

Investigations of Officer Involved Shootings and Firearm Discharges

8.11.01 PURPOSE

This order outlines the rules and procedures to be followed in the investigation, review, and reporting of officer-involved shootings and firearm discharges.

8.11.02 DEFINITIONS

- A. Officer Involved Shooting (OIS)** – A member's firearm discharge causing physical injury or death including negligent discharges and intentional discharges where a suspect is not injured; excludes self-inflicted injury or death.
- B. Officer Involved Discharge (OID)** – A member's firearm discharge, including shooting at, injuring, or killing animals, and negligent discharges that do not cause injury.
- C. Unarmed Civilian** – Anyone who is not in possession of a deadly weapon (California Government Code § 12525.3(a)(2)).
- D. Public Safety Statement (PSS)** - Information obtained by a field supervisor intended to determine existing threats to public safety and to capture transitory evidence that must be preserved.

8.11.03 POLICY

The San Francisco District Attorney's Office (SFDA) is the primary investigative entity in the determination of criminal conduct on the part of the OIS member. The San Francisco Police Department (Department) is responsible for the administrative investigation and any relevant ancillary investigation into the OIS. (*Memorandum of Understanding Regarding the Investigation of Officer-Involved Shootings, In-Custody Deaths, and Uses of Force Resulting in Serious Bodily Injury* [MOU]).

Nothing in this order shall prohibit a member from taking reasonable actions to protect their safety or the safety of another person.

8.11.04 PROCEDURES

- A. Investigative Responsibility** – OISs are investigated in two separate venues:

1. **Criminal Investigations** – SFDA will conduct the criminal investigation of the OIS in accordance with the MOU.
 - a. Prior to any administrative interviews, SFDA shall have an opportunity to request to interview the involved member in the criminal investigation. Members are reminded that participation in the interview is voluntary and that 5th Amendment protections apply. Interviews shall take place either at the SFDA’s office, the San Francisco Police Officer’s Association office, or at the Department’s Headquarters.
 - b. The CAL-DOJ will investigate incidents involving unarmed civilians (California Government Code § 12525.3).
 - i. Shootings committed by members while off duty are considered OISs only if the member is acting under the color of authority (California Government Code § 12525.3).
 - ii. Replica firearms are not considered deadly weapons unless they are used in some particular manner that is likely to produce death or great bodily injury (e.g., as a bludgeon).
 - c. The Department’s Investigative Services Detail (ISD) is responsible for the OIS scene management and will investigate any ancillary crimes that led to the OIS.

2. **Formal Criminal Interrogations**

- a. California Penal Code § 1054.8(a) prohibits the prosecuting attorney, attorney for the defendant, or investigator for either the prosecution or the defendant from interviewing, questioning, or speaking to a victim or witness without first clearly identifying themselves and identifying the full name of the agency by whom they are employed, and identify whether they represent or have been retained by, the prosecution or the defendant. The party must also show the victim or witness a business card, official badge, or other form of official identification before commencing the interview or questioning.
- b. Per California Government Code Section § 7287, before any initial formal interview with an immediate family member of a person killed or seriously injured, or upon confirmed the relationship as an immediate family member, the member or prosecuting attorney shall:
 - i. Identify themselves by providing their full name, full name of the agency by which they are employed, and display a business card, official badge, or other form of official identification.
 - ii. Inform the person of the status of their family member, if known, including whether the family member has been killed or seriously injured by law enforcement.
 - iii. Inform the person that they are conducting a formal interview for the purposes of an investigation that may or may not involve an assessment of the conduct of the person that was killed or injured.
 - iv. Inform the person that they can have a trusted support person with them. If the

family member is asked to go to a station for a formal interview, inform the family member that they have a choice to come to the station and can have a trusted support person with them.

- v. Members shall not employ threats or deception, including knowingly using false information, fabricated evidence, or misleading statements, to coerce an interview or when conducting any interview subject to this section.
 - vi. Subdivision (a) shall not apply under the following circumstances:
 - 1. Where a reasonable officer believes that delay would result in the loss or destruction of evidence or pose an imminent threat to public safety.
 - 2. Where the immediate family member has received advisements substantially equivalent to those required by this section or under Miranda.
3. **Administrative Investigations** – The Internal Affairs Division (IAD) and the Department of Police Accountability (DPA) will separately conduct administrative investigations into possible violations of Department policy (San Francisco Administrative Code § 96.11).
- a. **Compelled Interview** – If a member chooses not to make a statement in the criminal investigation, the Commanding Officer of the Risk Management Office (RMO) will notify SFDA of IAD’s intent to conduct a compelled interview.
 - i. Compelled members will be afforded all rights under the *Public Safety Officers’ Procedural Bill of Rights Act*.
 - ii. DPA may conduct a separate compelled interview.
 - b. Members have the right to consult with representatives and support personnel prior to interviews and to have their representative present during the interview.
 - c. Compelled statements shall not be shared with the criminal investigation.
4. **Airport** – Incidents occurring on San Francisco International Airport (SFO) property or surrounding San Mateo County shall be investigated by the San Mateo County Sheriff’s Office (SMCSO) in conjunction with the San Mateo County District Attorney’s Office (SMCDAO).
- a. IAD will conduct an administrative investigation of any reports shared by SMCSO and SMCDAO.
 - b. DPA does not have automatic jurisdiction to investigate OISs occurring at SFO or surrounding San Mateo County property (San Francisco Administrative Code § 96.11). However, per the San Francisco Charter § 4.136(d), DPA has jurisdiction to investigate any citizen complaints filed against an officer regarding an OIS at SFO.
 - c. The CAL-DOJ will investigate incidents involving unarmed civilians (California Government Code § 12525.3).

B. Notifications

1. **OISs Inside of the City and County of San Francisco** – Actions and notifications at the scene should be guided by DGO 8.01, *Major and Critical Incident Evaluation and Notification* and in accordance with the MOU.
2. **OIDs Inside of the City and County of San Francisco** (except at an approved range or during lawful recreational activities) – If practical, the involved member should notify:
 - a. Department of Emergency Management
 - b. A supervisor of the district in which the OID took place
 - c. Where applicable, the involved member's chain of command

Where practical, the Platoon Commander shall notify the involved member's Commanding Officer.

3. **OISs or OIDs Outside of the City and County of San Francisco** (except at an approved range or during lawful recreational activities) – The involved member, whether on or off duty and as soon as practical, should do the following:
 - a. Absent exigent circumstances, remain at the scene of the shooting or discharge
 - b. Notify the local law enforcement agency
 - c. Notify a supervisor of the involved member's unit
 - d. Notify Department Operations Center

C. Scene – On-scene management and responsibility of the OIS scene is governed by the MOU, excluding OIDs. As scene safety permits, the involved member should limit their investigation and activity to the following:

1. Request medical assistance for injured people.
2. Secure the Firearm
 - a. Pistol
 - i. No attempts to reload the firearm or remove the magazine shall be made.
 - ii. De-cock and holster the pistol.
 - iii. Once the firearm is "strapped in," do not remove the weapon from the holster until directed to do so by the ISD investigator.
 - b. Shotgun/Rifle
 - i. Leave in the same condition as when fired, and
 - ii. Isolate in a secure location.
3. Protect the crime scene and preserve evidence.
4. The involved and able-bodied member shall not be disarmed until Range staff are able to provide a replacement firearm.

D. Public Safety Statement (PSS) – The scope of this statement is limited to the collection of fleeting and crucial information in the immediate aftermath of a critical incident. This statement is considered compelled and may be taken from the involved member without the benefit of representation.

1. It is not the responsibility of the field supervisor to conduct a comprehensive interview of the involved member, but the responsibility of SFDA, ISD, or IAD investigators at a later time.
2. The field supervisor shall not ask the involved member, “why?”
3. SFPD 544 Form, *Public Safety Statement* (SFPD 544) provides guidelines for field supervisors in the collection of a PSS at the scene of an OIS or OID.
4. When taking a Public Safety Statement and where feasible, the field supervisor should ask each involved member separately.
5. The field supervisor shall deactivate their own and the involved member’s Body Worn Cameras (BWC).
6. The field supervisor shall seize the involved member’s BWC as evidence and provide the BWC to IAD investigators.
7. Every involved member incident is unique, so the field supervisor may need to ask the involved member other necessary questions not listed on SFPD 544 as part of the PSS. The field supervisor should remind the involved member not to discuss the incident further until they have met with an attorney. The field supervisor that obtains a PSS should remain on scene to confer with assigned investigators.
8. The field supervisor shall prepare a memorandum, documenting the PSS and other actions taken at the scene. The field supervisor shall send the memorandum directly to the Officer-in-Charge of IAD as soon as practical.

E. Administrative Protocols

1. OISs
 - a. All members shall be afforded all substantive and procedural rights and remedies as provided by applicable law, including but not limited to, the *Public Safety Officers’ Bill of Rights* (DGO 2.08, *Peace Officer Rights in Disciplinary Investigations*).
 - b. Upon a supervisor’s arrival on scene and where safe to do so, the supervisor shall deactivate their own and the involved Member’s BWC, shall take the PSS, and take custody of the involved member’s BWC, as noted above.
 - c. The supervisor shall have the involved member or witnesses escorted from the scene to a Department facility, as directed by ISD. If more than one member is involved in the discharging of firearms, absent exigent circumstances, the members shall be kept separate from one another and shall not discuss the incident with one another prior to being interviewed.
 - d. The Critical Incident Response Team (CIRT) may assist the involved member prior to their interview with investigators. CIRT members and the involved member are reminded that facts or details of the shooting shall not be discussed.

- e. The involved member in an OIS will be reassigned to their respective Bureau Headquarters for a minimum of 5 calendar days. This reassignment is administrative only and in no way shall it be considered punitive.

2. **OIDs**

- a. The Commanding Officer of a member who discharges a firearm in an OID shall have discretion as to the member's assignment within their Station/Unit.
- b. Any reassignment is administrative only and in no way shall be considered punitive.

8.11.05 RETURN TO DUTY

A. OISs

- 1. Within 5 to 15 calendar days of an OIS, the Chief shall convene a panel to determine the involved member's return to duty. The panel shall include:
 - a. The Deputy Chief of the Administration Bureau (Chair)
 - b. The Deputy Chief, Commander, and Captain of the involved member's unit
 - c. Commander and/or Captain of RMO
 - d. Commanding Officer of RMO
 - e. Officer in Charge of ISD
 - f. Officer in Charge of IAD
 - g. Representative of the Behavioral Science Unit
- 2. After the panel convenes, the Chief shall determine if the involved member should be returned to their regular assignment, but only after completion of any mandatory debriefings (DGO 8.04, Critical Incident Response Team), requalification at the Range, and scheduling of the Training Division's FTFO refresher course within 30 calendar days. This decision, including the factors supporting the decision, shall be documented in a report provided to the Police Commission. This report will be part of the member's confidential personnel file and shall not be disclosed to the public except by court order, or otherwise required by law.
- 3. A decision by the Chief to not return a member to their regular assignment is administrative only and in no way shall be considered punitive.

B. OIDs

- 1. The Commanding Officer of the involved member is responsible for conducting a firearms discharge investigation, including negligent discharges.
- 2. The Commanding Officer may delegate this investigation to another Commissioned Officer, however, the Commanding Officer shall be responsible for the investigation, as well as documenting the appropriate findings and recommendations in an investigative summary.
- 3. IAD shall set a due date for this investigation which shall not exceed 90 calendar days.

8.11.06 SERIOUS INCIDENT REVIEW BOARD

The criminal and administrative investigation reports and evidence shall be submitted to the Serious Incident Review Board (SIRB), who shall review the reports and act as outlined in DGO 3.10, *Serious Incident Review Board*.

- A. Criminal Investigation** – Per the MOU, SFDA shall provide the evidentiary materials in support of its investigation to the Department at the investigation's conclusion.
- B. Administrative Investigation** – IAD's administrative investigation should be completed and submitted to the SIRB within 180 calendar days after the closure of the criminal investigation or at the order of the Chief. It should be noted that DPA may have their own investigative timelines.

8.11.07 STATE-MANDATED REPORTING

- A.** Where mandated or at the Chief's request, ISD shall make the notification to the CAL-DOJ (California Government Code § 12525.3).
- B.** The incident will also be reported by the Business Analysis Team in the monthly submission to the CAL-DOJ that includes all use of force by a peace officer resulting in a civilian's death (California Government Code § 12525.2).

INVESTIGATION OF OFFICER INVOLVED SHOOTINGS AND **Firearms DISCHARGES**

8.11.01 PURPOSE

This order outlines the rules and procedures to be followed in the investigation, **review**, and **reporting** ~~conduct~~ of all officer-involved shootings and **firearm** discharges investigations.

8.11.02 A. DEFINITIONS:

- A. 1. Officer-involved shooting (OIS) --** ~~An officer's discharge of a A member's firearm discharge causing that results in the physical injury or death of a person, including negligent discharges and intentional discharges where a suspect is not injured; excludes self-inflicted injury or death even if it is an accidental discharge.~~
- B. 2. Officer-involved discharge (OID) --** ~~An officer's discharge of a A member's firearm discharge, including that does not cause injury or death to a person. sShooting at, injuring, or killing animals, and negligent discharges that do not cause also falls into this category, including accidental discharge without injury.~~
- C. Unarmed Civilian –** Anyone who is not in possession of a deadly weapon (California Government Code § 12525.3(a)(2)).
- D. Public Safety Statement (PSS) –** Information obtained by a field supervisor intended to determine existing threats to public safety and to capture transitory evidence that must be preserved.

I. 8.11.03 POLICY

~~It is the policy of the San Francisco Police Department to respond immediately and conduct a timely and complete investigation of all officer-involved shootings.~~

The San Francisco District Attorney's Office (SFDA) is the primary investigative entity in the determination of criminal conduct on the part of the OIS member. The San Francisco Police Department (Department) is responsible for the administrative investigation and any relevant ancillary investigation into the OIS. (*Memorandum of Understanding Regarding the Investigation of Officer-Involved Shootings, In-Custody Deaths, and Uses of Force Resulting in Serious Bodily Injury* [MOU]).

Nothing in this order shall ~~preclude~~ prohibit a member from taking reasonable actions to protect their safety provide/ensure officer and/or public the safety of another person.

H. 8.11.04 PROCEDURES

A. DEFINITIONS:

- ~~1. 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.~~
- ~~2. 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 falls into this category, including accidental discharge without injury.~~

B. A. INVESTIGATION ~~VE~~ Responsibility - PROTOCOL: Officer involved shootings that result in injury or death OISs are investigated in two distinctly separate venues:

- ~~1. Criminal Investigations - SFDA will Investigations to determine if there was criminal conduct the criminal investigation of the OIS in accordance with the MOU on the part of the involved officer(s) are conducted separately by the Homicide Detail and the Office of the District Attorney.~~
 - ~~a. Prior to any administrative interviews, SFDA shall have an opportunity to request to interview the involved member in the criminal investigation. Members are reminded that participation in the interview is voluntary and that 5th Amendment protections apply. Interviews shall take place either at the SFDA's office, the San Francisco Police Officer's Association office, or at the Department's Headquarters.~~
 - ~~b. The CAL-DOJ will investigate incidents involving unarmed civilians (California Government Code § 12525.3).~~
 - ~~i. Shootings committed by members while off duty are considered OISs only if the member is acting under the color of authority (California Government Code § 12525.3).~~
 - ~~ii. Replica firearms are not considered deadly weapons unless they are used in some particular manner that is likely to produce death or great bodily injury (e.g., as a bludgeon).~~

- c. The Department's Investigative Services Detail (ISD) is responsible for the OIS scene management and will investigate any ancillary crimes that led to the OIS.

2. Formal Criminal Interrogations

- a. California Penal Code § 1054.8(a) prohibits the prosecuting attorney, attorney for the defendant, or investigator for either the prosecution or the defendant from interviewing, questioning, or speaking to a victim or witness without first clearly identifying themselves and identifying the full name of the agency by whom they are employed, and identify whether they represent or have been retained by, the prosecution or the defendant. The party must also show the victim or witness a business card, official badge, or other form of official identification before commencing the interview or questioning.
- b. Per California Government Code Section § 7287, before any initial formal interview with an immediate family member of a person killed or seriously injured, or upon confirmed the relationship as an immediate family member, the member or prosecuting attorney shall:
 - i. Identify themselves by providing their full name, full name of the agency by which they are employed, and display a business card, official badge, or other form of official identification.
 - ii. Inform the person of the status of their family member, if known, including whether the family member has been killed or seriously injured by law enforcement.
 - iii. Inform the person that they are conducting a formal interview for the purposes of an investigation that may or may not involve an assessment of the conduct of the person that was killed or injured.
 - iv. Inform the person that they can have a trusted support person with them. If the family member is asked to go to a station for a formal interview, inform the family member that they have a choice to come to the station and can have a trusted support person with them.
 - v. Members shall not employ threats or deception, including knowingly using false information, fabricated evidence, or misleading statements, to coerce an interview or when conducting any interview subject to this section.
 - vi. Subdivision (a) shall not apply under the following circumstances:
 - a. Where a reasonable officer believes that delay would result in the loss or destruction of evidence or pose an imminent threat to public safety.
 - b. Where the immediate family member has received advisements

substantially equivalent to those required by this section or under Miranda.

~~Officer-involved shootings occurring on San Francisco International Airport property or in San Mateo County shall be investigated by the San Mateo County Sheriff's Office in conjunction with the San Mateo County District Attorney's Office.~~

3. Administrative Investigations – The Internal Affairs Division (IAD) and the Department of Police Accountability (DPA) will ~~Investigations to determine if the officer-involved shooting was within Department policy are conducted separately~~ conduct administrative investigations into possible violations of Department policy (San Francisco Administrative Code § 96.11) by the Management Control Division and by the Office of Citizen Complaints if and when initiated by a citizen complaint.
 - a. Compelled Interview – If a member chooses not to make a statement in the criminal investigation, the Commanding Officer of the Risk Management Office (RMO) will notify SFDA of IAD's intent to conduct a compelled interview.
 - i. Compelled members will be afforded all rights under the *Public Safety Officers' Procedural Bill of Rights Act*.
 - ii. DPA may conduct a separate compelled interview.
 - b. Members have the right to consult with representatives and support personnel prior to interviews and to have their representative present during the interview.
 - c. Compelled statements shall not be shared with the criminal investigation.

~~If the officer-involved shooting occurs on San Francisco International Airport property or on its surrounding areas, the Management Control Division shall contact the San Mateo County Sheriff's investigators and the San Mateo County District Attorney's Office investigators responsible for the criminal investigation and request copies of any reports those agencies have made that are relevant to the officer-involved shooting.~~

4. **Airport** – ~~Officer-involved shootings~~ **Incidents** occurring on San Francisco International Airport (SFO) property or surrounding in San Mateo County shall be investigated by the San Mateo County Sheriff's Office (SMCSO) in conjunction with the San Mateo County District Attorney's Office (SMCDAO).
 - a. IAD will conduct an administrative investigation of any reports shared by SMCSO and SMCDAO.
 - b. DPA does not have automatic jurisdiction to investigate OISs occurring at SFO or surrounding San Mateo County property (San Francisco

Administrative Code § 96.11). However, per the San Francisco Charter § 4.136(d), DPA has jurisdiction to investigate any citizen complaints filed against an officer regarding an OIS at SFO.

- c. The CAL-DOJ will investigate incidents involving unarmed civilians (California Government Code § 12525.3).

C. B. Notifications 1. OISs Inside of OFFICER INVOLVED SHOOTING OCCURRING WITHIN THE CITY AND COUNTY OF SAN FRANCISCO -
 As soon as practical after an officer involved shooting occurring within the City and County of San Francisco, the following Actions and notifications at the scene should be guided by DGO 8.01, *Major and Critical Incident Evaluation and Notification* and in accordance with the MOU. shall be made:

1. If practical, the member(s) involved shall notify Emergency Communications Division (ECD), and his/her immediate supervisor, or the platoon commander of the district in which the shooting took place.
2. ECD shall immediately notify the Field Operations Bureau Headquarters (Operations Center after normal business hours).
3. The Field Operations Bureau or the Operations Center shall make the following notifications:
 - a. The on-call Homicide Inspectors
 - b. The Crisis Incident Response Team (See DGO 8.04, Crisis Incident Response Team)
 - c. Management Control Division
 - d. District Attorney's Office
 - e. The Commanding Officer of the member(s) involved
 - f. Chair of the Firearm Discharge Review Board
 - g. Office of Citizen Complaints
 - h. San Francisco Police Department Command Staff
 - i. Legal Division
 - j. Captain of Risk Management
 - k. Secretary of the Police Commission

D. 2. OIDs Inside of the City and County of San Francisco (except at an approved range or during lawful recreational activities) - OFFICER INVOLVED DISCHARGES. In cases where injury or death has not occurred, the Commanding Officer of the member involved is responsible for conducting a thorough shooting investigation, including accidental discharges. The Commanding Officer may delegate this investigation to another Commissioned Officer. The Commanding Officer, however, shall be responsible for the proper conduct of the investigation, and the appropriate findings and recommendation as documented in an investigative summary. The Commanding Officer's Bureau Chief shall set an appropriate due date for this investigation. However, this

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investigation shall not exceed 45 days. Officer involved discharges require the following notifications: If practical, the involved member(s) involved shall **should** notify:

- a. Department of Emergency Management
- b. A supervisor ~~contact the platoon commander~~ of the district in which the **OID** took place ~~discharge occurred~~.
- c. Where applicable, the involved member's chain of command

Where practical, ~~t~~The platoon commander shall **notify** ~~contact~~ the **involved member's** ~~officer's~~ Commanding Officer.

- 1. ~~If outside San Francisco, as soon as practical, the officer shall contact that jurisdiction's Police or Sheriff's Department requesting that entity contact the San Francisco Police Department.~~
- 2. ~~An officer who discharges a firearm in an Officer Involved Discharge shall be assigned to his or her respective Bureau Headquarters. The officer shall not return to regular assignment for a minimum of 5 days or unless, upon recommendation of the member's Commanding Officer with the approval of his or her respective Bureau Chief, the Chief of Police determines the member may return to his/her assignment.~~

E. 3. OISs OFFICER INVOLVED SHOOTINGS OR OIDs DISCHARGES OCCURRING OUTSIDE of THE CITY AND COUNTY OF SAN FRANCISCO. ~~If a member discharges a firearm outside the City and County of San Francisco (except at an approved range or during lawful recreational activities) - either while~~ **The involved member, whether** on duty or off duty **and as soon as practical, he/she shall should do the following these procedures:**

- a. Absent exigent circumstances, remain at the scene of the **shooting or** discharge ~~and~~
- b. ~~Notify~~ the **local** law enforcement agency.
- c. **Notify a** ~~Immediately contact the on-duty supervisor of the involved member's in your unit or detail.~~
- 1. ~~As soon as practical, the member shall contact the senior ranking member on duty in the Bureau to which he/she is assigned, or the~~ **d. Notify Department** Operations Center after normal business hours, and report the incident. The senior ranking member in the Bureau who is notified or the staff at the Operations Center shall notify the on-duty supervisor of the involved member. If the member's unit is closed, the notification shall be made to the Commanding Officer or Officer in Charge.

F. C. SCENE -- On-scene management and responsibility of the OIS scene is governed by the MOU, excluding OIDs. As scene safety permits, t~~The~~ **involved**

member who has discharged his/her weapon in an officer involved shooting should limit ~~their~~ his/her investigation and activity to the following:

1. ~~As soon as practical, seek~~ Request medical assistance/treatment for injured persons ~~people.~~
2. Secure the Firearm
 - a. Pistol
 - i. No attempts to reload the firearm or remove the magazine shall be made.
 - ii. ~~When officer safety permits: De-cock and, holster the pistol, and strap in his/her firearm. He/she should not reload the weapon, or remove the magazine to examine its contents. Thereafter, he/she should~~
 - iii. Once the firearm is "strapped in," do not remove the weapon from the holster until directed to do so by the **ISD investigator Homicide Detail.**
 - b. Shotgun/Rifle
 - i. Leave in the same condition as when fired, and
 - ii. In cases involving shotguns and/or long rifles the weapon shall be placed on "safe" and **I**solated in a secure location.
 - c. ~~Nothing in this order shall preclude a member from taking reasonable actions to provide/ensure officer and/or public safety.~~
3. ~~As soon as practical, seek medical assistance/treatment for injured persons.~~
4. ~~As soon as practical,~~ **3. P**rotect the crime scene and preserve all evidence. Prior to the arrival of the homicide detail investigators as provided under H.F.5., no person(s) should be permitted to enter the scene except to perform emergency medical assistance or assist in the preservation of the scene and evidence contained therein.
5. ~~As soon as practical, attempt to obtain the name and address of any witness who may not remain at the scene.~~
6. ~~When an officer involved shooting occurs within the City and County of San Francisco, the crime scene(s) shall be under the control of the Homicide Detail upon the arrival of their investigators. No persons shall be permitted to enter the crime scene without the approval of the Homicide Inspector assigned the investigation or the Homicide OIC.~~
7. ~~Nothing in this order shall prohibit a member from taking reasonable actions to ensure his/her safety or the safety of another person.~~

4. The involved and able-bodied member shall not be disarmed until Range staff are able to provide a replacement firearm.

E. Public Safety Statement (PSS) – The scope of this statement is limited to the collection of fleeting and crucial information in the immediate aftermath of a critical incident. This statement is considered compelled and may be taken from the involved member without the benefit of representation.

1. It is not the responsibility of the field supervisor to conduct a comprehensive interview of the involved member, but the responsibility of SFDA, ISD, or IAD investigators at a later time.
2. The field supervisor shall not ask the involved member, “why?”
3. SFPD 544 Form, *Public Safety Statement* (SFPD 544) provides guidelines for field supervisors in the collection of a PSS at the scene of an OIS or OID.
4. When taking a Public Safety Statement and where feasible, the field supervisor should ask each involved member separately.
5. The field supervisor shall deactivate their own and the involved member’s Body Worn Cameras (BWC).
6. The field supervisor shall seize the involved member’s BWC as evidence and provide the BWC to IAD investigators.
7. Every involved member incident is unique, so the field supervisor may need to ask the involved member other necessary questions not listed on SFPD 544 as part of the PSS. The field supervisor should remind the involved member not to discuss the incident further until they have met with an attorney. The field supervisor that obtains a PSS should remain on scene to confer with assigned investigators.
8. The field supervisor shall prepare a memorandum, documenting the PSS and other actions taken at the scene. The field supervisor shall send the memorandum directly to the Officer-in-Charge of IAD as soon as practical.

~~G. INVOLVED OFFICERS. The following actions will be taken in all cases of officer involved shootings (resulting in injury or death):~~ **E. Administrative Protocols**

1. **OISs**
 - a. All members shall be afforded all substantive and procedural rights and remedies as provided by applicable law, including **but not limited to**, ~~without limitation thereto~~ the Public Safety Officers’ Bill of Rights (DGO 2.08, **Peace Officer Rights in Disciplinary Investigations**).
 - b. ~~When~~ **Upon** a supervisor’s arrival ~~arrives on the scene and where~~ safe to do so, the supervisor shall deactivate their own and the involved Member’s BWC, shall take the PSS, and take custody of the involved member’s BWC, as noted above.

- c. ~~The supervisor shall~~ have the involved member(s) ~~or witnesses~~ escorted from the scene to a Department facility, as directed by ISD. If more than one member is involved in the discharging of a firearms, absent exigent circumstances, the members shall ~~be separated and will be kept separate from one another;~~ and shall not discuss the incident with ~~each~~ **one** another prior to being interviewed by the Homicide Detail Inspectors. ~~If possible, the supervisor shall contact the investigator from the Homicide Detail and ascertain if the involved member is to be taken to the Homicide Detail, the Investigations Bureau, or the involved member's Station or Detail. In all circumstances the member shall be taken to a department facility.~~
- d. ~~Members of the department's~~ **The Critical Incident Response Team (C.I.R.T.)** ~~program~~ may assist the involved member(s) involved prior to their interview with investigators. **CIRT members and the involved member are reminded that** ~~However, they shall not discuss the facts or of details of the shooting shall not be discussed with the member.~~
- e. ~~Officers who discharge a firearm in an officer involved shooting~~ **The involved member in an OIS** will be reassigned to **their** ~~his or her~~ respective Bureau Headquarters. ~~Officers shall not return to regular assignment for a minimum of 5 to 10 calendar days. This reassignment is administrative only and in no way shall it be considered punitive.~~

2. OIDs

- a. ~~The Commanding Officer of a member who discharges a firearm in an OID shall have discretion as to the member's assignment within their Station/Unit.~~
- b. ~~Any reassignment is administrative only and in no way shall be considered punitive.~~

8.11.05 RETURN TO DUTY

A. OISs

- 1. Within ~~5 to 15 calendar~~ **business** days of an ~~OIS officer involved shooting,~~ the Chief of Police shall convene a panel to **determine** ~~discuss whether it is appropriate for the involved member's to return to duty. The Panel shall include:~~
 - a. **The Deputy Chief of the Administration Bureau (Chair)** ~~a representative of the Behavioral Science Unit, the officer in charge of the Homicide Detail,~~
 - b. **The Deputy Chief, Commander, and Captain of overseeing the involved member's officer's unit** ~~c. Commander and/or Captain of RMO~~
 - d. **Commanding Officer of RMO** ~~e. Officer in Charge IAD~~
 - g. **Representative from the Behavioral Science Unit;** ~~the officer in charge of the Management Control Division, the Deputy Chief of Investigations and officer in charge of Risk Management.~~

2. ~~After *the panel convenes*, t~~The Chief, ~~after consulting with the panel~~ shall determine if the ~~involved~~ member should be returned to their regular field assignment, but only after completion of any mandatory debriefings (per [DGO 8.04, Critical Incident Response Team Section 1.A](#)); ~~requalification at the Range, and scheduling of the Training Division's FTFO refresher course within 30 calendar days. and any recommended retraining.~~ This decision, including the factors supporting the decision, shall be ~~documented~~ contained in a ~~written~~ report ~~provided~~ that shall be forwarded immediately to the Police Commission. A copy of the report shall also be forwarded to the ~~Director of the OCC.~~ This report will be part of the ~~member's~~ officer's confidential personnel file and shall not be disclosed to any member of the public except by court order, ~~or otherwise required by law.~~ The Police Commission shall, at the first Commission meeting following receipt of the report, meet in closed session with the Chief of Police to review the Chief's findings and decision. Officers shall not be returned to their regular duty until the Commission has met in closed session with the Chief of Police.

~~Any determination~~ 3. A decision by the Chief to not to return a member an officer to their regular assignment and to continue their reassignment is administrative only and in no way shall be considered punitive.

~~The officer shall receive a debriefing by the Crisis Incident Response Team and support as outlined in Section C., of Department General Order 8.04.~~

B. OIDs

1. The Commanding Officer of the involved member is responsible for conducting a firearms discharge investigation, including negligent discharges.
2. The Commanding Officer may delegate this investigation to another Commissioned Officer, however, the Commanding Officer shall be responsible for the investigation, as well as documenting the appropriate findings and recommendations in an investigative summary.
3. IAD shall set a due date for this investigation which shall not exceed 90 calendar days.

H. INVESTIGATIONS

1. ~~Officer involved shootings. The Homicide Detail and the Management Control Division shall respond immediately and conduct a timely investigation into every officer involved shooting. These investigations shall utilize the same numbering system, and be consistent with each other, e.g., 03-01 (first O.I.S. of 2003), 03-02 (second O.I.S. of 2003) etc.~~

2. ~~Officer involved discharges. The Commanding Officer of the member involved shall contact the Management Control Division and obtain an O.I.D. number. The report prepared by the Commanding Officer of the member involved shall reflect the M.C.D. issued O.I.D. number. The final report submitted shall be routed through channels, to the Management Control Division for evaluation prior to review by the Chief of Police.~~

I. 8.11.06 SERIOUS INCIDENT REVIEW BOARD OF INVESTIGATIONS

The criminal and administrative investigation reports and evidence shall be submitted to the Serious Incident Review Board (SIRB), who shall review the reports and act as outlined in DGO 3.10, *Serious Incident Review Board*.

A. Criminal Investigation – Per the MOU, SFDA shall provide the evidentiary materials in support of its investigation to the Department at the investigation's conclusion.

1. ~~Officer involved shootings.~~
 - a. ~~Homicide Detail Investigation. The criminal investigation prepared by the Homicide Detail shall be completed and received by the Chair of the Firearm Discharge Review Board within forty five calendar days of the shooting event. If the criminal investigation report is not completed within forty five calendar days of the shooting event, the Officer in charge of the Homicide Detail shall appear before the Commission at the earliest possible meeting to explain why the report has not been completed.~~
 - b. ~~Management Control Division~~ **B. Administrative Investigation --** The **IAD's** administrative investigation prepared by the Management Control Division shall **should** be completed and submitted to the **SIRB** Chair of the Firearm Discharge Review Board within **365 180** ~~sixty~~ calendar days **after the closure of the criminal investigation or at the order of the Chief of the shooting event. It should be noted that DPA may have their own investigative timelines. If the** administrative investigation report is not completed within sixty calendar days of the shooting event, the Officer in charge of the Management Control Division shall appear before the Commission at the earliest possible meeting to explain why the report has not been completed.
 - c. ~~The Firearm Discharge Review Board shall convene within thirty calendar days of receipt of the Management Control Division investigation report. Within 120 calendar days following the first meeting of the Firearm Discharge Review Board, the panel shall complete its investigation and issue its findings in accordance with Department General Order 3.10. If the Firearm Discharge Review Board report is not completed within the required 120 calendar days, a representative of the Firearms Discharge Review Board shall~~

~~appear before the Commission at the earliest possible meeting to explain why the report has not been completed.~~

8.11.07 STATE-MANDATED REPORTING

- A.** Where mandated or at the Chief's request, ISD shall make the notification to the CAL-DOJ (California Government Code § 12525.3).
- B.** The incident will also be reported by the Business Analysis Team in the monthly submission to the CAL-DOJ that includes all use of force by a peace officer resulting in a civilian's death (California Government Code § 12525.2).

DGO 8.11: New Additions, Updated Language, and Removed Language

Comparing the 2005 General Order against the new draft, organized by type of change.

New Additions

Provisions, definitions, and procedures that appear in the new draft with no 2005 counterpart.

Provision	New language added in the draft (not present in 2005)
Unarmed Civilian definition	New defined term: anyone not in possession of a deadly weapon (Gov. Code §12525.3(a)(2))
CAL-DOJ jurisdiction	California DOJ will investigate incidents involving unarmed civilians (Gov. Code §12525.3)
Off-duty OIS clarification	Off-duty shootings count as an OIS only if the member is acting under color of authority (Gov. Code §12525.3)
Formal Criminal Interrogations – Penal Code §1054.8(a)	Investigators must identify themselves, name their agency, and show credentials before interviewing a victim or witness
Family notification script – Gov. Code §7287	Before a formal interview with immediate family of someone killed or seriously injured: identify self/agency, disclose the family member's status, explain the interview's purpose, offer a support person, and never use threats or deception
DPA jurisdiction at SFO	DPA has no automatic jurisdiction over OISs at SFO, but retains jurisdiction over citizen complaints under SF Charter §4.136(d)
Public Safety Statement (PSS) protocol	New on-scene, compelled, limited statement using SFPD Form 544; supervisor may not ask “why?”; member will/shall give it without representation
Body Worn Camera (BWC) procedure	Supervisor deactivates own and involved member's BWC, then seizes the involved member's BWC as evidence and routes it to IAD
State-Mandated Reporting section	New standalone section: ISD must notify CAL-DOJ when mandated, and report the incident in the monthly use-of-force submission (Gov. Code §12525.2)
Serious Incident Review Board cross-reference	Investigation reports are routed to SIRB “as outlined in DGO 3.10,” rather than this order setting its own review timeline

Updated Language

Provisions that existed in 2005 but were reworded, retimed, or reassigned to a different office in the new draft.

Provision	2005 language	Updated language in the new draft
OIS definition	An officer's discharge of a firearm that results in physical injury or death, even if accidental	A member's firearm discharge causing physical injury or death including negligent discharges and intentional discharges where a suspect is not injured; excludes self-inflicted injury or death.
OID definition	An officer's discharge that does not cause injury or death, including shooting at, injuring, or killing animals, including accidental discharge	A member's firearm discharge, including shooting at, injuring, or killing animals, and negligent discharges that do not cause injury.
Criminal investigation responsibility	Conducted separately by the Homicide Detail and the Office of the District Attorney	San Francisco District Attorney's Office (SFDA) is the primary investigative entity, per a new Memorandum of Understanding (MOU)
Crime scene / ancillary investigation	Crime scene controlled by the Homicide Detail upon arrival; no ancillary-crime role specified	Investigative Services Detail (ISD) is responsible for crime scene management and investigates any ancillary crimes that led to the OIS
Reassignment length after an OIS	Minimum 10 calendar days before returning to regular assignment	Minimum 5 calendar days
Return-to-duty Commission step	Commission must meet in closed session with the Chief before the officer returns to regular duty	Decision is documented in a report to the Commission; the closed-session meeting requirement is not restated
OID due date	Not to exceed 45 days; Bureau Chief sets the exact date	Not to exceed 90 calendar days; IAD sets the due date
OID reassignment discretion	Assigned to Bureau Headquarters; minimum 5 days before return, absent Chief's approval to return sooner	Commanding Officer has discretion over the member's assignment within their Station/Unit; explicitly administrative, not punitive
Administrative report deadline to board	Due within 60 calendar days of the shooting; OIC of MCD explains delays to the Commission	Due within 180 calendar days after the criminal investigation closes, or at the Chief's order; notes DPA may have its own timeline
SFO / San Mateo incidents	Investigated by San Mateo County Sheriff's Office and DA's Office; MCD requests copies of relevant reports	Same investigative split, now framed around the MOU; adds DPA's lack of jurisdiction under SF Charter §4.136(d)

Removed Language

Provisions or procedural detail present in 2005 that do not carry forward into the new draft.

Provision	2005 language removed or not carried forward
“Policy” statement of intent	“It is the policy of the San Francisco Police Department to respond immediately and conduct a timely and complete investigation of all officer-involved shootings.” Replaced with a narrower statement naming SFDA's and the Department's respective roles
Full at-scene notification call-down list	Detailed list of who gets notified: ECD, Field Operations Bureau, on-call Homicide Inspectors, CIRT, MCD, DA's Office, Commanding Officer, Review Board Chair, OCC, Command Staff, Legal Division, Captain of Risk Management, Secretary of the Police Commission. Replaced with a cross-reference to DGO 8.01 and the MOU
Homicide Detail's scene gatekeeping authority	Crime scene is under the control of the Homicide Detail upon arrival; entry requires approval of the Homicide Inspector or Homicide OIC

Note: This is a high-level summary of substantive differences. Refer to the source documents for complete legal text and citations.



DANIEL LURIE
MAYOR

CITY AND COUNTY OF SAN FRANCISCO
POLICE DEPARTMENT
HEADQUARTERS
1245 3RD Street
San Francisco, California 94158



DERRICK J. LEW
CHIEF OF POLICE

August 18, 2026

Dear Honorable President Clay,

RE: DGO 8.11 – *Investigations of Officer Involved Shootings and Firearm Discharges*

On March 5, 2024, the voters approved Proposition E ("Prop E"), an initiative ordinance requiring the Commission and the Police Department to engage in a community engagement process before the Commission may agendize "any proposal to establish, modify, or abolish policies or procedures related to Department operations." (Admin. Code § 961.1(a).) The community engagement process is intended to help the Commission and Department receive public feedback on whether proposed changes to policies and procedures governing Department operations will impact the Department's ability to efficiently and effectively serve the community. The purpose of this process is to "describe the existing policies and procedures," "solicit feedback on their implementation and impacts," and "identify possible changes" rather than to consider or advocate for specific draft proposals. Prop E allows the Chief of Police to waive the community engagement process provided that certain conditions are met.

I, Nicole Jones, Acting Chief of Police, have considered the following factors as required by Prop E:

- The proposed changes are unlikely to have a substantial impact on the Department's ability to serve the community.
- The amount of public feedback already received on the subject matter.
- The need for immediate action.
- Other factors - the proposed changes add definitions, clarity and detail which align with updated SFPD policies and procedures as well as industry best practices.

After considering all the factors, **I hereby waive the community engagement process for Department General Order 8.11, *Investigations of Officer Involved Shootings and Firearm Discharges*.**

Sincerely,

NICOLE JONES
Acting Chief of Police

DGO 8.11 Public Comment Joint Responses

Public Review Period: 11/12/25 - 12/29/25

#	Public Comment	Date Received	SFPD response	SFPD Explanation	DPA Explanation
R1	The OIS definition, negligent discharge is mentioned, and then in OID it says "unintentional discharge", so now I am unsure what a "negligent discharge" is	11/12/25	Recommendation has been included in draft DGO	"Unintentional" has been removed to clarify the definition.	DPA did not respond.
R2	In the Policy statement, can the first part be simplified so it is as clear as the second part of the sentence?	11/12/25	Recommendation will not be included in Draft DGO	Language was specifically adopted from the MOU.	DPA did not respond.
R3	Is the second paragraph in the policy statement necessary?	11/12/25	Administrative Question and Answer-not for inclusion in DGO	Yes, it is very necessary to remind ALL that members shall always have discretion in protecting themselves or others.	DPA did not respond.
R4	8.11.04 (b)(i), "unarmed civilian" should be in defintion section.	11/12/25	Recommendation will not be included in Draft DGO	It is a definition provided by the DOJ and germane to this section regarding CAL-DOJ.	DPA did not respond.
R5	8.11.04 (b), the second sentence should be 8.11.04(b)(i).	11/12/25	Recommendation has been included in draft DGO	Formatting edits made.	DPA did not respond.
R6	The officer did the right thing. aggressive dog that bites people is the responsibility of the owner.	11/12/25	Recommendation will not be included in Draft DGO	This comment is unrelated to this DGO.	DPA did not respond.
R7	Make officer involved discharge an acronym as well (OID).	11/12/25	Recommendation has been included in draft DGO	Added "(OID)".	DPA did not respond.
R8	In 8.11.02, make the definitions more concise to clarify what is involved in each. OIS includes intentional discharge, discharge that results in injury, etc. and does not include self-inflicted...	11/12/25	Recommendation has been included in draft DGO	The definitions have been made more concise.	DPA did not respond.

DGO 8.11 Public Comment Joint Responses

Public Review Period: 11/12/25 - 12/29/25

#	Public Comment	Date Received	SFPD response	SFPD Explanation	DPA Explanation
R9	Separate the policy section into two sentences with no semicolon. Also, what other parallel investigation would happen besides an administrative?	11/12/25	Recommendation will be modified and included in the draft DGO	Formatting edit made. Will change the "parallel investigation" wording to "ancillary investigation," which is the investigation of a crime that preceded or occurred simultaneously with the shooting, such as a robbery, attempted murder, rape, etc.	DPA did not respond.
R10	Spelling error on title of 8.11.04. Does the DOJ investigation happen concurrently with the SFDA one or is it one or the other? Also, does acting under the color of authority mean in uniform or using a Department issued weapon...? Maybe just cite the code	11/12/25	Recommendation will be modified and included in the draft DGO	Typo corrected. The DOJ investigation occurs separately from the SFDA but concurrently. Color of authority means a member has identified themselves as a Police Officer and is acting in the capacity of an on-duty Police Officer. They can be off-duty in plainclothes, but once they identify themselves as such and take action, they are held to the standards of an on-duty police officer. No need to be cite as this is taught at the Academy.	DPA did not respond.

DGO 8.11 Public Comment Joint Responses

Public Review Period: 11/12/25 - 12/29/25

#	Public Comment	Date Received	SFPD response	SFPD Explanation	DPA Explanation
R11	Is DPA allowed on scene? They should not be.	11/12/25	Recommendation will be modified and included in the draft DGO	Agreed; however, it is a privilege allowed by the SFDA as a courtesy and an acknowledgement that per SF Admin Code 96.11, DPA is responsible for "conducting timely and complete [administrative] investigation of any incident occurring within the City and County of San Francisco in which a member of the uniformed ranks of the SFPD discharges a firearm resulting in the physical injury or death of a person, even if the discharge is accidental." Per CA-POST Crime Scene Management best practices, DPA should not be allowed into the active crime scene as they are NOT involved in the criminal investigation.	DPA did not respond.
R11 cont.	Is DPA allowed on scene? They should not be.	11/12/25	Recommendation will be modified and included in the draft DGO	Technically, they may be allowed into the crime scene only AFTER the crime scene has been documented and fully processed in order to prevent any contamination of the crime scene (DPA personnel may have a have a baccalaureate or JD degree, but no other license or certification in investigation, crime scene, or evidence processing is required for employment).	DPA did not respond.

DGO 8.11 Public Comment Joint Responses

Public Review Period: 11/12/25 - 12/29/25

#	Public Comment	Date Received	SFPD response	SFPD Explanation	DPA Explanation
R11 cont.	Is DPA allowed on scene? They should not be.	11/12/25	Recommendation will be modified and included in the draft DGO	By allowing DPA access to an active crime scene, DPA personnel should be providing all notes and work product to the SFDA's Office as part of evidence discovery and be available as witnesses to testify to their observations. It is unknown as to how/why DPA has been allowed to access active crime scenes, as the Charter language does not specifically state that they are granted access into an active crime scene. The language from the Charter stating that DPA is tasked with conducting a "timely and complete [administrative] investigation" does not grant access to an active criminal scene.	DPA did not respond.
R12	In the Notifications of OIS section it does not spell out when ISD would be notified in order to manage the crime scene as stated above. For Discharges, when is the platoon commander notified of the incident?	11/12/25	Administrative Question and Answer-not for inclusion in DGO	The DOC has notification protocols for specific events such as OIS/OID. For OIDs, the platoon commander notification is covered under the "their own chain of command."	DPA did not respond.

DGO 8.11 Public Comment Joint Responses

Public Review Period: 11/12/25 - 12/29/25

#	Public Comment	Date Received	SFPD response	SFPD Explanation	DPA Explanation
R13	It is confusing who is in charge of crime scene management. At one point it says the supervisor, at another it says ISD, another time it says is dictated by the MOU.	11/12/25	Administrative Question and Answer-not for inclusion in DGO	The MOU offers the overall protocol and authorities for OIS investigations. It states that SFPD members will have physical control of the evidence and crime scene, while the SFDA will have authority over the investigation at the crime scene. They can advise SFPD members on what is needed for the investigation. The Supervisor is in charge of the crime scene until ISD arrives and assumes authority over the scene. This is all understood as basic crime scene management.	DPA did not respond.
R14	Does the pistols procedures not have to follow the same procedures listed under shotgun and rifle too? Would requesting medical assistance not happen first? What does number 5 in this section mean?	11/12/25	Administrative Question and Answer-not for inclusion in DGO	No, there are no holsters for shotguns or rifles. They need to be stored in a secure location vs secured inside a holster. No, medical assistance only happens after weapons are secured. It means a non-critically injured member (who was involved in the OIS) shall not have their weapon taken from them until a replacement is offered. This is generally for the member's protection.	DPA did not respond.
R15	The Public Safety Statement section should match the language of the Department Notice that is in the process of being updated once issued. Is this considered part of RMO's administrative compelled interview?	11/12/25	Administrative Question and Answer-not for inclusion in DGO	The Public Safety Statement now matches.	DPA did not respond.

DGO 8.11 Public Comment Joint Responses

Public Review Period: 11/12/25 - 12/29/25

#	Public Comment	Date Received	SFPD response	SFPD Explanation	DPA Explanation
R16	How is CIRT notified? What does assignment to Headquarters look like? Maybe reorganize DGO so it follows the order in which steps are followed? So do not put the investigation section by SFDA and IAD first since that does not happen first, etc.	11/12/25	Administrative Question and Answer-not for inclusion in DGO	CIRT is notified by anyone. Much like requesting a POA-representative to respond, CIRT is also notified as a matter of course by anyone with knowledge of the event. It does not need to be stated in the policy. The DGO is listed in the steps which occur during an incident. Unclear as to this request for reformatting.	DPA did not respond.
R17	Does the panel convene at the same time as the administrative and criminal investigations? How can the Chief's report be confidential if it is submitted to the Police Commission? Aren't there instances when OIS are punitive?	11/12/25	Administrative Question and Answer-not for inclusion in DGO	Yes, the panel occurs 5 to 15 days after the incident, regardless of the status of the investigations. The Police Commission is authorized to review confidential information when provided by the Police Chief. The information will not be made available to the public. Yes, OIS could become punitive if the SFDA finds a violation of law and moves forward with criminal charges in an OIS. Secondly, DPA and IA may find administrative violations and move forward with punitive measures.	DPA did not respond.
R18	Are officer involved discharge administrative investigations not led by RMO like they are for OIS? This is not explicitly clear. Both investigations by the DA and RMO must conclude with 5-15 days before panel meets? Discharges do not go to SIRB?	11/12/25	Administrative Question and Answer-not for inclusion in DGO	8.11.05.B.1. "The Commanding Officer of the member involved is responsible for conducting a firearms discharge investigation, including negligent discharges." This is explicitly stated. The investigations by the DA and RMO are not restricted to 5-15 days. Per DGO 3.10, OIDs are reviewed by SIRB. Any incident may be forwarded by the Chief of Police to SIRB for review.	DPA did not respond.

DGO 8.11 Public Comment Joint Responses

Public Review Period: 11/12/25 - 12/29/25

#	Public Comment	Date Received	SFPD response	SFPD Explanation	DPA Explanation
R19	In 8.11.04 B, do not summarize 8.01, in case it changes. Also actions and notifications "shall" follow 8.01, not "should be guided".	11/12/25	Recommendation will be modified and included in the draft DGO	Summary removed. Will remain "should be" as to avoid any conflicts with future changes in either 8.01 or the MOU. The referenced DGO has the authority, not the referencing DGO.	DPA did not respond.
R20	8.11.04 D this should be 8.11.07 and 8.11.07 should be 8.11.08 - because it doesn't follow any of the same rules, right?	11/12/25	Recommendation will not be included in Draft DGO	It will remain as 8.11.04 D. From a usability standpoint, it best fits in the section regarding notifications.	DPA did not respond.
R21	In 8.11.03, if the DA is the primary investigative entity, why are IA and DPA allowed into the crime scene for administrative investigations?	11/13/25	Administrative Question and Answer-not for inclusion in DGO	IA will typically assist ISD with crime scene management, without beginning the administrative investigation. This is a staffing consideration to aid ISD. However, IA could be excluded from the crime scene (as DPA should be), until after the crime scene has been processed to the satisfaction of SFDA/ISD.	DPA did not respond.
R22	In the Outside of City and County section, is DPA allowed to investigate out of county shootings if a complaint is made, like is says in the airport section? What's to stop them from making anonymous complaints on every shooting? Tramples the 6th Amendment, even if it's just administrative.	11/13/25	Administrative Question and Answer-not for inclusion in DGO	Per the SF Charter, DPA is allowed to investigate ANY member involved shooting IF a complaint is made. There is nothing that stops DPA from making an anonymous complaint except for their professional ethics. While this tactic is alarming, it does not violate 6th Amendment protections because it is an administrative matter, not a criminal matter.	DPA did not respond.

DGO 8.11 Public Comment Joint Responses
Public Review Period: 11/12/25 - 12/29/25

#	Public Comment	Date Received	SFPD response	SFPD Explanation	DPA Explanation
R23	8.11.04 lumps both Investigative Procedures and "Scene" procedures (8.11.04B,C,D,E. and F). Might read better breaking this into 2 sections for clarity.	11/13/25	Recommendation will be modified and included in the draft DGO	Renamed the 8.11.04 section from "Investigative Procedures" to "Procedures." Reorganized the section to A. Investigative Responsibility, B. Notifications, C. Scene Protocols, and D. Admin Protocols	DPA did not respond.
R24	In 8.11.04 A 1 b ii, "replica firearm" does not address if the officer believed it to be a deadly weapon at the time of the incident.	11/17/25	Administrative Question and Answer-not for inclusion in DGO	This section is specific to language from the Cal-DOJ. What the Officer believed at the time of the incident will be addressed in the investigation.	DPA did not respond.

DGO 8.11 DPA Rec Grid and SFPD Responses
 Stage 2

#	DPA Recommendations for DGO 8.11	SEC or p. #	Date Submitted	SFPD response	SFPD explanation	Open/Closed
R1	Clarify definition that OIS does not include any self inflicted injury/death in negligent discharges	8.11.02 (A)	9/9/25	Recommendation has been included in draft DGO	"excludes self-inflicted injury or death" was added to the definition.	closed
R2	Include DPA as conducting administrative investigations in OIS	8.11.04(A)(2)	9/9/25	Recommendation has been included in draft DGO	Addition was made in 8.11.04(A)(3)	closed
R3	Include DPA as conducting administrative investigations in OIS at Airport	8.11.04(A)(3)(a)	9/9/25	Recommendation will not be included in draft DGO	The following clarifying language will be used: "DPA does not have automatic jurisdiction to investigate OISs occurring at SFO or surrounding San Mateo County property (San Francisco Administrative Code § 96.11). However, per the San Francisco Charter § 4.136(d), DPA has jurisdiction to investigate any citizen complaints filed against an officer regarding an OIS at SFO."	closed
R4	Include DPA in DOC notifications	8.11.04(B)(3)	9/9/25	Recommendation included in training, Department Manual, or other procedural or guidance document	These specific notifications will be removed from the DGO, as they are specific to DOC and are tangential to this DGO. DOC Unit Order covers notification.	closed
R5	Include notification and referrals for criminal investigations conducted by CA DOJ on unarmed civilian deaths pursuant to Gov 12525.3 (AB 1506)		9/9/25	Recommendation has been included in draft DGO	Added section "8.12.07 STATE-MANDATED REPORTING"	closed
R6	Should include reporting requirments pursuant to Gov Code 12525.2(a) - report to CA DOJ any OIS of a civilian by a member (there are other categories of reporting not OIS involved).		9/9/25	Recommendation has been included in draft DGO	Added section "8.12.07 STATE-MANDATED REPORTING"	closed
R7	Include Department procedures involving OIS incidents such as townhall meetings		9/9/25	Recommendation will not be included in draft DGO	Town halls are managed by the Risk Management Office and Media Services Unit and are not a policy that all department members need guidance on.	closed