to their knees and then began to move in the direction of Officer #1. Officer #1 discharged their duty weapon.

## Recommendation to COP:

### Summary of Policy Review and Findings:

#### Officer #2

1. DGO 1.03 Duties of Patrol Officers / Proper Conduct / In-Policy
2. DN 19-224 – Communication Priorities / Proper Conduct / In-Policy
3. SFPD Field Training Manual – Proper Conduct / In-Policy
4. DGO 5.03, Investigative Detentions / Proper Conduct / In-Policy
5. DGO 5.01 – Use of Force / Proper Conduct / In-Policy
6. DGO 5.01.VI.G.3 – Requesting Medical Aid / Proper Conduct / In-Policy
7. DGO 8.11.II.F.2 – Treatment for Injured Persons / Proper Conduct / In-Policy
8. DGO 8.11.II.G.2 – Separation of Officers On Scene / Proper Conduct / In-Policy
9. DGO 8.11.II.G.5 – Mandatory Debriefings / Proper Conduct / In-Policy
10. DGO 10.11 Body Worn Cameras / Proper Conduct / In-Policy
11. DB 18-256 – BWC - Buffering required / Proper Conduct / In-Policy

#### Officer #1

1. DGO 1.03 Duties of Patrol Officers / Proper Conduct / In-Policy
2. DN 19-224 – Communication Priorities / Proper Conduct / In-Policy
3. SFPD Field Training Manual – Proper Conduct / In-Policy
4. DGO 5.03, Investigative Detentions / Proper Conduct / In-Policy
5. DGO 5.01 – Use of Force / Proper Conduct / In-Policy
6. DGO 5.01.VI.G.3 – Requesting Medical Aid / Proper Conduct / In-Policy
7. DGO 8.11.II.F.2 – Treatment for Injured Persons / Proper Conduct / In-Policy
8. DGO 8.11.II.G.2 – Separation of Officers On Scene / Proper Conduct / In-Policy
9. DGO 8.11.II.G.5 – Mandatory Debriefings / Proper Conduct / In-Policy
10. DGO 10.11 Body Worn Cameras / Proper Conduct / In-Policy
11. DB 18-256 – BWC - Buffering required / **Improper Conduct / Not In-Policy**

# Officer-Involved Discharge 001-23

On April 23<sup>rd</sup>, 2023, at approximately 6:15 PM, the officer was inside their residence and off-duty. The officer was detailed to SFPD's Specialist Basic Training and had completed week 1 of training. While inside their garage, the officer was practicing dry-firing with their department issued handgun (Sig Sauer P226), holstering/unholstering with their new department issued holster, and loading magazines.

The officer stopped practicing and prepped their equipment for range week, loading their magazines with bullets. The officer went to continue practicing dry-firing/un-holstering with their department issued handgun, forgetting to render their firearm safe for dry-firing. The officer pressed the trigger which discharged one round.

## Officer-Involved Discharge 001-23 (cont'd)

The officer observed a bullet shot through the mirror they were standing directly in front of, and the garage wall behind the mirror. The bullet followed a trajectory in an unknown direction after hitting the garage wall.

The officer and their house mates checked the residences behind the damaged garage wall and found that neither they nor anybody else was injured. The officer contacted the local authorities (Pacifica Police Department) to initiate any possible investigation. Pacifica Police Department generated a report. The officer notified their on-duty Platoon Commander of the incident and their sergeant.



## Officer-Involved Discharge 001-23 (cont'd)

After a comprehensive investigation completed by Pacifica PD it was ultimately determined there was insufficient evidence to warrant criminal charges against the officer. The report was not forwarded to the San Mateo County District Attorney's Office for prosecution and classified as a "Suspicious Circumstance." San Mateo County District Attorney's Office confirmed they do not have any records/cases regarding the incident.

Pacifica PD concluded the following in their investigation:

*"The incident was an accidental discharge as a result of them attempting to practice holstering/un-holstering and reloading their department issued firearm. Based upon those circumstances it was determined that this incident only needed to be documented and no further action taken."*

## Officer-Involved Discharge 001-23 (cont'd)

### Recommendation to COP:

### Discharge of Firearm on April 23<sup>rd</sup>, 2023

- Department General Order 5.01 Use of Force (Rev. 12/08/22):
  - Section 5.01.08.G.1.a. Handling Firearms: ***Not In Policy/Improper Conduct***

# In-Custody Death Review Board

In the 2<sup>nd</sup> Quarter of 2024, there were **zero** In-Custody Death cases presented to the In-Custody Death Review Board.

# **Status of Open Officer-Involved Shooting Investigations**

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# **In-Custody Death Investigations**

## Open OIS and ICD Investigations: 2017-2024

Date of Incident	Criminal Investigation	3304 Date	Investigation Status
OIS 17-001 (01/6/17) 515 Capitol Ave Taraval District	Criminal case against member dismissed on 7/18/2023.	7/18/2024	Case presented to COP.
OIS 17-007 (12/01/17) Fitzgerald/Hawes Bayview District	Criminal case against member dismissed on 5/19/2023.	5/19/2024	Case presented to COP.
OIS 19-003 (12/7/19) 3824 23 <sup>rd</sup> Street Mission District	Criminal case against member dismissed on 5/19/2023.	5/19/2024	Case presented to FDRB.
OIS 21-001 (05/07/21) Varney St @ Jack London Alley Southern District	District Attorney issued a letter of declination on 1/24/24.	1/24/2024	Case presented to FDRB.
OIS 21-002 (11/17/21) 917 Folsom Street Southern District	District Attorney issued a letter of declination on 6/4/24.	6/4/2025	Active administrative investigations.
OIS 22-001 (1/20/22) San Francisco Int'l Airport Airport Bureau	California DOJ issued report on April 2024; no further action to be taken.	4/24/2025	Active administrative investigations.

### Open OIS and ICD Investigations: 2017-2024

Date of Incident	Criminal Investigation	3304 Date	Investigation Status
<p><b>ICD 22-001 (3/16/22)</b>  <b>1432 Halibut Court</b>  <b>Southern District</b></p>	<p>District Attorney issued a letter of declination on 2/27/24.</p>	<p>2/27/2025</p>	<p>Active administrative investigations.</p>
<p><b>OIS 22-003 (5/19/22)</b>  <b>Mariposa / Owens</b>  <b>Southern District</b></p>	<p>California DOJ has not rendered a decision.</p>	<p>Pending criminal investigation.</p>	<p>Active criminal and administrative investigations.</p>
<p><b>OIS 22-005 (8/6/22)</b>  <b>381 Shotwell Street</b>  <b>Mission District</b></p>	<p>District Attorney issued a letter of declination on 2/27/24.</p>	<p>2/27/25</p>	<p>Active administrative investigations.</p>
<p><b>ICD 22-002 (10/04/22)</b>  <b>1899 Waller Street</b>  <b>Park District</b></p>	<p>District Attorney issued a letter of declination on 2/27/24.</p>	<p>2/27/2025</p>	<p>Active administrative investigations.</p>
<p><b>OIS 23-001 (5/19/23)</b>  <b>100 Block of Bosworth Street</b>  <b>Ingleside District</b></p>	<p>District Attorney has not rendered a decision.</p>	<p>Pending Criminal Investigation.</p>	<p>Active criminal and administrative investigations.</p>
<p><b>OIS 23-002 (6/22/23)</b>  <b>700 Block of 31<sup>st</sup> Avenue</b>  <b>Richmond District</b></p>	<p>District Attorney has not rendered a decision.</p>	<p>Pending Criminal Investigation.</p>	<p>Active criminal and administrative investigations.</p>

### Open OIS and ICD Investigations: 2017-2024

Date of Incident	Criminal Investigation	3304 Date	Investigation Status
<p>OIS 23-003 (7/26/23) Fairfax Avenue / Catalina Street Bayview District</p>	<p>District Attorney has not rendered a decision.</p>	<p>Pending Criminal Investigation.</p>	<p>Active criminal and administrative investigations.</p>
<p>OIS 23-004 300 Block of Jones Street Tenderloin District</p>	<p>District Attorney has not rendered a decision.</p>	<p>Pending Criminal Investigation.</p>	<p>Active criminal and administrative investigations.</p>
<p>OIS 23-005 1000 Block of Laguna Street Northern District</p>	<p>District Attorney has not rendered a decision.</p>	<p>Pending Criminal Investigation.</p>	<p>Active criminal and administrative investigations.</p>
<p>OID 001-24 San Francisco, CA.</p>	<p>District Attorney declined to prosecute.</p>	<p>2/22/2025</p>	<p>Active administrative investigation.</p>
<p>OIS 24-001 Jennings Street / Donner Avenue Bayview District</p>	<p>District Attorney has not rendered a decision.</p>	<p>Pending Criminal Investigation.</p>	<p>Active criminal and administrative investigations.</p>
<p>OIS 24-002 Willow Street / Van Ness Avenue Northern District</p>	<p>District Attorney has not rendered a decision.</p>	<p>Pending Criminal Investigation.</p>	<p>Active criminal and administrative investigations.</p>



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