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SFPD Presentation on Conducted Energy Devices (17-094)

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In its October, 2016 review of San Francisco Police Department policies and practices, the U.S. Department of Justice Collaborative Reform Initiative noted “Currently, SFPD officers are not authorized to carry electronic control weapons (ECW, i.e., Tasers).” The report recommended “The City and County of San Francisco should strongly consider deploying ECWs” as a potential means of reducing officer-involved shootings and reducing injury to community members and officers. At the June 21st, 2017 meeting of the San Francisco Police Commission, Police Chief William Scott presented the following key points regarding ECWs (also known as Conducted Energy Devices, or CEDs) and the department’s multi-pronged strategy for incorporating such devices while addressing public concerns: SFPD is dedicated to deploying the best policies and practices to ensure effective law enforcement services in the safest manner possible. Independent research has shown CEDs decrease the risk of injury to all parties involved in a police encounter where force is used. DOJ has found that the use of CEDs is associated nationally with a decrease in citizen injury of 60%.[1] DOJ has found that the use of CEDs “carries with it a risk as low as or lower than most alternatives.”[2] Officers need an additional intermediate force option DOJ has found that physical force options (e.g. baton, hand strikes) are associated with increased risk of injury to citizens of 50% and to officers of 300%.[3] CEDs provide an intermediate option while reducing the likelihood of injury to all

parties. SFPD has a duty to decrease injury to citizens and to its employees to the extent reasonably possible. CEDs are tools that demonstrably achieve those goals without exposing the community to significant known risk. SFPD has maintained that it will comply with all DOJ recommendations regarding the Department. DOJ data overwhelmingly supports the use and deployment of CEDs. The SFPD understands and acknowledges the public's concerns: Studies show CEDs are used nationally disproportionately against people of color and those with mental health issues. CEDs can lead to deaths. CEDs often don't work. CEDs appear to be incompatible with de-escalation principles. Community concerns should be tempered with the known data and research available: While CEDs nationally are used disproportionately against people of color, the DOJ's review of SFPD found no correlation between the severity of force used and the citizen's race.[1] CEDs are a force option like any other: SFPD will continue to monitor all uses of force and ensure that force is deployed only when necessary and appropriate. In accordance with DOJ recommendations, SFPD has improved its data collection techniques and supervisory oversight to ensure that uses of force are effectively monitored. CEDs can lead to death, but so can any use of force. DOJ found that CEDs pose no heightened risk of death or serious injury as compared to other less-lethal force options.[2] No force option is effective 100 percent of the time. It's important to compare the efficacy of the devices with other force options. On the greater weight of the published scientific evidence, the CED has the highest effectiveness rating compared to other less than lethal force options.[1] Other options are more likely to have a lower probability of effectiveness and higher probability of injury to the subject and the officer.[2] According to the Mesloh study, the CED in the first application has a higher probability of success than other less than lethal force options.[3] That effectiveness rises to 81 percent more successful over other less than lethal force options in its third application.[4] CEDs are entirely compatible with de-escalation principles: they are merely an additional tool to be used in conjunction with de-escalation techniques. CEDs are a force option, like any other, the use of which shall be permitted only in accordance with a strict policy. SFPD is committed to de-escalation principles and deploying a new technology alongside that strategy is the most effective way to ensure SFPD personnel learn how to effectively use both. The SFPD intends to address the public's concerns and minimize negative outcomes by using a multi-pronged strategy that includes: A comprehensive policy Robust training Strong supervision Extensive oversight and accountability measures COMPREHENSIVE POLICY The development of the policy to date has included extensive research with a review of over 20 law enforcement CED policies, many of which were subject to DOJ review

The policy will provide clear direction and will outline limits, constraints, and uses of CEDs. The Department and Police Commission are working with community stakeholders to ensure community input to the policy. The Police Commission developed a CED website tab for public to follow the development of the CED policy. Website includes: SFPD draft policies, CED policies from other agencies, Various CED studies, Various CED articles, Comparison matrix (SFPD policy vs. other L.E. CED policies). CED policy will incorporate principles from DGO 5.01: Safeguarding of life, De-escalation, CIT, Minimal amount of force necessary, Duty to intervene, Duty to provide medical assistance, Duty to provide medical evaluation, Automated External Defibrillator (AED) deployment.

ROBUST TRAINING SFPD committed to training all sworn members. CED training plan for officers will incorporate and reinforce principles of Safeguarding of life, De-escalation, CIT, Minimal amount of force necessary, Mandatory Use of Force update, and CIT Field Tactics course before officers receive CED training. SFPD members will conduct policy training; vendor will not be involved in policy training. CED training will be annual for all members.

STRONG SUPERVISION Uses of force are under strict supervision. All use of force incidents require a supervisor to respond to the scene to: ensure the scene is secure, observe officer or subject injuries, locate witnesses and ensure they are interviewed, ensure photographs are taken. Supervisors are required to conduct an immediate investigation into whether the force used was in compliance with DGO 5.01, complete use of force log and supervisory Use of Force Evaluation form. If there is a determination that force was unnecessary or the force caused serious bodily injury or death, the supervisor must notify his/her superior officer to initiate an investigation.

EXTENSIVE OVERSIGHT/ACCOUNTABILITY MEASURES SFPD plans to have several oversight and accountability tracks to 1) ensure members' compliance with the policy, 2) provide transparency to the public, and 3) provide the department with an opportunity to review the policy relative to trends of CED use and determine if there is a need to update the policy (the policy is a living document and the SFPD needs to update when it discovers changes should be made). Mandatory notification to the Officer in Charge for each CED activation. Commanding Officer is responsible for ensuring that all protocols in DGO 5.01 and the CED DGO are followed. Convene a quarterly meeting to review all CED activations. The panel will include members of the Command Staff, Commanding Officer of Risk Management Division, Commanding Officer of Training Division, a representative from the Police Commission, a representative from the Department of Police Accountability, and a community member. Consistent with DGO 5.01, activations of CEDs will be recorded on the Use of Force log and the Supervisory Use of Force Evaluation form. The use

of CED will be included in the monthly, quarterly and yearly statistics of Uses of Force. These reports are posted on the Department's website and provided to the Police Commission. National Institute of Justice, Study of Deaths Following Electro Muscular Disruption at 30, May 2011. Id. at 24. Id. at 30. Community Oriented Policing Services, An Assessment of the San Francisco Police Department at 49, Oct. 2016. Study of Deaths Following Electro Muscular Disruption at 3 (citing Bozeman et al., Safety and Injury Profile of Conducted Electrical Weapons Used by Law Enforcement Officers Against Criminal Suspects). Charlie Mesloh ; Mark Henych ; Ross Wolf, "Less Lethal Weapon Effectiveness, Use of Force, and Suspect & Officer Injuries: A Five-Year Analysis," at 88, National Institute of Justice, (September 2008). Id. at 88. Id. at 65.

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