

Chief William Scott's Statement Regarding Conducted Energy Devices for the San Francisco Police Department

The San Francisco Police Department is considering implementing Conducted Energy Devices (CEDs), more commonly known by the brand name TASER®, as part of an overall strategy of less-lethal-force options. We understand there are risks associated with CEDs, and some people have been impacted by their use. During this process, the Department has reviewed objective and independent research, as well as engaged in numerous and substantive discussions with members of the CED stakeholder group, to develop a comprehensive policy to present to the Police Commission. The Police Commission will then decide whether CEDs will be adopted as a force option for the SFPD.

The SFPD is committed to implementing the best policies and practices to ensure not only we are an effective law enforcement organization, but to make certain our members conduct their work in the safest possible manner. Independent research indicates CEDs can assist officers by decreasing the risks of injury to persons involved in police encounters in which force is used. The U.S. Department of Justice (DOJ), undertaking its own independent research, has found that the use of CEDs correlates with a decrease of 60 percent nationally in citizens' injuries. The DOJ also determined that risks associated with CEDs are lower than most other use of force options. Those studies and their findings can be found in the DOJ's 2011 report titled, "Final Findings from the Expert Panel on the Safety of Conducted Energy Devices," and the National Institute of Justice's 2011 report titled, "Police Use of Force, Tasers and Other Less-Lethal Weapons."

The SFPD needs additional intermediate force options, such as CEDs, to help us accomplish several things. First, we believe CEDs will assist officers in de-escalating situations that could otherwise escalate and require officers to use a higher level of force. Secondly, as a law enforcement agency, we have a duty to reduce injuries to citizens, residents, and officers when we use force. Much of the research indicates CEDs accomplish that task. The research is fairly overwhelming not only in the United States but in Canada and the United Kingdom. The reports that we reviewed indicate there is a significant reduction of injuries when CEDs are used.

We understand and acknowledge the public's concerns surrounding CED use. Independent studies have shown that nationally CEDs are used disproportionately against people of color and those with mental health issues. There are also reports that on occasion, CEDs have not been effective. We know that many in our community believe CEDs are incompatible with the de-escalation principles we have worked so hard to put in place. And we acknowledge there is a risk of fatality with the use of CEDs. With those concerns in mind, we have reviewed much of the independent research to help us allay and address the public's concerns.

While CEDs nationally are used disproportionately against people of color, the Department of Justice's 2017 review of the San Francisco Police Department found that

there was no correlation between the severity of force used and the race of the subject upon whom force was used.

The SFPD believes that CEDs are a force option similar to the other intermediate force options already authorized under our Use of Force policy; Oleoresin capsicum (OC), otherwise known as pepper spray, and batons. If CEDs are adopted, the Department would be required to report and analyze their use consistent with the reporting and analyzing requirements relating to force options. The Department will ensure that CEDs are deployed and activated only when lawful and according to policy. In accordance with the DOJ recommendations, our Department will work to improve our data collection techniques to ensure that all use of force incidents, including CEDs if approved, are effectively and vigorously monitored.

I stated before we acknowledge that CEDs may lead to a fatality. However, the comprehensive body of research overwhelmingly indicates that CEDs reduce subject and officer injuries, and when paired with proper policies, procedures, training, and oversight, the likelihood of injuries should decrease.

Like batons, pepper spray, and firearms, CEDs are a force option that come with risks. We acknowledge and understand those risks. We want to reassure the public that, if granted permission to adopt CEDs as a force option, our policy and training plan will be comprehensive and will address and attempt to mitigate those risks. In addition to having a policy based on best practices and an extensive training plan, we intend to address the public's concerns by reinforcing and requiring strong supervision and enacting broad oversight and accountability measures. By covering these four areas of policy, training, supervision and accountability, the Department will have CED practices that are among the best of the world's law enforcement agencies.

Policy:

The SFPD's objectives include the development of a policy based on extensive research, discussions with medical professionals, opinions of subject matter experts across the globe, and best practices from other law enforcement agencies that have used CEDs effectively. The policy will provide clear direction and outline constraints in the use of CEDs.

In its 2017 report, the DOJ report recommended that the SFPD work with the community throughout the process of determining whether CEDs are an appropriate force option in San Francisco. The SFPD believes community input has been valuable throughout this process to date. And the Department and Police Commission continue to work with stakeholders and the community to ensure community perspectives are represented in the policy.

The Police Commission has developed a CED website for the public to follow as we work through this process. The website includes SFPD draft policies, stakeholder comments and suggestions on the draft policies, minutes from the stakeholder meetings, CED policies from other agencies, and various CED studies and articles. It also includes

a comparison matrix between the SFPD's proposed policy and other law enforcement CED policies as a means to assist the Department in determining best practices. The Department is committed to transparency and inclusiveness as we move through this process of presenting a policy to the Police Commission for a decision on whether CEDs are the right tool for our police department and our city.

The CED policy will incorporate the principles from Department General Order 5.01, Use of Force, including the safe-guarding of life, de-escalation principles, Crisis Intervention Team, using the minimal amount of force necessary, the duty to provide immediate first aid, and the duty to intervene if the equipment is used inappropriately.

Training:

We believe training is a vital component of a successful implementation plan that will attempt to minimize the risks associated with CEDs. We are committed to training all sworn members, not only on the use of CEDs but on the new use of force policy and crisis intervention field tactics before an officer is issued a CED. Our continuing education plan for officers incorporates and reinforces the principles of safe guarding life and de-escalation.

Members of the SFPD Training Division will conduct the CED policy training for our officers; vendors will not be involved in any aspect of policy training. Internal training ensures that we not only contain costs, but more importantly, that we provide professional, efficient and thorough training on CEDs. Initial training and annual recertification will include policy specifics, de-escalation principles, CIT updates, scenario-based training, and equipment training.

Supervision:

As with all use of force, CEDs require strict supervision. Currently, all use of force incidents by members of the SFPD require a supervisor respond to the scene to ensure the scene is secure, observe officer and subject injuries, locate and interview witnesses, and collect physical evidence. Those supervisory actions would also be required any time a CED is activated.

Additionally, because of the technology embedded in the CED, it is the most accountable piece of equipment available to the Department. The CED's internal computer captures the data associated with each use. The data is downloaded from the device, and that data is available for us to review. This data will allow us to conduct an evaluation on each activation and determine whether the use was within department policy and in compliance with the law. No other piece of Department equipment has that capability right now. We believe this internal data collection capability partnered with our Department body worn cameras increases the level of accountability for CEDs.

In use of force cases involving serious bodily injury or death, the Department has clearly established protocols in place that supervisors must follow. Supervisors are required to alert a superior officer who starts an immediate investigation of the circumstances involved in the use of force incident. The investigation includes locating and

interviewing witness, documenting the injuries, collecting evidence, reviewing body worn camera footage, and taking officer statements. This immediate notification and investigation is an integral part of the accountability component. This same process would be followed if serious bodily injury or death occurred in an incident where a CED was used.

Oversight and Accountability:

There are several steps the Department would take to ensure systematic oversight and accountability if CEDs were adopted as a force option. First of all, the SFPD already has several oversight and accountability tracking mechanisms to monitor our use of force incidents to ensure members comply with policy and law. Consistent with Department General Order 5.01, all CED activations would be recorded on the use of force log currently in use, along with the supervisory use of force evaluation form. Current state and local legislation requires us to collect and report data to the public on incidents involving uses of force on a quarterly basis. CED uses would be included in these reports. In fact, the technology embedded in the CED will assist us with the reporting.

Secondly, oversight requires involving the public in any updates to our policies. If CEDs are adopted as a force option, the Department understands the importance of continually reviewing the CED policy; policies are living documents and we must periodically review data, trends and changing case law in CED use. The community will be invited to assist us with updates to the CED policy. The Police Commission has asked the Department to robustly and consistently update our policies, and we welcome that request. Updating our policies is consistent with our quest to have best practices, reinforced with data and analysis, incorporated into our policies.

Thirdly, if we are granted use of this equipment, initially any activation of the CED would require a notification to commanding officers through our department's Operations Center., It is important at the onset to have strict control and accountability measures in place surrounding the use of CEDs. We will report what we find to the public and the mandatory notifications will help us get there.

Next, we propose convening a panel that will meet quarterly to review all CED activations. Panel members will include members from the command staff, the commanding officer of the Risk Management Division, the commanding officer of the Training Division, a representative from the Police Commission, a representative from the Department of Police Accountability, and a community member. The panel will not only analyze individual CED uses but it will identify trends that can help us improve our training and policy.

Lastly, the current technology in some of the CED devices has the capability to pair with the Department's body worn cameras. The technology in the CED automatically starts the officer's body worn camera recording when the CED is activated. This technology is a tremendous accountability component that we can take advantage of when reviewing CED usage.

I understand there are risks associated with any piece of equipment when force is used, including the tools the SFPD currently has and the CEDs we are asking the Police Commission to consider. I take that as a professional responsibility. When I came to the San Francisco Police Department, I was asked my opinion on CEDs and whether I thought they were a tool that would be helpful to this department. I believed then, and I believe now, that in light of the independent research, we can minimize and reduce officer injuries, and more importantly, injuries to our residents. I think the overall body of data is overwhelming that CEDs would give the SFPD a less lethal force option to help us achieve our goal of preserving the sanctity of life.