

FW: Recommendation 10.2

[REDACTED]  
Fri 7/5/2019 7:35 AM  
[REDACTED]

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Commander Walsh and Officer Tran,

Please see below for Cal DOJ's evaluation of recommendation 10.2.

Thank you,

**Lindsay Morgan**  
Director, Operations  
[REDACTED]

**From:** Gabriel Martinez [REDACTED]  
**Sent:** Wednesday, July 3, 2019 7:09 PM  
**To:** McGuire, Catherine [REDACTED] Scott, William (POL [REDACTED]  
[REDACTED]  
[REDACTED]  
Dorantes, Jennifer (POL [REDACTED]  
[REDACTED]  
**Subject:** Recommendation 10.2

Dear Lieutenant Dorantes,

Our office has completed its review of the materials related to Recommendation 10.2 that have been submitted to us as part of the collaborative reform process. This package focused on collaboratively developing a training program for officer involved shootings with the Department of Police Accountability and the District Attorney's office. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 10.2.: The SFPD should work with its accountability partners the OCC and the District Attorney's Office in officer-involved shootings to develop a formal training program in which representatives of the District Attorney's Office, SFPD Homicide Detail, and the OCC engage in regular training regarding best practices for investigating such cases. This training should be developed and implemented within 120 days of the issuance of this report.

Response to 10.2.: The San Francisco Police Department, including SFPD Homicide Detail, developed a formal officer involved shooting (OIS) training program with DPA and the District Attorney's Office. The training was conducted in three parts in August, October, and December 2018. A representative of each department provided instruction in areas of expertise to attendees, which was nearly evenly split among SFPD, DPA, and DA participants. The training and education are consistent with best practices. On January 9, 2019, SFPD issued Unit Order 19-01, "OIS Multi-Agency Investigation Course," mandating that the Internal Affairs Division-OIS Team maintain, update, and host an annual 10 hour multi-agency OIS training. Additionally, on April 10, 2019, SFPD and the District Attorney's Office signed a Memorandum of Understanding stating in part that they will endeavor to conduct joint training regarding OIS, among other incidents.

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

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## **Collaborative Reform Completion Memorandum**

### **Finding # 10**

**There is a lack of coordination and collaboration for responding to and investigating an officer-involved shooting.**

The SFPD's investigative protocols are comparable to those followed by other professional, major city police departments. However, IAD staff members, along with some of SFPD's partners, such as members of the District Attorney's Office and the OCC assigned to respond to such incidents, are not as integrated. Lack of collaboration and cooperation in investigating officer-involved shooting incidents can undermine procedural justice and transparency for the Department. The SFPD needs to develop protocols and memoranda of agreement to ensure the highest level of cooperation and oversight into the investigation of officer-involved shooting incidents. Joint training protocols ensuring all parties are appropriately trained and working to the highest professional standards should become a matter of routine practice. These protocol agreements and practices will become more important as OCC assumes its responsibility to independently investigate SFPD officer-involved shooting incidents. The team will monitor the implementation of the new law during the CRI-TA implementation phase.

### **Recommendation # 10.2**

The SFPD should work with its accountability partners the OCC and the District Attorney's Office in officer-involved shootings to develop a formal training program in which representatives of the District Attorney's Office, SFPD Homicide Detail, and the OCC engage in regular training regarding best practices for investigating such cases. This training should be developed and implemented within 120 days of the issuance of this report.

**Response Date: 4/17/2019**

### **Executive Summary:**

The San Francisco Police Risk Management Office has developed a three part "Officer Involved Shooting" joint training program for the SFPD Homicide, SFPD IA-OIS, Department of Police Accountability and the SF DAIIIB. The first part of the series was taught out 08/29/2018, and received very positive feedback from attendees. The second session (investigations) was taught on 10/17/2018. The third and final session was held on 12/5/2018. The course had 13 participants from the Department of Police Accountability, 12 participants from the Office of the District Attorney, and 14 participants from SFPD. (See OIS Course Attendees).

The course objectives behind the joint training program are as follows:

1. Review the reporting processes and outcomes to conclude the different investigations of SFPD Officer-Involved Shootings within City and County of San Francisco.



## Collaborative Reform Completion Memorandum

2. Enhance cooperation for multiple agencies sharing responsibility for complex and sensitive investigations.
3. Increase investigative integrity and public trust through effective investigation.

The course was facilitated and taught by the following individuals:

**-Course Facilitator:** Sergeant John Crudo #1694 (Training Division; former Officer Involved Shooting [OIS] and Officer In-Custody Deaths [ICD] Lead)

**-Criminal Investigation, SFPD Homicide Detail:** presented by Sgt. Crudo and Lieutenant Eddie Yu (Homicide Detail)

**-Criminal Investigation, Office of the District Attorney:** presented by John Alden (Lead Attorney, SFDA IIB)

**-Administrative Investigation, SFPD Internal Affairs Division:** presented by Sgt. Crudo

**-Administrative Investigation, Department of Police Accountability:** presented by Sarah Hawkins (Chief of Staff, DPA)

**-Presentation of Training Certificates:** Acting Captain William Braconi (SFPD Risk Management Division) (See sample of training certificate upon completion of OIS-Multiple Agency Investigation Course).

On 1/9/2019, Acting Captain Braconi #2246 issued Unit Order 19-01- OIS Multi-Agency Investigation Course, mandating the Internal Affairs Division (IAD) OIS Team to maintain, update and host an annual training course title "OIS Multi-Agency Investigation Course." The course shall consist of (10) hours of instruction and discussion, which will cover the following topics: (I) OIS Scene Management, (II) OIS investigations (by SFPD IAD, SFPD Homicide Detail, SFDA IIB, and DPA), (III) Conclusions and Outcomes (SFPD IA, SFPD Homicide, SFDA IIB, and DPA). The order also mandates all members of the OIS to attend the course, and that training credit will be issued through the SFPD Academy upon course completion. (See Unit Order 19-01).

In April of 2019, a Memorandum of Understanding (MOU) was signed between the SFDA's Office and SFPD regarding the Investigation of Officer-Involved Shootings, In-Custody Deaths, and Uses of Force Resulting in Serious Bodily Injury. The MOU calls for SFPD and SFDA to conduct joint training.

Due to the sensitive nature of investigative techniques, only the cover page of each presentation is included when the following links are clicked. For completed packets, the physical copies are retained and accessible at Professional Standards Unit.

### **Compliance Measures:**



## **Collaborative Reform Completion Memorandum**

### **1) Work with DPA and DAO.**

See Executive Summary described above.

### **2) Develop formal training program for investigating OIS cases.**

Due to the sensitive nature of investigative techniques, only the cover page of each presentation is included when the following links are clicked. For completed packets, the physical copies are retained and accessible at Professional Standards Unit.

See presentations listed below:

-OIS Investigation Conclusions & Outcomes

-The Multi-Agency OIS Investigation

-SF DA's Office: Independent Investigation Bureau-Case Closure Process

-City & County of San Francisco OIS On-Scene Management- Transitioning from Active Incident to Active Investigations.

### **3) Implemented within 120 days (February 12, 2017).**

Recommendation #10.2 was assigned 1/24/2017. For a historical overview, please see Forms 1004.

The San Francisco Police Department began working on the Collaborative Reform Initiative (CRI) process upon the issuance of the report in October 2016. During the process, the Department has worked on establishment of the CRI program, identification of Executive Sponsors and internal and external stakeholders, and guidelines and materials for stakeholders. In 2017, the United States Department of Justice's Community Oriented Policing Services' (COPS) office ended the program. Despite not having any support, SFPD continued on working towards the implementation of the recommendations. In February 2018, California Department of Justice took over the oversight of the implementation of the CRI process. Recommendation #10.2 was implemented on December 5, 2018, and an unit order on OIS Multi-Agency Investigation Course was issued on 1/9/2019.

#### **Other Attachments**

- Chronological Log
- Form 1003 Signature Page



## **Collaborative Reform Completion Memorandum**

- Memorandum of Understanding Between SFDA's Office and SFPD regarding the Investigation of Officer-Involved Shootings, In-Custody Deaths, and Uses of Force Resulting in Serious Bodily Injury
- Form 1004 Updates