

2nd Quarter 2016 OIS Report

Firearm Discharge Review Board & Officer-Involved Shooting Investigations

August 10, 2016



Summary of First Quarter 2016 Firearm Discharge Review Board



Firearm Discharge Review Board

The FDRB previously convened on December 23, 2015 (4th Quarter 2015).

The 1st Quarter Firearm Discharge Review Board convened on Wednesday, March 30, 2015 and reviewed four completed investigations:

- OID 005-15
- OID 007-15
- OIS 13-008
- OIS 14-001



Composition of 4th Quarter 2015 FDRB

Wednesday, December 23, 2015

Voting Members

- **Deputy Chief Mikail Ali**, Chair (*Administrative Bureau*)
- **Deputy Chief Michael Redmond** (*Operations Bureau*)
- **Deputy Chief Garret Tom** (*Special Operations Bureau*)
- **Deputy Chief Denise Schmitt** (*Airport Bureau*)

Advisory Members

- **Commissioner Petra DeJesus** (*Police Commission*)
- **Director Joyce Hicks** (*Office of Citizen Complaints*)
- **Captain Peter Walsh** (*Risk Management Office*)
- **Lieutenant Michelle Jean** (*Training Division*)
- **Sergeant Angelo Span** (*SFPD Range*)



Officer Involved Discharge 005-15

Incident: August 4, 2015

Location: Antioch, CA

Finding: Not In Policy

At approximately 22:08 hours, an off-duty officer was at his home residence in Antioch when he began to install a light on his personal firearm. While doing this, he discharged the weapon, which had not been properly cleared and rendered safe. No one was hurt as a result of the discharge.



Officer Involved Shooting 007-15

Incident: November 10, 2015

Location: Oakland, CA

Finding: Not In Policy

At approximately 23:35 hours, an off-duty officer was at her home residence in Oakland when she conducted a dry firing drill using her Department-issued firearm. While doing this, she discharged the weapon, which had not been properly cleared and rendered safe. No one was hurt as a result of the discharge.



Officer Involved Shooting 13-008

Incident: October 27, 2013

Location: 200 block of Mallorca Street

Finding: In Policy

At approximately 12:25 hours, three uniformed officers and a plainclothes officer assigned to Northern Station responded with other officers to a report of a person shot in the area of Pierce and Chestnut. Officers learned of a robbery near an ATM in this area; the victim had been pistol whipped, causing significant trauma. Officers searching for the suspect located a person matching the description on the 200 block of Mallorca Street, near Capra. The suspect, holding a handgun, attempted in vain to conceal himself in bushes. He refused the officers commands to drop his weapon and surrender. Instead, he emerged from the bushes, pointing his firearm in the direction of two of the officers. The four officers fired their weapons at the suspect in defense of themselves and the others present. The suspect was struck and taken into custody.



Officer Involved Shooting 14-001

Incident: January 12, 2014
Location: 100 Block of Bayshore Blvd
Finding: In Policy

At approximately 00:11 hours, an off-duty sergeant was driving on US 280 northbound, when a pickup truck sideswiped her. The sergeant phoned 911 to report the collision, as the vehicles stopped at a gas station. The driver of the truck became increasingly agitated and belligerent. The sergeant identified herself to the other driver as a police officer, ordered him to return to his truck, and phoned 911 to request an expedited police response. The other driver then physically attacked the sergeant, punching her. The sergeant believed she was going to be overpowered and fired one round in self-defense at the suspect. The round struck the ground, and a resultant bullet fragment scratched the right rear calf of the suspect. He stopped his assault. He was subsequently arrested and booked, refusing any medical treatment for the injury.



Summary of Second Quarter 2016 Firearm Discharge Review Board



Firearm Discharge Review Board

The FDRB previously convened on March 30, 2016 (1Q 2016).

The 2nd Quarter Firearm Discharge Review Board convened on Thursday, June 30 and reviewed five completed investigations:

- OIS 13-003
- OIS 14-002
- OIS 14-008
- OID 001-16
- OID 002-16



Composition of 4th Quarter 2015 FDRB

Wednesday, December 23, 2015

Voting Members

- **Deputy Chief Denise Schmitt**, Chair (*Administrative Bureau*)
- **Deputy Chief Michael Redmond** (*Operations Bureau*)
- **Deputy Chief Mikail Ali** (*Special Operations Bureau*)
- **Commander Kenwade Lee** (*Airport Bureau*)

Advisory Members

- **Commissioner Victor Hwang** (*Police Commission*)
- **Attorney Samara Marion** (*Office of Citizen Complaints*)
- **Captain Peter Walsh** (*Risk Management Office*)
- **Captain Greg Yee** (*Training Division*)
- **Sergeant Andy Ting** (*SFPD Rangemaster*)



Officer Involved Shooting 13-003

Incident: March 15, 2013

Location: Unit Block of Spruce Street

Finding: Not In Policy

Uniformed officers searching for a carjacked vehicle at approximately 04:48 hours encountered the suspect near Spruce and Jackson Streets. The suspect stopped in front of an apparent dead end at Pacific Avenue. The officers believed the suspect would either run into the Presidio or surrender, approaching on foot. The suspect made a rapid three point turn and accelerated toward the approaching officers, ramming into their vehicle. An officer fired his Department-issued firearm at the driver. The officer was determined to have failed to move to a place of safety despite the reasonable and apparent opportunity to do so.



Officer Involved Shooting 14-002

Incident: February 4, 2014

Location: 3rd Street at 20th Street

Finding: In Policy

Uniformed officers attempted to stop a fleeing stolen vehicle at approximately 12:15 hours. The suspect crashed into vehicles stopped at a red light at the intersection of 3rd and 20th Streets, then rammed the stopped vehicles in an apparent attempt to wedge through them. The officers approached the suspect's vehicle, and the driver reversed and steered toward one of the approaching officers. His partner officer fired at the driver. The suspect was not hit and fled the scene.



Officer Involved Shooting 14-008

Incident: December 3, 2014

Location: 900 Block of Leavenworth

Finding: In Policy

At approximately 06:27, an off-duty officer leaving for work was the victim of an attempted robbery outside of his apartment. A physical struggle ensued, and the suspect attempted to remove the officer's concealed personal firearm from its holster. The officer and suspect fought for control of the weapon, during which time, the weapon was fired. The suspect was struck but continued to fight with the officer until he was finally taken into custody. The suspect was treated for a gunshot wound to his abdomen. He was charged with a string of robberies, assaults, and thefts from that morning.



Officer Involved Discharge 001-16

Incident: March 17, 2016

Location: 15th and Rhode Island Streets

Finding: In Policy

At approximately 16:00 hours, a uniformed officer making a well-being check at a homeless encampment was confronted by an unrestrained and aggressive dog. The officer attempted to retreat. The dangerous dog charged, and the officer fired one round, striking the rear right paw. The dog broke off the attack and was subsequently recovered by ACC officers.



Officer Involved Discharge 002-16

Incident: March 31, 2016

Location: Unit Block of Turner Terrace

Finding: Not In Policy

At approximately 05:00 hours, a uniformed officer assigned to TAC was part of entry team conducting a high-risk warrant. While clearing the residence, the officer lost balance while breaching a locked bedroom. This resulted in an unintended discharge of his Department-issued firearm. No one was hurt as a result of the negligent discharge.



Next FDRB

The 3rd Quarter 2016 Firearm Discharge Review Board is **tentatively** scheduled to convene:

Tuesday, September 28, 2016



Status of Open Officer-Involved Shooting Investigations



OIS Investigations Update

The previous OIS Quarterly Report was submitted to the Police Commission on April 7, 2016. Since that report:

- **Three (3) OIS investigation** (OIS 13-003, OIS 14-002, and OIS 14-008) were presented to the last FDRB. Summary reports are forthcoming to the Police Commission. These investigations are closed.
- **One (1) OIS investigation** is prepared at this time for presentation to the next FDRB (OIS 14-003).
- **One (1) OIS investigation** opened (OIS 16-002). There are active criminal investigations by SFPD Homicide and SFDA.



Open OIS Cases Summary

As of April 7, 2016, there are **fifteen (15) open SFPD OIS investigations**:

- **One (1) investigation** (14-003) is ready for presentation to the FDRB.
- **Seven (7) criminal investigations** are currently under review for charging decisions by the Office of the District Attorney of San Francisco (14-005, 14-006, 14-007, 15-001, 15-002, 15-003, and 15-004). The corresponding SFPD administrative investigations are tolling.
- **Six (6) criminal investigations** are on-going with the SFPD Homicide Detail, ME, and/or the DA (15-007, 15-008, 15-009, 15-010, 16-001, and 16-002). The corresponding SFPD administrative investigations are tolling.
- **One (1) investigation** is tolling because of injuries sustained by the officer involved (15-006).



Open OIS Investigations: 2013-14

Case	Investigation Status
13-003 (3/15/13)	Presented to FDRB. Closed
14-002 (2/4/14)	Presented to FDRB. Closed
14-003 (3/8/14)	DA charging decision and Final Homicide report received. Final IAD report in approval process. Findings and recommendations for 3Q2016 FDRB.
14-005 (9/26/14)	Homicide Detail awaits a formal charging decision from the Office of the D.A., who is drafting internal report and charging decision.
14-006 (10/7/14)	Homicide Detail awaits a formal charging decision from the Office of the D.A., who is drafting internal report and charging decision.
14-007 (11/6/14)	Homicide Detail awaits a formal charging decision from the Office of the D.A., who is drafting internal report and charging decision.
14-008 (12/3/14)	Presented to FDRB. Closed



Open OIS Investigations: 2015

Case	Investigation Status
15-001 (1/4/15)	Homicide Detail awaits a formal charging decision from the Office of the D.A., who is drafting internal report and charging decision.
15-002 (1/4/15)	Homicide Detail awaits a formal charging decision from the Office of the D.A., who is drafting internal report and charging decision.
15-003 (2/26/15)	Homicide Detail awaits a formal charging decision from the Office of the D.A., who is drafting internal report and charging decision.
15-004 (3/17/15)	Homicide Detail awaits a formal charging decision from the Office of the D.A., who is drafting internal report and charging decision.
15-006 (9/18/15)	SMPD investigation; tolling per 3304(d)(3) and (5) California Government Code.
15-007 (10/15/15)	Active criminal investigations by Homicide Detail, ME and/or DA investigators. Admin investigation tolling per 3304(d)(1) California Govt. Code.
15-008 (10/24/15)	Active criminal investigations by Homicide Detail, ME and/or DA investigators.
15-009 (11/11/15)	Active criminal investigations by Homicide Detail, ME and/or DA investigators.
15-010 (12/2/15)	Active criminal investigations by Homicide Detail, ME and/or DA investigators.



Open OIS Investigations: 2016

Case	Investigation Status
16-001 (4/7/16)	Active criminal investigations by Homicide Detail, ME and/or DA investigators.
16-002 (5/19/16)	Criminal and administrative investigations opened on May 19, 2016.



Thank You

