

DEPARTMENT OF POLICE ACCOUNTABILITY

CITY AND COUNTY OF SAN FRANCISCO



R. Manuel Fortes
Acting Director

May 18, 2017

Commissioner Sonia Melara
Commissioner Bill Ong Hing
Police Commission Office
San Francisco Police Headquarters
1245 3rd Street
San Francisco, CA 94158

Re: Summary of Previous Hearings on Electronic Controlled Weapons (aka "Tasers")

At the last working group meeting on Electronic Controlled Weapons (aka "Tasers"), some members requested information about previous hearings before the San Francisco Police Commission on the topic of Electronic Controlled Weapons (aka "Tasers"). The Department of Police Accountability submits the following summary with links to the televised Police Commission hearings, caption notes, and minutes.

On February 17, 2010, the San Francisco Police Commission considered the San Francisco Police Chief's request to "develop modifications of "Use of Force" and the use of Conducted Energy Devices (CED)." Chuck Wexler, Bruce Taylor, Craig Fraiser from Police Executive Research Forum provided testimony to the Commission via telephone. A partial list of speakers who addressed the San Francisco Police Commission included San Francisco Sheriff Michael Hennessey, Dr. Dawes, and Scott Greenwood (ACLU). (See San Francisco Police Commission minutes for a summary of the testimony and public comments. (<http://sanfranciscopolice.org/sites/default/files/FileCenter/Documents/24651-feb17mins.pdf>) The Commission voted to continue the hearing.

(For links to the televised Police Commission hearing and caption notes, see http://sanfrancisco.granicus.com/GeneratedAgendaViewer.php?view_id=21&clip_id=9442 http://sanfrancisco.granicus.com/TranscriptViewer.php?view_id=21&clip_id=9442)

On March 3, 2010 the Police Commission continued its February 17th agenda item, "discussion and possible action to authorize Chief of Police to develop modifications of Department General Orders to include use of Conducted Energy Devices." Dr. Byron Lee and Dr. Zian Tseng discussed their research study. Los Angeles Attorney John C. Burton who has

sued Taser International made a presentation. Mr. Aram James, retired Santa Clara County Public Defender spoke to the Commission. Barbara Attard (National Association of Civilian Oversight of Law Enforcement) and Kelly Evans (ACLU) also addressed the Commission. (See San Francisco Police Commission minutes for a summary of testimony and public comment. (<http://sanfranciscopolice.org/sites/default/files/FileCenter/Documents/24848-March%203%2C%202010.pdf>) The Police Commission voted 4-3 against the motion to authorize the Chief of Police to develop a Controlled Energy Weapon policy (Taser) policy.

(For links to the televised Police Commission hearing and caption notes, see http://sanfrancisco.granicus.com/GeneratedAgendaViewer.php?view_id=21&clip_id=9528 http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=21&clip_id=9528)

(For media coverage after the Police Commission vote, see for e.g. <http://www.sfgate.com/news/article/S-F-Police-Commission-rejects-Tasers-3197280.php>)

On February 23, 2011, the Police Commission held a hearing on the San Francisco Police Chief's request to develop a proposal for modification of "Use of Force" and "Equipment" including a presentation on "Tasers." Speakers who addressed the Police Commission included Chuck Wexler from the Police Executive Research forum, San Francisco Sheriff Mike Hennessey, Christine DeBerry (Mayor's Office Deputy Chief of Staff), representatives from the San Francisco Police Officers' Association, SF Latino POA, SF Pride Alliance, SF Asian POA, and four SF police officers. Attorney John Burriss, Attorney John Burton, Barbara Attard, Ms. Reena (Amnesty International), Dr. Tseng (UCSF), Alan Hopper (ALCU Police Practices) and OCC Director Joyce Hicks addressed the Commission. There was also extensive public comment.

During the February 23, 2011 meeting, the Police Commission voted 6 to 1 to adopt Resolution No.11-28. Resolution No.11-28 authorized:

the Police Chief in conjunction with the Office of Citizen Complaints and two Police Commissioners to investigate and evaluate ECWs and all other less lethal weapons based on independent scientific research and to develop and recommend a proposal with specific policies and guidelines.

Resolution No.11-28 further required the development of "these proposals in consultation with communities of color, mental health professionals, LGBT and other key segments of the community and to set forth proposed costs and funding for the proposed plan." The Resolution directed findings and recommendations within 90 days. It also directed review and recommendations on "changes to the Police Department's tactical training regarding the use of force within 90 days." (See San Francisco Police Commission minutes for a summary of testimony, public comment, and Resolution 11-28.

(<https://sanfranciscopolice.org/sites/default/files/FileCenter/Documents/25411-feb23mins.pdf>)

(For links to the televised Police Commission hearing and caption notes, see http://sanfrancisco.granicus.com/TranscriptViewer.php?view_id=21&clip_id=11657 http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=21&clip_id=11657)

At the August 1, 2012 San Francisco Police Commission meeting, the Police Department proposed a “Pilot Program for Conducted Energy Devices (e.g. “Tasers”)” for discussion and possible action to approve the pilot program or take other action. SFPD Commander Mikail Ali and SFPD Deputy Chief Lyn Tomioka presented on the Department’s proposed pilot program to provide “tasers” to CIT-certified officers. Clay Rand, Vice President of Taser International provided testimony. Dr. Zian Tseng from UCSF presented his research. Michaela Davis from the Northern California ACLU addressed the Commission. The Police Commission postponed consideration of Chief Suhr’s proposed pilot program in light of Resolution No.11-28. (See San Francisco Police Commission minutes for a summary of testimony, public comment and Resolution 11-28;

<http://www.sanfranciscopolice.org/ftp/meetingarchive/sanfranciscopolice.org/index.aspx-page=4092.html>)

(For links to the televised Police Commission hearing and caption notes, see http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=21&clip_id=15721 http://sanfrancisco.granicus.com/TranscriptViewer.php?view_id=21&clip_id=15721)

Subsequently, the Police Commission and Chief held several meetings throughout San Francisco specifically to hear from community members about their sentiments in favor and opposed to Electronic Control Weapons.

At the Police Commission’s meeting of April 10, 2013, then-Chief Suhr announced that he was withdrawing his proposal to arm CIT-officers with electronic control weapons. (See San Francisco Police Commission minutes.

<http://sanfranciscopolice.org/ftp/meetingarchive/sanfranciscopolice.org/index.aspx-page=4197.html>)

(For links to the televised Police Commission hearing and caption notes, see http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=21&clip_id=17250 http://sanfrancisco.granicus.com/TranscriptViewer.php?view_id=21&clip_id=17250)

For media coverage, see <http://www.sfgate.com/opinion/openforum/article/Taser-limits-outweigh-benefits-for-SFPD-4425289.php> <http://sanfrancisco.cbslocal.com/2013/04/11/san-francisco-police-chief-withdrawals-stun-gun-proposal-amid-opposition/>

At the Police Commission meeting of February 10, 2016, Chief Suhr introduced revisions to the Police Department’s Use of Force policy (DGO 5.01) and a Bureau Order to provide controlled energy weapons to officers in the Tactical Company and Specialists Team who had successfully completed the Department’s Crisis Intervention Team training.

(For links to the televised Police Commission hearing and caption notes, see http://sanfrancisco.granicus.com/TranscriptViewer.php?view_id=21&clip_id=24663 http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=21&clip_id=24663)

(For proposed Bureau Order, see <http://sanfranciscopolice.org/sites/default/files/Special.pdf>).

Numerous individuals and organizations expressed concern that controlled energy weapons were being considered at the same time of the Use of Force policy. (See e.g. testimony at the aforementioned February 10, 2016 Police Commission meeting.)

On March 2, 2016 the Police Commission considered a proposal to separate controlled energy weapons from the discussion of the Use of Force policy. By a vote of five to one, the Commission voted to continue the matter. (See San Francisco Police Commission minutes of March 2, 2016).

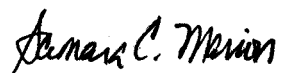
<http://sanfranciscopolice.org/meeting/police-commission-march-2-2016-minutes>)

For links to the televised Police Commission hearing and caption notes, see http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=21&clip_id=24855
http://sanfrancisco.granicus.com/TranscriptViewer.php?view_id=21&clip_id=24855

The Police Commission's adoption of the revised Use of Force policy on June 22, 2016 omitted any reference to controlled energy weapons. (See <http://sanfranciscopolice.org/meeting/police-commission-june-22-2016-minutes>; also see http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=21&clip_id=25680)

Sincerely,

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