

The CED Working Group meeting met in Room 1025 at Police Headquarters, 1245 Third Street, San Francisco, at 2:00 p.m.

Attendees: Commissioner Melara, Commissioner Hing, Samara Marion – DPA, Tom Meyer – BASF, Alan Schlosser – ACLU, Brian Kneucker – APOA, Lt. Carl Fabbri – SFPD, Kevin Benedicto – Blue Ribbon Panel, Marry Harris – community member, Sgt. Rachel Kilshaw – Police Commission, Rania Adwan – Police Commission, Mr. Marty Halloran – POA President, Jennifer Freidenbach – Coalition on Homeless, Paul Henderson – Mayors Office, Teresa Ewins – PRIDE; Commander Walsh – SFPD, Lt. Carl Fabbri - SFPD

Introduction: Commissioner Melara

Commissioner Melara made some announcements: The next meeting will be on Thursday, June 1st, at 850 Bryant Street, Room 551, Hall of Justice. She clarified that she spoke with the City Attorney and was advised that if you are part of the group, you cannot join the meeting via conference call. However, for experts, they can be in person or via teleconference or video conference. Expert testimony should be one for both pro and con sides. Commissioner Melara also announced that if you have looked at the draft policy, you can give your input today.

Review of draft policy: Discussion

A stakeholder spoke of the process in comparison to the Use of Force policy process. He stated San Francisco has not had a discussion about tasers since the information is still developing and expressed concern about discussing a policy at this time. He stated that he thought that the policy will be similar to the one presented in February of 2016.

Commissioner Melara explained that the draft policy presented was based on the previous one with the inclusion of best practices from other departments.

Commander Walsh stated that the department is in the process of developing a matrix comparing all the different policies from other departments.

Commissioner Melara requested that the information be sent out this week before the next meeting.

Samara Marion, DPA, stated that the policy is different from what was worked on and suggested that for the next meeting to have the CED Use of Force policy, all versions, for comparison. She suggested starting discussion about terminology and spoke of back in 2010 that CED was the terminology that was used starting with Taser International which called it controlled energy devices and that PERF in 2010 talked about not using that terminology and to use energy controlled weapons as an acknowledgement that it is not a device but a weapon. She also spoke of the Berkeley Police Department and how Berkeley used the Stanford Criminal Justice Center. She stated that she hopes that the working group will have the opportunity to read all the materials before talking about specific aspects of any policy.

Commissioner Melara stated that all materials were sent to everyone and stated that she wants to put as much information on the table. She addressed the concern that the policy presented in February is different from what is before the group now and would like a comparison of both policies.

Commander Walsh stated that that can be done. He stated that the biggest difference is that it will go to all officers and not a group of officers. He also explained that the word CED came from one of the original policy in 2010.

Sergeant Kilshaw stated that SFPD has used the terminology "CED" since 2010.

Commissioner Hing explained that he is new and that he is not familiar with the history of tasers and the department. He stated that there are a lot of studies available since 2011 that should inform any policy if a policy is adopted.

Marty Halloran, POA, spoke of the POA still holds the right for an official meet and confer process with the POA, the Commission, and DHR. He also stated that he has to leave early but that Matt Lobre will be sitting in for him.

He then asked about:

Page 1, item I.C, "Reporting and Review. The SFPD will thoroughly investigate and accurately document ..." he assumed that the documentation will be done by a superior officer and asked if it is the officer's immediate sergeant that will conduct the investigation and if it's a sergeant deploying the CED, will it be the lieutenant that will conduct the investigation? It needs to be clarified.

Page 1, II.B, "Active Resistance." Section in conflict with Page 4, G.2, "An officer may activate the CED when a subject is actively resisting the officer or" and in conflict with Page 5, I.3, "if the suspect is fleeing and does not pose an imminent threat of physical harm to the public or officers ..." He stated that those three sections seems to be in conflict and needs clarification.

Page 2, II.G and II.H, "Displaying the ARC ..." is that going to be considered a reportable use of force. He asked that it be clarified that this will not be considered a reportable use of force much like pointing a firearm is now a reportable use of force.

Page 7, Section R, "Training" If a supervisor has not yet been trained in CED, can he/she actually conduct an investigation into its deployment? Commander Walsh replied that if this were to pass, it will be similar to body cameras. There will be a roll out where everybody at a station will be trained at the same time. Language will mirror the language in the use of force policy.

Commissioner Melara clarified that experts can come from anywhere but not from the Department or Taser International. Experts will include other departments and jurisdictions that are using CEDs or have used it.

Unidentified asked about costs analysis as far as cost of weapons and liability, training, and oversight just to see what the true costs will be.

Commissioner Melara explained that the schedule is to meet with the stakeholder group and then move on to different communities for input.

Samara Marion, DPA, spoke of bringing expert testimonies to a night with the full Commission where it is televised and can reach the maximum number of the public and then come back to the stakeholders to review what is being done.

Mary Harris asked if there are cameras attached and then asked about the policy review process.

Commander Walsh stated that the Department has not even looked at models but this is just for guidelines if you are to deploy this device and what you can and cannot do.

Commissioner Melara stated that the process in regards to policy is to go page by page and ask questions.

Unidentified asked about I.B, Training. He stated that his group feels that this should be for all officers and not just CIT trained officers.

Commander Walsh stated that CIT training will be concluded by end of 2017 and that all members will be CIT trained.

Unidentified asked about:

Page 5, H.1(c), "if the subject is visibly frail or has a low body mass" needs more interpretation and clarification.

Unidentified asked about costs to be able to make a decision.

Commissioner Melara stated that you can't put at an actual number as far as costs because we don't know how much it will be for San Francisco but the fixed cost can be estimated.

Captain Ewins talked about community outreach and stated that each captain has a CPAB and that it is a good place to start to get broader community input and suggested getting input through the captain's monthly meetings, present the draft policy, gather input, and have each captain note and gather input as CPAB are representatives of each communities.

Commissioner Melara thinks that that is a good idea.

PUBLIC COMMENT:

Jackie Barchak stated that she does not know why this meeting has been convened and why there is a draft policy when San Francisco has not approved tasers at all. She then spoke of the Sheriff's having tasers and having an independent entity to draw the costs analysis. She then talked about a survey done by the Chamber of Commerce. She also stated that only CIT trained officers be given tasers.

Barbara Attard expressed concerns about the policy and stated that there should be a full costs analysis and that we need to hear from experts. She also stated that developing a policy before hearing from the community is a concern.

Proposals for additional subject matter experts and evidence

Kevin Benedicto, Blue Ribbon, experts testimony should be done before the full commission to allow commissioners to ask questions.

Unidentified agreed that it should be done before the full commission.

Samara Marion, DPA, agrees with Captain Ewins and that it is a great idea to present the draft policy to the different CPAB groups and that to have expert testimonies before the full commission and to have it televised for all the CPAB groups and other community forums.

Unidentified suggested to have focused community meetings on ECWs on neighborhoods with the full Commission there to get some answers for difficult questions.

Captain Ewins spoke of numbers from other jurisdictions as to how many times it's been deployed, if it's in defense of others or themselves, and amount of medical issues those individuals actually have. Maybe from jurisdictions like Oakland, Philadelphia, and San Jose.

Captain Walsh recommended that everyone should read the reports as much as possible and look at the numbers but know that there are all the generalities of how they were put in and then decipher how they were put back out.

Commissioner Melara will bring the suggestions and input to the president and announced that the next meeting will be on June 1st and there will be expert testimony at that time.

PUBLIC COMMENT

Attorney for POA spoke in regards to the term "experts." He stated that it is important to define what is meant by "experts." He recommended to break the definition of experts up into categories: experts in the use of the device itself; deployment experts i.e. department policy, how it's utilized; medical experts, both physical and mental aspect of it; and, overall policy with community involvement.

Barbara Attard spoke of COPS Report and the recommendation to use ECWs and spoke of before writing the policy to hear from the experts.

Other Items

Commissioner Melara will talk to President Turman; matrix will be received on June 1st meeting. Please read information sent by Ms. Marion including the Stanford Study. Please be critical of everything that you look at. She asked that if there are additional materials to be presented to the group, please send it a week in advance.

Meeting Adjourned