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San Francisco Police Commission  
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Re: Commission Working Group on Electronic Control Weapons

Dear Commissioners:

We write on behalf of the Blue Ribbon Panel on Transparency, Accountability, and Fairness in Law Enforcement ("Panel"). We thank the Commission for its continued consideration of the findings and recommendations in the Panel's Report (<http://sfblueribbonpanel.com/>). We further appreciate the Commission's invitation to participate as a stakeholder in the Working Group on Electronic Control Weapons (ECW) ("Working Group").

Since the Working Group began meeting in May, the stakeholders have engaged in productive dialogue regarding the potential deployment of ECWs by the San Francisco Police Department (the "Department"). Nonetheless, the Panel is concerned that certain limitations and conditions may prevent the stakeholders from conducting a fulsome investigation through the Working Group. Therefore, we urge the Commission to consider making the following clarifications regarding the timing and objectives of the Working Group:

1. As an initial matter – before the Working Group prepares any draft Department General Order (DGO) – the Panel suggests that the Working Group first formulate a recommendation to the Commission on *whether or not* the Department should deploy ECWs. As several community stakeholders addressed in their letter to Commissioner Melara dated May 4, 2017, it is premature for the Working Group to prepare a DGO before the Commission has determined whether any deployment is appropriate. Indeed, as the Working Group is still considering evidence, expert testimony, and community feedback, the Panel itself has not yet come to any conclusion on whether it will recommend deployment. To that end, we appreciate the Commission taking the time to hear from subject-matter experts, and hope that the Commission will consider these opinions in determining whether the introduction of ECWs is appropriate at this time. Before the Working Group goes forward in drafting theoretical policies in a vacuum, we suggest that the Commission set an initial date on which it will hear the Working Group's recommendation on whether the Department should deploy ECWs.

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2. To the extent that the Working Group will be tasked with preparing a new DGO, the Panel suggests that the Working Group consider these critical issues in the drafting process:
  - a. **Cost of Implementation** – Deploying a new weapon such as ECWs will necessarily raise concerns regarding potential liability and costs associated with equipment, training, and oversight. The Panel has been informed that cost concerns are beyond the scope of the Working Group. We would suggest to the Commission, however, that investigating the cost of various proposals is important to making informed and responsible recommendations in drafting a DGO.
  - b. **Impact on DGO 5.01** – The Panel is also concerned about how ECW deployment may impact the broader use-of-force reforms that the Commission implemented last year in revising DGO 5.01. The impact of ECW deployment on existing principles (such as de-escalation) is not on the current agenda for the Working Group. We would suggest, however, that the Working Group consider how deployment of ECWs would impact these important principles and policies and ensure that any new DGO is consistent with the current DGO 5.01.
  - c. **Department Self-Assessment** – In considering whether and how to best deploy ECWs, experts recommend that departments reexamine *specific* use-of-force scenarios and their antecedents (such as use of time, distance and cover, and de-escalation techniques) to determine whether ECWs could have been safely used from a tactical perspective. At this time, however, the Department has not undertaken such an evaluation. Because this analysis is key to understanding how ECWs may be deployed in San Francisco, we would suggest that the Department conduct a self-assessment so that the Working Group may be fully informed in shaping its recommendations for any DGO.

The Panel appreciates the Commission's consideration of these important questions concerning the process and objective of the Working Group and looks forward to continued collaboration with stakeholders.

Sincerely,



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