

~~FIREARM DISCHARGE~~ **Serious Incident** Review Board

This order outlines the functions and responsibilities of the Firearm[†] Discharge Review Board and delineates the procedures for reviewing, investigating, and reporting to the Police Commission, cases in which members discharge a firearm.

I-3.10.01 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.

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.

B-3.10.03 DEFINITIONS

[†]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.

• ~~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.~~

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. ~~The Department Firearm Discharge Review Board shall be composed of:~~ **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:

- ~~Member of the Police Commission, Advisory~~
- ~~a. Deputy Chief of the - Administration Bureau, (Chair)~~
- ~~b. Deputy Chief of the - Field Operations Bureau~~
- ~~c. Deputy Chief – Special Operations Bureau~~
- ~~d. Deputy Chief – Investigations Bureau~~
- ~~e. 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.~~

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

~~D. FUNCTION:~~

B. Procedure

~~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.~~
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.
- ~~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:~~
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 actions of the officer in response to the circumstances leading to the discharge of his/her firearm were appropriate. The review finds that the decision-making and actions taken by members at the reviewed incident were reasonable, and consistent with law, department policy, and procedures. There were no identified violations.
 - ii. **Not In Policy** - The discharge of the firearm. The review finds that the decision-making, action taken and/or force used in the reviewed incident was not appropriate. Reasonable under the totality of the circumstances and was not consistent with/ 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.

~~*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.

- 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).

~~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.~~

~~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.~~

- 4. **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.

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 3rd 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 1st 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.~~

- 5. 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.*