



San Francisco Domestic Violence Death Review Team (DVDRT)
Pilot Report
May, 2023

The San Francisco Domestic Violence Death Review Team Pilot aims to honor the lives of those lost to domestic violence. May we continue to work collaboratively to design recommendations for systemic change that have the potential to prevent future such injuries or fatalities and to maintain safe and healthy communities.

Contents

Executive Summary.....	4
The Domestic Violence Death Review Team (DVDRT) Process and Methodology.....	4
Incident Reviewed.....	5
Contributing Factors Identified.....	9
DVDRT Recommendations.....	10
Methodology.....	15
DVDRT Analysis and Recommendations.....	23
Chronology of Events.....	23
Analysis.....	29
1. Improving computer-aided dispatch (CAD) systems to provide greater awareness to SFPD officers of prior incidents of violence between Assailant and Victim.....	29
2. Allegation of poisoning and real-time assistance for SFPD officers on scene evaluating.....	31
3. Broad interaction/information gathering by SFPD from roommates or other potential witnesses.....	32
4. Ability of SFPD to enforce physical separation despite residency of Assailant as a matter of law.....	33
5. Custodial treatment of intoxicated individuals.....	34
6. Real-time assistance for SFPD from domestic violence prevention advocates.....	36
7. Providing closure/well-being assistance to 911 call-takers and dispatchers.....	37
8. Availability/use of body-worn video (BWV) cameras.....	37
9. SFPD’s third response to Victim’s address; efficient and thorough transfer of information to later-responding officers.....	38
10. Real-time SFPD and victim access to domestic violence shelters and support information; security planning for victims.....	39

11. Other contributing factors	39
Limitations of the Review	41
Contributing Factors	42
Recommendations	47
Appendix A. DVDRT Participants.....	52
Appendix B. California Penal Code Section 11163.3.....	53
Appendix C. San Francisco Police Department Special Victims Unit Referral Card	56
Appendix D. Domestic Violence Lethality Screening Questionnaire for First Responders.....	57

Executive Summary

The Domestic Violence Death Review Team (DVDRT) Process and Methodology

This Domestic Violence Death Review Team (DVDRT) Pilot was jointly created by the San Francisco District Attorney's Office (SFDA) and the Department on the Status of Women of the City and County of San Francisco (DOSW) pursuant to the provisions of California Penal Code 11163.3.¹ The City and County of San Francisco have a long-established commitment to reviewing domestic violence-related fatalities, to strengthen system policies and procedures and identify prevention strategies to reduce future incidents of domestic violence-related injuries and deaths. San Francisco has an active Family Violence Council that addresses systems response to domestic violence but has not had staffing for a dedicated Death Review Team. The development of a Domestic Violence Death Review Team is a recurring recommendation from the Family Violence Council. In 2018 CCSF was able to secure additional resources to reintroduce a DVDRT in the form of a pilot. The SFDA and DOSW began by reviewing a prior protocol for domestic violence, child and elder death case reviews conducted by system partners.

Prior DVDRT efforts were co-chaired by the San Francisco District Attorney's Office and the Cooperative Restraining Order Clinic (CROC), with the Department on the Status of Women providing staffing and coordination. This prior experience laid a strong foundation for coordinating the relaunch named the DVDRT Pilot. The SFDA and DOSW engaged the Quattrone Center for the Fair Administration of Justice at the University of Pennsylvania Carey Law School (Quattrone Center or QC) to assist in coordinating and moderating the DVDRT Pilot.² The Quattrone Center is a national thought leader in sentinel event reviews in criminal justice and has assisted jurisdictions across the country in the conduct of such reviews in a variety of different contexts within the criminal justice system.

¹ Funding for the DVDRT was provided in part by the United States Department of Justice Office on Violence Against Women (OVW).

² This research was supported by Grant No. 2017-MU-MU-K021 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Principal participants in the DVDRT Pilot are:

- The San Francisco District Attorney's Office
- The Department on the Status of Women
- The San Francisco Police Department
- The San Francisco Medical Examiner's Office
- The San Francisco Department of Emergency Management
- The San Francisco Sheriff's Department
- Cooperative Restraining Order Clinic (CROC)
- The Quattrone Center for the Fair Administration of Justice (moderator)

In addition, the DVDRT included community-based domestic violence advocates and professionals ("Advocates") to provide additional expertise on domestic violence indicators, responses, and support and to assist the DVDRT in identifying factors that may contribute to domestic violence-related fatalities, as well as helping to design recommendations for systemic change that have the potential to prevent future such injuries or fatalities.

Incident Reviewed

The Victim was murdered in her apartment by her former boyfriend (Assailant) in the early morning hours of October 10, 2014. In his fourth visit to the apartment that night, Assailant shot Victim, then himself, killing them both. The murder occurred after multiple calls to 911 by the Victim and several of her roommates, and after three (3) visits to the scene by members of the San Francisco Police Department (SFPD), including a visit where the Assailant was arrested for being drunk in public and taken to the City Jail for a period of time. The DVDRT decided to review this event in an effort to understand the various factors that came together to enable this tragedy, and in so doing to design modifications to the City's response to domestic violence incidents that will lead to better outcomes for all involved.

The DVDRT carefully analyzed the events of the night of October 9, 2014, to understand the various factors that led to this tragic outcome, and consider how a safer outcome might have been achieved.

This tragedy illustrates a common challenge in helping SFPD officers respond effectively to domestic violence calls: providing responding officers with all of the information that might help the officers diagnose the risk that a domestic dispute could escalate to lethality. The DVDRT team focused on the following aspects of the event to identify contributing factors and recommendations for system changes:

1. *Improving computer-aided dispatch (CAD) systems to provide greater awareness to SFPD officers of prior incidents of violence between Assailant and Victim.*

The mobile computers and Computer-Aided Dispatch (CAD) systems used by SFPD at the time (and to some extent, still in effect today) did not automatically provide the complete history of violence between Victim and Assailant to the responding SFPD officers. It is important for responding officers to know as much as possible about previous violent incidents between the parties so that they can evaluate and navigate the situation once they arrive on the scene. A CAD system that automatically provides all prior DV-related charges against a person, as well as the ability to see any prior calls for emergency service at a specific address, including notes made by prior responding officers without requiring an additional search by a responding police officer would help provide this necessary context about the relationship and assist police in their assessment of immediate risk.

2. *Allegation of poisoning and real-time assistance for SFPD officers on scene evaluating*

Any allegation of potentially lethal harm, such as the allegation of poisoning made to an SFPD officer by one of Victim's roommates, should be taken seriously by responding officers, even if it stands in apparent contrast to the emotional state of the Assailant. All officers should be trained to listen for allegations of poisoning and to identify them as potential red flags for lethal violent behavior.

3. *Broad interaction/information gathering by SFPD from roommates or other potential witnesses*

While understanding that not everyone welcomes speaking to the police, SFPD officers should make every effort to gather details and context of domestic violence situations to enable the most appropriate plan for the future safety of all involved.

4. *Ability of SFPD to enforce physical separation despite residency of Assailant as a matter of law*

SFPD officers cannot impose any limitations or sanctions against individuals that are not linked to specific, provable violations of the law. Several facts limited the custodial options available to SFPD officers who responded to Victim's apartment on the night of October 9, including:

- There was no assertion on the night in question that Assailant had physically assaulted or even threatened Victim at any time prior to the murder.
- Officers saw no evidence of any attempt by Assailant to force entry into the apartment.
- Assailant's driver's license listed Victim's address as his address, preventing an arrest for trespassing or some other related violation.

Several DVDRT team members suggested allowing police and courts to look beyond the address listed on a drivers' license and enabling officers to ensure a physical separation between people where physical violence has occurred or is deemed imminent based on prior history.

5. *Custodial treatment of intoxicated individuals*

At the second call for assistance, SFPD officers arrested and charged Assailant for being inebriated in a public place. This succeeded in providing space and an opportunity for de-escalation. Ensuring that victims understand the limits of such an arrest and providing victims with information and support to quickly create the safest possible environment for victims, is essential. Since this event, SPD has updated its procedures, and now has a Special Victims Unit Referral Card as a “leave behind” for victims. This information could also be provided by a domestic violence safety advocate who responded to the call along with SFPD officers (or perhaps even in lieu of an armed police response.)

6. *Real-time assistance for SFPD from domestic violence prevention advocates*

SFPD officers responding to domestic violence calls are essentially asked to be experts in domestic violence, psychology, poison control, and several other discrete disciplines in addition to interpreting and enforcing the law based on imperfect and dynamic facts. Supporting not only officers, but also 911 call-takers and dispatchers with real-time access to experts in these, and potentially other fields, would greatly assist them in accurately assessing and de-escalating situations. This information could be provided by domestic violence experts who can co-monitor calls and discuss the type of needed response, and/or from checklists of questions designed to identify key information on the call. These experts could be located in the Department of Emergency Management and the 911 call center, to allow advocates to hear from (and potentially engage with) callers to 911 who are reporting domestic violence, and to communicate directly with responding officers. While SFPD would still be the point of contact with the caller at the scene, the DV advocate at the call center could help set the appropriate mindset for the officer while the officer is en route to the scene, given the officer specific factors to consider or look for upon his/her arrival on the scene, and would continue to be available to the officer as additional information is gathered at the scene.

7. *Providing closure/well-being assistance to 911 call-takers and dispatchers*

An area discussed by the DVDRT unrelated to the specific events on October 9 but important enough to mention for further investigation by SFPD and the DEM was the emotional toll of DV and other emergency calls on DEM call takers and dispatchers. Providing necessary emotional and well-being support to these first responders is a vital and important service that would be supported by all DVDRT members.

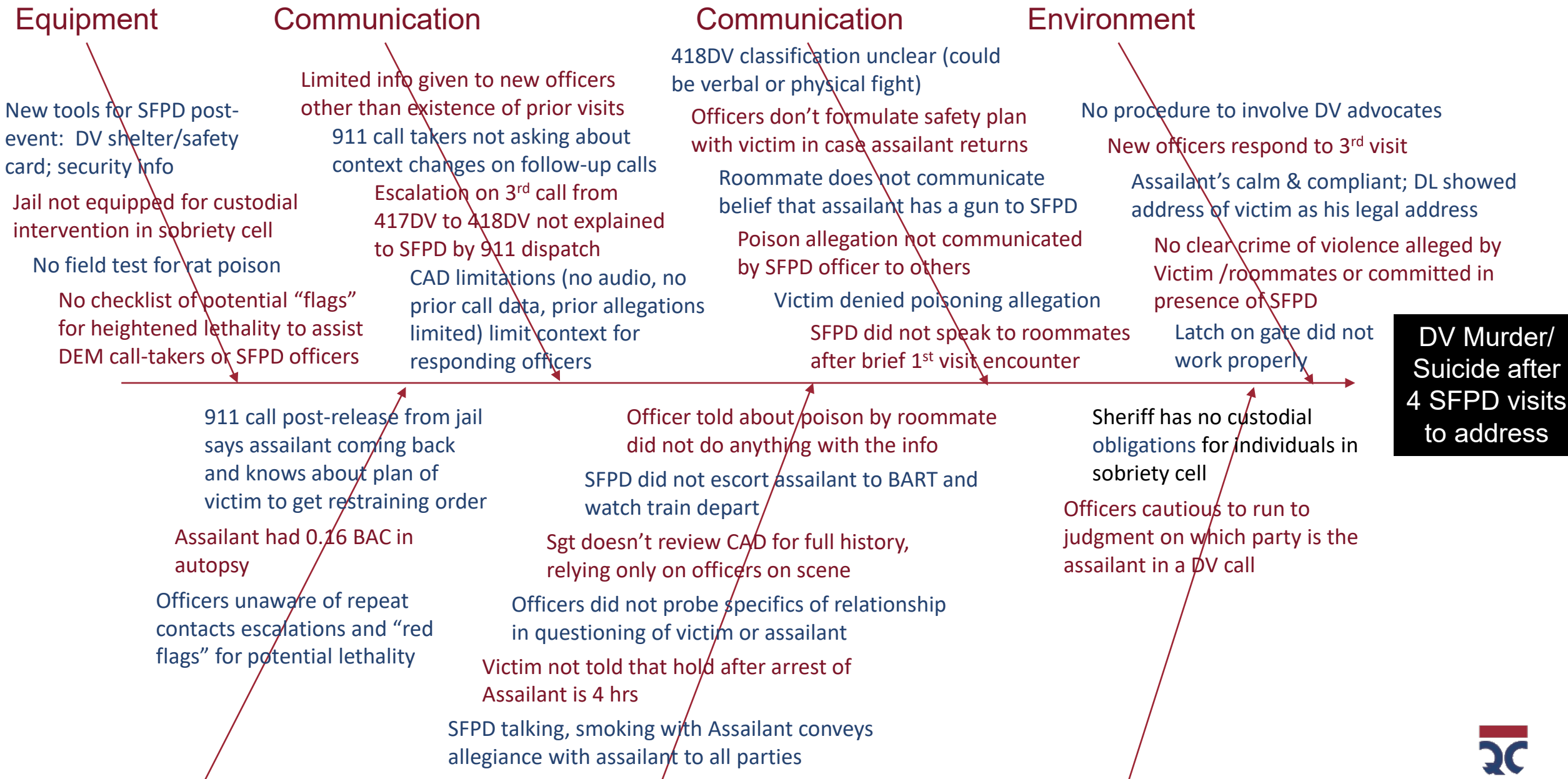
8. *Availability/use of body-worn video (BWV) cameras*

The ability to have BWV from an office reviewable in real time by other officers or domestic violence safety advocates would allow for even greater insight and assistance provided to the officer as that officer assists in a safe resolution of the situation.

9. *SFPD's third response to Victim's address; efficient and thorough transfer of information to later-responding officers*

One of the warning signs for lethality noted by the DVDRT was the simple fact of the repeated visits to the apartment by Assailant despite the continued presence of SFPD. The officers who had responded to the first two encounters were unavailable when Assailant returned to the apartment after Assailant's release from SF Jail. The officers that did respond lacked context from the prior two interactions that might have guided them differently. Again, improvements in CAD and mobile technology for SFPD could improve this.

EVENT REVIEW “FISHBONE” DIAGRAM: CONTRIBUTING FACTORS



**DV Murder/
Suicide after
4 SFPD visits
to address**



DVDRT Recommendations

The Contributing Factors identified by the DVDRT led to sixteen (16) recommendations to SFPD and the City of San Francisco designed to prevent similar incidents from occurring in the future.

SFPD and the City of San Francisco should:

Recommendation Number	Recommendation	Contributing Factor Addressed
1.	<p>Ensure that DEM professionals who handle calls for service to San Francisco’s 911 hotline have real-time access at all times to experts in the management of domestic violence situations. These experts should assist call takers in, among other things:</p> <ul style="list-style-type: none"> a. Coding calls for emergency service related to domestic violence b. Identifying and managing the risk of violence in each situation, including across the context of multiple calls for service from the same individual or at the same location; and c. Collecting and providing all relevant information to SFPD officers dispatched to the scene, to facilitate peaceful and appropriate resolutions of the emergency situation 	1, 3 – 5, 12, 14
2.	<p>Provide victims’ advocates who can accompany SFPD to domestic violence calls for emergency services. Advocates should be available upon officer request but should be required in situations where a single address has been the source of more than one (1) call for emergency services in a 48-hour period. Services that the advocates provide to SFPD and victims of domestic violence might include, but need not be limited to:</p> <ul style="list-style-type: none"> a. Assessments about the risk of future violence/lethality b. Assessments of the physical security of the victim’s home, along with recommendations for improving the security and a process to inform property owners/landlords of identified security risks to occupants c. Provision of a physical (body and environment) security checklist for victims 	1, 11, 13, 15-16, 20 – 23,

	<ul style="list-style-type: none"> d. Creation of a plan to ensure the immediate and short-term physical safety of victims of domestic violence, focusing on protection, not disempowerment e. The ability to refer the victim to a shelter in real time, 24/7/365 f. Assistance in transportation to a shelter; and g. Additional information set forth in the SFPD referral card 	
3.	SFPD should memorialize observed security risks at locations where they are called for domestic violence using, among other tools, the SF Safe home assessment and the Cal VCB home security improvements	
4.	Landlords should receive training on minimum levels of security for their propert(ies) and a checklist of items prior to obtaining a rental license	22
5.	<p>The City and County of San Francisco should provide SFPD officers with tools other than arrest to create separation and space between a potential or actual DV victim and the assailant, including but not limited to:</p> <ul style="list-style-type: none"> a. Neighborhood Watch/SFSafe information b. Providing victims of domestic violence with information regarding emergency registration c. Assisting victims of domestic violence in identifying and traveling to a shelter that can provide immediate and overnight assistance and protection to the victim d. Providing a “Marsy’s card” DV referral card e. Allowing SFPD officers to differentiate between the address on someone’s driver’s license and where they are actually living in terms of interpreting breaking & entering or other trespass violations 	34
6.	The Department of Emergency Management (DEM) and SFPD should prioritize and/or expedite SFPD responses to repeated	

	allegations of domestic violence from the same address. SFPD should instruct DEM, and DEM should flag the address as a “Hazard Premise” upon the receipt of a 2 nd call from the same address in 24-hour period	
7.	SFPD officers who respond to requests for emergency services in domestic violence cases should proactively seek to interview any and all bystanders, roommates, neighbors, and other individuals who may have observed the incident(s) or who may have background knowledge about the situation that provides useful context for navigating the situation in the short term and beyond. This includes seeking to interview other roommates or residents in an apartment or residence when there is a civil standby (taking into account SFPD policy on arrests when children are present)	8 - 10
8.	When responding to DV calls for emergency services, SFPD officers should always attempt to question as many people as possible to understand the dynamics of the situation with as much context as is practicable, while understanding that witnesses or other residents are not required to provide any information.	15
9.	<p>SFPD officers should have immediate access to the audio of the current 911 call to which officers are responding, as well as to prior calls from the same individual or from the same address. This access should be provided to the officers in real time, and not later than their arrival at the scene.</p> <ul style="list-style-type: none"> a. DEM 911 hotline call takers should have the discretion and ability to provide information directly to responding officers rather than sending audio of calls directly to SFPD officers. b. The CAD system used by DEM and SFPD officers should provide SFPD officers with the ability to access video and/or audio recordings of prior calls for emergency service from the same address, not just their existence or coding 	

	<p>c. The CAD system should allow SFPD officers responding to domestic violence calls for assistance to compare the statements of individuals at the scene with statements that were made to the 911 call taker.</p>	
10.	<p>In situations where SFPD officers are responding to a call for service related to domestic violence and other SFPD officers have responded to similar calls for service in the prior 48 hours, SFPD should improve the ability of its responding officers to speak directly to the prior responding officers, and provide the responding officers real-time, mobile access to reports filed by the prior responding officers.</p>	
11.	<p>The City of San Francisco should fund and accelerate purchase and implementation of an upgraded Computer-Aided Dispatch (CAD) system that can, at a minimum:</p> <ul style="list-style-type: none"> a. Provide officers in real time with the audio, or at a minimum a readable transcript, of any prior 911 call made to the Department of Emergency Management and b. Provide officers in real time with prior allegations of domestic violence made to the SFPD against any individual. Such information should be capable of delivery to an officer’s mobile phone upon request. 	2, 32
12.	<p>DEM 911 call-takers should receive training at the time of their hiring that is refreshed at least every other year on domestic violence-specific psychology of assailants and victims, as well as a set of questions or checklist for the identification of “flags” that will assist call-takers in the ability to evaluate the risk of future violence and/or lethality in a given request for emergency services related to domestic violence.</p> <ul style="list-style-type: none"> a. The training should include ways to evaluate/spot avoidance or minimization behaviors from victims of domestic violence 	

	<p>b. The DEM should provide call takers with DV-specific call guide(s) to assist in gathering necessary data to help SFPD and victim’s advocates who respond to a DV call</p>	
13.	<p>At the time of hiring and not less frequently than every other year thereafter, DEM should ensure that its call-takers and dispatchers receive training on vicarious trauma and stewardship and access to appropriate clinical resources to address the risks of vicarious or secondary trauma on these individuals. SFPD and DEM should also discuss and decide whether, when and how to provide information about the ultimate resolution of 911 calls to call-takers and dispatchers, who typically hear only about the request for emergency services and do not know how the events are resolved</p>	
14.	<p>Officers need to build time into DV calls to be thorough in their reporting of data from the individuals interviewed to one another, and to supervisors</p>	
15.	<p>Any time an allegation is made that one person has tried to poison another in a domestic violence call:</p> <ul style="list-style-type: none"> a. The SFPD officer who receives the allegation should contact Poison Control for advice or data that might allow the officer to prove or disprove the allegation; and b. The officer should immediately escalate the allegation to a supervisor to ensure that it is factored into an appropriate SFPD response. <p>These actions should be taken even if the allegation is denied by either the alleged poisoner or the alleged target of the poisoning.</p>	6, 7
16.	<p>The City and County of San Francisco should expand the number of beds providing triage shelter to victims of domestic violence and should provide a free, live 24-hour resource that can connect victims of domestic violence to shelter services.</p>	34

Methodology

This Domestic Violence Death Review Team (DVDRT) Pilot was jointly created by the San Francisco District Attorney's Office (SFDA) and the Department on the Status of Women of the City and County of San Francisco (DOSW) pursuant to the provisions of California Penal Code 11163.3.³ The City and County of San Francisco has a long-established commitment to reviewing domestic violence-related fatalities, to strengthen system policies and procedures and identify prevention strategies to reduce future incidents of domestic violence-related injuries and deaths. San Francisco has an active Family Violence Council that addresses systems response to domestic violence but has not had staffing for a dedicated Death Review Team. The development of a Domestic Violence Death Review Team is a recurring recommendation from the Family Violence Council. In 2018 CCSF was able to secure additional resources to reintroduce a DVDRT in the form of a pilot. The SFDA and DOSW began by reviewing a prior protocol for domestic violence, child and elder death case reviews conducted by system partners.

The DVDRT Pilot was convened, staffed and coordinated by the Department on the Status of Women. The SFDA and DOSW engaged the Quattrone Center for the Fair Administration of Justice at the University of Pennsylvania Carey Law School (Quattrone Center or QC) to assist in coordinating and moderating the DVDRT Pilot.⁴ The Quattrone Center is a national thought leader in sentinel event reviews in criminal justice and has assisted jurisdictions across the country in the conduct of such reviews in a variety of different contexts within the criminal justice system.

Participants, Roles and Responsibilities.

The SFDA, DOSW and QC began by identifying the parties who would participate in the DVDRT and creating a Memorandum of Understanding (MOU) governing the parties' participation. Principal participants in the DVDRT are:

- The San Francisco District Attorney's Office
- The Department on the Status of Women
- The San Francisco Police Department

³ Funding for the DVDRT was provided in part by the United States Department of Justice Office on Violence Against Women (OVW).

⁴ Funding for the Quattrone Center's participation was provided in part by the Sentinel Event National Demonstration Project, an initiative supported through funding by the U.S. Department of Justice Bureau of Justice Administration (BJA) with additional support from the U. S. Department of Justice National Institute of Justice (NIJ).

- The San Francisco Medical Examiner’s Office
- The San Francisco Department of Emergency Management
- The San Francisco Sheriff’s Department
- Cooperative Restraining Order Clinic (CROC),
- The Quattrone Center for the Fair Administration of Justice (moderator)

In addition, the DVDRT included community-based domestic violence advocates and professionals (“Advocates”) to provide additional expertise on domestic violence indicators, responses, and support and to assist the DVDRT in identifying factors that may contribute to domestic violence-related fatalities, as well as helping to design recommendations for systemic change that have the potential to prevent future such injuries or fatalities. The principal participants in the DVDRT selected a subset of the 23 potential principal participants and Advocates listed in the MOU to participate in this DVDRT. Members engaged in a series of meetings to set guidelines, ultimate case selection and ultimately design the pilot. Upon case selection a smaller group of participants with the most direct experience with the case convened to complete the Fatality Review. After review of the facts and key decision-making the larger group was reconvened to discuss policy recommendations in the context of current operations. Ultimately final recommendations were reviewed by all participating agencies and summarized in this report. The hourglass model of DVDRT Pilot member participation was chosen in order to manage schedules, and maintain confidentiality.

Universal expectations of all participants

Pursuant to the agreement creating the DVDRT, all principal participants in the DVDRT were expected to:

- Provide information from their records consistent with legal authority and standard practice
- Serve as liaison to their professional counterparts and agency and be in a position of authority to make decisions around recommendations generated from fatality review
- Provide definitions of their professional terminology
- Share and interpret the procedures and policies of their agency as it relates to the involvement of the victim within the agency
- Explain the legal responsibilities or limitations of their profession
- Assist in making referrals for services to surviving family members, if applicable
- Explore the way cases flow through systems and how employees are organized in systems to handle or manage cases; and
- Respect the different roles and responsibilities of death review team members and recognize the importance of all voices being represented at fatality review meetings

Role of the Coordinator

The QC was engaged to serve as the Coordinator of the DVDRT. As Coordinator, the QC was expected to:

- Serve as an objective coordinator to establish a process for DVDRT meetings
- Provide the DVDRT team with expertise on the sentinel event review process that was being applied by the DVDRT to the case chosen for review
- Work as requested by the DA, DOSW, SFPD, and other agencies to develop a system for tracking domestic violence related deaths and selecting cases for fatality review
- Conduct research and prepare findings and recommendations for the DVDRT
- Assist the DOSW project manager with meeting schedules, agendas and community updates
- Attend all DVDRT meetings and moderated all conversations; and
- Encourage members by keeping them informed of meetings and urging them to fully participate in the review process and assist in data collection for the death review team.

DVDRT Process.

The parties agreed to a process as follows:

Case selection.

The DOSW and SFDA each designated a representative to coordinate with all DVDRT members and assisted the DVDRT in the selection of the case reviewed in this report. Principal participants selected the first case to be reviewed by the DVDRT. The case selected was chosen for several reasons. First, any fatality caused by domestic violence is eligible for review by the DVDRT. While all such fatalities are shocking and tragic, this case was selected as a well-known and high-publicized case, one which all participants had familiarity, and a fatality that occurred despite multiple efforts by SFPD to de-escalate the situation and to provide separation and distance between Assailant and Victim.

It is worth noting that one issue that can plague jurisdictions seeking to investigate highly charged undesirable outcomes in the criminal justice system is the existence of civil litigation related to the case. Many jurisdictions are wary of conducting sentinel event reviews like this one until such litigation has been resolved for fear of building a record that might implicate the jurisdiction in liability. In this case, that issue did not present itself as by the time the DVDRT was created, the litigation related to the case had been concluded.

The events reviewed by the DVDRT herein occurred in 2014, and the bulk of our review occurred in late 2021/early 2022, more than seven years after the events. While the review generated novel insights, the DVDRT feels that more rapid improvements to the system will be generated by more contemporaneous reviews. The DVDRT's enabling statute does have "safe harbor" language that may preserve the DVDRT's review work as separate from any related civil litigation, without in any way limiting the rights of those harmed in such incidents to pursue appropriate relief through the courts. It is our hope, then, that the agencies that participate in future DVDRTs will be able to identify and

investigate cases more rapidly, and without the potential chilling concern of pending or potential civil litigation.

Creation of Data Use Agreement.

To enable the collection of information related to the case selected, the principal parties (San Francisco Police Department (SFPD), San Francisco District Attorney’s Office (SFDA), San Francisco Medical Examiner’s Office (SFME), San Francisco Department of Emergency Management (DEM), Department on the Status of Women (DOSW), and the Quattrone Center for the Fair Administration of Justice (QC)) entered into a Data Use Agreement (DUA) to ensure that all documents or other material used by or



reviewed by the DVDRT would be in compliance with California law and in keeping with California Penal Code 11163.3.⁵

Case Information Collection.

The members of the DVDRT attempted to gather as much information about the case as possible. First, each organization participating in the DVDRT was asked to provide any information in its possession to the group for review, within the confidentiality and data use provisions provided by law and the DUA. Documents requested included:

- All prior records related to the case including 9-1-1 calls, restraining orders, police reports, probation reports, medical records, mental health records, etc.
- Medical Examiner's report
- Details of the incident
- Race, age, gender, primary language, and sexual orientation of each individual involved in the event
- Prior histories of Victim and Assailant, individually and together
- State summary criminal history information, criminal offender records information, and local summary criminal history information
- Prior intervention contacts with the system and community-based agencies
- Alcohol and/or drug use and other lethality indicators
- Use of weapons

To perform as close to an "all stakeholders" review as possible, the principal parties in the DVDRT invited other organizations that had participated in the underlying case – in this case, the Department of Emergency Management and San Francisco Sheriff's Office – to provide documentation and other information as well.

These three organizations (SFPD, DEM, and SF Sheriff's Office) as well as the SFDA ultimately provided records in their possession related to the fatality, though SFPD did not provide any materials related to interviews with or statements by any of the officers who responded to calls related to the events in question. SFPD did not allow its personnel to be interviewed.

Additional information about the case under review was found in an in-depth San Francisco Chronicle article from 2017 and court filings pursuant to civil litigation filed by the estate of the deceased victim in the case. While the court filings included deposition transcripts for all of the police participants and several of the Victim's roommates, these transcripts had been edited and the DVDRT was unable to

⁵ Complete text of this statute is set forth in Appendix B.

obtain complete transcripts. The absence of direct interviews and complete transcripts is a potential limitation of this report.

The QC and DOSW created a case chronology using the existing data available to them; the SFDA and DOSW identified specific individuals from the SFDA, SFPD, DOSWQ, DEM, ME, Sheriff's Office, and Advocates to participate in meetings evaluating the case, with the goal of identifying factors that contributed to the unwanted outcome of a domestic violence fatality (Contributing Factors or CFs) and generating Recommendations that, if implemented, would have prevented the Contributing Factors from coming together to result in a domestic violence fatality.

Fatality Review Meetings.

The DVDRT met five (5) times for two (2) hours each. At each meeting, the QC led the group through a thorough chronology of the events and moderated a discussion designed to elicit thoughts about potential contributing factors. The meetings were designed to be "blame-free." In other words, while the DVDRT was aware that it was possible that one or more people had acted in ways that might be deemed to be contrary to an agency's policies or procedures, and while certainly Assailant's final acts were intentional, the DVDRT asked its questions and conducted its investigation under the starting assumption that every participant from the Department of Emergency Services, SFPD, and Sheriff's Office sought at all times to avoid the occurrence of domestic violence, and of course acted in ways designed to prevent the violent fatalities that ultimately occurred. Thus, rather than asking who was "at fault" for the fatalities, the DVDRT asked what information we could use to identify why these fatalities happened despite the best efforts of all involved, and what could be done to help future respondents to domestic violence calls be more empowered and enabled to prevent future fatalities.

Shared principles of communication

The participants of the DVDRT agreed on the following guiding principles to enable full, frank and honest discussion regarding Contributing Factors to the DV fatality:



Contributing Factors were placed in the following categories:

- Communication: the transfer of information between and among any participant or participants

Example: a text message sent by an officer who had responded to a prior call to the same address to an officer responding to a later call; information and context relayed to a police officer by a 911 call taker or dispatcher

- People/Supervision: Acts or omissions by individuals or supervisors that contributed to the undesired event

Example: A police supervisor's decision to participate in an assessment of whether or not to arrest a potential DV assailant, and what to charge

- Cultural Leadership: Any established modes of operation within an organization that contributed to the undesired event

Example: Statements from leadership of an agency that characterize domestic violence calls in a particular light that might impact participants, such as reminding officers prior to responding to a call for help based on domestic violence allegations that sometimes the individual calling for assistance is the aggressor in a DV incident

- Procedures: Existing policies and procedures relevant to the undesired event, including policies and procedures that were followed and/or policies and procedures that were not followed during the event

Example: Written policies regarding how to conduct a “civil standby” during a DV incident involving the police; policies involving when and how to hold an individual in a sobriety cell and when and how to release the individual

- Equipment: Tools or materials used (or not used) by participants in the event that might have contributed to the undesired event or that could have helped generate a more favorable outcome

Example: Resource cards for police officers to give to people reporting acts of domestic violence that would assist the individuals in forming a plan or getting access to shelters that can protect them from domestic violence assailants

- Environment: Physical circumstances surrounding the event that might have had an impact on an individual’s actions or awareness

Example: physical security features outside a home where an assailant seeks entry to engage in an act of domestic violence

- Other.

It should be noted that a Contributing Factor may be deemed to be a positive and productive thing or a negative thing, and that not all Contributing Factors need to be (or can be) addressed by the DVDRT participants.

Development of Findings and Recommendations.

The last two (2) DVDRT in-person meetings were dedicated to drafting Recommendations that would prevent the Contributing Factors from coming together as they did, and potentially preventing another unwanted domestic violence fatality in the future.

The Contributing Factors and Recommendations generated by the DVDRT were synthesized and catalogued by the Quattrone Center and sent in draft form to all DVDRT participants for review and feedback. Once all participants reached consensus, this report was released.

DVDRT Analysis and Recommendations

This section provides an overview of the events reviewed by the DVDRT, a summary of its analysis, and its consensus recommendations for change. The DVDRT carefully reviewed each of the interactions between the Victim, the Victim’s roommates, the Assailant, DEM and SFPD throughout the course of the day in question. Each interaction is explained and analyzed, with a more detailed discussion of the Contributing Factors and recommendations attributed to each Incident.⁶

Chronology of Events

The events in question have been examined in detail in different settings, including a [San Francisco Chronicle article](#)⁷ published in 2017. The chronology provided here is meant to provide a supportive basis for the contributing factors and recommendations identified by the DVDRT and is not an exhaustive description of every event that occurred on the night of October 9 and early morning of October 10, 2014.

October 9, 2014

At 8:37 pm on October 9, 2014, the Department of Emergency Management (DEM) received a call from a woman in her apartment on Natoma Street in the SOMA neighborhood of San Francisco. The woman (“Victim”) said that she and her ex-boyfriend were fighting and that she had asked him to leave but he would not. As the call unfolded, Victim told 911 that the ex-boyfriend was leaving and there was no police response needed.

At 9:14 pm, Victim again called 911. She said that she and the ex-boyfriend had been in a fight the previous night, and now the ex-boyfriend, who had been drinking all day, would not stop ringing the doorbell. Victim provided additional identifying information to the call-taker and agreed to speak with officers when they arrived. The call-taker recorded the call as a 417 DV.⁸

⁶ Some of the DVDRT’s recommendations may have financial costs that the DVDRT has not attempted to calculate. In addition, many in the community are strongly against providing any additional financial resources to SFPD. The DVDRT’s recommendations are intended to prevent the recurrence of negative outcomes of the protests in the summer of 2020 and the DVDRT takes no position on the allocation of budget dollars to SFPD or other important social services.

⁷ <https://projects.sfchronicle.com/2017/cecilia-lam/>

⁸ 417 is the San Francisco Police code for “person ringing doorbells/begging,” and the additional “DV” code is added by the dispatcher that the call appears to implicate domestic violence issues.

Five minutes later, Victim's roommate also called 911 and stated that the ex-boyfriend was trying to break into the apartment and was scaring Victim. At this point, the call was upgraded to 418 DV, signifying that a fight was occurring but without weapons.⁹

At 9:33 pm, Victim called 911 for a third time. This time, Victim reported increasing fear about the escalating domestic situation. The call-taker informed Victim that officers were on the scene.

Two San Francisco Police Department (SFPD) officers arrived at Victim's address within minutes. Victim's five-bedroom apartment, which she shared with four roommates, was on the second floor of a house. To access the apartment, people from the street would have to come through a self-closing and locking iron exterior gate, walk up a few stairs to a porch, walk through a door into the house, and walk up a flight of stairs to the apartment where Victim lived with several additional roommates.¹⁰

As the officers pulled up in front of the apartment building, they saw Victim's ex-boyfriend ("Assailant") sitting on the steps of Victim's house, between the locked gate and the front door. The officers pat-searched the ex-boyfriend for weapons and found none. They also noted that there were no signs of damage to the front door. One officer later recalled that Assailant seemed under the influence of drugs or alcohol.¹¹

Victim and one of her male roommates came downstairs to talk to the officers. One officer spoke to Victim and her roommate, while the other officer walked Assailant a short distance away and spoke to him separately.

Victim told the officers that Assailant had previously lived with her in the apartment, but that he had moved out several months ago. She said that Assailant had recently called her saying he was homeless, and that she had felt sorry for him and allowed him to stay with her again. Victim said that she had asked Assailant to move out but denied that he had been trying to break into the apartment.

Victim's roommate was holding a plate of pasta and told the officer that Assailant had put rat poison in Victim's spaghetti. This was disputed by Victim, who stated that she had eaten the spaghetti and felt

⁹ https://www.scansf.com/sfpd_radio_codes.txt#:~:text=10-30 Person%2Fvehicle wanted,10-37 Identify the operator.

¹⁰ A roommate later described the outer gate as follows: "the lock on that gate has always been broken. . . But if you got it the right way, you could get it to like latch secure. But it was never like *secure* secure, if that makes sense."

¹¹ The DVDRT was unable to communicate directly with the participants in these events, whether they were SFPD officers or civilians (e.g., Victim's roommates). The perceptions and understandings of the officers reflected here are taken from redacted deposition transcripts conducted as part of a subsequent civil litigation conducted by the estate of the Victim.

fine, and that the ex-boyfriend would not hurt her. The officer concluded that what the roommate was saying was rat poison looked like “garnish.” Given that and Victim’s assertions, the named officer concluded that the spaghetti had not been poisoned. The officer did not inform their partner (or any other officer) about the poisoning allegation.

The roommate was later deposed in civil litigation related to the incident. He described the officer’s reaction as being dismissive or uncaring about the allegation of attempted poisoning; whether this was accurate or not, the roommate went upstairs in frustration after Victim’s denial of the allegation, which roommate was aware of because Victim had expressed the concern previously in the apartment.

Based on their conversations with Victim (whom one of the officers later described as “very calm”) and Assailant (who remained calm and cooperative with the officers throughout the incident), the officers concluded that there was no evidence that a domestic violence crime had occurred as the incident only involved a verbal argument. They found no evidence of breaking & entering or other crime. Finally, Assailant’s driver’s license showed his home address to be Victim’s apartment. While this did not negate Victim’s claims that Assailant had moved out (claims Assailant did not dispute), it did complicate any ability to arrest Assailant for trespassing.

Assailant agreed with the officers that he would leave, walk to BART, and stay with a relative in the East Bay. Victim agreed that she was satisfied with this outcome and the officers watched Assailant walk away. As one officer described it, “She didn’t appear to be . . . under stress or duress . . . she had a calm demeanor and just wanted him to leave.” Unfortunately, after the officers left, Assailant returned and began pounding on the front door demanding to speak with the victim.

At 10:10 pm, Victim again called 911. She indicated that she was “getting a little bit more, um, scared, because it’s an escalating domestic violence situation.” The call-taker reported that a “male [was] now trying to break in front door.” The call was upgraded to 602 DV (breaking and entering).

One of Victim’s roommates had gone downstairs to respond to Assailant’s persistent ringing of the doorbell. She observed that Assailant was “really, really drunk,” and said that at one point Assailant reached into his pocket and she saw something “black and shiny.”¹² At Assailant’s request, the roommate went back to the apartment and retrieved a bag of Assailant’s possessions. When she opened the gate to give the bag to Assailant, he pushed past her and sat on the porch between the outer gate and the door to the apartment.

¹² In a redacted deposition transcript, this roommate stated that she told other roommates that she thought Assailant might have a gun. There was nothing in the materials reviewed by the DVDRT that indicated that roommate provided this information either to Victim or to any of the police officers who came to the scene, or that she spoke to any of those officers at all.

The same SFPD officers that had responded to the prior call arrived on the scene at 10:20 pm. Once again, the officers conducted a pat search of Assailant and did not find any weapons. The officers noted that Assailant's speech was slurred and he had trouble standing, and that he appeared more intoxicated than in the previous visit.

As before, Victim informed the officers that Assailant was ringing the doorbell, but denied that he was trying to break in. According to one of the officers, Victim appeared more agitated than before. The officers separated Victim and Assailant and once again discussed the situation with them separately. As those conversations were occurring, an SFPD Sergeant also arrived on the scene.

The officers conferred with each other and then with the Sergeant. Because there was again no assertion of Assailant physically touching Victim and no evidence of an attempt to break in, the officers determined that they had no probable cause to arrest Assailant for domestic violence. To provide some separation of time and space between Assailant and Victim, however, the officers arrested ex-boyfriend for public intoxication and took him to the SF County Jail, roughly one-half mile away, where he was held in a sobriety cell. Prior to taking Assailant to the jail, the SFPD officers searched his belongings. No weapons were found.

Assailant was processed at the SF County Jail by the San Francisco Sheriff's Office. Its policy at the time (and now) was to hold people for a minimum of four hours, after which time the person would be released.¹³ The Sheriff's Office did not and does not routinely evaluate the Blood Alcohol Content (BAC) of an individual to evaluate intoxication, but releases people based on more subjective assessments of sobriety after a minimum four-hour detention.¹⁴ A Sobering Cell Observation Record indicates that

¹³ "The sobering cell described in Title 24, Part 2, Section 1231.2.4, shall be used for the holding of inmates who are a threat to their own safety or the safety of others due to their state of intoxication and pursuant to written policies and procedures developed by the facility administrator. Such inmates shall be removed from the sobering cell as they are able to continue in the processing. In no case shall an inmate remain in a sobering cell over six hours without an evaluation by a medical staff person or an evaluation by custody staff, pursuant to written medical procedures in accordance with section 1213 of these regulations, to determine whether the prisoner has an urgent medical problem. At 12 hours from the time of placement, all inmates will receive an evaluation by responsible health care staff. Intermittent direct visual observation of inmates held in the sobering cell shall be conducted no less than every half hour. Such observation shall be documented." *Minimum Standards For Local Detention Facilities*, California Board of State and Community Corrections, Title 15, §1506, accessible at <http://www.bscc.ca.gov/wp-content/uploads/Adult-Titles-15-Effect-4-1-17.pdf>.

¹⁴ Assailant's autopsy measured his Blood Alcohol Content (BAC) at 0.16. Note that nothing is known about Assailant's activities between the time he was in the Jail and subsequent events described herein.

Assailant was placed in the cell at 11:30 pm on October 9, and was observed periodically until 3:41 am on October 10, at which time his belongings were returned and he was allowed to leave the Jail.

October 10, 2014

At 4:00 am, Victim made two calls to 911. She explained in the first that Assailant had called her, and had been released from jail, and was coming back to the apartment. She also told the call-taker that she had told Assailant that she was going to go to court in the morning and seek a restraining order against Assailant. These calls were coded by the call-taker as 602, meaning that there was a breaking and entering occurring. They were not listed with the "DV" suffix indicating domestic violence as part of the disturbance.

SFPD officers responded to the call within three (3) minutes. The officers who responded to this call had come from an adjacent precinct as the local officers were all addressing other calls. Thus, they were different officers than had responded to the previous calls from Victim. One of the officers from the prior calls had recognized the address, however, and sent a text to one of the responding officers that said "heads up – we've been there before." The text did not provide additional context, but Assailant volunteered his name, the prior calls that evening, and that he was arrested and had spent time in the jail's sobriety cell earlier that evening. He also produced his driver's license and said that he had lived at the apartment for 30 months. Officers described Assailant as calm and compliant, while Victim was clearly angry and swearing at Assailant; the officers said that assailant said to them, "see what I'm dealing with? You see I have to go through?"

As before, when the officers arrived Assailant was on the steps of the exterior gate at Victim's apartment, and had a black bag with him. The officers took him away from the house and pat-searched him, including patting down the outside of the bag; neither search turned up any weapons.

Assailant stated that he lived in the apartment and wanted clothing for work. One of the named officers asked Victim to come outside. After speaking with both Victim and Assailant and confirming that Assailant had not "put hands on" Victim, the Officers asked Victim if she would agree to a "civil standby," a process in which Assailant, accompanied by the officers, would enter the apartment, gather his belongings, and leave the premises. Victim, who was described by the officers as being quite angry and agitated, agreed to this. In the meantime, the Sergeant who had previously been to this address returned, wanting to help the responding officers with procedures and paperwork. He entered the apartment and witnessed the civil standby, in which Victim stayed in the kitchen, accompanied by an officer, while Assailant went into Victim's bedroom, gathered his belongings for what the officers described as less than a minute, and left the house. The officers did not speak to any of Victim's roommates, all of whom had their bedroom doors closed and none of whom came out to the shared area of the apartment. Outside the apartment, the officers and sergeant talked further with the ex-boyfriend; one of them smoked a cigarette with the Assailant. The officer later stated that he had told

Assailant not to come back or he would be arrested, and Assailant repeated that all he wanted was his things and he would now leave and not return.

At approximately 4:55 am, Assailant entered the apartment, entered Victim's room, and shot and killed her and then himself.

Analysis

The DVDRT carefully analyzed the events of the night of October 9, 2014 to understand the various factors that led to this tragic outcome, and consider how a safer outcome might have been achieved.

This tragedy illustrates a common challenge in helping SFPD officers respond effectively to domestic violence calls: providing responding officers with all of the information that might help the officers diagnose the risk that a domestic dispute could escalate to lethality. Each of the officers who responded to Victim's numerous 911 calls described Assailant's demeanor throughout each of their interactions as calm, compliant, and reasonable. Similarly, while Victim did reflect significant anger and frustration in the third visit by SFPD to the house, she repeatedly stated that Assailant had not been physically abusive at any time during the current day and night, and downplayed any concerns expressed by the officers that Assailant had been, or would be physically violent against her. She also was ultimately left in an apartment with four other roommates and was not left alone in her apartment.¹⁵

At the same time, there were a number of subtle pieces of information that were quickly identified by experts in domestic violence as correlating to an increased likelihood of violent, and perhaps even lethal behavior. Helping DEM, SFPD officers, and victims of domestic violence identify, understand, and act upon these data points was viewed as the most likely way to reduce domestic violence fatalities in the future. The DVDRT team focused on the following aspects of the event to identify contributing factors and recommendations for system changes:

1. Improving computer-aided dispatch (CAD) systems to provide greater awareness to SFPD officers of prior incidents of violence between Assailant and Victim.

An immediate sign of risk to Victim was the history of violence by Assailant towards Victim, coupled with the fact that Victim had recently broken up with Assailant and he had left the residence. While the events within the DVDRT's review were confined to October 9 and the early morning hours of October 10, there had been reports to SFPD of violence by Assailant towards Victim in 2009 and again in 2012, and Victim and Assailant agreed in discussions with SFPD officers that the two had broken up and she had asked him to leave the apartment a few weeks prior. While Victim's roommates speculated that the reason for the breakup may have been violent behavior by Assailant against Victim, this was not probed by the SFPD officers in discussions with Victim, Assailant or Victim's roommates.

¹⁵ Victim's anxiety and fear were more evident in her 911 calls, but it is not standard practice to provide that audio to responding officers due to a reasonable concern that the calls would unnecessarily excite or agitate the officers, causing them to enter the scene with undue aggression rather than placing an emphasis on de-escalation.

The violent incident in 2012 had led to criminal charges being filed against Assailant for assaulting Victim and two of her roommates. However, because none of the three individuals wanted to pursue the charges against Assailant, SFDA was unable to pursue the case.¹⁶

This earlier history was available to the responding SFPD officers, but not easily accessed, as the mobile computers and Computer-Aided Dispatch (CAD) systems used at the time (and to some extent, still in effect today) to send information from the 911 call-taker to the responding officer did not automatically provide a complete history of prior charges brought against an individual as part of the initial CAD report given to officers while they drive to the scene of a 911 call.¹⁷

Instead, officers wanting to see a full history of previous DV incidents between Victim and Assailant would have had to proactively search for specific priors of Assailant using a laptop or tablet in their car. This can be a time-consuming process, and difficult to balance with the need to respond quickly to the scene. But it is important for responding officers to know as much as possible about previous violent incidents between the parties so that they can evaluate and navigate the situation once they arrive on the scene. A CAD system that automatically provides all prior DV-related charges against a person, as well as the ability to see any prior calls for emergency service at a specific address, including notes made by prior responding officers without requiring an additional search by a responding police officer would help provide this necessary context about the relationship and assist police in their assessment of immediate risk.¹⁸

¹⁶ The dismissal of the prosecution of Assailant did not end the efforts to assist Victim in 2012. DVDRT was told that representatives of La Casa, a shelter for women suffering from domestic violence, reached out to Victim the day after the 2012 incident, but was unsuccessful in reaching Victim. If a similar situation were to occur today, both a representative from La Casa and a victim's advocate from the San Francisco DA's Office would have contacted Victim and attempted to provide counseling, shelter and other services to assist Victim in creating distance from the violent relationship, whether or not the criminal case progressed.

¹⁷ CAD would provide officers with an individual's unique "SF number" – a 6-digit number for anyone who has been booked in the SF Jail – upon request. With that number, an officer could see outstanding warrants for arrest or restraining orders, as well as prior felonies and misdemeanors or resisting arrest citations. But prior hazards related to a specific address would only have been available through a second search of records.

¹⁸ The DVDRT was told that this functionality could only be provided via an upgrade to the existing CAD system, something that is years away from implementation due to the need for using City and County of San Francisco contracting, purchasing, and implementation systems. It would also require 911 call-

One way in which SFPD has modified its policies since the events reviewed here is to include a policy that officers responding to a DV call should search for any history of prior DV events related to the parties prior to arriving at the scene.¹⁹ Supporting this with technology that speeds the necessary information to officers will help protect victims and officers going forward.

2. Allegation of poisoning and real-time assistance for SFPD officers on scene evaluating

Another signal that Assailant's behavior was escalating and becoming potentially lethal was the allegation made by one of Victim's roommates that Assailant had tried to poison Victim. The roommate explained the allegation to one of the responding SFPD officers, even presenting the officer with the plate of pasta that had rat poison in it. Assailant downplayed the accusation, and the officer did not pursue things further. Subsequent testing of the food, however, revealed the presence of rat poison.

DV experts felt strongly that any such allegation of potentially lethal behavior should be taken more seriously by responding officers for two reasons. First, an attempt to poison Victim would be strong evidence of the potential for Assailant's behavior to escalate to lethality. Second, an attempt to poison another person is a felony that would have allowed the officers to arrest and hold Assailant in custody long enough for Victim to find another, safer environment, obtain a restraining order, or take other protective steps that might have prevented her death.

The roommate who reported the allegation to the officer later explained that the officer appeared to disregard the allegation; the officer explained that they thought that the green flecks of rat poison "looked like garnish" to the officer. This, combined with Victim's denial that the poisoning had occurred, seemed to convince the officer that no further investigation was required, to such an extent that the officer neither (a) contacted poison control experts to see whether the claim could be substantiated or (b) informed other officers on the scene about the allegation for their input. SFPD officers with experience in domestic violence pointed out another key issue in establishing the potential credibility of this allegation, which might seem outlandish to casual observers: in this instance, the issue was initially raised not by Victim, but by a roommate, a fact that could add credibility to the assessment as the roommate would be less likely to construct a false narrative and less likely to downplay the event.

To address these issues, all officers should be trained to listen for allegations of poisoning and to identify them as potential red flags for lethal violent behavior. Additional resources should be made available to officers to evaluate such claims, such as poison control experts who can be accessible to officers via a hotline when an allegation of poisoning is made. Such a hotline could provide officers with assistance

takers to code the request for assistance with a "DV" tag, something that was not done initially when Victim called in but that was quickly added in subsequent calls.

¹⁹ Department General Order 6.09 SFPD establishes policies regarding domestic violence incidents and outlines procedures for investigations as well as processing, and enforcing court orders.

on how to verify the allegations, possibly with telltale physical signs that could allow greater recognition of poisons in the moment, or at a minimum with information on how to preserve evidence for testing. Once that information is known, officers would be in a better position to decide whether the existing information provides probable cause to arrest and hold an individual in custody in the meantime.

3. Broad interaction/information gathering by SFPD from roommates or other potential witnesses

Another way for SFPD officers responding to DV calls to gather more context and data about the environment is to speak to other observers of the primary participants in the DV call. In this instance, Victim had at least four (4) roommates in the apartment²⁰ who could have provided additional insight to officers on the relationship between Victim and Assailant, and potentially neighbors in the downstairs apartment as well. While understanding that not everyone welcomes speaking to the police, a situation that was potentially further complicated by Assailant's presence at the scene, SFPD officers should make every effort to gather details and context of domestic violence situations to enable the most appropriate plan for the future safety of all involved.

In this instance, interviewing the roommates may well have revealed additional information regarding the reason for Assailant's recent breakup with Victim, or the allegation that Assailant attempted to poison Victim. It also could have alerted SFPD officers to a more immediate and significant concern. One of Victim's roommates later testified that she thought that she had seen Assailant with a gun prior to the second SFPD response to the apartment. This information was never transmitted to the police, a contributing factor that is shared by the roommate, who did not volunteer the information either to police or to 911 call takers, and by the SFPD officers, who did not enter the apartment to speak to the roommates during the first two visits to the apartment, and who did not attempt to speak to roommates during the civil standby procedure in the early morning hours of October 10.²¹ Again, it is speculative to say that this would have prevented the fatality, but the more information provided to officers, the better informed they will be about how to proceed in de-escalating the situation.

²⁰ Not all roommates were present in the apartment during every visit to the apartment by SFPD on the night in question.

²¹ While SFPD officers had not heard the allegation that Assailant might have had a gun prior to their second visit to the apartment, they did conduct a thorough search of Assailant's belongings at the end of that interaction with Assailant and prior to transporting him to the SF Jail. The search did not reveal any firearm.

4. Ability of SFPD to enforce physical separation despite residency of Assailant as a matter of law

While it may be self-evident, it is important to remember that the authority of SFPD officers responding to domestic violence calls is limited to enforcing the laws as written. SFPD officers cannot impose any limitations or sanctions against individuals that are not linked to specific, provable violations of the law. Several facts limited the custodial options available to SFPD officers who responded to Victim's apartment on the night of October 9. First, while there had been a history of violent behavior from Assailant, that history was somewhat dated (the last known incident was 2012) and there was no evidence that Assailant had physically assaulted or even threatened Victim at any time during their present interactions. Moreover, officers saw no evidence of any attempt by Assailant to force entry into the apartment, removing any ability to arrest Assailant for breaking and entering. And finally, while Assailant acknowledged that he had moved out of the apartment lived in by Victim and her roommates, and had only recently returned, his driver's license listed Victim's address as his address, removing the ability of SFPD officers to charge him with trespassing or some other related violation.

Other options (e.g., a citizen's arrest for a misdemeanor)²² were similarly unavailable to SFPD officers under the law given the lack of probable cause that a crime had been committed by Assailant.

While acknowledging the complexity of this issue, several DVDRT team members expressed desire for police and courts to have the ability to see beyond the address listed on a drivers' license and have the ability to temporarily relocate or otherwise force a physical separation between people where physical violence has occurred or is deemed imminent based on prior history. These DVDRT members envisioned a statute that would enable officers, in situations where a prior history of violence existed and the other party conveys a reasonable concern of imminent violence, to require the prior assailant to leave the premises and would enable a custodial arrest if the individual returned to the premises within 24 hours. The hope is that such physical separation and allowing of time for emotions to cool might

²² Cal. Penal Code Sec. 837 states, "837. A private person may arrest another: 1. For a public offense committed or attempted in his presence. 2. When the person arrested has committed a felony, although not in his presence. 3. When a felony has been in fact committed, and he has reasonable cause for believing the person arrested to have committed it. Sec. 836 (b) states "Any time a peace officer is called out on a domestic violence call, it shall be mandatory that the officer make a good faith effort to inform the victim of his or her right to make a citizen's arrest, unless the peace officer makes an arrest for a violation of paragraph (1) of subdivision (e) of Section 243 or 273.5. This information shall include advising the victim how to safely execute the arrest. has relevant provisions that related to DV arrests and notification requirement, restraining orders, etc. Section 836 has other provisions relating to domestic violence incidents that were deemed not to pertain to the facts of this event.

allow for time for Victim to design and move forward with a safety plan with minimal negative impact on Assailant and provide SFPD with an additional tool for enforcing that separation and de-escalation. In instances such as this one, such separation may very well be the difference between life or death.

5. Custodial treatment of intoxicated individuals

DVDRT members noted that SFPD officers responding to the second call for assistance did act to separating Victim and Assailant, as they arrested and charged Assailant for violation of San Francisco's statute making it a misdemeanor charge to be inebriated in a public place. The officers reached this decision after discussion with and approval by a supervising Sergeant, and it did succeed in providing space and an opportunity for de-escalation. At the same time, this situation could have been handled differently in several ways.

First, while officers knew that such an arrest would result in a 4-hour stay in a sobriety holding cell at the San Francisco Jail followed by release, it does not appear that they provided this information to Victim. As a result, Victim did not receive any information or support on using the four-hour respite to plan for or seek safety in another location – something that could easily have been averted. Since the events reviewed here, SFPD has designed a Special Victims Unit Referral Card (see Appendix C) that officers are trained to leave behind with any individual who has reported an instance of domestic violence. The Referral Card provides important information about resources available to victims of domestic violence, including shelters, how to get assistance in obtaining a restraining order, and other information. It does not, however, inform victims that the "drunk in public" citation leads to a 4-hour holding period; this information would need to be verbally conveyed by the responding officer(s).

Pursuant to another discussion set forth below, the provision of this information could also be facilitated by a domestic violence safety advocate who responded to the call along with SFPD officers (or perhaps even in lieu of an armed police response.)

Without any of these resources, Victim was left with a midnight discussion with her roommates and the decision to stay in the apartment for the night and go to the courthouse the next morning to seek a restraining order. Victim explained this plan to Assailant when he called her after his release from the Jail, after which Assailant returned to the apartment for a third time.

Another decision was made by the responding officers. An officer citing an individual for the misdemeanor offense being drunk in public could cite the individual under CA Penal Code 647(F), which allows officers to arrest and cite an individual "under the influence of intoxicating liquor . . ." for a misdemeanor when the individual is "in a condition that they are unable to exercise care for their own safety or the safety of others."²³ Both SFPD and the Sheriff's Office view their role while a person is in custody under section 647 as that of a caretaker, and the policy of the San Francisco Sheriff's Office is to

²³ California Penal Code section 647(f).

release the individual “when sober,” which Sheriff’s Office Policy assumes is a four-hour stay in a sobriety holding cell. The Sheriff’s Office does not perform any tests on individuals to establish sobriety other than physical observations.²⁴

Officers also have the discretion to charge individuals who meet the criteria of section 647(f) under California Penal Code section 647(g), which states:

If a person has violated subdivision (f), a peace officer, if reasonably able to do so, shall place the person, or cause the person to be placed, in civil protective custody. The person shall be taken to a facility, designated pursuant to Section 5170 of the Welfare and Institutions Code, for the 72-hour treatment and evaluation of inebriates. A peace officer may place a person in civil protective custody with that kind and degree of force authorized to effect an arrest for a misdemeanor without a warrant. A person who has been placed in civil protective custody shall not thereafter be subject to any criminal prosecution or juvenile court proceeding based on the facts giving rise to this placement. This subdivision does not apply to the following persons:

- (1) A person who is under the influence of any drug, or under the combined influence of intoxicating liquor and any drug.
- (2) A person who a peace officer has probable cause to believe has committed any felony, or who has committed any misdemeanor in addition to subdivision (f).
- (3) A person who a peace officer in good faith believes will attempt escape or will be unreasonably difficult for medical personnel to control.

Had the officers, in their discretion, chosen to use 647(g), Assailant could have been held in custody for 72 hours. Obviously, this would have prevented further interaction between Assailant and Victim on that night, though any further impact would be speculative. Further, the DVDRT is aware that 647(g) may not always be warranted, given the negative direct and collateral effects that can be caused by even three days of custody. Nothing in the materials available for the DVDRT’s review suggested that this question was discussed or considered by the officers, and such a conversation, perhaps aided by the additional data about the violent history between Assailant and Victim and supported by the observations of a DV safety advocate on scene or at the 911 call center, might in the future provide

²⁴ See San Francisco Sheriff’s Office Custody Division Policy and Procedure CODM 8.05. The Sheriff’s Office views its role in these situations as a caretaker role and provides no medical assistance. Upon arrival at the Jail, any individual deemed to be a medical risk due to their intoxication would be refused admission to the holding cell by the Sheriff’s Office and would be sent to a nearby hospital for medical assistance.

SFPD officers with additional context and options for further de-escalation and separation between an assailant and a victim of domestic violence.

The DVDRT evaluated the current Sheriff's Office policies regarding the care and release of individuals who have been cited for being drunk in public and placed in a sobriety cell for safety. The Sheriff's Office complied with its normal practices in this instance and had no control over events that occurred after Assailant left the jail, which included an additional intervention with SFPD, the civil standby, and then, even later, the fatal encounter between Assailant and Victim. The Sheriff's Office procedures allow for the release of a person from a sobering cell "after an inmate has been in a sobering cell for at least four hours, and appears to be sober." No further evaluation of sobriety is typically conducted, and no other engagement with the individual is attempted.²⁵

6. Real-time assistance for SFPD from domestic violence prevention advocates

DVDRT members noted the difficulty presented to SFPD officers responding to domestic violence calls. In essence, the community is asking these officers to be experts in domestic violence, psychology, poison control, and several other discrete disciplines in addition to interpreting and enforcing the law based on imperfect and dynamic facts. Supporting officers with real-time access to experts in these, and potentially other fields, would greatly assist them in accurately assessing and de-escalating situations. This could be done in a variety of ways. SFPD participated in a pilot program with domestic violence advocates where the advocates, who were not sworn police officers, accompanied SFPD officers on calls where domestic violence issues were implicated. While the pilot was deemed a success by SFPD and the advocates and viewed as useful for the individuals themselves as well as for SFPD, this program requires additional funding to be sustained and expanded across the entire City and County of San Francisco.

Responding officers are not the only people who would benefit from these real-time experts. Responding officers obtain their information about the situation to which they are called from 911 dispatchers, and providing dispatchers with additional information in real-time, whether from domestic violence experts who can co-monitor calls and discuss the type of needed response, and/or from checklists of questions designed to identify key information on the call, might improve the response to the call. As an example, it might allow 911 call takers to differentiate a DV call that needs advocate support but not armed assistance from police from a call that requires SFPD intervention due to its potential to escalate into additional violence.

The DVDRT discussed different ways to provide assistance to officers regarding signals that might provide insights that a domestic violence situation could escalate to lethality. One would be to expand the number of calls where domestic violence advocates accompany officers to calls. This has the advantage of allowing the advocates, who are experts in this complex area, to experience firsthand the

²⁵ San Francisco Sheriff's Office Custody Division Policy and Procedure CODM 8.05, IV. A. 2.

situation and assist the officers in making assessments and decisions to de-escalate the situation safely. Many jurisdictions across the country are implementing similar programs that provide such assistance to officers; some of these programs are structured so that the advocate is the first line of contact with the individual who has called 911, with sworn police in the background to provide assistance if necessary for the safety of each person involved. Others send the advocates without police support but have police on call if the advocate deems their assistance necessary at any time. The DVDRT did not feel comfortable mandating one structure or another so long as the safety of victims and advocates was the priority at all times.

Another option discussed by the DVDRT was the inclusion of DV advocates in the Department of Emergency Services and the 911 call center, to allow DV advocates to hear from (and potentially engage with) callers to 911 who are reporting domestic violence, and to communicate directly with responding officers. While SFPD would still be the point of contact with the caller at the scene, the DV advocate at the call center could help set the appropriate mindset for the officer while the officer is en route to the scene, given the officer specific factors to consider or look for upon his/her arrival on the scene, and would continue to be available to the officer as additional information is gathered at the scene. It seems likely that this structure would require fewer DV advocates, since advocates would not need to travel throughout the city on various calls but would instead be centralized within the 911 call center. In the time since these events in 2014, the Department of Emergency Services has created a Domestic Violence Lethality Screen for First Responders, a series of questions designed to help first responders identify events that have the potential to escalate to lethality.

7. Providing closure/well-being assistance to 911 call-takers and dispatchers

One area discussed by DVDRT team members that was unrelated to the specific events on October 9 but was deemed important enough to mention for further investigation by SFPD and the DEM is that call takers and dispatchers are constantly fielding calls like those placed by Victim and her roommates that evening – emotional, upsetting, traumatic calls about violent and tragic events causing people to suffer. These call-takers often do not receive any closure about how the calls actually resolved and may benefit from additional resources that would allow them to process emotional reactions to calls mid-shift. Providing necessary emotional and well-being support to these first responders is a vital and important service that would be supported by all DVDRT members.

8. Availability/use of body-worn video (BWV) cameras

Both the SFPD, and several years later the DVDRT, were limited in their ability to review and learn from the events in question because of the absence of body-worn video (BWV) from the responding officers. BWV was not provided to SFPD officers in 2014, though it has since become a technology required for all officers. Currently, this technology records an interaction and is available for later review, providing education and training opportunities for SFPD officers. The ability to have BWV from an office reviewable in real time by other officers or domestic violence safety advocates would allow for even

greater insight and assistance provided to the officer as that officer assists in a safe resolution of the situation.

9. SFPD's third response to Victim's address; efficient and thorough transfer of information to later-responding officers

One of the warning signs for lethality noted by the DVDRT was the simple fact of the repeated visits to the apartment by Assailant despite the continued presence of SFPD. One challenge facing the SFPD in this instance was the unavailability of the officers who had responded to the first two encounters when Assailant returned to the apartment after his release from SF Jail. For the responding officers, it was their first interaction with Assailant. While one of the previous responding officers texted "heads up – we've been there before" to one of the current officers, this message lacked further information or context and there is no information suggesting that the newly responding officers had any further awareness of anything that had occurred throughout the evening. (The text provided enough information for the new officers to ask Assailant about the prior visits, which revealed that Assailant had been there before, that SFPD had intervened, and that Assailant had been in the sobriety holding cell before returning).

Again, improvements in CAD and mobile technology for SFPD could provide improved capabilities for this information transfer. Today's cell phone dictation technology could allow officers to provide virtually immediate notations to the record of a call that could then be accessible to officers responding to calls at the same address or involving the same individuals.

One difference with Assailant's third visit was a stated desire to simply get his belongings and leave the premises, something that the newly responding SFPD officers negotiated with Victim by offering to conduct a "civil standby" in which Assailant was permitted into the apartment, accompanied by SFPD. It appears that a combination of Assailant's calmness and compliance with the officers, as well as Victim's description of events and willingness to comply with the civil standby, led to SFPD accompanying Assailant into the apartment, allowing him to get his belongings from Victim's room while supervised by the officers, and leave the premises without further incident. The officers who participated in this call indicated that they informed Assailant that if he returned he would be arrested and encouraged him to consider no longer engaging with Victim. One officer chose to impart this message while smoking a cigarette with Assailant within view of the apartment. While the officer indicated this was done to further de-escalate the situation and calm Assailant and to impart the "stay away" message calmly, at least one of Victim's roommates saw the exchange out of an apartment window and observed that it seemed that the officer was "friendly" with Assailant. It is important for SFPD officers to have discretion in how they de-escalate situations. It is also important for SFPD officers to understand how observers of such emotionally charged events might perceive their actions.

10. Real-time SFPD and victim access to domestic violence shelters and support information; security planning for victims

As mentioned above, one system improvement that has been embraced by SFPD officers and appreciated by community members between the events under review and the creation of the DVDRT is the creation of a “Special Victims Unit Referral Card” that SFPD officers provide to individuals when SFPD responds to calls regarding domestic violence. The Referral Card provides information across a broad range of relevant topics, including:

- Information about the call and the SFPD Special Victims Unit, including contact information for the SVU;
- How to obtain the police report regarding the incident;
- Hotlines and information sources on topics including:
 - Child abuse
 - Victim services
 - Services for offenders
 - Youth and sexual assault victim services, including for the hearing-impaired
 - Assistance for victims of human trafficking
 - How to get information on inmates or others in government custody
 - Information about obtaining a restraining order and victims services available through the District Attorney’s Victims Services Division (VSD) and the California Victims’ Compensation Program
 - The Sexual Assault Victim’s DNA Bill of Rights
 - Phone numbers and 24-hour hotlines for:
 - Access to shelters for victims of domestic violence
 - Counseling and support services for victims of domestic violence
 - Elder abuse
 - Child abuse
 - Emergency housing
 - Restraining orders and legal information

11. Other contributing factors

The DVDRT review noted two contributing factors for which recommendations for change were not possible. The first was the presence of a gun that was used by Assailant to kill Victim, then himself. Because the DVDRT was unable to identify how Assailant obtained the weapon, no recommendations for change are possible. While a roommate later stated she thought he had a gun prior to the SFPD’s second arrival at the apartment, officers performed multiple pat down searches of Assailant and Assailant’s possessions throughout the evening, none of which revealed the weapon. In addition,

officers performed a more thorough search of Assailant and his bag upon arresting Assailant for being drunk in public and taking him to the SF Jail. This provides compelling evidence that Assailant somehow procured the gun after his release from the jail. It is possible that the gun was inside the apartment and Assailant grabbed it while on the civil standby – but he was accompanied by an SFPD officer and was only in Victim’s bedroom for a very short period of time, making such speculation seem unlikely. Ultimately, the DVDRT reluctantly concluded it could not answer this key question.

The second contributing factor was the lack of physical security to the apartment that allowed Assailant to gain access to the apartment. While the lock on the external gate was not deemed reliable, there was still the outside door to the apartment that Assailant was able to enter without damaging the door.

Without knowing the precise answer to how Assailant accessed the apartment, systems improvements that provided incentives to property owners to ensure their properties are secure would reduce the ability of assailants to commit acts of violence against victims. Focusing on the responsibility of owners of properties, and in particular owners of rental properties, to provide secure protection against home invasion as a condition for securing a rental license might help secure properties and protect victims of violence. Training managers or supervisors of multi-unit and rental properties on building security measures would also assist with this. Either or both of these policies could further be designed to require specific evaluation or intervention for addresses where an act of violence (domestic or otherwise) is reported to the SFPD, though it is speculative whether such initiatives would have provided additional protection for Victim in this instance.

Limitations of the Review

- A. The events in question occurred in 2014 and the review occurred in 2021-22. Some recollections provided to the DVDRT may have been inaccurate and policy changes may have already been put in place in various agencies that would have reduced the likelihood of these or similar scenarios unfolding in the same way in the future.
 - a. **Recommendation:** The DVDRT should meet:
 - i. Quarterly to evaluate and select cases for review;
 - ii. Monthly to review the status of cases under review; and
 - iii. Annually to review the status of implementation of recommendations made by the DVDRT in prior reviews.
- B. The SFPD did not provide the DVDRT with the ability to review any of its files related to the incident, or to interview any of the officers who responded to calls for service at the address on the night of the assault.
 - a. **Recommendation:** The DVDRT and SFPD should agree upon a process for turning over all information in the SFPD's possession related to domestic violence fatalities that are being reviewed by the DVDRT. The process should be confidential and should not give DVDRT any rights beyond the ability to review the information for the purpose of conducting the DVDRT.
 - b. **Recommendation:** The DVDRT and SFPD should agree upon a process that would allow the DVDRT to interview any SFPD officer who participated in events under review by the DVDRT. The process should protect each officer's identity to the extent possible, and should occur separately from any administrative investigations, civil or criminal liability procedures. To the extent that SFPD conducts administrative interviews of officers related to events under review by the DVDRT, such interviews may be provided in lieu of the officer's participation in a live interview, and may be redacted to anonymize the officer, allowing the DVDRT to focus on the events rather than the individual.
- C. Documents available to the DVDRT included a motion for summary judgment in a civil case filed by the victim's estate which included deposition transcripts of various officers and roommates to participated in the events in question. These transcripts were redacted as part of the litigation, and full versions were not available to the DVDRT, as a result of which information may have been lost that could have impacted the group's recommendations.
 - a. **Recommendation:** Where possible, the DVDRT should seek to review any and all discovery provided in civil or criminal litigation related to events under review by the

DVDRT. Such materials should be held in strict confidentiality by the DVDRT and used solely for the purpose of completing the DVDRT review.

- D. SFPD Officers did not have body-worn video (BWV) or police car dashboard cameras in use in 2014. As a result, no video footage is available of the interactions between SFPD and either the victim or the assailant.
 - a. **Recommendation:** BWV cameras and dashboard cameras should be standard issue equipment to all officers responding to calls for service related to domestic violence. SFPD officers should record all actions taken when responding to these calls for service and should preserve the recordings of any interaction related to any domestic violence fatality. The recordings should be made available to the DVDRT for the limited purpose of conducting its review of the case.

Contributing Factors

The DVDRT believes that the following factors contributed to the murder/suicide of the victim and assailant:

Communication

1. SFPD responding to the scene of the incident over the course of the night repeatedly lacked context about the interactions between the victim and the assailant
2. The Computer-Aided Dispatch (CAD) system used by the Department of Emergency Management (DEM) and the SFPD lacked ability to easily and efficiently provide SFPD officers with access to:
 - a. Information regarding prior calls for service that evening
 - b. Audio of calls or
 - c. Information regarding prior allegations of or findings of abuse from assailant
3. DEM dispatchers did not provide an explanation to the officers for the escalation of the coding of the dispatch from a 417 DV (ringing doorbell) to a 418 DV (fight), depriving the officers of context that this was the third 911 call from this address by the victim that day
4. DEM call-takers lacked sufficient information (e.g., a checklist or other document) to guide their questioning in domestic violence-related calls. This limited their ability to gather the largest

amount of useful information in the most efficient way, and may have limited the ability of the call-takers to identify these incidents as having an increased likelihood of violence or lethality

5. Across multiple calls from the victim and her roommates, neither DEM call-takers nor SFPD officers asked Victim “what has changed about your situation from prior calls this evening,” which could have isolated actual violence escalation or the likelihood of violence escalation
6. An SFPD officer was told that Assailant may have tried to poison Victim and was presented with physical evidence of the poison. The officer did not:
 - a. Convey to the person making the allegation that the officer took the allegation seriously
 - b. Seek assistance in verifying or disproving that the substance was poison or
 - c. Inform other officers on the scene, including a Sergeant, of the allegation
7. The victim denied her roommate’s allegation that the assailant had tried to poison her when the allegation was made to the SFPD officer
8. SFPD officers did not interview anyone other than the victim and the assailant during their three (3) visits to the victim’s home, including visits initiated by or supported by 911 calls made by one or more of the roommates
9. One of the victim’s roommates who had called 911 thought that she had seen assailant at the home in the possession of a gun, but did not pass this information on to SFPD or DEM
10. The victim appeared to be reluctant to criticize the assailant to SFPD. Without information the assailant committed a crime, SFPD’s ability to intervene or arrest the assailant was limited.
11. SFPD officers responding to the victim’s calls to 911 did not:
 - a. Inform the victim that an individual arrested for public intoxication was likely to be released from the San Francisco jail after roughly four (4) hours in custody or
 - b. Work with the victim to create a safety plan that would ensure her protection if her assailant returned that night
12. The victim called 911 after the assailant was released from jail. During that call, the victim made clear that the assailant was determined to return to the scene despite multiple police warnings, and that the assailant was aware of the victim’s determination to get a restraining order the following day. These data points were not communicated to responding officers by DEM dispatchers, despite being potential signals of violence escalation

13. The assailant was calm and conciliatory with officers during all visits and did not impress the officers as angry or violent, even when he was visibly intoxicated. This may have caused SFPD officers to underestimate the risk of further violence or lethality
14. The “418DV” classification used by DEM call dispatchers to communicate with SFPD officers that a fight is occurring without weapons is unclear because it does not convey to officers whether the “fight” is an argument (i.e., a verbal altercation without physical violence) or a physical altercation

Procedures

15. SFPD does not have a formal procedure requiring its officers to gather all relevant and contextual information available from any party or witness
16. SFPD officers had no formal procedure to inform or engage victim’s advocates with experience in domestic violence matters
17. SFPD officers had no procedure to flag the address as a “hazard premise” to accelerate a response from SFPD/DEM as needed
18. Identifying a particular address as a “hazard premise” requires proactive SFPD action and is not automatically bestowed upon objective circumstances (e.g., number of calls from the same address in a specific time period)
19. The San Francisco Sheriff’s Office (SFSO) policy states that “[t]here is no minimum amount of time that a prisoner is required to be in a Sobering Cell” but that “[i]n no case shall a prisoner remain in a sobering cell over six hours **without** an evaluation by Jail Health Services staff” (emphasis supplied). SFSO practice is for the Sheriff’s Office to hold an individual brought in by SFPD on a charge of public intoxication for a minimum of four (4) hours before releasing the individual. Observations of the individual in the sobering cell are made once every 30 minutes and are limited to visual confirmation that “the prisoner is breathing” and “has not vomited while sleeping.” The policy further states that “[a] prisoner may be removed from a Sobering Cell when . . . the prisoner no longer requires sobering cell placement” or “the prisoner appears to be sober” in the judgment of JHS staff, and that “[t]ests to indicate sobriety and ability to follow instructions will gauge if a prisoner is ready to be removed.”
20. SFPD did not inform the victim of the SFSO practice of holding individuals charged with public intoxication for four (4) hours or assist the victim in devising a plan (up to and including gaining access to a domestic violence shelter or other safe accommodations) to ensure her safety after the assailant was discharged by SFSO

Environment

21. The house where the victim lived had an external gate with a latch that did not always lock properly, potentially facilitating the assailant's access to the house
22. Officers responding to domestic violence calls are often unclear on who is the aggressor and who is the victim, even after arriving on the scene. Separating allegations and facts can be very difficult and the officer's main focus is on keeping the parties separate and the situation as calm as possible, which may convey a sympathy for one party to others observing the scene
23. The assailant was calm and compliant at all times in his interactions with SFPD officers
24. Assailant's autopsy revealed a blood alcohol content (BAC) of 0.16, as well as the presence of other intoxicants
25. SFPD officers lacked a domestic violence Lethality Assessment Form that is now routinely made available to current officers
26. Assailant legally resided at the property and possessed a state issued ID as proof of residence

Tactics

27. At the end of the first interaction between SFPD and the victim and assailant, the assailant told SFPD he was going to BART and go to the East Bay. SFPD officers did not escort the assailant to BART, and/or ensure that he got on the BART train
28. The options available to SFPD to create a more enduring physical separation between victim and assailant were limited, as there was no evidence of a crime being committed that would lead to an overnight arrest:
 - a. There was no visible damage to the front gate or front door of the residence, and no witness claimed to have seen evidence of breaking and entering or destruction of property
 - b. The victim did not allege any actual or threatened physical harm by the assailant
 - c. The assailant's driver's license showed the location as his home address, which took away officers' ability to arrest he man for trespassing or other related charges and
 - d. Without any evidence of a crime or of physical violence against victim, SFPD lacked the ability to remove the assailant via a citizen's arrest

29. SFPD officers were unable to identify that the assailant had a firearm, or to ascertain how the assailant had obtained the firearm
 - a. Over the course of the evening, SFPD officers conducted three external “pat down” searches of the individual, none of which revealed a firearm. Officers also conducted two external “pat down” searches of the individual’s bag, neither of which revealed a firearm
 - b. While one roommate later reported that she thought she saw a gun in assailant’s hand prior to the second SFPD visit to the address that evening, neither the roommate nor the victim communicated that to the responding officers or to the 911 call takers
 - c. SFPD’s more thorough search of the individual’s bag after his arrest for public intoxication and prior to taking the individual to the SF Jail did not reveal a firearm
30. The Sheriff’s Office held the assailant in a “sobering cell” from approximately 11:30 pm until approximately 3:45 AM the following morning, a period of roughly four hours and fifteen minutes, and then permitted him to leave. The Sheriff’s Office did not perform any diagnostic or other evaluations of the individual at intake or upon the individual’s departure, did not provide any information, caution, etc. upon assailant’s departure from the Jail, and did not inform the victim of assailant’s release
31. When the assailant returned to the residence for the third time that night, officers conducted a “civil standby” in which officers accompanied the assailant into the house and allowed him to remove his personal property from the premises. After this procedure, SFPD officers talked with and smoked a cigarette with the assailant in front of the residence. While the officers used this time to warn assailant not to return, their conduct was viewed by the victim’s roommates as overly social with the assailant and suggested to them that the officers were not properly assessing the risk of the individual to the victim or to the roommates

Equipment

32. While the DEM CAD system used by SFPD provides some background info on prior calls, that information has to be requested and analyzed by SFPD officers. This is difficult on calls that require a rapid response time and limits the information available to SFPD officers responding to domestic violence calls
33. Several tools that are now used by SFPD to improve safety and planning for victims of domestic violence were not in use at the time of this incident, including (but not limited to):

- a. The SVU follow-up referral card, provided by SFPD to individuals who request emergency services for domestic violence-related incidents
- b. The Domestic Violence Lethality Screen, which is used by first responders to assess the risk of lethality in a domestic violence context and
- c. SFPD officers did not ²⁶have body-worn video (BWV) cameras in 2014

Other Contributing Factors

34. San Francisco lacks sufficient and suitable emergency housing options for victims of domestic violence, especially if the violence or threat of violence occurs during late-night hours

Recommendations

SFPD, DEM, and the City and County of San Francisco should:

1. Ensure that DEM professionals who handle calls for service to San Francisco's 911 hotline have real-time access at all times to experts in the management of domestic violence situations. These experts should assist call takers in, among other things:
 - a. Coding calls for emergency service related to domestic violence
 - b. Identifying and managing the risk of violence in each situation, including across the context of multiple calls for service from the same individual or at the same location and
 - c. Collecting and providing all relevant information to SFPD officers dispatched to the scene, to facilitate peaceful and appropriate resolutions of the emergency situation²⁷
2. Provide victims' advocates who can accompany SFPD to domestic violence calls for emergency services. Advocates should be available upon officer request, but should be required in situations where a single address has been the source of more than one (1) call for emergency

²⁶ See San Francisco Police Department General Order 6.09, Domestic Violence, accessible at <https://www.sanfranciscopolice.org/sites/default/files/2018-11/DGO6.09%20Domestic%20Violence.pdf>.

²⁷ Some members of the DVDRT expressed concern that the availability of these experts might require additional funding, particularly if the experts are hired and employed by SFPD.

services in a 48-hour period. Services that the advocates provide to SFPD and victims of domestic violence might include, but need not be limited to:

- a. Assessments about the risk of future violence/lethality
 - b. Assessments of the physical security of the victim's home, along with recommendations for improving the security and a process to inform property owners/landlords of identified security risks to occupants
 - c. Provision of a physical (body and environment) security checklist for victims
 - d. Creation of a plan to ensure the immediate and short-term physical safety of victims of domestic violence, focusing on protection, not disempowerment
 - e. The ability to refer the victim to a shelter in real time, 24/7/365
 - f. Assistance in transportation to a shelter and
 - g. Additional information set forth in the SFPD referral card
3. SFPD should memorialize observed security risks at locations where they are called for domestic violence using, among other tools, the SF Safe home assessment and the Cal VCB home security improvements
 4. Landlords should receive training on minimum levels of security for their propert(ies) and a checklist of items prior to obtaining a rental license
 5. The City and County of San Francisco should provide SFPD officers with tools other than arrest to create separation and space between a potential or actual DV victim and the assailant, including but not limited to
 - a. Neighborhood Watch/SFSafe information
 - b. Providing victims of domestic violence with information regarding emergency registration
 - c. Assisting victims of domestic violence in identifying and traveling to a shelter that can provide immediate and overnight assistance and protection to the victim
 - d. The "Marsy's card" DV referral card
 - e. Allowing SFPD officers to differentiate between the address on someone's driver's license and where they are actually living in terms of interpreting breaking & entering or other trespass violations

6. The Department of Emergency Management (DEM) and SFPD should prioritize and/or expedite SFPD responses to repeated allegations of domestic violence from the same address.²⁸ SFPD should instruct DEM, and DEM should flag the address as a “Hazard Premise” upon the receipt of a 2nd call from same address in 24-hour period
7. SFPD officers who respond to requests for emergency services in domestic violence cases should proactively seek to interview all bystanders, roommates, neighbors, and other individuals who may have observed the incident(s) or who may have background knowledge about the situation that provides useful context for navigating the situation in the short term and beyond. This includes seeking to interview other roommates or residents in an apartment or residence when there is a civil standby (taking into account SFPD policy on arrests when children are present)
8. When responding to DV calls for emergency services, SFPD officers should always attempt to question as many people as possible to understand the dynamics of the situation with as much context as is practicable, while understanding that witnesses or other residents are not required to provide any information.
9. SFPD officers should have immediate access to the audio of the current 911 call to which officers are responding, as well as to prior calls from the same individual or from the same address. This access should be provided to the officers in real time, and not later than their arrival at the scene.
 - a. DEM 911 hotline call takers should have the discretion and ability to provide information directly to responding officers rather than sending the audio of calls directly to SFPD officers.
 - b. The CAD system used by DEM and SFPD officers should provide SFPD officers with the ability to access video and/or audio recordings of prior calls for emergency service from the same address, not just their existence or coding
 - c. The CAD system should allow SFPD officers responding to domestic violence calls for assistance to compare the statements of individuals at the scene with statements that were made to the 911 call taker
10. In situations where SFPD officers are responding to a call for service related to domestic violence and other SFPD officers have responded to similar calls for service in the prior 48 hours,

²⁸ The DVDRT did not feel that SFPD’s responses to the various 911 calls placed from the address throughout the evening were obviously delayed, and as a result this Recommendation may be less likely than others to facilitate a specific change to the SFPD response in the event that a scenario similar to the Event were to reoccur.

SFPD should improve the ability of its responding officers to speak directly to the prior responding officers, and provide the responding officers real-time, mobile access to reports filed by the prior responding officers

11. The City of San Francisco should fund and accelerate purchase and implementation of an upgraded Computer-Aided Dispatch (CAD) system that can, at a minimum:
 - a. Provide officers in real time with the audio, or at a minimum a readable transcript, of any prior 911 call made to the Department of Emergency Management and
 - b. Provide officers in real time with prior allegations of domestic violence made to the SFPD against any individual. Such information should be capable of delivery to an officer's mobile phone upon request
12. DEM 911 call-takers should receive training at the time of their hiring that is refreshed at least every other year on domestic violence-specific psychology of assailants and victims, as well as a set of questions or checklist for the identification of "flags" that will assist call-takers in the ability to evaluate the risk of future violence and/or lethality in a given request for emergency services related to domestic violence
 - a. The training should include ways to evaluate/spot avoidance or minimization behaviors from victims of domestic violence
 - b. The DEM should provide call takers with DV-specific call guide(s) to assist in gathering necessary data to help SFPD and victim's advocates who respond to a DV call
13. At the time of hiring and not less frequently than every other year thereafter, DEM should ensure that its call-takers and dispatchers receive training on vicarious trauma and stewardship and access to appropriate clinical resources to address the risks of vicarious or secondary trauma on these individuals. SFPD and DEM should also discuss and decide whether, when and how to provide information about the ultimate resolution of 911 calls to call-takers and dispatchers, who typically hear only about the request for emergency services and do not know how the events are resolved
14. Officers need to build time into DV calls to be thorough in their reporting of data from the individuals interviewed to one another, and to supervisors
15. Any time an allegation is made that one person has tried to poison another in a domestic violence call:
 - a. The SFPD officer who receives the allegation should contact Poison Control for advice or data that might allow the officer to prove or disprove the allegation and

- b. The officer should immediately escalate the allegation to a supervisor to ensure that it is factored into an appropriate SFPD response.
 - c. These actions should be taken even if the allegation is denied by either the alleged poisoner or the alleged target of the poisoning.
16. The City and County of San Francisco should expand the number of beds providing triage shelter to victims of domestic violence and should provide a free, live 24-hour resource that can connect victims of domestic violence to shelter services.

Appendix A. DVDRT Participants

Names listed by role and alphabetically.

Name	Title
Val Altamirano	Lieutenant, SFPD
Tara Anderson	Director of Policy, SFDA
Karima Baptiste	Assistant District Attorney, Victim Services Division, SFDA
Michele Fisher	Chief Deputy Sheriff, San Francisco Sheriff's Office
Tony Flores	Sergeant, Special Victims Unit, SFPD
Elise Hansell	Policy and Grants Manager, SF Department on the Status of Women
John Hollway (Moderator)	Executive Director, Quattrone Center for the Fair Administration of Justice
Melanie Kushnir	Deputy Chief, Victim Services Division, SFDA
Kasie Lee	Chief, Victim Services Division, SFDA
David Merin	Chief, Criminal Division, SFDA
Ellen Moffatt	Assistant Medical Examiner Office of the Chief Medical Examiner, City of San Francisco
Maura Moylan	Project Coordinator, City and County of San Francisco
Evanthia Pappas	Managing Attorney, Domestic Violence Unit, SFDA
Orchid Pusey	Executive Director, Asian Women's Shelter
Vilma Rizzo	Policy and Grant Associate, SF Department on the Status of Women
Chauncey Robinson	Supervising Probation Officer, Domestic Violence Division, City and County of San Francisco
Beverly Upton	Director, San Francisco Domestic Violence Consortium

Appendix B. California Penal Code Section 11163.3

- (a) A county may establish an interagency domestic violence death review team to assist local agencies in identifying and reviewing domestic violence deaths, including homicides and suicides, and facilitating communication among the various agencies involved in domestic violence cases. Interagency domestic violence death review teams have been used successfully to ensure that incidents of domestic violence and abuse are recognized and that agency involvement is reviewed to develop recommendations for policies and protocols for community prevention and intervention initiatives to reduce and eradicate the incidence of domestic violence.
- (b) For purposes of this section, “abuse” has the meaning set forth in [Section 6203 of the Family Code](#) and “domestic violence” has the meaning set forth in [Section 6211 of the Family Code](#).
- (c) A county may develop a protocol that may be used as a guideline to assist coroners and other persons who perform autopsies on domestic violence victims in the identification of domestic violence, in the determination of whether domestic violence contributed to death or whether domestic violence had occurred prior to death, but was not the actual cause of death, and in the proper written reporting procedures for domestic violence, including the designation of the cause and mode of death.
- (d) County domestic violence death review teams shall be comprised of, but not limited to, the following:
 - (1) Experts in the field of forensic pathology.
 - (2) Medical personnel with expertise in domestic violence abuse.
 - (3) Coroners and medical examiners.
 - (4) Criminologists.
 - (5) District attorneys and city attorneys.
 - (6) Domestic violence shelter service staff and battered women's advocates.
 - (7) Law enforcement personnel.
 - (8) Representatives of local agencies that are involved with domestic violence abuse reporting.
 - (9) County health department staff who deal with domestic violence victims' health issues.
 - (10) Representatives of local child abuse agencies.
 - (11) Local professional associations of persons described in paragraphs (1) to (10), inclusive.
- (e) An oral or written communication or a document shared within or produced by a domestic violence death review team related to a domestic violence death review is confidential and not subject to disclosure or discoverable by a third party. An oral or written communication or a document provided by a third party to a domestic violence death review team, or between a

third party and a domestic violence death review team, is confidential and not subject to disclosure or discoverable by a third party. Notwithstanding the foregoing, recommendations of a domestic violence death review team upon the completion of a review may be disclosed at the discretion of a majority of the members of the domestic violence death review team.

- (f) Each organization represented on a domestic violence death review team may share with other members of the team information in its possession concerning the victim who is the subject of the review or any person who was in contact with the victim and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential. This provision shall permit the disclosure to members of the team of any information deemed confidential, privileged, or prohibited from disclosure by any other statute.
- (g) Written and oral information may be disclosed to a domestic violence death review team established pursuant to this section. The team may make a request in writing for the information sought and any person with information of the kind described in paragraph (2) may rely on the request in determining whether information may be disclosed to the team.
 - (1) An individual or agency that has information governed by this subdivision shall not be required to disclose information. The intent of this subdivision is to allow the voluntary disclosure of information by the individual or agency that has the information.
 - (2) The following information may be disclosed pursuant to this subdivision:
 - (A) Notwithstanding [Section 56.10 of the Civil Code](#) , medical information.
 - (B) Notwithstanding [Section 5328 of the Welfare and Institutions Code](#) , mental health information.
 - (C) Notwithstanding [Section 15633.5 of the Welfare and Institutions Code](#) , information from elder abuse reports and investigations, except the identity of persons who have made reports, which shall not be disclosed.
 - (D) Notwithstanding [Section 11167.5 of the Penal Code](#) , information from child abuse reports and investigations, except the identity of persons who have made reports, which shall not be disclosed.
 - (E) State summary criminal history information, criminal offender record information, and local summary criminal history information, as defined in [Sections 11075, 11105, and 13300 of the Penal Code](#).
 - (F) Notwithstanding [Section 11163.2 of the Penal Code](#) , information pertaining to reports by health practitioners of persons suffering from physical injuries inflicted by means of a firearm or of persons suffering physical injury where the injury is a result of assaultive or abusive conduct, and information relating to whether a physician referred the person to local domestic violence services as recommended by [Section 11161 of the Penal Code](#).

- (G) Notwithstanding [Section 827 of the Welfare and Institutions Code](#) , information in any juvenile court proceeding.
 - (H) Information maintained by the Family Court, including information relating to the Family Conciliation Court Law pursuant to [Section 1818 of the Family Code](#) , and Mediation of Custody and Visitation Issues pursuant to [Section 3177 of the Family Code](#).
 - (I) Information provided to probation officers in the course of the performance of their duties, including, but not limited to, the duty to prepare reports pursuant to [Section 1203.10 of the Penal Code](#) , as well as the information on which these reports are based.
 - (J) Notwithstanding [Section 10850 of the Welfare and Institutions Code](#) , records of in-home supportive services, unless disclosure is prohibited by federal law.
- (3) The disclosure of written and oral information authorized under this subdivision shall apply notwithstanding [Sections 2263 , 2918 , 4982](#) , and [6068 of the Business and Professions Code](#) , or the lawyer-client privilege protected by Article 3 (commencing with [Section 950\) of Chapter 4 of Division 8 of the Evidence Code](#) , the physician-patient privilege protected by Article 6 (commencing with [Section 990\) of Chapter 4 of Division 8 of the Evidence Code](#) , the psychotherapist-patient privilege protected by Article 7 (commencing with [Section 1010\) of Chapter 4 of Division 8 of the Evidence Code](#) , the sexual assault counselor-victim privilege protected by Article 8.5 (commencing with [Section 1035\) of Chapter 4 of Division 8 of the Evidence Code](#) , the domestic violence counselor-victim privilege protected by Article 8.7 (commencing with [Section 1037\) of Chapter 4 of Division 8 of the Evidence Code](#), and the human trafficking caseworker-victim privilege protected by Article 8.8 (commencing with [Section 1038\) of Chapter 4 of Division 8 of the Evidence Code](#).

Appendix C. San Francisco Police Department Special Victims Unit Referral Card

SERVICES FOR CHILDREN

Child Abuse **Hotline** 415-558-2650
 Comprehensive Crisis Services 415-970-3800 or 415-970-4000
 Child Trauma Program 628-206-5311
 TALK Line Family Support Center / Parent referral
 (24 hr) 415-441-KIDS (5437)
 Safe Start 415-668-0494

SERVICES FOR YOUTH

Huckleberry House 415-621-2929
 Larkin Street Youth Service 415-673-0911
 National runaway safe line 1-800-RUNAWAY 800-786-2929
or text: 66008

SEXUAL ASSAULT

S.F. Trauma Recovery Center 415-821-3222
SF Women Against Rape (Crisis Line-24 hr) 415-647-7273

TTY FOR HEARING IMPAIRED

Suicide Prevention Mainline 415-781-0500
Suicide Prevention Crisis Line TTY 415- 227-0245

FOR OFFENDERS

Men's Program -- Marin **Hotline/Crisis Line 415-924-1070**
 POCovi (Spanish speaking) 415-552-1361

A.D.A. (Americans with Disabilities Act)

If an alternative format is needed contact the A.D.A. Coordinator at: **TTY 415-575-5827**

HUMAN TRAFFICKING

National Human Trafficking Hotline 888-373-7888
 or
 Victim can text to BeFree (233733)

Human Trafficking Tip Line (24hr) 415-643-6233

API Legal Outreach 415-567-6255
 Asian Women's Shelter 877-751-0880
 Freedom House 650-488-0831

VINE (Victim Information and Notification Everyday)

Need to know an inmate's custody status? Despite official restraint of the person alleged to have committed domestic violence/sexual assault, the restrained person may be released at any time. For further information on an inmate's custody status, call the San Francisco Sheriff's Department at 1-877-411-5588.

SFPD 142E (Rev. 11/19)

Special Victims Unit FOLLOW UP & REFERRAL CARD

Incident Report or CAD number _____

Date _____ Time _____

Reporting Officer _____ Star _____

Special Victims Unit

850 Bryant St Room 500 (Mon - Fri, 9am - 5pm)
 Contact Number: **415-553-9225**

THE SPECIAL VICTIMS UNIT INVESTIGATES THE FOLLOWING CRIMES

- Child Abuse/Juvenile
- Domestic Violence
- Elder Abuse
- Financial Crimes
- Human Trafficking
- Internet Crimes Against Children
- Missing Person (handled by station)
- Sexual Assaults
- Stalking
- Sex Offender Unit (290 registration)

VICTIM CONFIDENTIALITY ADVISORY

Government Code 6254(f)(2) and Penal Code 293/293.5
 Government Code 6254(f)(2) gives you the right to request that your name not become part of a public record, including release to the media, if you are the victim of one of the following crimes: 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6

OBTAINING POLICE REPORT:

California Family Code § 6228 provides that victims of the alleged crimes of **DV, Sexual Assault, Stalking, Human Trafficking or Elder Abuse** may receive a copy of their incident report within **five** days of their request, **free of charge**, unless good cause for delay exists. For further information go to sanfranciscopolice.org/get-service/police-reports/obtain-police-report-or-traffic-collision-report and click the tab for "Domestic Violence, Sexual Assault, Stalking, Human Trafficking, Elder Abuse" or contact the Crime Information Services Unit (CISU) at 415-575-7232. **SFPD 142E (Rev. 11/19)**

Appendix D. Domestic Violence Lethality Screening Questionnaire for First Responders



Domestic Violence Lethality Screen For First Responders



Officer:

Date:

Case:

Victim:

Offender:

Check here if victim did not answer any of the questions.

▶ A "Yes" response to any of Questions #1-3 automatically triggers the protocol referral.

- | | | | |
|---|------------------------------|-----------------------------|-----------------------------------|
| 1. Has he/she ever used a weapon against you or threatened you with a weapon? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Ans. |
| 2. Has he/she threatened to kill you or your children? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Ans. |
| 3. Do you think he/she might try to kill you? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Ans. |

▶ Negative responses to Questions #1-3, but positive responses to at least four of Questions #4-11, trigger the protocol referral.

- | | | | |
|--|------------------------------|-----------------------------|-----------------------------------|
| 4. Does he/she have a gun or can he/she get one easily? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Ans. |
| 5. Has he/she ever tried to choke you? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Ans. |
| 6. Is he/she violently or constantly jealous or does he/she control most of your daily activities? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Ans. |
| 7. Have you left him/her or separated after living together or being married? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Ans. |
| 8. Is he/she unemployed? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Ans. |
| 9. Has he/she ever tried to kill himself/herself? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Ans. |
| 10. Do you have a child that he/she knows is not his/hers? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Ans. |
| 11. Does he/she follow or spy on you or leave threatening messages? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Ans. |

▶ An officer may trigger the protocol referral, if not already triggered above, as a result of the victim's response to the below question, or whenever the officer believes the victim is in a potentially lethal situation.

Is there anything else that worries you about your safety? (If "yes") What worries you?

- Check one: Victim screened in according to the protocol
 Victim screened in based on the belief of officer
 Victim did not screen in

If victim screened in: After advising her/him of a high danger assessment, did the victim speak with the hotline counselor?
 Yes No

Note: The questions above and the criteria for determining the level of risk a person faces is based on the best available research on factors associated with lethal violence by a current or former intimate partner. However, each situation may present unique factors that influence risk for lethal violence that are not captured by this screen. Although most victims who screen "positive" or "high danger" would not be expected to be killed, these victims face much higher risk than that of other victims of intimate partner violence.