

Minutes - CED Stakeholders Meeting  
June 01, 2017

Location – Hall of Justice

Attendees: Commissioner Melara, Commissioner Hing, Angelica Alneida – DPH, Eric Vanderpool – Community Member, Dennis Chew – Community Member, Samara Marion – DPA, David Rizk – BASF, Alan Schlosser – ACLU, Brian Kneucker – APOA, Lt. Carl Fabbri – SFPD, Kevin Benedicto – Blue Ribbon Panel, Mary Harris – Community Member, Sgt. Rachel Kilshaw – Police Commission, Rania Adwan – Police Commission, Mr. Marty Halloran – POA President, Jennifer Freidenbach – Coalition on Homeless, Sneh Rao – Human Rights Commission, Paul Henderson – Mayors Office, Marcial Marquez – LPOA, Teresa Ewins – PRIDE

Item 1: Opening Remarks – Commissioner Melara

Commissioner Melara took Item #5 out of order.

Item #5 Scheduling of Future Meetings – Commissioner Melara

Commissioner Melara announced the dates for the next few meetings:

June 13 10:30 – 12:30, and July 17 from 9:00 – 11:00 am. Some members had comments that they were not available on those dates and times, including Commissioner Hing. July 17<sup>th</sup> time changed from 3:00 – 5:00 pm

Subject Matter Experts will be allowed to present at the full Commission on June 21, 2017 at City Hall. The meeting begins at 5:30 pm. No dates for the community meetings.

Timeline includes review of drafts, community meetings, Commission presentation including regulations for experts presenting and vote at the full Commission whether to adopt a CED policy.

Commissioner Hing noted that the process did not include a time to discuss whether CEDs are an appropriate force option for the SFPD. This moved the discussion into item #2.

- No public Comment

Item #2: Goals and Objectives

Commissioner Hing reiterated the point of needing to discuss whether CED's are an appropriate force option for the SFPD. One member of the stakeholder group wanted to submit a document that included a list of items for consideration for future meetings. Commissioner Melara said she would take the list but it was inappropriate to be passed among the working group.

There was continued discussion among several members of the working group that there was an expectation from the last meeting that there would be a meeting to discuss whether CEDs were an appropriate force option for SFPD. Several members of the working group believe CEDs are not appropriate and want that discussed. Commissioner Melara said the goal of the CED working group was to develop a policy, not to discuss whether CEDs should be a force option for SFPD; however Commissioner Melara added that she will clarify with Commissioner Turman.

- Public Comment

1) Barbara Attard - Suggested experts speak before Commission meeting and before final draft.

Questioned changes in latest draft, which did not include the words de-escalation and sanctity of life

2) Unknown male– Completely against tasers. Did not understand why this issue is being reopened.

Item 3: Testimony by Subject Matter Experts

Sgt. Joe Vigil - Richmond PD

18 years of Defensive Tactics, CED Instructor, Tactical Communications Instructor, on board for Use of Force

- Stats

100,000 calls for service in a year

165 Use of Force Incidents

CED deployed 34 times

Gained compliance of subject by visual deployment only – 20 times

Actually deployed – 14 times

In-effective due to clothing – 4 times

- Benefits

Able to track information directly from CED

Smart technology – (ie; how CED distributed, how long deployed)

Ensures Officers using CED correctly

Recovery – 1 minute

CED there are no long term effects vs. Baton/ERIW – lasting healing recovery effects – DOJ Study

Probe comes out, alcohol wipe, band aid – Injury area very small

50,000 volts – relatively low pressure, targets neuro muscular incapacitation momentarily

- Discussed Richmond PD's policy

Cannot be used on frail, health issues, obese, etc.

Offside draw of CED by Officers

- Questions from stakeholders to Sgt. Joe Vigil:

1) Marty Halloran – Police Officer's Association –

Q) Asked if Sgt. Vigil reviewed SFPD Draft Policy, and is it practical and reasonable? A) Yes, with a few tweaks and tightening up. Would review again

Q) Do Axiom Body Cameras pair with CED's? A) Yes

Q) Able to send a copy of Richmond PD's CED policy and how many times reviewed? A) Yes, will send. Sgt. Vigil states Richmond PD's policy has been at least 5 times as case law changes, as the equipment changes, etc. The policy should be looked at frequently.

## 2) Police Commissioner Hing -

Q) Are all Richmond PD, CIT trained? A) Not everyone, however, everyone is trained in tactical de-escalation.

Q) Where is the taser in Richmond PD's use of force continuum? A) Near baton

Q) Does Richmond PD consider the taser to be less lethal or less than lethal? A) Less than lethal

Q) How many seconds total is the taser deployed? A), 5 seconds is a standard cycle. The maximum is 3 successful cycles for a total of 15 seconds total.

Q) Have any officers been subject to being tased? A) Not mandatory

Q) How do you prevent an officer from pulling taser because they are lazy? A) Every time someone uses force, they have to say why they legally chose to do so.

Q) Does your policy prohibit use of CED for mere flight or passive resisting? A) It is addressed in the policy when and when you cannot deploy the CED

Q) Edged weapon deployment A) create time/distance, cover/concealment, comfort level of officer

## 3) Samara Marion, DPA –

Q) How many Richmond PD officers total - A) 180

Q) How many officer involved shootings in the last (5) years - A) 5-6

Q) How many mentally ill vs mentally altered status calls were the CED used in? - A) Unknown

Q) How is Richmond PD tracking Use of Force, especially CED deployments? – A) tracked monthly

Q) Is there an electronic form accounting for data (Distance deployed, ethnicity, mental status/mentally altered status, health crisis, homeless) – A) No

Q) How many hours of de-escalation training with CED – A) Unknown, will research

Q) What is the effective distance to deploy CED? – A) 7-15 feet in perfect conditions, less than 7ft non-effective, maximum distance – 25 ft, however, does work up to 30 ft. in perfect conditions

Q) Does Richmond PD train for use of CED with bladed weapons – A) Not an effective use of CEDs

USF – Doctor Zhang - Presentation

10-12 years research regarding arrhythmia that causes sudden death.

- PowerPoint Presentation (will be posted on the Commission webpage):

Deaths as a result of CEDs are extremely rare; according to his study between 1 and 1.4 per 100,000

Most vulnerable time for Ventricular Fibrillation (VF) (causing irregular rhythm and possible death) with CED is during specific time in the heart beat

Deaths as a result any VF are decreased when AED used within first two minutes after VF. Would recommend AEDs in cars and continuous (2-3) hours medical monitoring.

Discussed possible effects – both short and long term - on vulnerable population.

States the recovery time after CED would be 5-10 minutes.

Bozeman study – CED related deaths are rare but the sample size used in the study was small.

In his opinion, CED's should be considered potentially lethal weapons, not non-lethal weapons.

- Questions/Discussion from Stakeholder members:

- 1) Dr. Chew: Q) Does your study show a cause and effect relationships between CEDs and increased deaths during the first year of use in a law enforcement agency, or a correlation? A) It shows a correlation; we cannot say that CEDs caused the increase in deaths.
- 2) Mr. Halloran: Q) Did you review and approve UCSF PD's CED policy? A) No, he spoke with UCSF's Chief of Police and provided recommendations to include in their policy. He was told that the Chief implemented all of his recommendations.
- 3) Ms. Almeida: Q) Who would you consider vulnerable if the CED was used against them? A) Pregnant women, children, frail, drug or alcohol users and people with past heart attacks and current heart conditions.
- 4) Ms. Marion: Can you please describe the challenges you have had dealing with Taser, International? A) Taser was aggressive in trying to get him to withhold an opinion about Tasers and brought them to court to try and stop the study from being published. Dr. Tseng said he has nothing against Taser, International or CEDs; they may serve a useful purpose in law enforcement. His goal is to reduce deaths from CEDs.
- 5) Mr. Rezk: Q) Your report does not show cause and effect, but doesn't the correlational figure show a statistical significance? A) Yes, the correlation cannot be attributed to chance. Q) Even in the second year after CEDs were introduced into a law enforcement agency deaths went from 1 in 100,000 to 1.4 100,000. Wouldn't you say that your research shows that you should not introduce Tasers because even with a strict policy there is still an increase from the baseline? A) Yes, there is a statistically significant increase from the baseline.

- Public Comment

Unknown – Appears from the presentation that there is a risk of both injuries and death if CED used, therefore, tasers should not be introduced at all.

Unknown – I worked at SFGH and used mini amps on patients. Even with that low voltage it was not good. I vote no on tasers.

Mr. Harris – After hearing the experts, I don't know why SFPD would not have tasers.

#### Item #4 Review of Draft Policy

The stakeholder group did not discuss the draft policy as the meeting ran long.

- No public comment