

**From:** [Gabriel Martinez](#)  
**To:** [REDACTED]  
**Subject:** Recommendation 11.1  
**Date:** Monday, July 26, 2021 2:44:10 PM

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Dear Acting Captain Altorfer,

Our office has completed its review of the materials related to Recommendation 11.1 that were submitted to us as part of the collaborative reform process. This package focused on SFPD including review of policy, training, and tactical issues during the review of firearm discharges. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 11.1: SFPD should update the Department General Order 3.10— Firearm Discharge Review Board to require written evaluation of policy, training, and tactical considerations of discharge incidents, specifically identifying whether the incident was influenced by a failure of policy, training, or tactics and should include recommendations for addressing any issues identified.

Response to 11.1: On September 21, 2005, SFPD issued an update to Department General Order (DGO) 3.10, “Firearm Discharge Review Board.” The DGO assigns duties to Firearm Discharge Review Board (FDRB) members and requires the FDRB to meet within 30 days after receiving investigatory reports from the Homicide Detail (criminal investigation) and Management Control Division (administrative investigation). The FDRB then completes its investigation and issues its findings within 120 days. The FDRB consists of four Deputy Chiefs as the voting members, and an advisory panel consisting of personnel from Risk Management, the Training Division, the Police Commission, and the Department of Police Accountability.

The FDRB meets on a quarterly basis to review any officer-involved shooting cases. The FDRB then determines whether the firearm discharge was consistent with policy and forwards its findings to the Chief for review. After the Chief makes a decision on the FDRB findings, the Chair of the FDRB must make a presentation to the Police Commission on the FDRB’s quarterly findings.

The Field Tactics Force Options (FTFO) Unit was formed in 2019 and has been added to the FDRB Advisory Panel. Among other responsibilities, the FTFO Unit reviews officer-involved shooting incidents and issues reports with recommendations. The FTFO Unit advises the FDRB with an evaluation of policy, training, and tactical considerations of the incidents. The FTFO Unit also develops and modifies training based upon their analysis of officer-involved shootings. The addition of the FTFO Unit to the FDRB in an advisory role is expected to be included in an upcoming revision to DGO 3.01 (expected to be revised to “Serious Incident Review Board,” reflecting the broader scope of review). DGO 3.01 is currently under revision with a working group of internal and external stakeholders, including the Administration Bureau, Training Division, and Department of Police Accountability, and the draft DGO

includes the FTFO Unit in the FDRB. In the interim, the FTFO Unit's inclusion in the FDRB is accomplished through Bureau Order 20-01, "Addition of Training Division Units to the Firearm Discharge Review Board" (issued December 29, 2020). The Bureau Order explains that the Commanding Officer of the Training Division and the Officer in Charge of the Field Tactics Force Options Unit have participated in the FDRB since 2014 and 2019, respectively, and that they will be included formally in the revised DGO.

Based upon all of the above, the Department of Justice finds that SFPD is in substantial compliance with this recommendation. Please let us know if you have any questions or would like to discuss further. Thank you.

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<b>Finding # 11</b>	<b>The Firearm Discharge Review Board is limited in scope and fails to identify policy, training, or other tactical considerations.</b>
<b>Recommendation # 11.1</b>	The SFPD should update the Department General Order 3.10 – Firearm Discharge Review Board to require written evaluation of policy, training, and tactical considerations of discharge incidents, specifically identifying whether the incident was influenced by a failure of policy, training, or tactics and should include recommendations for addressing any issues identified.

<b>Recommendation Status</b>	<b>Complete</b>	<b>Partially Complete</b>	<b>In Progress</b>
	<b>Not Started</b>	<b>No Assessment</b>	

**Summary**

The San Francisco Police Department established a working group to amend Department General Order (DGO) 3.10 – Firearm Discharge Review Board (FDRB). There is a department proposal to rename it the Serious Incident Review Board (SIRB). Bureau Order 20-01 Addition of Training Division Units to the FDRB was adopted in December 2020 and attached the Field Tactics Force Options Unit to FDRB/SIRB in an advisory capacity. The process identifies in which discharges to the FDRB will be reviewed for education and training purposes, with improved training and tactics implemented as a result of incidents reviewed. The file submission includes evidence of FDRB quarterly review and oversight. This will be more effective with transition to SIRB and review of FTFO work to ensure supportive and remedial action is implemented.

Compliance Measures		Status/Measure Met
<b>1</b>	Update DGO 3.10 to be informed by contemporary policing best practices.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>2</b>	Require written evaluation of policy, training and tactical considerations.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>3</b>	Written evaluations include the identification of influencing factors on the incident (failure of policy, training, or tactics)	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>4</b>	Determine and report recommendations for addressing any identified issues that influenced the discharge.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>5</b>	Evidence of supportive and remedial action if deficiencies are found.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>6</b>	Ongoing review and oversight by FDRB.	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

**Administrative Issues**

Data describing what occurred during the Q1 2021 FDRB/SIRB meeting should be included in the file submission.

**Compliance Issues**

The amended DGO 3.10 should require the Field Tactics Force Options Unit to provide updates to the SIRB regarding incidents discussed.



## Collaborative Reform Completion Memorandum

**Finding #11:** The Firearm Discharge Review Board is limited in scope and fails to identify policy, training, or other tactical considerations.

**Recommendation #11.1:** SFPD should update the Department General Order 3.10— Firearm Discharge Review Board to require written evaluation of policy, training, and tactical considerations of discharge incidents, specifically identifying whether the incident was influenced by a failure of policy, training, or tactics and should include recommendations for addressing any issues identified.

**Response Date:** 4/29/2021

### ADDENDUM

On 4/29/2021, Hillard Heintze notified SFPD via email that the status of Recommendation #11.1 is marked complete, pending a request for updated information. In their request, Hillard Heintze stated:

**Administrative Issue:** *"Data describing what occurred during the Q1 2021 FDRB/SIRB meeting should be included in the file submission."*

**Compliance Issue:** *"The amended DGO 3.10 should require the Field Tactics Force Options Unit to provide updates to the SIRB regarding incidents discussed."*

#### **SFPD Response:**

**Administrative Issue:** *"Data describing what occurred during the Q1 2021 FDRB/SIRB meeting should be included in the file submission."*

On Monday February 1st, 2021 at approximately 1300 hours, pursuant to and in compliance with Department General Order 3.10.I, Subsection D, the Firearm Discharge Review Board convened to review the completed OIS and OID investigations for the First Quarter of 2021. The meeting was held via WebEx.

The Firearm Discharge Review Board (FDRB) reviewed completed OIS cases **18-005** and OID case **001-20**. A summary of the incidents is attached. The FDRB was comprised as follows:

#### Voting Board Members

#### Assignments

- Deputy Chief Gregory Yee (Chair).....Administration Bureau
- Deputy Chief Gregory McEachern.....Operations Bureau
- Deputy Chief Mikail Ali.....Airport Bureau
- Deputy Chief Ann Mannix.....Special Operations Bureau



## Collaborative Reform Completion Memorandum

### Advisory Board Members

### Assignments

- Lieutenant Angela Wilhelm.....Internal Affairs Division
- Acting Captain Mike Nevin.....Academy/Field Tactics Force Options
- Sergeant Alan Callaway.....SFPD Range
- Attorney Tinnetta Thompson.....Department of Police Accountability

Also present were the Police Commission Secretary Sergeant Stacey Youngblood, Sergeant Sondra Reynolds of the Police Commission Office, Sergeant Joseph Minner of the Administration Bureau, and Sergeant Cristina Franco of the Internal Affairs Division.

Sergeant Franco presented OIS 18-005. This OIS presentation was a re-convene of the Fourth Quarter 2020 FDRB. At that meeting the FDRB had recommended that the IAD-OIS team consider additional findings as to the Officer's conduct with regards to Department General Orders (DGO) 1.03 and 2.01

For DGO 1.03, the recommendation was to consider findings regarding the officer's radio use and regarding DGO 2.01, the recommendation was to consider a finding regarding the involved officer's demeanor when initially contacting the individuals on the sidewalk.

After the presentation, Sgt. Franco advised that IAD investigation findings were that the involved Officer was determined to be **"IN-POLICY"** with regards to DGO's 2.01, 5.01, 5.03 and 8.11 and **"NOT IN POLICY"** with regards to DGO 1.03. Sgt. Franco's presentation noted that the IAD investigation found that the violation of DGO 1.03 was not a factor in the outcome of the event.

The FDRB held discussion regarding the findings for OIS 18-005. Deputy Chief Ali commented that he felt that the finding regarding DGO 1.03 was not correct as he believed that when the involved officer exited the vehicle and contacted the individuals his partner should have assumed the role as cover officer and advised dispatch of the stop. There was also general discussion by the attendees regarding the lack of planning and the tactics, based on the concepts of contact and cover, used by the Officers during the initial stop.

After the discussion, the FDRB voted in the majority for a motion to accept all the recommendations for OIS 18-005 except for the recommendation regarding DGO 1.03. The motion was passed by a vote of three to one.

Sgt. Franco then presented OIS 001-20. After considering the facts, conclusions and analysis in the case, the FDRB voted unanimously to concur with the recommendation of **"NOT IN POLICY"** with DGO 5.01 regarding the discharge of the Officer's personal firearm. It was noted that the initial station investigation found the officer to be in violation of Department Bulletin 18-259. However, that Department Bulletin only refers to Department issued and trained weapons, not personal off-duty weapons. Accordingly, the Bulletin was not relevant to the OIS investigation.



## Collaborative Reform Completion Memorandum

In response to Hillard Heintze's request, SFPD is providing the following supporting documents:

- *2021\_Q1 Letter to SFPD Police Commissioners regarding "First Quarter 2021 Firearm Discharge Review Board Findings and Recommendations"*
- *2021\_Q1 FDRB Summary*
- *2021\_Q1 FRDB Memorandum*

### **SFPD Response:**

**Compliance Issue:** *"The amended DGO 3.10 should require the Field Tactics Force Options Unit to provide updates to the SIRB regarding incidents discussed."*

When DGO 3.10 is reopened to be updated, all applicable Department Notices/Bulletins, Unit Orders and/or policies will be incorporated into the amended DGO 3.10.

ACT CAPT. ERIC J ALTORFER #151

Professional Standards & Principled Policing  
Acting Captain Eric J. Altorfer