

In attendance:

Police Commission President Julius Turman (Chair), Commissioner Sonia Melara, Commissioner Bob Hirsch, Chief of Police William Scott, A.C. Hector Sainez, Cmdr. Peter Walsh, Sgt. Lynn Reilly, Lt. Mario Molina, Sgt. Steven Pomatto, Mary Harris, Samara Marion (DPA), Jennifer Friedenbach (Coalition on Homeless), Brian Kneuker (APOA), Yulunda Williams (OFJ), David Rizk (BASF), Martin Halloran (POA), Alan Schlosser (ACLU), Cmdr. Lazar and Rick Andreotti (POA)

COMMISSIONER TURMAN: ...dated August 25th that was what [inaudible] worked on, as well as what the Department submitted, which appears to be dated November 22nd. All right. So, this is how I plan to do this tonight. I'm just going to go line by line. I'm going to go section by section, I should say. I want to know what the Department, the Department has certain [evolution] and I believe I'm going to hear if there is an opportunity to do that [inaudible], we'll move on. If not, we'll just take it to the Police Commission, and let them decide from there; that's what the process is. Okay. So, we'll start with this preamble. You subcontract energy devices. Who's speaking on behalf of the Department?

CHIEF SCOTT: Myself, and I will sometimes be delegating to Commander Walsh.

COMMISSIONER TURMAN: Okay, Chief. All right. So, I'm looking at your draft, your draft of 11/22. So, I understand that some of the working groups in here did their own draft and they also have some different views there. Do you have any different views on this preamble?

CHIEF SCOTT: The one thing that's different from the 08/25 draft is the title, "Use of Electronic Control Devices" on the latest 11/22 draft, as opposed to Conducting Energy Devices. And the stock process, the rationale behind that is that the other agencies, which through our research, within the City and County of San Francisco, call their devices Electronic Control Devices, including San Francisco Sheriff's Department and some of the other agencies that have these devices. So, we wanted the language and the name to be consistent, because we do interact with them in police activities and police operations from time to time. So, we felt that it would be in everybody's best interest to have a consistent label of these devices.

COMMISSIONER TURMAN: Okay. Does anybody have a problem with electronic control devices? Go ahead.

SAMARA MARION: Thank you.

COMMISSIONER TURMAN: Quickly, go ahead.

SAMARA MARION: Thank you. I am from the Department of Police Accountability and back in, I think from the beginning of the discussion around Tasers, we recommended that it actually be called a weapon. We were less than certain about whether it was called a conducted energy or an electronic control. Those two words were not important to us, but to call it weapon was important. And I started with the 2010 Police Executive Research Forum. They announced being, when they were developing their new regulations around conducted energy, and at that point they called them devices. They said, "We are no longer going to call them devices. We are going to call them weapons because there's a growing awareness that these tools are not harmless, and that they are, in fact, weapons." So, in addition to PERF, which most certainly, many law enforcement agencies looked to

them in terms of what the recommendations are, they totally support Tasers, they have lots of really important recommendations. But in addition to them, the International Association of Chiefs of Police, similarly uses the term, Electronic Control Weapons, and there's many other jurisdictions that use the word weapon.

But ultimately, as I've argued before, TASER International, up to the point of, I believe, 2013, they called them devices, and they also, when they train, they recommended, "Use tasers early on, use them often, that they are completely harmless." And after 2013, they issued warnings where they changed the name to weapons.

COMMISSIONER TURMAN: Okay. Do you have a comment?

JENNIFER FRIEDENBACH: Weapon.

COMMISSIONER TURMAN: Okay. And do you have a comment? Can we get your agreement on this?

COMMANDER WALSH: Can I give some background, Commissioner? So, the use of...

COMMISSIONER TURMAN: You can briefly get a background on it, but I think I have...

COMMANDER WALSH: 2016, the last two policies, worked on some of [those] groups, it was CED. It was after the 2010 and 2013 change, it was not an issue for device. If you go to General Order 5.01, in the two sections, we refer to all equipment, whether it a firearm, K-9, pepper spray, as tools. So, in other words, that does not mean weapon, yet implies weapons. The other issue is, is that this is a training issue. The officers know that these are weapons. The City Attorney is also on-board that two agencies are using the same equipment, and they're happy to put pen to paper on that, that they would like both agencies...they believe it's better for both agencies to use the same terminology when they're using the same equipment.

COMMISSIONER TURMAN: All right. Is there any way to reach an agreement on this? Okay. You have your first issue for the Police Commission. Next, Policies. Let's start with last week's alternatives. Any issues there? [Unintelligible], how's your section under policy different from the section under policy on the 08/25 version?

CHIEF SCOTT: If you're going line-by-line, I believe the first A through D, there are no changes. E and F, there are no changes.

COMMISSIONER TURMAN: I heard that A through F, there are no differences. Is that, are these two different?

JENNIFER FRIEDENBACH: In A, they took out the word, actively, and put in violently on the third line in A.

COMMISSIONER TURMAN: Of number one?

JENNIFER FRIEDENBACH: Under Policy.

COMMISSIONER TURMAN: Okay. Which [unintelligible] is A referring to? So, you're saying on the 11/22 version, they took out the word, actively, and put in the word, violently?

JENNIFER FRIEDENBACH: Yes.

COMMISSIONER TURMAN: Okay.

COMMANDER WALSH: That, that's the same.

[Unintelligible conversation.]

COMMANDER WALSH: When you look at the current [red] line of 11/20, that includes from May, all the way through. So, the crossing out of actively to violently, happened prior to 08/25.

COMMISSIONER TURMAN: Okay. So, it says, violently, in both sections. Next.

DAVID RIZK: I have a, it's not a change in there, but what the, this [unintelligible] under the Bar Association. The stakeholders, I believe that this, including the training, and it says when the officers use successfully, be it the use-of-force policy [inaudible] outdated, and CIT [fields] package training in all their [unintelligible]. So, we had understood this previously, that this meant the whole CIT 40-hour training, and that's the stakeholder's position, is that they often do that, not the lesser CIT training, which I understand is going to be more obsolete.

COMMISSIONER TURMAN: So, the 10-hour training versus the 40-hour training issue that we discussed—that, by the way, that record's further down too, isn't it? But in any case, what is the Department's position on that?

CHIEF SCOTT: So, the—that's been an issue. The Department's position is the 20-hour Field Tactics training is a practical training that will give us the most value, in terms of what we're trying to accomplish for this policy.

COMMISSIONER TURMAN: Okay. And so, are you telling me that you're saying the Department says you must have the 20-hour training versus the 40-hour training?

CHIEF SCOTT: Yes, sir.

COMMISSIONER TURMAN: Okay. And why would the 40-hour training be [present] in the Department in any way, to make sure that all officers have that [inaudible]?

COMMANDER WALSH: Commissioner, I don't know if it's necessarily a prejudice, and I'll defer to Lieutenant Molina, who is here from CIT, but I would say in the most general terms, we're looking at practical versus theoretical. The 40 hours of CIT training goes much more in-depth into actual particulars of mental health.

COMMISSIONER TURMAN: Why is that bad?

COMMANDER WALSH: I'm not saying it's bad.

COMMISSIONER TURMAN: So, why not have the 40-hour [inaudible], why do we have the 40-hour training?

COMMANDER WALSH: This is the practical...

COMMISSIONER TURMAN: Do the practical and the 40-hour. Why is this an issue? Is this an issue? Is this a real issue?

COMMANDER WALSH: So, one reason is the 40-hour training has 30, how many people, Lieutenant Molina, have to come together?

LT. MOLINA: [Inaudible.] There's about 27 to about 30 instructors that we use, and so, it's only held seven times a year. So, we have 800 officers trained on that, and we have the use-of-force, and the [inaudible].

COMMISSIONER TURMAN: So, what is the issue?

LT. MOLINA: It's time consuming.

COMMISSIONER TURMAN: Time consuming? That's not an issue.

LT. MOLINA: No, it's not time consuming, it's the time factor.

COMMISSIONER TURMAN: The time factor?

LT. MOLINA: Yeah. It's 40 hours versus 20. So, right now, we have...

COMMISSIONER TURMAN: Does anyone have a real [dispute] as to [rather] 40 hours of field training, to give up 40 hours of training before the issue?

LT. MOLINA: It's a practical approach. The 40 hours stops at [unintelligible] practice, techniques, and [inaudible].

COMMISSIONER TURMAN: Why, why is that bad?

LT. MOLINA: It's not bad.

COMMISSIONER TURMAN: [Unintelligible.] Sit down. What's the next, what is the real issue?

CHIEF SCOTT: Well, the issue is, Commissioner, is the 40-hour training is for Patrol. To take those officers out and get 60 hours of training before they can be issued this weapon, this device, is going to take years.

COMMISSIONER TURMAN: It's going to take years?

CHIEF SCOTT: For the 40-hour and the 60-hour training, I mean the 20 hours, so 60 hours in total, is going to take years. The 20 hours of training is what we want the patrol officers to have, because it actually translates to what they do in the field, which we believe is the most important thing.

COMMISSIONER HIRSCH: Julius, I have a question. So, the 40-hour training.

COMMISSIONER TURMAN: Yes, Commissioner Hirsch.

COMMISSIONER HIRSCH: Is if the 40-hour training is sufficient for any purposes of the Department, why wouldn't it be sufficient for this? I don't get it either.

COMMISSIONER TURMAN: I agree.

CHIEF SCOTT: We're not saying it's not sufficient. What we're saying is to deploy these devices, the 20-hour training is the most practical training in order to deploy these devices. When you look at the time period, we're talking about a number of years before we will have the entire Department trained with both components of training; we're emphasizing the field tactics.

COMMISSIONER TURMAN: So, if we had the 10 hours of training, 20 hours, excuse me. We're talking what, one-year?

[Unintelligible conversation.]

LT. MOLINA: Yes. First, it should be done by [unintelligible] until next year with the 20 hours. Right now, we have, we're estimating 1,234 officers trained by December 2018.

COMMISSIONER TURMAN: So, it would take from August 2018, on 20 hours a week, a 20-hour training, and August of 2019 for a 40-hour training?

LT. MOLINA: No, for the 40 hours of [unintelligible], it would take at least four years; four to five years. So, we only have this seven times a year. We only can accommodate anywhere from 30 to 40 officers, and we only have 800 trained so far.

COMMISSIONER HIRSCH: So, why can't you do it more than seven times a year?

LT. MOLINA: Because the instructors that come and teach our officers are civilians. They're doctors, practitioners, and they have their own private practice.

COMMISSIONER HIRSCH: I'm sorry, I'm speaking in general. I'm sorry, I lost my train of thought here.

LT. MOLINA: They're clinicians, practitioners, doctors, and they're the best that we have in the Bay Area. So, we might push it a little bit more if possible, but the most we have is ten, and that was last year, because we will push [inaudible] a lot. So, we can only have it once a month. I mean those people have their own businesses, practices. That's the thing, I want the best for our officers, I don't want them rushing. And the tactical training is for that to be applied in the streets. It's what we train our officers on role playing. People down there are in crisis.

COMMISSIONER HIRSCH: I get that, but I don't understand why the theoretical training wouldn't also be important to our officers?

LT. MOLINA: It is important. It is important.

COMMISSIONER HIRSCH: So, then why not include that?

LT. MOLINA: We do [inaudible] with the tactical training too. Talk about tactics, how to approach people, and how to use, tell them how to use [inaudible].

COMMISSIONER HIRSCH: Okay.

LT. MOLINA: And how to do different tactics that are taught in CIT, but it's a more tactical approach. We have [inaudible] in the tactical training instead of going to [unintelligible].

COMMISSIONER TURMAN: All right. So, Chief, can you describe the 20-hour training, and Mister [unintelligible]?

CHIEF SCOTT: The 20-hour training is the practical applications of basically, the theoretical training that we're talking about, the 40-hour training. The officers actually get to have practical, hands-on experience that they take with them to the jail. And, it's again, Lieutenant Molina's comment, it's a shorter amount of time. It's logistically feasible to get that training done and not impact our operations in a negative way. The 40-hour training will severely impact our ability to put cops on the street.

COMMISSIONER TURMAN: Okay. Mister [Risk]?

DAVID RIZK: Yeah. The short of it is the Department acknowledges that the classroom learning and learning the models around CIT is important. We all agree with that and we don't want to slow down rolling out that process, but people who are in crisis are our prime targets for use of Tasers, and we'll get to that when we get to the restricted uses. And so, even though those are the people who are really likely to be armed. Those are the people who frequently suffer particularly bad injuries, and so, that's why we think the full classroom and 40 hours is required.

COMMISSIONER TURMAN: Okay. Can we...yes, sir?

BRIAN KNEUKER: Thank you, sir. (Introduces himself.) Just about a month ago, when the Lieutenant made [unintelligible], the 800 officers that were spread out throughout the City, throughout the districts, it's very limited, especially if you're working midnight, and say you only have two officers in the entire city that are police CIT trained. That means you only have two Tasers in the entire city. Regarding the 20-hour portion, you have more officers trained. You have more [unintelligible], or excuse me, conducted energy devices on the streets able to deploy. Less Tasers, which means officers are limited just to the use of the ERIW and the firearm. The Taser is an option with the training.

COMMISSIONER TURMAN: Thank you. So, can we compromise by initially having the

20-hour week training, and then a time limit in which you must do the 40-hours of training? Would that be acceptable?

DAVID RIZK: My position would be that we roll out the Tasers to those people who have the 40-hour training, and then as more are trained, they would be authorized to have Tasers. I think that makes sense of the [unintelligible], and I don't want to tie it to, I don't want to speed the training or rush through the training so that officers have Tasers [inaudible].

COMMISSIONER TURMAN: Well, I don't think anyone here is suggesting that we rush through the training. What I'm suggesting is that we start with the 20-hour a week training, which is practical application, from what I'm hearing, and then we build-on with the theoretical, within a certain period of time. Why does that not work?

DAVID RIZK: Well, what would be the period of time, I guess?

COMMISSIONER TURMAN: I don't know. I'm hoping you would suggest that to me. [Inaudible.]

DAVID RIZK: Well, I don't know. The Department is saying it's not practical to do it, except in, I guess, in four years is the estimate. I think that's too long.

JENNIFER FRIEDENBACH: [Unintelligible.] So, are you saying that they would not be armed with weapons until after [inaudible]?

COMMISSIONER TURMAN: I'm saying after the 20-hour training, you would get the weapon, and then you would be required to complete the 40-hour training within a time period.

JENNIFER FRIEDENBACH: Within a set period of time?

COMMISSIONER TURMAN: Yes, right. Speak up, people. It's now or never. Or do you want to push this to three [inaudible]?

COMMANDER WALSH: Commissioner, under that theory...

COMMISSIONER TURMAN: Because if the Commission has to decide all of these issues, it's going to be a long night, and people are going to be very unhappy. So, tell us what you want.

COMMANDER WALSH: Commissioner, just on what you said in response to the question. I think one issue that you would have is, let's say we have the 1,000, we have 800 of the two different CITs. So, 1,000 officers go out, we train, let's say 100, based on how Lieutenant Molina described the process bringing in all of these civilians. You may have a point where you actually have people trained in the weapon, and now they're sitting somewhere, because they are not trained at a certain point after they've received the training. Just by the sheer numbers of trying to get everybody through the 40 hours, who has been deployed with a ECD.

COMMISSIONER TURMAN: [Inaudible]?

COMMANDER WALSH: My understanding of what you've presented was if I get a Taser after the 20 hours, I have a certain time period to complete. I'm not sure what that time period would be, but there is a potential, if the time period is too short, that the amount...

COMMISSIONER TURMAN: You've got to make it long enough. What are you suggesting? What would be a reasonable time period?

COMMISSIONER MELARA: Would two years be [inaudible]?

COMMANDER WALSH: Per officer?

COMMISSIONER MELARA: Yeah.

COMMANDER WALSH: I would refer to Lieutenant Molina. Again, I think that training is so...with the amount of people that need to come in who volunteer their time, it's not that it's all internal.

COMMISSIONER TURMAN: Well, you know what? If you want the weapon, you've got to make some sacrifices here, so you're going to have to work with your schedules. So, tell me what would be a reasonable time?

LT. MOLINA: Well, we have to think about all these events that happen in the City, and sometimes I have planned trainings, but it get cancelled because of events, demonstrations, and other things that officers need to go through. So, our average is about seven to eight a year. They need training [unintelligible] up to 40 hours a year in each class. So, but my estimate was for...

COMMISSIONER TURMAN: Can we go, can we, I'm sorry?

LT. MOLINA: Four to five years to get the entire Department that we have.

COMMISSIONER TURMAN: Okay.

LT. MOLINA: [Unintelligible.]

COMMISSIONER TURMAN: Okay. Four to five years?

LT. MOLINA: That's to get the entire Department; we have 800 officers right now trained.

COMMISSIONER TURMAN: Four to five years?

[Unintelligible conversation.]

LT. MOLINA:...seven to eight classes a year.

COMMISSIONER HIRSCH: I need to understand something better. Are the 40 hours in addition to the 20? You do the 20, and then you do an additional 40?

COMMANDER WALSH: Yes. In this scenario, yes, because you're, everybody is mandated to go through the 20. So then, after that 20, you would have to fulfill this obligation of this is where this goes, you would have to do the additional 40. Everybody will do the additional 40.

COMMISSIONER HIRSCH: But in the 20, haven't you already covered half of what the 40 is?

COMMANDER WALSH: In the 20, it's 10 hours of CIT that takes from that 40 in the most practical, combines it with the 5.01 Use of Force, to know when to use force, in conjunction with that CIT training. So, that's why it's more practical as opposed to it. I'm not saying that the other is not a good training, it's more theoretical, or more looking into underlying causes, as opposed to an officer on the street that's going to go out and see this person in crisis, have a practical reaction to that without having to go to 40 hours, not that they won't go to the 40 hours.

RANIA ADWAN: Lieutenant, you mentioned 800 officers or thereabouts already trained in the 40 hours. Would they need to be retrained? So, those 800 are actually already to go, and your number is closer to 1,200 officers remaining to be trained?

LT. MOLINA: Right. In 2011, the Commission passed a resolution 11/18, that require our department to train 20 to 25 percent of our officers in 40 hours. So, based on that, per the Police Commission, and a policy that was followed by it, we have surpassed that. We are at 27 percent right now, the Department. So, it's a slow process because it's a very [thorough] approach. It's more like [unintelligible] without issues. And we review it, and based on the chief fact that we have so many officers, we decided to use it on the Department, saying we can come up with a tactical approach that's more practical for the officers. We [pre-empt] the training, we changed the scenarios. The scenarios in the past were based on using rapport and talking to people, and all this stuff. Well, we already know how to do that, because a lot of stuff that's happening, he needs tools from having a person [unintelligible] with a weapon. So, we went and revisited those issues, and created a tactical approach with that [inaudible] and we came together; we put [them] together. We graded it [10 to 20 hours], use of force and then the tactical approach. Okay. So, it was well-received that the officers are very thankful that the Department is doing the training, because it's giving them the tools to approach people in crisis and make the right decision. That's the theme of officers, not just one officer or two officers.

SPEAKER: May I ask a question?

COMMISSIONER TURMAN: Sure.

CHIEF SCOTT: Lieutenant Molina, how many officers in patrol, if you have those figures, I don't have it, are 40-hour trained right now?

LT. MOLINA: It's 800 in the entire Department.

CHIEF SCOTT: Okay. What about FOB?

LT. MOLINA: But I do have a patrol [unintelligible]. So, our Department is broken by two divisions. We have the Metro Division—we have 299 trained in the Metro Division, and we have 259 trained in Golden Gate Division. And then we have a specialized unit, which is the Tactical Unit,

[unintelligible]. And so, for other units, we have 262, with a total of 819. Out of those 819, we have 800 sworn officers, police officers, and 19 PSAs, so that's the number we have. As [in] officers, we have 557 officers, broken down in different district stations. We have Central Station—62, Southern Station—64, Bayview—51, Mission is 60. Northern Station is 55, Park is 46, Richmond is 46, Ingleside is 62. Taraval District—53, Tenderloin is 58. So, if you look across the City, it's pretty much even. We have anywhere between 37 to 40 percent trained on the 40 hours. At rank, we have two Commanders, five Captains, 26 lieutenants, 176 sergeants, 591 officers, support units—262. That's the total. From shift differentials, we have on midnights, we have 50 percent of the 800 are working midnights, 27 percent are working swing watch, which is now in-between four p.m. and two a.m., and days is from six a.m. to four p.m.—we have 58 percent there.

COMMISSIONER HIRSCH: And those 800, they will still have to take the additional 20 hours?

LT. MOLINA: Most of them have taken it already.

COMMISSIONER HIRSCH: So, they would not have to take the 20 hours?

LT. MOLINA: No. They will, they have taken it, because we have been doing the training [unintelligible] for a year.

COMMISSIONER HIRSCH: [Inaudible.] Do they have to take the 20 hours?

LT. MOLINA: Yes.

COMMISSIONER HIRSCH: They do?

LT. MOLINA: Yes, yes.

COMMISSIONER HIRSCH: In addition to the, however many of the 40 they've already got?

LT. MOLINA: Well, the 20 hours is mandatory for everyone, regardless of...the 40 hours makes you CIT-certified, and then 20 hours is mandated by the Department to be taken for the use-of-force and the CIT [unintelligible].

CHIEF SCOTT: So, just one other question, because I'm trying to get to a solution here. Do you have the breakdown for the 20 hours?

LT. MOLINA: Yes, sir.

CHIEF SCOTT: Not the shift differential, but just the breakdown for Metro, Golden Gate, and [by fire] by district?

LT. MOLINA: Yes.

[Unintelligible conversation.]

LT. MOLINA: I have prepared a PowerPoint, [unintelligible], but I can tell you right now, the Metro Division, it's almost completed. All the [unintelligible] and the hours, and Golden Gate, you're halfway there. So, we're anticipating that by, if no cancellation happen, like either the end of January or the beginning of February next year, we'll be done with Patrol, only 20 hours.

COMMISSIONER MELARA: Twenty? Twenty hours? [Unintelligible.]

LT. MOLINA: Twenty in the next year, and then we'll start doing the Airport, and then [unintelligible]. So, hopefully, but with all the schedules, we have 40 classes scheduled for 2018 on the 20 hours. That would get us from January to [unintelligible], so next year. So, our goal is to finish with the Department from 20 hours by August of 2018, and we have 7 classes scheduled for the 40 hours in 2018. Based on the schedules from the instructors and the doctors, and the clinicians who are coming [inaudible].

CHIEF SCOTT: So, that's with the 40?

LT. MOLINA: Yes.

CHIEF SCOTT: So, what about TACT and, or Specialists, and the administrators on the 20 hours?

LT. MOLINA: On the 20 hours, we haven't got to the SWAT team yet. They're coming in...some are instructors for us. After we're done with Patrol, then we'll get into the specialized units and the admin [positions]. Hopefully, that will start at the end of February, the beginning of March.

CHIEF SCOTT: Okay. So, by December 2018, we'll have at least 200 additional, 280 or so, if classes don't get cancelled, additional 40-hour trained, and then 20 hours?

LT. MOLINA: We will continue to have, I think August of 2018, the Department will be done with the 20 hours, then [inaudible].

CHIEF SCOTT: Commissioner, the counter was to [they have an] issue to the 20-hour trained officers initially, with some type of time parameters on when the folks issued the device who had not had 20-hour training. They have to have that 40-hour training completed within a certain timeframe. Correct?

COMMISSIONER TURMAN: First, they do the 20-hour training.

CHIEF SCOTT: Right.

COMMISSIONER TURMAN: Then within the timeframe, the 40-hour training.

DAVID RIZK: Can I say that since there has been a concern raised of the Department's ability to do that and that there might be a backlog, I think there would have to be some sort of like consequence if that occurred for it to be meaningful? For this sort of restraint to be meaningful, if a backlog occurs, and there are officers who have been issued a Taser, and yet, it's been beyond the relevant time period and they still haven't gotten the 40-hour training, then there should be some consequence. I don't know what it would be, but it sounds like that's a real potential problem.

COMMISSIONER TURMAN: Yes, Commander?

COMMANDER WALSH: Just one other thing. I tried to point it out, and I think in this sphere, we kind of forget, but in the presentation I gave on November 3rd, I specifically used Memphis PD, who only issues it to CIT officers. Even with that breakdown of the three years that they provided to us, two of the three years, the majority of people that they used this against were criminals, non-CIT. So, I don't think that we should forget that officers actually fight crime on a day-to-day level, and that this tool is not just for mental health issues in people we encounter.

COMMISSIONER TURMAN: Absolutely, [inaudible].

COMMANDER WALSH: So, I think sometimes that we need to consider that too. That this is not just a CIT problem, although we are very concentrated on it.

COMMISSIONER TURMAN: Well, thank you for that, but we are talking about training on the devices, 20-hour training. I think the Department is reasonable.

COMMANDER WALSH: Absolutely.

COMMISSIONER TURMAN: And then the additional 40 hours within a certain time period, and I think that's also critical, because some of the people they will be used on may be in crisis, and I think we need to, as [unintelligible] said, if there are some people who are having mental health issues, we want to be able to deal with that situation. So, I understand your concern. It's not just focusing on one group, but we need to make a rule that applies as broadly as possible, and that's why we're doing this. Yes?

COMMISSIONER MELARA: Wasn't it proposed that we, we [inaudible]? We settled on the 20 hours. I mean, after the [unintelligible] come back, with a timeline that would look at how the 40-hour training is reached?

COMMISSIONER TURMAN: Okay. Write into, you put Commissioner Melara's recommendation down, but write-in to also Commissioner Turman is going to take it to the Commission that 20 hours must definitely come within three years, [unintelligible] 40 hours.

MARY HARRIS: Can we also note the cost of this? Is this... It's not only going to hold everything up, but it's going to be more expensive, and we haven't put it into the budget.

COMMISSIONER TURMAN: Well, all of this is going to have to go through the Board of Supervisors' budget.

MARY HARRIS: But if we had that information along with the others, I'd like to know.

COMMISSIONER TURMAN: I don't know when you would have that information, but we can certainly ask for that, [unintelligible]. All right. Yes?

JENNIFER FRIEDENBACH: I have another training [inaudible]. There's no description in the draft policy about how the training on the weapon itself is going to take place, and we would like to see how [inaudible].

COMMISSIONER TURMAN: It's not going to be, the language of how the training is going to be, is not going to go into the detail. That's going to be in a separate training manual; you already know that. Next issue.

JENNIFER FRIEDENBACH: So, I'm just wondering, because we want to make it clear that the [inaudible].

COMMISSIONER TURMAN: Then take it up with the training department. That's not going into this DGO, [inaudible]. Come on, be real. Next issue. Next issue?

COMMISSIONER TURMAN: Next issue within the policy. Is there another issue?

ALAN SCHLOSSER: I have an issue with, assaultive, in Definitions.

COMMANDER WALSH: In Definitions.

COMMISSIONER TURMAN: Are we ready to move to the Definitions section? Any other issues you want to cover in policy?

SAMARA MARION: The word of de-escalation in Section E.

COMMISSIONER TURMAN: [Unintelligible.]

SAMARA MARION: It's about the definition.

COMMISSIONER TURMAN: Go ahead, Ms. Marion.

SAMARA MARION: Under de-escalation, I don't have any trouble with what it's saying right now, but the weapon is not intended to replace tactics or training. In the previous [unintelligible] that our agency had provided, as well as many community stakeholders, we wanted it to also to include additional language that said, "An Officer shall not deploy the Taser unless no lesser force option has been or will be effective [inaudible] and de-escalation with crisis intervention does not rule out the effective [inaudible]." The reason that we requested that language is to ensure that de-escalation, crisis intervention, and the other important aspects that can be used before a Taser being employed, that that be connected and reinforced in this policy. So, that was language previously recommended; the Police Department had taken it out. And again, I just would like it to be preserved. I can say one of the major concerns is that this is a weapon that brings the officer and the subject in close contact. What has been the training of CIT and the use of force option has been terrain, distance, time, and cover, and so, to include that language, we'd recommend it.

COMMISSIONER TURMAN: Commander?

COMMANDER WALSH: This is again, part of 5.01. Since we did re-open 5.01 and made it separate, everything that applies from 5.01, applies to this order.

SAMARA MARION: That's correct.

COMMANDER WALSH: And so, everything that Miss Marian is saying is either in 5.01, or in the case of adding the two, which I think she gets from the Braidwood Commission, there's no word of reasonableness that they added in their original part, which even in the Braidwood Commission does, and what we would be doing is reduplicating 5.02 De-Escalation. We'd have a different definition necessarily from another one. So, I think in order for consistency, de-escalation is a tactic we use. The officers know that, they're trained in that. Whether it's in CIT or use-of-force, and that those additional burdens that no other lesser force would work, is just second-guessing the officer every time they deploy this particular device. And the same with de-escalation. That de-escalation will not work, does not present the officer much room to ever use this device. It's very restrictive, if not prohibitive.

COMMISSIONER TURMAN: Your response to that Ms. Marion?

SAMARA MARION: If the issue is around using the word, reasonable, I don't have any problem with having some type of...incorporating language that is an effective standard. Again, I think...

COMMISSIONER TURMAN: You mean to repeat language in 5.01 into 5.02?

SAMARA MARION: I'm not repeating the [unintelligible], is just that we're [repeating] something from 5.01. It is to emphasize that officers, before using a Taser, that there is, that they considered lesser force option, or they considered crisis intervention or de-escalation. So, it's a reminder to what needs to happen before the Taser is being used, and it's consistent with having a new mindset about this weapon.

COMMISSIONER TURMAN: Would you like to state your...

CHIEF SCOTT: My take on that is that mindset is clear in 5.01, of what the use-of-force policy is, and all that's already included. 5.01 is still the prevailing policy. Again, I understand what you're saying, but I think it's just a regurgitation of what's already there, in my opinion.

COMMISSIONER TURMAN: [Inaudible] 5.01, I'm satisfied, but you guys are fine?

COMMISSIONER HIRSCH: We refer to 5.01 here, and when you get to the authorized use later on, it also refers to the use-of-force, lesser force option. So, I'm satisfied.

COMMISSIONER TURMAN: If you want to make that case in front of the Commission, that's fine, but my recommendation is that it's fine as is. Any other issues? Any other issues?

ALAN SCHLOSSER: The definition of [inaudible]?

COMMISSIONER TURMAN: Can you wait until we get to the Definitions? Any other issues under the Policy section? Definitions. Go ahead.

ALAN SCHLOSSER: Yeah. It's hard to talk about this without talking about the authorized use-of-force, which uses the words, assault and battery. The problem, and I know [inaudible] is a major flaw in this document, and I'm not sure if it's a difference in principle, that we have, let's say, the Department...

COMMISSIONER TURMAN: Point me to the section you're talking about.

ALAN SCHLOSSER: Well, I'm talking about, but I'm also talking about the way those words are used in [unintelligible]. It is perhaps the most important position when you, [it reinforces] when force is authorized. I think it's technical, but I think it's [major]. The word, assault, in the penal code, is committing a violent act against someone. The word, violence, is tied into the legal definition of assault. The civil definition of assault is an attempt for a non-consensual touching. There's just a huge gulf between those two. This is opening the use of Tasers to a civil assault. I don't think anyone here wants that; I would hope not. Do you want to limit it to the penal code? The Department added a word, I think, to this last [passage], I felt made it more confusing. They took the word, batter. I'm not sure if they meant connected to the crime of battery, but battering is not a legal term. Its definition is to attack someone with heavy blows. It doesn't mean a punch, it means battery; I doubt that's what the Department means. But the point is, at a point where the policy should be most specific and most clear, I think it doesn't [unintelligible] those clear standards.

And what's really weird, and it's in the other [unintelligible], the Taser to the fact that the subject is creating a threat, an immediate physical threat of immediate physical injury, and has the capability and [inaudible]. I think that you don't want to authorize Tasers for someone who is not threatening to commit a physical injury. Every single example that we've heard in this working group of why the Department needed Tasers, and [unintelligible] subjects who were threatening injury to officers, to [unintelligible] officers. And with assault and battery, unless the words don't mean anything, I think it's a problem. I'm actually kind of [unintelligible] a provision that offers a substitute, but I don't know if that's appropriate here.

COMMISSIONER TURMAN: What is your suggestion?

ALAN SCHLOSSER: Well, I can give you what I think [you already have].

COMMISSIONER TURMAN: Can you read it?

ALAN SCHLOSSER: I can read it. I can read it.

COMMISSIONER TURMAN: Let's go.

ALAN SCHLOSSER: [Unintelligible conversation.] Bear with me. Bear with me, [inaudible.] Well, I'll read it. It's, take out Subsection II. Okay? And then...

COMMISSIONER TURMAN: Are we talking about B?

COMMISSIONER HIRSCH: We're not in Definitions anymore.

COMMANDER WALSH: I think we should go to the Definitions, keep the, talk about the definition before.

DAVID RIZK: I would propose an amendment to this, to B.

COMMISSIONER TURMAN: Can I stick to over here? I'll come to you [later] too.

ALAN SCHLOSSER: Well, the word assault is used only once in the entire policy.

COMMISSIONER TURMAN: Okay. Do you have a suggestion?

ALAN SCHLOSSER: Yeah.

COMMISSIONER TURMAN: What is it?

ALAN SCHLOSSER: Assault causing or threatening to cause immediate physical injury. And which makes, in that definition, get rid of the word, assault. There's also, I think, another phrase that does not work at all is, "Verbally displays an intention to assault the officer." I mean, if an attempt is like one step away from causing it, and a threat is two steps away, verbally displaying an intention to assault the officer should not be a trigger for the use of a Taser. You have that person being capable of doing it. You can just, you know, it's just nothing, it's just a verbal threat. If it's tied to a threat of a physical nature, then it takes immediate action.

COMMISSIONER TURMAN: Okay. Let me go first to Mr. Rizk.

DAVID RIZK: I agree with [Alan's] comments. I think that just as a simple drafting matter, verbally or physically displaying an intention to assault, doesn't make any sense. It's an awkward phrase, and we should...even if there's [inaudible], but it doesn't make any sense.

COMMISSIONER TURMAN: Okay. Commander?

COMMANDER WALSH: Just to the language. Again, using 5.01, in two places, which I believe a lot of the groups that are here helped worked on 5.01.

COMMISSIONER TURMAN: Okay.

COMMANDER WALSH: Page six, "Aggressive or combative, attempting to assault the officer or another person. Verbally or physically displays an intention to assault the officer or another person." That is under section Levels of Resistance, Section IV, subsection (c). So, now we've already changed assaultive between 5.01 to 5.02, to try to alleviate the problem. We should be keeping the definition of assaultive from 5.01, which the group had worked on at that previous stakeholder meeting, and we're going to confuse the officers. It's used again in an Example Table, on page 14 and 15 of DGO 5.01. Assaultive, same definition. Then it even says, "Use of devices and/or techniques to ultimately gain control of the situation." "Use of personal body weapons to gain advantage over the subject." So, if we have two competing definitions of the same word, we're now contradicting 5.01.

COMMISSIONER TURMAN: True. Yes, sir?

[Unintelligible conversation.]

COMMISSIONER TURMAN: Lee? Is it Lee? What's your last name?

BRIAN KNEUKER: Just a response to, regarding what I said where verbally displaying an intention to assault the officer. My understanding as an officer on patrol, to give you an example, an officer is trying to take a suspect into custody. He tells the suspect, "Put your hands behind your back, you're under arrest." The suspect says, "You come near me and the fight's on, or I'm going to hurt you right now." [Inaudible.] That's verbally displaying an act to hurt the officer. It's, to me, having [unintelligible] the officer, it makes perfect sense to have the [gun].

COMMISSIONER TURMAN: Is that the display or is taking a step towards the officer?

BRIAN KNEUKER: No, not display. I'm talking about where it says [unintelligible].

COMMISSIONER TURMAN: No, but I'm talking about your example.

BRIAN KNEUKER: Okay. Well, so, the same exact [unintelligible].

COMMISSIONER TURMAN: The verbal words?

BRIAN KNEUKER: The verbal and also, the suspect taking a fighting stance, clenching his fists, putting them up.

COMMISSIONER TURMAN: Clenching his fists is not verbal.

BRIAN KNEUKER: [Unintelligible.] I was explaining to the [unintelligible] was by the suspect saying, you know, "If you come here, if you try to arrest me, the fight's on. I'm going to hurt you or I'm going to hurt anyone around you."

COMMISSIONER TURMAN: So, perhaps the "or" should be "and"?

BRIAN KNEUKER: Verbally and discipline?

COMMISSIONER TURMAN: Yeah. So, you just said words, with a clenched fist, which shows...

BRIAN KNEUKER: I would want to keep "or". It's you can [pick] one or the other, but either verbally and/or physically. It's still displaying an act, it's still displaying an act of violence.

COMMISSIONER TURMAN: Okay.

BRIAN KNEUKER: [Unintelligible.]

JENNIFER FRIEDENBACH: I have a suggestion.

COMMISSIONER TURMAN: You do?

JENNIFER FRIEDENBACH: Yes. I don't think we should deal with the assaultive definition at this point, because the attention on the later referenced section by [Alan], that if we come up with alternative language there.

COMMISSIONER TURMAN: Yeah?

JENNIFER FRIEDENBACH: Because if you use the word, assault, it's kind of a non [inaudible].

COMMISSIONER TURMAN: I'm kind of convinced we shouldn't deal with it at all.
[Unintelligible conversation.]

JENNIFER FRIEDENBACH: And then it doesn't, and that sounds like what Commander Walsh is talking about.

COMMISSIONER TURMAN: Okay. So, Mr. Schlosser, do you have an issue tabling this discussion, until we come back to the other question?

ALAN SCHLOSSER: Yes. [Inaudible.]

COMMISSIONER TURMAN: So, you don't have an issue with it? I can move on?

ALAN SCHLOSSER: Yes, you can.

COMMISSIONER TURMAN: Okay. Any other issues in the Definitions section? Any other issues in the Definitions section? Going once, going twice... Folks, we are into Procedures. Who's out of the hat? The first hand that will go up in this section? Department, why don't you tell us what's different about your section than in the 08/25 [unintelligible] section?

CHIEF SCOTT: In Section A, the only difference is the change in AEDs and CEDs. I think everything else is word-for-word.

COMMISSIONER TURMAN: Okay. [Unintelligible] permission to look on that. Anything else?

CHIEF SCOTT: Section B, no changes on that one as well.

DAVID RIZK: Can I raise an issue in A?

COMMISSIONER TURMAN: Sure.

DAVID RIZK: Number five.

COMMISSIONER TURMAN: A-5. "The Department will ensure that automated external defibrillation, AEDs, are readily available in Department marked sedans and police utility vehicles in all police districts." What's your issue, Mr, Rizk?

DAVID RIZK: The issue is that Doctor [Tsang], our expert [resident] is that any officer who deploys a Taser, must have an AED on-hand. He must be outfitted with it to save that person's life if they suffer cardiac arrest, and if it's just in vehicles, then that won't work for officers [unintelligible].

COMMISSIONER TURMAN: Okay. Interesting point. Chief?

CHIEF SCOTT: I spent about two hours sitting down personally with Doctor [Tsang]. That was not his advice to me. We believe that having those vehicles, those AEDs in the patrol cars is the appropriate place. Two things, and this was from Doctor Tsang. It's a benefit, period, from having these things in patrol cars, but secondly, to have an officer take an AED to a situation that might require a Taser, I don't think from a policing standpoint, is a practical way to do business. Think about that for a second. If you're the one that's having to do that work...so, anytime you go to a call where you might deploy Tasers, you're going to take your AED out; that's not practical. If force is used and a Taser is deployed, the policy calls for medical procedures to be followed, and AED is a part of that if it's relevant that it be used. But to grab an AED, I mean, that's just not a practical thing. In terms of what officers are responding to in these instances to begin with.

COMMISSIONER TURMAN: Ms. Friedenbach?

JENNIFER FRIEDENBACH: Yeah. I think, from my perspective, I would think that the weapon should be limited to the situations where the officer is [happy]. And so, if the officers don't have a patrol car, they're on a bicycle, for example, they shouldn't be using the weapon if they don't have a defibrillator. So, I don't think anyone is proposing that [unintelligible] defibrillator to a bicycle, or to have beat officers walking around carrying it, but then, if you limit it to those situations where officers have access to the...

COMMANDER WALSH: Just in response. If we take a situation where an ECD is going to be used, most like that officer, regardless of who they are, on patrol, on a Honda, and whatever, is probably calling for a 1025 and backup. Everybody is coming to help that officer, that means patrol cars, that means AEDs show up. So, limiting an officer on a bicycle, who may be going through Golden Gate Park on something, who has to use, has to take that away because literally, maybe 30 seconds to two minutes away, the AEDs are...

COMMISSIONER TURMAN: I think that's a fair point, but should this policy include that? I'm not saying that we should limit officers who are on foot patrol or bikes, but how do we make sure that the AED is 30 seconds away or in a patrol car on its way? How do we write that [inaudible]? Tell me that.

DAVID RIZK: It is, I have to say one thing. I do think that...

COMMISSIONER TURMAN: Let him answer [unintelligible].

COMMANDER WALSH: The process is to outfit all the cars with AEDs, and I don't have the slide with me, but I did have where the AEDs that we currently have out on patrol are. It's not 100 percent, but every vehicle to this policy, and in discussion with the Chief, would be outfitted with an AED.

COMMISSIONER TURMAN: Okay. And you would ensure that everytime it's radioed in, a car would be dispatched?

COMMANDER WALSH: Well, the AED only comes into play in the unfortunate circumstance, if that person has cardiac arrest. So, it's similar to...

COMMISSIONER TURMAN: Yeah, but we don't know.

COMMANDER WALSH: No, no, I understand that. But what I'm saying is the officers have to go through a medical protocol. So, if you were to use one five-second ECD on somebody, and they got up and they were fine, the ambulance is coming. So, they're not in cardiac capture; that's the next. The other officers are most likely coming. Any type of force, I can generally say...

COMMISSIONER TURMAN: See, that's what I'm trying to eliminate, the most likely coming to are coming. How do we do that? That's what I want to know. [Inaudible.] Can we get it to a situation where we say, "The AED is coming"? [Inaudible.]

SPEAKER: [Unintelligible] per the current policy right now. If a Taser is used on an individual, it's an automatic use-of-force, and protocols say a sergeant shall respond to the scene. Therefore, there's no most likely, when they start responding to the scene; therefore, a vehicle is responding; therefore, the AED is [unintelligible].

COMMISSIONER TURMAN: Thank you.

DAVID RIZK: Can I respond? The problem is just the response time. Right? Doctor Tsang showed a slide, and then it's a matter, right, for brain damage or death, then it's a matter. So, two minutes, and you have a dramatically less substantial chance of ever recovering. So, that's the problem and that's why this recommendation is important.

COMMISSIONER TURMAN: Okay. Do you...?

CHIEF SCOTT: No. I was just going to, well, it's already been brought up [inaudible].

COMMISSIONER TURMAN: Okay. Anybody else?

JENNIFER FRIEDENBACH: [Unintelligible]?

COMMISSIONER TURMAN: Sure.

JENNIFER FRIEDENBACH: So, perhaps the policy can be written in a way where the weapon can be authorized when an AED is within...it doesn't have to be limited to, so like if there's a, let's say a bicycle police officer, and I'm not sure of the exact wording, but that the AED is in close proximity to the [unintelligible] officer.

MARY HARRIS: How would they know?

[Unintelligible conversation.]

JENNIFER FRIEDENBACH: Right, I understand that, but we would know when—if you had a whole bunch of police who are in a situation, and you're one of the officers that doesn't have an AED, you know there's a bunch of patrol cars, and since they all have patrol cars there with the AEDs in them, then you can feel comfortable. You could use the weapon, and if the person goes into cardiac arrest, there's going to be someone who, there's going to be an AED there to save their life, instead of your own life, as an officer being destroyed by unintentionally taking someone's life. I mean it's being killed because you can't [inaudible].

COMMANDER WALSH: Yeah, sure. We could do something similar that we do maybe. Where similar to when a weapon comes out, a supervisor responds to their officers, so something similar to. And the policy says that these will be in the vehicles of officers who already have them, who are out on the street. So, take away our motorcycles and all of that. So, we could have it that if upon CED activation, that an officer with an AED responds.

COMMISSIONER TURMAN: [Inaudible.]

[Unintelligible conversation.]

DAVID RIZK: Is there a way to prioritize the call so it's like when a firearm is drawn, it's an expeditious response?

COMMISSIONER TURMAN: Like an immediate?

DAVID RIZK: Yeah.

[Unintelligible conversation.]

COMMANDER WALSH: When we deploy it or when we activate it?

DAVID RIZK: Like whenever you deploy it, when you take it out of the holster, there's a risk that it's going to be used against somebody. At that point, I would think that immediately, an AED-equipped vehicle should be dispatched to that location, to mitigate risk. I understand, we all understand the practical difficulties of this. We're just trying to mitigate the risks of deaths in San Francisco.

CHIEF SCORR: I think we're all kind of on the same thing, that the dispatch probably needs to go with a request from the officer, when practical, because it has to be, if we're going to go in this direction, which sounds like a compromise is reasonable. Somebody has to alert the dispatcher that a Taser or a device has been used, so when practical. I mean you don't want to do it in the middle of a situation, but when practical, officers have to advise Dispatch that they've used a Taser, and then you get response. I think those two things satisfies everybody's concern here.

COMMISSIONER TURMAN: All right. Acceptable? Acceptable?

DAVID RIZK: I think it's acceptable.

COMMISSIONER TURMAN: Acceptable? Thank you. All right. Thank you. Procedures. That was in Section A. Anything else in Section A of Procedures? Section B of Procedures, any issues? Any comments? Any concerns? Section C, the Warnings? Section D, Standard Cycle and Assessment.

SAMARA MARION: If I can go back to Section D, second paragraph, "In an attempt to minimize the number of these ECD activations," my request is that officers, "Shall verbally direct the subject to comply with the officer's commands." So, I'm talking about under Section...

COMMISSIONER TURMAN: The second paragraph? "In an attempt to minimize the number of ECD activations, needed for a person's compliance, officers..." and here's the change, "Shall verbally direct the subject to comply with the officer's commands." Does anybody have an issue with that? Any issues? Okay. So, we'll change that to shall. Anything else? Chief?

CHIEF SCOTT: Yes, sir. Okay. I think it has to be a shall when practicable, because the thing is, these situations are unpredictable, volatile, and all that. Shall and [practicable], I think, shall is there, but there are times when it may not be practical, and I think that's, I mean, we're going to get into review boards and all that, but I think that those are discussed when these things are reviewed. But I think shall, when practical, is appropriate language.

COMMANDER WALSH: Commissioner, Sergeant Pomatto, our Use-of-Force expert is here. He has a comment on this.

COMMISSIONER TURMAN: Sure.

SERGEANT POMATTO: With most force options that we have, it always says shall. Sometimes, you don't want to give up tactical advantage, and the deployment might want to be clandestine or covert.

COMMISSIONER TURMAN: Clandestine or covert?

SERGEANT POMATTO: Well, I mean, sometimes you might deploy a Taser in a situation where you don't want to give a verbal command because you don't want to give up your advantage or position, so on and so forth.

COMMISSIONER TURMAN: Give me an example of a verbal command that you would use.

SERGEANT POMATTO: So, instead of saying, "Drop the..." if there's an active physical confrontation with somebody, you don't want to say something to them. You just go up and pull out the Taser, in the configuration of something like that, or you don't want to give up your position, and so on and so forth. Every other [unintelligible] that we have, states in 5.01, when to use [unintelligible].

COMMISSIONER TURMAN: Ms Marion, you don't have an issue with that. Do you?

SAMARA MARION: I know. I just wanted to be clear that we're talking about we're trying to minimize the number of activations, and the officer is telling the individual to duplicate [unintelligible] things. So, I know that needs to be qualified, because the officers...

COMMISSIONER TURMAN: Ms. Marian, this is not an issue. Chief, did you have something to say?

A.C. SAINEZ: Yeah. Commissioner, Assistant Chief Hector Sainez. I'm just drawing upon what Sergeant Pomatto said. My experience in engaging individuals who are in combat, [stat], weapon, bombs, or whatever, it may not be feasible at that time to give an order to stop. When a person is being assaulted, you might need to immediately deploy that weapon to prevent serious injury to the individual that's being assaulted. So, again, giving up the tactical advantage that will prevent serious injury, I think it's important to have that feasible in there, to give the officer the discretion to deploy that Taser in those circumstances. Where a firearm would not be feasible, because you might injure the party that's next to the individual who is assaulting you.

DAVID RIZK: I think that statement there, or there's a phrase that refers to those circumstances later in the paragraph, which is circumstances, Section III H, which uses those conditions. Those are somebody is armed with a weapon, somebody is assaulting or battering an officer or another person. So, it seems like you could just refer to, "Shall verbally go back to the subject to comply with the officer." [Unintelligible] circumstances in Section III H, one through four.

CHIEF SCOTT: Commissioner, I think shall is feasible is a compromise.

COMMISSIONER TURMAN: Yeah, I think so too. Next issue?

JENNIFER FRIEDENBACH: Can I just clarification, just real quick? In this paragraph, this is only referring to the second [inaudible]. Right? Or no? Or is this referring to the initial?

COMMISSIONER TURMAN: This is not going around, an attempt to minimize.

JENNIFER FRIEDENBACH: The previous paragraph we're talking about multiple uses. I was reading this as giving the command before you do the second deployment.

COMMISSIONER TURMAN: No. It's an attempt to minimize activation of the Taser in the first, second, or third deployment.

SPEAKER: [Inaudible.]

CHIEF SCOTT: The first one requires a warning, when reasonable, that's Section C I. And all of this is an attempt to minimize force.

JENNIFER FRIEDENBACH: The second and third and fourth deployment?

CHIEF SCOTT: Exactly.

JENNIFER FRIEDENBACH: Right. So, I was just clarifying that because it's a little bit different from, like the situation is that the weapon was already deployed, and now we're saying to use a verbal command. But if it's [unintelligible], I just wanted to point that out.

COMMISSIONER TURMAN: Okay. Next issue. Anything with Section E? F? [Inaudible] Ms. Friedenbach.

JENNIFER FRIEDENBACH: So, on F (2), and previous drafts going back to Chief Suhr's draft, [inaudible], but the officers were not allowed to use the drive stun mode. And I just wanted to bring up that the wording in here, "Shall not use the ECD in drive stun mode solely as a pain compliance technique." And then, when you look at the warnings from TASER International, when they describe the drive stun mode, they say, "Drive stun mode is for pain compliance only." Our perspective is that the officer should not be allowed to use this mode. It is for pain compliance, it's very cruel. It's also ineffective, because it doesn't do... We're talking about using this weapon, in terms of this control of the physical body, and that mode does not do that. It just simply is creating pain on the individual.

COMMISSIONER TURMAN: What's your...?

JENNIFER FRIEDENBACH: And so, I would strike the use this mode as was in the previous draft from Chief Suhr and not allow officers to use it in drive stun mode.

CHIEF SCOTT: I have a counter to that, and this is from practical experience. Seeing it used in [unintelligible], when officers are engaged with a person who they are trying to take into custody, when there's a physical fight going on, where that drive stun mode is very effective, because there's tactical reasons for it. To distract a person, to stop them from doing what they're doing, there's all kinds of things. It's not the same use as the [unintelligible], because it's not going to incapacitate to that degree, but it can be used very effectively. And look, the spirit of all of this is to minimize the level of force. So, you take away the option of drive stun mode—we're not using it for pain compliance, [unintelligible]. You're using it to try to get to the means to take that person, to subdue that person, without having to escalate the level of force. I've seen it used...

JENNIFER FRIEDENBACH: But through pain compliance. Right? [Inaudible.]

CHIEF SCOTT: Let's get something perfectly clear, it is painful.

JENNIFER FRIEDENBACH: Yeah.

CHIEF SCOTT: Look, I've felt the effect of a Taser, it is painful, but that is designed to stop the behavior of whatever is going on, to cause you to use it in the first place. It's not meant to torture anybody, and I've seen it and it's very effective. But yeah, it is painful. There's no doubt about that, but the drive stun mode is not going to torture anybody. There's a reason and a need and a practical use for drive stun mode.

SAMARA MARION: [Inaudible.] The concern about the drive stun mode though is that there are cases where it's been used repeatedly, because again, the use of the Taser is bringing the officer and individual in closer contact, things are escalating, the drive stun mode has been used, and people have died, and in our [unintelligible]. So, that was the case on the East Coast, and that was a federal case. That individual, mentally ill, who was drive stunned five separate times, and he died. It was over the course of two minutes, and in that case, the court looked at it and the Department of Justice, that they cautioned against using drive stun mode to achieve pain compliance. It has limited effectiveness, and when used repeatedly, it may even exacerbate the situation. So, our concern is...

COMMISSIONER TURMAN: I got your concern.

COMMANDER WALSH: So, there's a technical aspect to this too. So, if an officer deploys in the guard mode, and one of the two probes makes a connection, but the other doesn't, there's no charge. If you're in that close quarters, you can then use drive stun to complete it, which would give you NMI, neuromuscular incapacitation. So, there's a technical aspect to this. This isn't just simply necessarily using it. And pain compliance, I would defer to our expert, is more of the come along. The case that she's referring to is a person that we specifically talked about, who was bracing themselves, holding onto a pole and would not let go. Our training would dictate that we are not doing that. We have expressed that in the stakeholder group. Our training would be to use a lesser force, and even the courts have said that the drive stun is not an intermediate use of force, it's actually lower.

COMMISSIONER TURMAN: Okay. Yes, sir?

SECRETARY ANDREOTTI: Yes. Rick Andreotti, Secretary of the POA. [I too, like the] Chief, I'm from a different agency. [Unintelligible], and I've conducted dozens of use of force investigations over the few years of that agency, and it's been my experience that the drive stun is most effective and used most often during the handcuffing process when the person becomes combative. The Taser is not working, either a guard had come off, and it's no longer applicable, yet during the handcuffing process, the officers are at the most exposed danger at that time. Once you're committed to [finally go in] and place the handcuffs on somebody, when they become combative again and they're no longer under the control of the Taser, the drive stun mode is most often deployed. It's usually deployed on the lower limbs, because that's what exposed during the handcuffing process, and it is quite effective to overcome that last resistance while placing somebody in handcuffs, which ultimately causes the situation to come to an end.

COMMISSIONER TURMAN: I wanted to hear, you said you wanted to [inaudible].

COMMANDER WALSH: Well, I was just going to say, if Sergeant Pomatto could speak to what pain compliance techniques we already use.

SERGEANT POMATTO: The pain compliance that we're talking about, our hands are on the [unintelligible] small capacitor resistor, and we use it in a pain compliance technique with our own hands, that the Taser, in that mode, wouldn't be utilized. I think that it would be more of an assaultive situation or scenario like the Chief is talking about, when that Taser would be applied in that drive stun mode. There was a shooting in the Mission that I remember, a couple of years ago, where the officer had the subject on top of him and was just about to lose consciousness, and he did [unintelligible] his firearm. And in that drive stun mode, he could reach his Taser instead, and was able to deploy [inaudible], had a resolution for that certain scenario.

COMMISSIONER TURMAN: I'm sorry, Commissioner, you had something you wanted to add?

COMMISSIONER HIRSCH: Well, I guess there's a little confusion about the language. I get, Chief, what you're saying when you say, "It shall not be used for pain compliance technique." That's confusing, because what you're saying is, it should not be used on somebody who is passive, and you're just trying to get them to comply. But if it's combat and you need it, you want to use it for pain compliance.

COMMISSIONER TURMAN: I think that's also, we need to clarify repetition that it is, Ms. Marion points it out as well. But I'm sorry, I didn't mean to [unintelligible].

COMMISSIONER HIRSCH: That's all right. I'm good. But that's a confusing...

COMMANDER WALSH: Yeah. No, and I totally understand. Commissioner, I would just like to add to that, I think maybe it's professional terms we're using in this order, where police officers know pain and compliance, and again, using an example of somebody on a pole. We're not going to drive stun them. We would go to hands-on, mastoids, things like that. So, we could come up with, I guess, language that leaves it open to what we're saying drive stun could be used for, but to make it, I guess, more clear. It's definitely a term of art—I don't know if I want to say that for the police department.

DAVID RIZK: I agree with Commissioner Hirsch that the language that he advised [unintelligible] compliance is confusing. I'm afraid I'm not sort of reassured by this sort of argument that the officer is indifferent. But I also feel I have to say that none of the conditions that we're talking about, about when drive stun would be or wouldn't be used, are in the policy. None of these conditions about persons being violent, or they're not actively resisting, what it says is that...

COMMISSIONER TURMAN: We get it. So, I think we need to clarify just as Commissioner Hirsch says, that there's probably some examples by the means of what [this is]. [Unintelligible.]

COMMANDER WALSH: At this point, right now?

COMMISSIONER TURMAN: No. Not at this point, right now.

COMMANDER WALSH: I'm like, "Man, the Commissioner really put me on the spot on that one." I'm prepared, but not that prepared.

[Unintelligible conversation.]

COMMISSIONER TURMAN: Give it to him later. Next issue. We've got a long [inaudible]. G—Target Areas. Nothing?

SAMARA MARION: Again, I'd like to, and we're talking in areas. I'm always concerned about the word should because it's simply a recommendation. I request that it be, put the word, shall. "The officer shall make reasonable efforts," then it sets the standard.

CHIEF SCOTT: Where does it say [inaudible]?

SAMARA MARION: So, I'm talking about targeted areas.

[Unintelligible conversation.]

SPEAKER: Okay. Some of the first words.

COMMISSIONER HIRSCH: First it says should, and the next sentence it says shall.

SPEAKER: My request is to have consistency. That the [unintelligible] shall be used throughout [unintelligible].

SPEAKER: My recommendation would be as we spoke, or she spoke, [after adding] it in there as well, so in every exigent circumstance.

COMMISSIONER TURMAN: Thank you.

[Unintelligible conversation.]

COMMISSIONER TURMAN: Yes, Mr. Schlosser.

ALAN SCHLOSSER: Are you on H? I had a question I wanted to ask Commander Walsh.

COMMISSIONER TURMAN: Yes, we're on H.

ALAN SCHLOSSER: What I'm looking at, [unintelligible] was the last policy, is different than what I see up there, from subsection 2. It says, "Assaulting or battering the officer, or verbally or physically displaying an intention to assault the officer," that's what I've been talking against, but it's not...

COMMANDER WALSH: So, this is the August one that the Commissioner asked, I believe. Right?

SPEAKER: Yes, August 25th.

ALAN SCHLOSSER: This is not the November 22nd?

COMMANDER WALSH: No. The November 22nd, that language was the one that you were, was changed to assaulting or battering. On the 08/25, that was the definition we took from 5.01.

COMMISSIONER TURMAN: Aren't we, I assume that what we're doing tonight, is going to be in the latest [unintelligible] 11/22?

COMMANDER WALSH: Correct. I think that this was up.

COMMISSIONER TURMAN: I'm trying to see what the differences were.

COMMANDER WALSH: What the differences were?

COMMISSIONER TURMAN: Okay. I'm sorry. I'm on page 25, so both are basically...

ALAN SCHLOSSER: Well, could I speak to [unintelligible]? I think in the 11/22 version, it's opening this huge hole that, at the point, had a lot of, much more [unintelligible]. It's defined in terms of the use of Tasers. Is someone assaulting or battering the officer? I've sat through all these working group sessions, and I have no idea what that means. And when I looked it up, there are varying definitions of assault, ranging from an unconsensual touching, to the Penal Code, which says, "Attempting to cause a violent injury." And the term assaulting is not defined. I just don't know how you can put that

as a standard use. Battery is not a legal term, and by any normal use of the word, you punched someone, not battery. The definition is you're really pounding the crap out of somebody. Pounding, is that what the police are going to use? That only if you're battering someone? I don't think that's what you mean, but that's what it says.

And then the other thing is, each of the other sections 1, 3, and 4, are relatively narrow, and they define when the Taser can be used to an immediate threat to the public. For example, if you use your arm, you can only use the Taser if you're immediately threatening safety. When you get to number two in the [unintelligible], the definition use of immediate threat is gone. It doesn't have to be an immediate threat. It doesn't have to be someone who is capable of carrying out that threat. It could be someone who verbally displays an intent to assault an officer some time in the future, and maybe it's obvious that they can't do it. So, I just think it's really inconsistent and I actually wondered. I know now, I have it right here in front of me. I actually think that I don't know why the police [unintelligible] with the standard I read, which I could read again. It's [inaudible] to people who are not armed. It's when a subject is causing immediate physical injury to the officer for another person, or is threatening to cause immediate physical injury to the officer or another person under circumstances which cause the officer to reasonably believe that the subject has the intent and the capability of carrying out that threat.

COMMANDER WALSH: I think that what you see in 2, is the evolution of all the discussions, and if I can go back to an earlier point. Is the original definition of 5.01, again, that was some of this group worked on and got passed. Trying to make the officers have something as similar to what that was, was the importance of having these definitions. So, we've gone from, we've had active resistance, was one of the original terms from May, which is defined in 5.01. But because bracing and tensing were in that, and everybody brought up Pinehurst, we took it out, and we made it violently resisting. And so, this evolution is because the terms that we've all agreed on in 5.01, apparently for this particular use of force, are not agreeable. So, this word management is kind of how we got to this place. We do use the penal code as police officers. So, if the officers aren't worrying about what the definition is in the civil code. When we train, we train to the policy. There are examples. The Academy and Sergeant Pomatto will be training as to what these mean during this and having this. Again, because we've had to go through reiterations, because for whatever reason, 5.01 definitions, that guide all of our use of force, are not good enough for this; we've come into this wordsmithing.

SPEAKER: [Inaudible.]

COMMISSIONER TURMAN: No, go ahead.

ALAN SCHLOSSER: I mean, this is a weapon that's very controversial. Everyone agrees there are risks involved. It seems to me that what we should be doing is coming up with the best definition, and what it takes is the people who are involved in 5.01, [inaudible], kind of fall on their swords and say, "We don't like that." It just doesn't work here. It does not work here. To be talking about assault and battery...

COMMANDER WALSH: Then I think we should go back to assaultive. I think we should go to assaultive, which was the original definition, which is in 5.01, and that's the one that was [critiqued]. The officers cannot be trained on different definitions for different levels of force, because now what you're talking about is an area of force that I have to go through this spectrum. And when I get to this

other one, I now have to remember, in a high stress situation, that this definition, where I could use a baton—intermediate force—will be different from this.

COMMISSIONER TURMAN: That's right. That's correct.

SPEAKER: So, we should go back to assaultive.

COMMISSIONER TURMAN: That's correct.

COMMISSIONER HIRSCH: Can I just jump in, one second? The definition you just read was actually the definition for criminal assault in California. That is the definition of criminal assault, I looked at it about four hours ago. Why don't we just call it criminal assault, and then you've got your definition, and your training is consistent with the penal code.

COMMANDER WALSH: Because I think Commissioner, that that section, I do have that, because one of the arguments was to use like the common law. We kept getting responses that the common law says this is what assault. [Unintelligible]. I think you do have to take that if somebody punches an officer in the face, that there is some type of physical violence taking place, where they're not armed.

SPEAKER: Sure.

COMMANDER WALSH: So, that's why 2 was trying to cover both.

COMMISSIONER HIRSCH: And assault is a threat. It includes the threat to inflict immediate injury to somebody, and the present capacity to actually do it. And that's what the definition is that you gave, that's criminal assault in California.

[Unintelligible conversation.]

JENNIFER FRIEDENBACH: So, I don't have 5.01 in front of me, but as I recall, there's language in there around risks of bodily harm, on some of the levels of force. And so, for this weapon, I mean we're talking about, we're not talking about a firearm. Right? So, with a firearm, we're not including the language around the definition of assault, [unintelligible] for the use of a firearm. It's like it was a much more higher level of that.

COMMANDER WALSH: It is, but what I think...

JENNIFER FRIEDENBACH: Right. So, I think it's a mistake to say just because we have a definition for assault in 5.01 that, then in those situations, we should use this weapon. And so, based off of what the definition is in 5.01 assaultive, I would recommend we move away from using the word, assault, and use the language around [unintelligible] bodily harm, because this is a different level of weapon than what we're talking about in these different situations. So, I would prefer [unintelligible], and then I don't think that would create confusion around the training.

COMMANDER WALSH: Just, the examples in 5.01, specifically talk about devices. So, whether you want to call this a weapon or device, when it comes to the definition of assaultive, when they use the

exemplars of when we can use a baton, a K-9, an OC, with the definition of assaultive, which we took out to put this newer definition in, it's intermediate force. Okay? Intermediate force is the Taser. It is not somewhere between a firearm or a baton. It is the same as OC, a baton, or K-9. So, when we start going to these different definitions for the whole definition of intermediate force, you are putting the officers in potential policy violations, out of no fault of their own. You're confusing them, and you may, in fact, have a time where you could use it, and you decided to use something else that causes either a worse injury or death. So, I think the best practicality is 5.01's definitions should be used in 5.02.

SAMARA MARION: [Inaudible.]

COMMISSIONER TURMAN: I'm sorry?

SAMARA MARION: [Inaudible.] I was suggesting that the subject is causing immediate physical injury to an officer or other, or there are reasonable grounds to believe that the subject's behavior will immediately cause physical injury. So, it's the present, there's a physical attack going on, or in the future, there's a basis for believing that there will be immediate physical harm.

CHIEF SCOTT: I mean, why would we not just stick with the 5.01 language and definitions so there's consistency?

SAMARA MARION: I could address that in terms of, the word assault, does not designate the degree. An assault, the term means a touching. It doesn't mean a physical injury and that's the concern.

CHIEF SCOTT: So, all that is stuff at your review, and I know we'll get to that for you, Panel. But I think the Graham v. Connor standard applies to all of this. So, what's reasonable? If I'm in a situation where somebody's going to touch me and I use this device, with no other factors, I don't think anybody in this room would think that's reasonable. And all of this is subject to accountability, oversight, and reasonableness, is the thread that runs through all of that.

JENNIFER FRIEDENBACH: [Inaudible] less than lethal. I mean that's the point, right, isn't it? So, we want to make sure that it's going to be used in situations, I mean, allowing it to be used on handcuffed individuals. These different situations where does it call for the levels of something that's potentially going to be...so, it should be a different standard.

COMMISSIONER TURMAN: All right. Mr. Rizk.

DAVID RIZK: I agree that it, resorting to 5.01, which was drafted before Tasers were implemented. It's putting the cart before the horse, it's a different weapon, and I don't think it's comparable to [unintelligible].

COMMISSIONER TURMAN: Okay. So, I have not heard that anyone is willing to compromise on this, so I'm moving this to the Commission. Next. Okay. Anything else in H? Restrictions on CED use, in I.

[Unintelligible conversation.]

COMMISSIONER TURMAN: You're staring at the wrong one, sorry.

[Unintelligible conversation.]

DAVID RIZK: I have one question about [engaged] with this. "In rare circumstances, officers may decide to activate an ECD on a subject [unintelligible] a firearm." Why are these exigent circumstances based on rare circumstances?

CHIEF SCOTT: Because it's generally not advisable in a firearm situation. We would just typically...lethal force. But there are situations where this might be practical to resolve the situation. So, that's the reason for that language.

JENNIFER FRIEDENBACH: But rare and exigent, so rare is more [narrow] than exigent, or exigent is more [narrow]?

COMMANDER WALSH: If somebody has a firearm, you're already in an exigent circumstance pretty much.

JENNIFER FRIEDENBACH: So, it's kind of like inside [inaudible].

COMMANDER WALSH: So, the theory to...if I use Sergeant Pomatto. If somehow, we had tactical officers near somebody, and one of the tactical officers could come up from behind, we're in a lethal force situation with somebody with a firearm, if they have cover, terrain, concealment, the original policies from 2016 said absolutely not. Do not use it against a firearm. We're saying if there's some special situation, because you're already in an exigent circumstance, when you have somebody with a firearm, that you may, with all these conditions being met, be able to use that lesser use of force.

CHIEF SCOTT: Here's the thought process. Shooting is almost always going to have a repercussion.

JENNIFER FRIEDENBACH: I don't think the question was answered. [unintelligible] was just asking about the word, [unintelligible], if that was more narrow than exigent or not? That's all.

COMMANDER WALSH: It shouldn't be every... So, every firearm situation is exigent. Every time you might use this is going to be rare. If you make it that we should try to do this with every firearm, then it's just a regular part of it, then that's not practical, so it's rare.

DAVID RIZK: My concern is [unintelligible], which is, of course, how exposed is the officer until greater harm when they're out [unintelligible].

COMMANDER WALSH: But that's why you go to sentence two. So, you have to weigh all of that before you would consider that. We just don't want it to be prohibitive. We want it to be a very [unintelligible], an opportunity.

DAVID RIZK: I mean, I do think that because TASER says we should not use the Taser in a circumstance when somebody is armed with a gun, the Department is opening itself up to liability [inaudible].

CHIEF SCOTT: So, the warnings are a guideline. What we're trying to do here is create policy that we've minimized the loss of life, and reduced injuries, and the severity of injuries. So, the warnings or guideline that we get, we'll definitely take a look at the consideration. But this was designed to try to save lives, so that's why that's put in there, and I think TASER probably did that for liability reasons. But we definitely understand all of that, but really, this is in there to try to reduce officer involved shootings, where at all possible.

DAVID RIZK: I understand that. I understand that it's a risk [provision in any case].

CHIEF SCOTT: So, if it's not in there though, the option is the use of a firearm.

COMMANDER WALSH: Can I give an example? We just had the awards ceremony for the officers. Officers tackled a man with a firearm in an ice cream store. They used lesser force in a situation where they could have used firearms. This is the same thing, we want to leave that option open. Will you have lethal cover? Most likely. Hopefully, this will all be a training issue, but to completely prohibit it, when we could actually save somebody's life, would be impractical. We use lesser force against firearms all the time, luckily.

JENNIFER FRIEDENBACH: Where are we now?

COMMISSIONER TURMAN: We are through on the Comments. Anything else in the special considerations class, "Restrictions on CED Use"?

JENNIFER FRIEDENBACH: So, under I, or under 1, excuse me, it's a 1—my glasses aren't even working. "Special consideration shall be made when using an ECD on the following subjects." Going back a ways, the language was, "Except when deadly force would be permitted, an officer shall not use a CED."

COMMISSIONER TURMAN: Where are you?

SPEAKER: On number one, where there's the special considerations. There's a paragraph, and then there's the number one and a line.

COMMISSIONER TURMAN: "Special considerations shall..." Okay. Go ahead.

JENNIFER FRIEDENBACH: So, this is, I think, we would really like the language to be much stronger, and reword that to, "Except for deadly force would be permitted, an officer," and you know, reasonable, you know, something there, "An officer shall not use a CED..." The way the language is now, all of those situations in like the person is obviously pregnant, or are you just asking for a special consideration on using the weapon on the person who is pregnant? It lets me know that will, it's going to lead to the loss of the baby, and we're talking about somebody who is obviously pregnant. So, that language needs to be a lot stronger there. You know it's dangerous on elderly, et cetera, et cetera. So, on these situations, we wanted to say instead, "Except for deadly force would be permitted [unintelligible], if someone is obviously pregnant, et cetera, et cetera."

CHIEF SCOTT: I think that's in theory, I understand where you're coming from, but I think it's counterproductive to what you're actually trying to achieve there or what we're trying to achieve

there, because what we're trying to achieve is having the officers have the option to use the lowest level of force possible to drive the situation. If you put, "Except for deadly force it is necessary," that's a much higher escalation of incident to even be able to use this device. So, in other words, if I have a pregnant woman that this device, this weapon might be appropriate, given the circumstances, but I can't use it unless it's a deadly force situation.

JENNIFER FRIEDENBACH: I see what you're saying.

CHIEF SCOTT: It can ramp up to a deadly force situation, where an officer now can actually shoot the person. We don't want to get to that level, understanding what the risks are.

JENNIFER FRIEDENBACH: What it would say in that situation is that if deadly force is called for, then you can use the electronic control weapon on the person. So, that's what that language is saying.

COMMISSIONER TURMAN: But what about a situation where deadly force is not called for?

JENNIFER FRIEDENBACH: Yeah. If there's no deadly force, let's not kill the baby. That's what I'm saying. So, that's going to be the immediate effect, and so if it's not calling for, if it's not a situation that that's serious, and it's a pregnant woman, if it's a child, let's think of another thing to do. Right now, the [unintelligible] is offering and it has many, many, many successes with pregnant women, with children, with all these situations without this weapon; they're doing amazing work. So, let's not use the weapon on those folks. We're not doing it now.

CHIEF SCOTT: I see where you're coming from, but if you take that option away, I think it has the potential to elevate a situation. The reason that you would use this is to take somebody into custody without having to escalate the level of force used; that's one of the benefits. Well, there is a risk and that's why these things are there. But again, what are we trying to do here? We're trying to minimize the level of force. The officers, if somebody is pregnant, are going to try to do all those things without the use of this weapon, this device, but when you take away that option, and then when all of that stuff is not working, you can't use it unless it's elevated to a lethal force situation, which gives you the right to kill this person. So, I don't think that's where we want to go.

JENNIFER FRIEDENBACH: Well, then you have the option of using the weapon, right, I mean at that point?

CHIEF SCOTT: Yeah, but in a lethal force situation. What you want to do is prevent the situation from getting to a lethal force to begin with, which is if you can resolve this, Taser or not...actually, we can get into the statistics of, and Doctor [Tsang] was very clear about this, about the risks and the numbers, one in 100,000, the risk of death. You don't want to elevate a situation to deadly force if you can avoid it, that's all I'm saying. I don't care who the population is, these are vulnerable populations, but if we can avoid elevating it to that level, that's what this is about. I think you have to use caution, and if possible, we don't use it. But to take that away is counterproductive, I think, to what we're trying to do, which is reduce the high level of force.

COMMANDER WALSH: Just to note, that language came from International Chief of Police policy.

A.C. SAINZ: And I think it's important to understand the scenarios, how these may play out, rather than just look at it in black and white. So, to your point, you have a pregnant woman, say she's under the influence of alcohol. We get a call it's a domestic situation, where she is in a room, maybe with a knife or some other weapon, and she's holding one of her children there against their will. If we can end that situation right there, before it escalates to the point where now, she's attacking the child for whatever reason, again, we're putting another individual at risk there, when we can end it without it escalating into a deadly situation, in those rare circumstances, in those special circumstances. If she was there by herself, by all means, we're going to wait and talk it all out, but things rapidly unfold.

SAMARA MARION: And the scenario you provide is a serious bodily injury or death scenario, and then it would be justified. When we've been talking for months, and if you look at the document back in May, we talked about [unintelligible] it, and then, there was an agreement. And in fact, if you look at it, it was, "It would only be used if there was serious bodily injury or death." It was special circumstances where pregnant women with children, and this language. So, it's just in the ninth hour that that language was crossed out last Wednesday, and now it becomes very broad in its special circumstances, and that's not been in the discussion for the last five months. I go back to the AG's Maryland Report, and one of the things they also recommended is when there was a high-risk situation, you only would use it when it's a deadly force situation or serious bodily injury. So, it's alarming that at this ninth hour, suddenly, what was seen as a really important restricted use of Tasers—serious bodily injury or death, has now been opened up again, and it's a fundamental thing from the last five months.

DAVID RIZK: I'd just like to reiterate I agree that for some reason, the Department was comfortable with the language that was in place. The suddenly changed it, and in my view, this is probably one of the top two or three most important issues in the policy; [unintelligible] is a separate issue. And obviously, we're talking about weighing the risks, and it's an empirical issue, but special consideration, I don't think, is appropriate. I think it's really [unintelligible].

COMMISSIONER TURMAN: You know what? I don't want to get into the [unintelligible] you were telling, just make the case. We're not here to [back you], I'm [unintelligible] everyone's side. So, I understand what language you want to say, I'm not getting in with motives anymore, not tonight, when you [unintelligible] the Commission. All right. So, I'm looking at 08/25/17 version, and it does say, "[Unintelligible] will be permitted," and these are shown not be CED. And I've heard what the Chief has said. Is there other considerations necessary to crossing out this language other than what the Chief has said? And then I'm going to push this for the Commission to decide with a recommendation that it go back in. If you talk about it through August 25 and now it's suddenly out, we need to explain that to the Commission. So, tell me if there's something here that I'm missing, other than what I've heard already.

CHIEF SCOTT: Well, the only thing that's missing is we had this discussion prior to tonight, a vigorous discussion.

COMMISSIONER TURMAN: Prior to tonight. Did you have it here in this working group?

CHIEF SCOTT: I don't know if we had the working group, but we had with, in the, where did we meet at ... DPA and I, and Commissioner Melara, and Commander Walsh.

COMMISSIONER TURMAN: You had it with the DPA?

SAMARA MARION: Just to clarify, I hadn't seen this new language. This is new language that came out on Wednesday. Right? So, this is new language to me.

COMMISSIONER TURMAN: Were you with them when they...

SAMARA MARION: I [went to the] meeting with the Chief, and again, the version that I wasn't part of, was not this version.

CHIEF SCOTT: [Unintelligible] version, we discussed this issue, because you brought it up then, and we discussed it. So, yeah.

SAMARA MARION: It's not been publicly discussed.

COMMANDER WALSH: I think the other issue too, and I'm referring to the experts that some of the groups brought, when Mister [Leonicio] talked about failure, one of the things about failure and reassessing was, their verbiage was, "In deadly force." And when you put that, he specifically said that they had to ask the officers, "What does this mean?" And so, they were concerned that using, deadly force, automatically, to the Chief's point, gave the officers the idea that they were now in a situation where deadly force could be used. So, they had to retrain and go back, and say, "That is not, in fact, the case, and that was an escalation point." This takes the escalation out of that with that language.

A.C. SAINEZ: Commissioner, if I may also?

COMMISSIONER TURMAN: Just one-second. Yes, Chief.

A.C. SAINEZ: The General Order, as it reads, I think would also confuse the officers. It's basically saying, "In these circumstances, you can use your firearm." We're trying to teach it to de-escalate, but we're saying if you're confronted with this, you can use your firearm, which is not what we're trying to tell them to do. We're trying to tell them an option that has a less likelihood of creating serious bodily injury, where the firearm will. So, using that term, "Deadly force," in this section, again, would confuse the officers. It wouldn't give them the direction that we want to emphasize in de-escalation, et cetera; it's confusing.

JENNIFER FRIEDENBACH: This is an additional compromise in which we could add-in, as [unintelligible] said, the point off of this line, instead of just deadly force, it could be bodily harm, in that type of language might add clarity.

SPEAKER: Yeah, great bodily harm or death.

JENNIFER FRIEDENBACH: Great bodily harm, yeah.

COMMISSIONER TURMAN: How about that?

COMMANDER WALSH: Just one, I'm deferring to special considerations, and I'd like to give an example where...

COMMISSIONER TURMAN: I'd like a question, and then you can go to your...

COMMANDER WALSH: Deadly force encapsulates serious bodily harm and death already, with that term, so that language would be kind of redundant in a sense, if we went back to the old one.

COMMISSIONER TURMAN: All right.

JENNIFER FRIEDENBACH: I mean, and it doesn't include risk of bodily harm and bodily harm?

COMMANDER WALSH: Yeah. I mean, that's the standard for deadly or lethal force, is the potential of death or serious bodily injury.

JENNIFER FRIEDENBACH: Okay. It's a little bit confusing, because what I'm hearing is [inaudible].

COMMANDER WALSH: No, no, no. I don't want to confuse special...yours was a compromise, which would actually be just a different way of saying what was in the past. It's just an expanded definition of deadly force. If I may, Commissioner, just an example. Where we are not allowed to use deadly force, but potentially could use on a subject. If we had a suicidal person who had a weapon, or was threatening to harm themselves, we are not allowed by policy, to use a firearm, for instance, deadly force. So, if you had the pregnant mother, if you have the elderly person with a weapon, who's only trying to inflict harm to themselves, that would not be a deadly force situation [per] our policy. However, you may potentially be able to use an ECD in that situation.

DAVID RIZK: [Unintelligible] that situation? Deadly force or the person poses a serious threat of harm or death to themselves?

COMMISSIONER TURMAN: Well, this just seems important enough to push to the Commission.

DAVID RIZK: May I make a situation or a minor suggestion?

COMMISSIONER TURMAN: Sure.

SPEAKER: Which is 1(b). I would suggest that we strike, "A child," and instead, use the term, "A minor". The reason is because...

COMMISSIONER TURMAN: Can you tell me where you are.

DAVID RIZK: Yeah. The same subject descriptions on...the subject appears to be a child, and I think it should be a minor, because I think even young people...I know child means [unintelligible]. I think if you're a 12-year old, 13-year old, 14-year-old, 16-year-old, I think at least special consideration is due.

CHIEF SCOTT: Well, I would argue; I wouldn't be in favor of that. I mean, what comes to your mind when you hear the word, child? This is designed, you don't want to use this device on a five-year-old,

on a six-year-old. There's no reason in the world why you would do that, in my opinion. A minor could be a 17-year-old.

JENNIFER FRIEDENBACH: Yeah. We don't want to [inaudible]. I have a 17-year-old, sorry.

CHIEF SCOTT: No, I hear you. I mean, the thing is this. We are trying to develop a policy that's sensible, reasonable to give to the Police Commission. This is not about my child or anybody else's child. This is about what is reasonable.

DAVID RIZK: But we're only talking about special consideration currently. I mean, how about, you just said it should never be used on a child. Then put [a bar] against the use of children.

CHIEF SCOTT: No, I said a five- or six-year-old.

COMMISSIONER TURMAN: Okay. So, it's a child. All right. A minor—I am not able to distinguish between a 15-year-old and an 18-year-old, and as time passes by that the numbers, from an appearance standpoint, the numbers seem to [unintelligible]. So, I don't know that a minor is giving our officers enough direction. I think that is the point, as opposed to a child. Push back on that? Give it to me or else we're moving on.

JENNIFER FRIEDENBACH: So, one of the reasons for this, so it's come back from the community a lot, especially communities that are vulnerable to the use of this weapon such as African Americans often appear older than [a child] their age.

COMMISSIONER TURMAN: Excuse me?

SPEAKER: That's from the African American [unintelligible].

[Unintelligible conversation.]

JENNIFER FRIEDENBACH: That's coming from a lot of members of the African American community in testimony and stuff like that, yeah. And so, I'm not saying this for all of [unintelligible].

[Unintelligible conversation.]

JENNIFER FRIEDENBACH: So, I think that was some of the testimony of [permission] for minors. Then having it this way appears to be, and it's already kind of loose, because the language is saying it appears to be...

COMMISSIONER TURMAN: A minor is certainly looser than a child. I mean, let's be reasonable here. Come on. Just for once, we can really make some [unintelligible]. Yes, ma'am?

SPEAKER [FROM THE PUBLIC]: I just wanted to chime in with saying that I heard the day, that African American males appear to be, or people over-estimate their age. They think [unintelligible] under the age of 18. This is a statistical bias, that they always think they're much older, and they're more virile and more frightening. That's why I concur with what she's saying.

COMMISSIONER TURMAN: But even in that situation, we're still talking. We're still in a situation. We're not going to be able to tell, quote, a minor from a child. That's not giving directions to our officers. That's what this policy is for. Okay? Yes, Lt. Williams.

LT. YULANDA WILLIAMS [FROM THE PUBLIC]: Commissioner, I agree with her, sir, because it's extremely hard to determine [unintelligible] a child and a minor, and you're going to put us in more of a confusing situation. The language, the way it is, I think is very clear [inaudible].

COMMISSIONER TURMAN: I'm going to go with the Lieutenant on this one. Can we write this one down, and let's concentrate on one of the [inaudible]? Next issue, please.

RICK ANDREOTTI: Sir, number C or letter C, same section. [Unintelligible.] From an officer's perspective, it's clear to say someone who is frail is a less likelihood of a threat. However, someone with low body mass could be in excellent shape, and potentially have some kind of skill, and they could be as much of a threat as anybody else just because of low body mass. To me, it doesn't make a difference. Frail, yes. Low body mass, no. [Inaudible.]

COMMISSIONER TURMAN: Well, I sort of, I don't know what low body mass is.

RICK ANDREOTTI: That would be the problem facing the officers on the street.

RICK ANDREOTTI: It's in Definitions.

COMMISSIONER TURMAN: Because I got to tell you, every time I go home, they tell me to gain weight. When I'm...my parents, they tell me gain weight. When I'm at home, my [uncle] tells me to lose weight. So, that is a confusing [intelligible].

JENNIFER FRIEDENBACH: Can I provide some use compromised language?

COMMISSIONER TURMAN: Sure, that sounds good.

JENNIFER FRIEDENBACH: Small stature.

COMMISSIONER TURMAN: Small stature, how does that sound to you?

[Unintelligible conversation.]

RANIA ADWAN: So, no short people? No short people get Tazed?

[Unintelligible conversation.]

SAMARA MARION: Many of these categories are categories where either mostly TASER international warns against the use of [unintelligible] all these individuals because, and the wording is, "That it may cause serious bodily injury or death," because of particular circumstances of the individual; that they're pregnant; that they have low body mass. There are cases where individuals, they are [unintelligible] to the chest, they're of light-weight, and that they have died. So, the

particular characteristics that TASER International has identified as causing, again, [unintelligible] injury or death.

COMMISSIONER TURMAN: How about we pull low body mass and insert something more concrete like of average weight differentiator, [unintelligible] or something like that? How's that? Would that work?

SPEAKER: I mean, all due respect, sir.

COMMISSIONER TURMAN: It's going to be as [gentle] a call by the officer [unintelligible].

BRIAN KNEUKER: I was just going to say it's like okay, officers take-on someone. "You're 6'2. Quick, tell me what's your weight?" It's confusing for the officer.

COMMISSIONER TURMAN: Okay. Are we talking about people who are 6'2 you know?

BRIAN KNEUKER: But 6'2 could be [unintelligible]. I mean 6'2, 5'2, it's all...

COMMISSIONER TURMAN: Yeah. [Unintelligible.] Yes, Chief?

CHIEF SCOTT: Well, Commissioner, I was just going to say, I think frail, by definition is...

COMMISSIONER TURMAN: Encapsulating?

CHIEF SCOTT: Encapsulating. I think there's a thing about frail that buys...

COMMISSIONER TURMAN: You guys good with frail? Are you guys good with frail? Frail, we got one.

(The panel cheers and applauds.)

COMMISSIONER TURMAN: Thank you, Chief.

RANIA ADWAN: So, are we deleting low body mass?

COMMISSIONER TURMAN: Yes. Yes, Ms. Marion.

SAMARA MARION: I just, there are young people who have died, and they were not visibly frail. They seemed absolutely fit. And we see in the videos of the individuals who died, so I'm just concerned that it's not just visibly frail, it is individuals, young men who have died.

COMMISSIONER TURMAN: Okay. So, tell me how to you want me to define it? Tell me the definition. Tell me the definition.

SAMARA MARION: Slight build?

DAVID RIZK: Slight build.

COMMISSIONER TURMAN: Slight build? How about [unintelligible]?

SPEAKER: No. It says [unintelligible].

SPEAKER: It's difficult. What is slight build? It might be [unintelligible] for another officer.

COMMISSIONER HIRSCH: The Department just agreed to strike. We just agreed to strike the language.

[Unintelligible conversation.]

SAMARA MARION: I'm just saying it's not just frailty. That's why I'm saying they were fit, young men, who have died, and that's because of their low body weight and the positioning of the probe. And so, it's really about a warning so that officers aren't thinking, "There's no risk here." It's like, no, not just if somebody is physically frail, it's also they are young, [thin], individuals who, their body is...

SPEAKER: Small body.

SAMARA MARION: Small, and so then, you are having to determine is this the situation that justifies using a Taser, knowing that it could be...

COMMISSIONER TURMAN: Okay. Please, stop. Stop.

SPEAKER: [Unintelligible.]

COMMISSIONER TURMAN: Got it. All right. So, I'm going, I get what Ms. Marion says to make the change before the Commission. I'm moving this to the Commission. If you cannot hear something, [unintelligible] we have, so eight o'clock, we'll finish the rest of these. When I'm done, [unintelligible]. So, anything? Anything? We're still on [unintelligible]. Anything? Anything that can [inaudible]? Anything?

[Unintelligible conversation.]

COMMISSIONER TURMAN: I'm sorry, what did you say [unintelligible]?

SPEAKER: Slight

COMMISSIONER TURMAN: They rejected slight. Commander, what?

COMMANDER LAZAR: Our expert is saying that under F. it says if the subject is in danger of falling from a significant height, under the Extended Range Impact Weapon, under 5.01, it says, "Elevated height." And since we're trying to keep the language consistent, that's the recommendation. Do you want to elaborate a little bit on that?

COMMISSIONER TURMAN: What's to elaborate?

[Unintelligible conversation.]

COMMISSIONER TURMAN: Okay.

[Unintelligible conversation.]

ALAN SCHLOSSER: Yeah. So, two deals where people who were handcuffed or restrained, it seems to me that someone who is handcuffed should not be Tazed if they're shouting, if they're threatening, all of which could be assaultive on your definition here. But what is needed is that their behavior causes this immediate physical harm, and restraints aren't sufficient to prevent that.

COMMISSIONER TURMAN: Okay. So, what do you say, Department? I think that's right. Come on, let's be fair. That's right.

CHIEF SCOTT: That's reasonable.

COMMISSIONER TURMAN: That's reasonable. Right?

COMMANDER WALSH: Yeah. I don't have an issue. I think it's just wording. I think that's what we're trying to come across.

COMMISSIONER TURMAN: All right. Great, that's reasonable. You got that Rania?

RANIA ADWAN: Yeah.

COMMISSIONER TURMAN: Got it. Next?

CHIEF SCOTT: Can I hear the...

COMMISSIONER TURMAN: If you're going to take it back, I don't want to hear it. Mr. Schlosser.

[Unintelligible conversation.]

ALAN SCHLOSSER: The language I have down here is that the subject, after behavior, right, after behavior it says that the conditions are that the subject, "The behavior is causing an immediate physical injury to the officers, and that the restraints would not be adequate to avoid the risk of [inaudible]." Okay?

COMMANDER WALSH: When you say restraints, are you talking about the handcuffs?

ALAN SCHLOSSER: Well, I'm [putting in] handcuffs and restraints for the problem.

BRIAN KNEUKER: Sir, if someone is handcuffed and they're assaulted, then obviously, the restraints, at some point, weren't sufficient. I agree with the first part of what you said, there's a threat of physical harm. I don't think the second half of your [inaudible]. It's obvious there's something wrong with the handcuffs if a person [unintelligible] could be assaulted. So, I guess they slipped [inaudible].

[Inaudible]

SPEAKER: I'm thinking of a situation where somebody maybe slips [inaudible], and now they're assaulting an officer.

COMMANDER WALSH: We're specifically talking about the handcuffed people though, so if they haven't slipped it, that's what this is.

COMMISSIONER TURMAN: But once they slip it...

COMMANDER WALSH: Yeah, once they slip it, you're back into a different...this is if you have a...

SPEAKER: But [unintelligible] still remain in handcuffs though.

ALAN SCHLOSSER: Right. But that's where I said, was that those [springs] in the handcuffs would not be adequate to avoid [inaudible].

SPEAKER: Well, he's saying, just do the bodily harm part. You don't need to [handcuff].

SPEAKER: So, if I'm getting struck by someone who's handcuffed, I think I should have the right, the ability to taze him, and that's a reasonable option; that's what I'm saying.

COMMANDER WALSH: Okay.

CHIEF SCOTT: So, take out the handcuffs.

COMMISSIONER TURMAN: Take out the handcuffs. Mr. Knueker, did you have something you wanted to add?

SPEAKER: [Unintelligible.]

COMMISSIONER TURMAN: Okay. What's next? Prohibited Use. Prohibited Use, section J. [Inaudible.]

[Unintelligible conversation.]

COMMISSIONER TURMAN: We'll move on to K. Anything with K? [Inaudible.]

JENNIFER FRIEDENBACH: I'm good.

COMMISSIONER TURMAN: You're good?

JENNIFER FRIEDENBACH: Yes. I'm double-checking pages. So, if I [inaudible] here.

CHIEF SCOTT: On K, I think you'd be...well, unless it's addressed somewhere else, we talked about the defibrillator. So, I think we should add that in K as well, that language.

COMMISSIONER TURMAN: So, good, so you guys are all in agreement? Great. Okay. You got that?

RANIA ADWAN: Yep.

COMMISSIONER TURMAN: Okay. Anything else in K? How about anything in section L? Yes, Commander?

COMMANDER WALSH: It was just for everybody, it kind of goes into M and N. So, just to clarify, because I know this has been a stakeholder-kind of definition. So, a medical assessment is done by the fire department or EMT on-scene paramedic, and the evaluation is at a medical facility, because there's been some confusion on that. So, we're saying even if the person at the scene, to a paramedic, and they have to say it to the paramedic, not the officer, that they don't want to be treated. We take their, it's usually a yellow slip of paper; we're still taking them to a medical facility. They can refuse there, but they have to refuse to the medical staff, and we've already talked to the Sheriff's Department. If we have that paper, they're already trained with their medical staff because they have ECDs, that they would be willing to accept them if there was nothing underlying. So, obviously, if they had some other issue unrelated to this use of force, they could still be rejected, but if it's merely this, they will take them.

SAMARA MARION: Under [reception], this is M, number 5. I would recommend changing, "Officers should give the approximate time to staff." [Inaudible.] This is important information to give them.

COMMISSIONER TURMAN: Commander Walsh? Agreed?

COMMANDER WALSH: Yes, sir.

COMMISSIONER TURMAN: Okay. Anything in N? Anything in N? Still with me, Mr. Schlosser?

ALAN SCHLOSSER: I'm still, I'm still... I'm not a Specialist.

[Unintelligible conversation.]

COMMISSIONER TURMAN: Anything in Section O?

DAVID RIZK: The spelling in the second paragraph saying binging instead of bringing.

COMMANDER WALSH: Where is it? Sorry.

SAVID RIZK: The last sentence of section II.

CHIEF SCOTT: Oh, yeah.

DAVID RIZK: It should be bringing.

[Unintelligible conversation.]

COMMISSIONER TURMAN: All right. Section P?

SAMARA MARION: [Inaudible] They say the clothing the subject wore that is relevant as to the effectiveness of the Taser. So, does it mean they're going to analyze whether the Taser is effective or not? [Unintelligible]

COMMISSIONER TURMAN: Okay. Type of clothing. Any issue?

COMMANDER WALSH: I think that because it's covered in the police report when we describe it, and after the whole of the account we would be just reduplicating it. And the other issue was just in our data collection methods, we then go into a freeform. So, for instance, if I have a sergeant who is doing the evaluation where this data came from and they put, parka, and somebody puts, ski jacket, when we do searches to collect the data, it's not as necessary. So, when Sergeant Pomatto, who may be the person who gets a lot of these, he's the one reading through this. He's the one who will put together what clothing, if the ECD was ineffective. We want to stay away from freeform in the data collection because it just blows up the data sets.

COMMISSIONER TURMAN: So, I guess you have to train him to say parka.

COMMANDER WALSH: North Face, Marmot.

SAMARA MARION: [Unintelligible], so we took a little of the data collection. My suggestion in part, is that we have a use of force supervisory form that includes [unintelligible] and all the different data collection points, so that the effectiveness of the Taser would be able to be evaluated. So, the clothing the individual wears is an important data point, and that there be dropdown boxes; there were other agencies that collect that data. Again, it was recommended through the [unintelligible] task force, but it was the University of Connecticut has been collecting data for three years. They have recommendations as to how to do that. Effectiveness of the Taser is an important [unintelligible], so the recommendations that we made are with the notion of being able to evaluate Taser effectiveness, training, and all that.

COMMANDER WALSH: And the Department agrees with that. I think we're just talking about the clothing issue.

SAMARA MARION: Right. And my suggestion would be to be able to identify those particular data points so that it's then connected to a use of force supervisory form, when there's agreement as to each of those factors. So, but it's not an issue as to what those different factors are. And that we're not looking through an incident report to identify [inaudible].

COMMANDER WALSH: Just a clarification. This is, all will be added, and we've already been in contact with the vendor. It will all be in the use of force supervisory review. The question of specifically to close, is the amount of differentiating clothes. It would have to be, more or less, a freeform. If you just had jacket, the analyzation is still coming from the Academy. So, we don't disagree, and in fact, the way we've been talking, you will actually see the front and back of the person, if it was actually deployed, or where were the shots. The supervisor will be able to mark it. We are going to do, not as use of force, but we will even do the deployments, painting somebody with the laser. So, we're going to have all this data collection. I think that our argument is simply against

the clothing in the sense that there are so many different types and variables, that the best place for that analysis to be done is by the person or people reading the reports, the supervisory issues, and putting it together.

CHIEF SCOTT: Real quick. Well, first, these things are going to be use of force? So if we added clothing in a generic way, without having described parka versus another jacket or whatever.

COMMANDER WALSH: I don't disagree with that, but I think the issue was, is that when we've read what the failure rates are, it happens to be on the baggier, heavier clothing. So, if I put, jacket, that leaves that interpretation open, just as an example.

COMMISSIONER TURMAN: Can we have just a box for [inaudible] or baggy clothing?

COMMANDER WALSH: Well, we're going to have, ineffective. Right? So, we'll have to look at the ineffective, which would bring you to, "Why was it ineffective?" I mean we could put, "clothing disconnect," which is a phrase, but it doesn't tell you the particular type of clothing.

COMMISSIONER TURMAN: But can we put baggier or heavier clothing on it?

COMMANDER WALSH: Well, we're gonna have ineffective, which will bring you to why was it ineffective. We can put clothing disconnect, but it doesn't tell you the particular type of clothing.

SAMARA MARION: In the next month, could we, maybe it's a smaller working group meets and discuss how will that be collected around Tasers, so that we have an agreement about these various factors, so we're not spending all the time tonight. But that there's an agreement so it's upfront and there is that list, and that we're addressing the concerns that you have about how do you quantify it in a way that is rational and effective?

COMMANDER WALSH: I don't disagree with that. The simple answer is, it's going on the supervisory use of force form. It's a format that everybody's already familiar with. We're adding another type of intermediate force that will have things specific to an ECD. I'm merely responding to the amount of clothing differentials. If we want to limit it, and we agree that we're just going to put, thin jacket, thick jacket, if that's the reason, that's fine. But we can't have it be freeform, and that's why we're necessarily against it, because of the different terminologies.

JENNIFER FRIEDENBACH: I might be wrong, but I think we're just trying to get it a number of times, this clothing disconnect that happened. So, it seems like [inaudible].

COMMANDER WALSH: That's what I said, clothing disconnect.

SAMARA MARION: Yeah, but I, the notion, I just would like to be, to know what those different data collection points are, and that there's some input from community stakeholders, so however that can happen. That's why I've outlined it here, to make sure that there aren't particular factors that are missed. So, there's other factors like the distance between the officer deploying the Taser and the subject.

COMMANDER WALSH: That's number ten, "The approximate distance at which the CED was used." It's in there. Everything, we've had this discussion Samara, at the last meeting. We had two things you didn't want. I forget what the other one was, but the other one was specific to deployment. We have almost, I think I gave you the sheet that night. We have almost everything.

CHIEF SCOTT: I think the clothing disconnect thing, for now, is reasonable add and a good compromise, and then we can have discussions to play that out. My opinion on that, that's not a policy issue for the Commission. I think that can be developed, as long as we have that in here. We can develop that out, and we're willing to do that.

SAMARA MARION: And then, can that be done before it goes to the Commission, so there's an agreement about the supervisory use of force form? Again, just to have that [solid], before it goes to the Commission.

CHIEF SCOTT: Well, the agreement [is not] the form, it's a clothing disconnect, and how that plays out, I think...

COMMANDER WALSH: Yeah, the form can always be changed. Clothing disconnect can expand to, "Okay. We're going to list three different kinds of jackets, two different pairs of pants," however that's going to be. I think if clothing disconnect is the generic term that we're going to use, that it was a failure or didn't work. I think we're talking about the same thing, we're just talking about one's a form at this particular point.

COMMISSIONER TURMAN: Yes, Ms. Friedenbach.

JENNIFER FRIEDENBACH: So, the other thing that I'd like to see on here, open to language suggestions, but how to be pointed out is, altered mental state. On number three, you've got [unintelligible], and I know you don't want officers to be...a lot of times, there's confusion between whether it's intoxication or if someone's in a psychiatric crisis. It's oftentimes both, but in CIT, we use [inaudible] in all crises. I'm not sure what the right language is, but I want to make sure that we're capturing people who are in psychiatric crisis in the data.

CHIEF SCOTT: So, altered mental state?

JENNIFER FRIEDENBACH: Altered mental state is my suggestion, yeah. I don't know what lingo you guys use.

COMMANDER WALSH: We're talking about three, other medical problems? [Unintelligible] other medical, but I really wanted to make sure. And it's at the time, so that needs to be clear. It kind of goes back to credible information. So, if we find out that somebody was suffering later, through doctors or whatever, and the officers didn't have that at the time, that would not necessarily be put in the report for that function.

JENNIFER FRIEDENBACH: Yeah. I just think it's going to be hard to capture, and it's clear, that people are in, have an altered mental state. Like they just have [unintelligible].

COMMISSIONER TURMAN: Should we differ from number three?

JENNIFER FRIEDENBACH: No, to add that language in.

DAVID RIZK: We have a psychiatric condition in a previous section where it talks about restricted use.

COMMISSIONER TURMAN: So, you're saying add it to number three?

JENNIFER FRIEDENBACH: Add it to number three.

DAVID RIZK: Yeah.

[Unintelligible conversation.]

JENNIFER FRIEDENBACH: Right, that's what I said, yeah.

LT. MOLINA: And those are [unintelligible]?

COMMISSIONER TURMAN: So, do you have a problem with adding behavioral crisis [inaudible]?

LT. MOLINA: Behavioral crisis? Yeah. That's fine.

[Unintelligible conversation.]

COMMISSIONER TURMAN: Got you.

JENNIFER FRIEDENBACH: That's fine. Yeah, that's good. That's good. I was just trying to protect some of the language in there already.

The other piece is on time. So, I'd like there to be some kind of measurement between the arrival of the officer on the scene, and when the person is taken into custody, or the situation ends, to have some kind of measurement around...we're talking a lot about time and instance. On number one, we've got [inaudible], if we can put an end time on there too?

COMMANDER WALSH: It's captured on the police report. Not to go to a different working group, but this is the discussion that comes up in the use of force working group, and there are several issues with just capturing time and distance. It doesn't catalog statistically what's more important. Where was it, if I'm in a bedroom versus I'm out in the middle of the street, or I'm at Golden Gate Park at two a.m. So, when we just have numbers that represent distance and time, and then we start going, okay, most likely what we're going to do is, what are our averages? Well, we responded to 100 calls that took us 62 second to deploy this device from 12 to 15 feet. That really doesn't necessarily tell us that much. The analysis for that part, again, needs to go back. Was there a car between me? Or was I on the other side of a fence? So, I think just capturing it for the data collection in the form, doesn't necessarily do much for us. I think that's more of a contextual Academy proposition.

COMMISSIONER TURMAN: Same or different issue?

SAMARA MARION: It's the same. There are the supervisor use of force forms where we could capture is this inside or outside, and the location. Where then, you could [pencil] that as to is it between zero and five feet? Five and ten? So, there are ways to do that. And again, I just think that that data collection is really important. So, to be able to have that discussion and look at different examples, I would urge us to do that. There are other factors as well. The terrain and the weather conditions are important, because if the terrain is uphill and if you're shooting a Taser uphill, there are things that are problematic about it; wind affects Taser effectiveness. So, you'd be able to, on a form, be able to indicate that, so you're collecting the data. The description of the Taser failure, is it a weapon failure, is the subject refused to comply? [Unintelligible], again, that we have a form that enables with pulldown boxes, the analysis of this. Other agencies do look at the data and are able to use it in a useful way. I just would want us to have that discussion, and figure out ways that collection is useful for the analysis.

COMMISSIONER TURMAN: That seems fair.

COMMANDER WALSH: Chief, do you have something?

CHIEF SCOTT: I think the discussion is fair, because we have to weigh everything, and I don't think we want to get in a situation where this becomes so burdensome that it prohibits, it countermands what we're trying to do here. So, I think the discussion is fair. Where that goes depends on the practicality, I think all of these things that we're talking about. But I think some of this is separate from policy. I mean those are things that can be developed.

SAMARA MARION: My concern is that if we don't get an agreement, again, maybe it's a subcommittee that's working this out, but we need to get it resolved before it goes to the Commission.

COMMISSIONER TURMAN: Why does it have to be resolved before it goes to the Commission? Because if it's not, it comes back from the Commission [inaudible].

SAMARA MARION: To be able to plan for the data collection and analysis.

COMMISSIONER TURMAN: You [sit through] the planning, but that doesn't mean that the process has to stop until [inaudible]. This is an ongoing, evolving process. We make new policies all the time. Why does this [unintelligible] have to be connected? I'm asking a question, I need an answer.

SAMARA MARION: It might be that I want to make sure that it happens, and so that it enables the collection of data in a usable way.

COMMISSIONER TURMAN: [Inaudible.] Go ahead.

COMMISSIONER MELARA: Yeah. I think that sometimes we get stuck between policy and [unintelligible] operations, and it is that we meet as a Commission to decide what kind of information we want given to us, rather than decide how it goes in, [unintelligible].

COMMISSIONER TURMAN: Yeah, and that's fair, but at the same time, her point is fair that we need to collect data, and if we can get a commitment from the Department to do that, that's fine, and if it's not going to be done, then you come back to the Commission.

COMMANDER WALSH: And Commissioner, I'd just like to add a positive to that. The use of force form, when we started it in use of force, was about this big, and it has been getting bigger and bigger. And the point is, is we adapt, and we progress as the information we need, or need to even drop, because there are some things where we're like, "Okay. This is not doing anything." So, I don't necessarily think that we would capture everything that everybody wants, and we may actually want to get away from some things that don't show [anything]. Then when we get locked into a DGO, we can't, the Chief couldn't write a Department Bulletin going, "This is how we're going to redo this."

COMMISSIONER TURMAN: [Unintelligible.] Next issue.

[Unintelligible conversation.]

SPEAKER: I have a question, sir.

COMMISSIONER TURMAN: Sure.

SPEAKER: If you can just scroll back down?

SGT. RILEY: This is the old version, just a reminder. This is 08/25 that's on the screen.

SPEAKER: The [identification] of all witnesses, sometimes seems to be very [unintelligible]. So, I ask that it might be favorable to [unintelligible].

COMMANDER WALSH: So, the first section that you're referring to with all witnesses, is the officers, not necessarily the sergeant who shows up, and then everybody is [unintelligible].

SPEAKER: The same principle applies, sir, then it [wasn't] feasible, because they seem to be so hostile that it's counterproductive [inaudible].

CHIEF SCOTT: Okay. What number?

RANIA ADWAN: Number 17. [Unintelligible], you're on eight. He wants add [inaudible]

COMMISSIONER TURMAN: Everybody good with that? Okay. Next? Moving into section Q. I would [unintelligible].

JENNIFER FRIEDENBACH: So, our original stakeholders, some stakeholders' recommendations, otherwise to include an ECW coordinator. We had pretty detailed language, but basically, there would be one person who would be in charge of the program, who is appointed by the Chief, and oversaw all areas. Wasn't doing everything, but would be really having a big picture view, looking at the data, recommending the training, overseeing the instructors, and that has all been included in this. I think Oakland had it, I think per the introduction...

COMMANDER WALSH: The CED Coordinator.

SPEAKER: It's really critical.

COMMISSIONER TURMAN: [Inaudible]?

[Unintelligible conversation.]

SPEAKER: [Unintelligible], all of this anyway. Putting out all the training knowledge on the ECD.

JENNIFER FRIEDENBACH: The idea is to have one central coordinator instead of having it just [unintelligible] various responsibilities. That doesn't mean that one person will do everything, but it's been really critical, and a successful program, such as Oakland.

CHIEF SCOTT: I think that the structure of the Department, where the Commanding Officer, the Captain of the Training Division is responsible for driving this through the Department. I know Oakland is somewhat smaller than us. I don't think it's a good idea for us to create this one coordinator thing. I think it should be systematic. It should be institutionalized. The training and all these things about collection and all that, we have a unit that does that. I'd rather keep it in a unit and not carve that out. Absolutely, we need ECD or ECW, somebody with the expertise. I think every department should have that, but to designate all these reports, go through one coordinator, I don't think is the right way to go on this. I think that should go through the same people that look at all these reports, because you've got to look at this in the context of everything else too. And I get it that Oakland has, you know, Mr. Leonesio and whoever his replacement was, but I think we're, number one, four times the size of Oakland. So, I think we need systems to where there's [a structure] there, and really provide an infrastructure to do what we need to do, and that should not be limited to one person, in my opinion.

COMMISSIONER HIRSCH: The plan is to have expertise in the Department, but if anybody has issues, there's an expert there that you folks can go to, and that we can go to, and the public can [inaudible].

CHIEF SCOTT: Yes. Just like we have Lieutenant Molina for CIT. I mean, there would be that go-to person, but it would need to come out of a unit that does that as a function. So, you develop the expertise. Like LAPD, we had a guy or several guys actually, but there were some people who were experts on this particular device. And I think Oakland, they have one guy, but larger departments, I think you need to go a little bit bigger than that.

COMMISSIONER TURMAN: Okay. Yes, Ms. Marion? Same issue?

SAMARA MARION: Same issue.

COMMISSIONER TURMAN: [Inaudible.]

CHIEF SCOTT: So, the commitment is to have the expertise.

SAMARA MARION: Which is great, and part of what we had included in the previous rounds, were all the different responsibilities of this coordinator that involves not just the development of the curriculum, but it's also the data analysis, and the data collection, and becoming, also being an expert. Rolling out to instances where the Taser was involved and perhaps it becomes an officer involved shooting. So, there would be the roles and responsibilities of that person, and it might be several people, it is explained and codified in one document to make sure that all of those things occur. And with CIT, and similarly with Language Access, those were a new policy that communities came together with the Department, and outlined what those roles and responsibilities were, and how to document that. It enabled accountability and a strategy as to the reporting and the like. And that's what we've done here, and to continue with a system of accountability, that's part of why we outlined all the different roles and responsibilities, so that it's not just this [unintelligible]. It's a mechanism where community members can look and see these are the data points that have been collected, this is the analysis, and then all the reporting requirements. There's one individual who's in charge of all those things, because it does link together the Academy, and Risk Management, and the deployment of the records. And so, it is, it's a new process, and it gives community members and the like, the roadmap to be able to see the transparency and the accountability. That's why it was several pages of aspects that we did borrow from Oakland. So, there was a roadmap that we used, because we knew in Oakland, there was a coordinator, and of course, here it would take more staffing, but to have a system of accountability.

CHIEF SCOTT: We don't disagree with that at all. We don't disagree.

SPEAKER: [Unintelligible.]

CHIEF SCOTT: I think what we're saying is the Commission will set the expectation of what information we need to provide, and the operation and the management of the Department. We're asking that we be allowed to do that, not through a policy but...that's an operational issue, in my opinion.

SAMARA MARION: [Unintelligible] DGO and the LAPD DGO to have clarity about what the roles and responsibilities were, has been enormously helpful, so that we can have forward progress and accountability. There are aspects of both those DGOs that we can...

COMMISSIONER TURMAN: Got it. Assistant Chief?

A.C. SAINZ: Commissioner, I think to the Chief's point, operational. The Department is going to take a multi-faceted approach across all bureaus.

COMMISSIONER TURMAN: Okay. Got it.

A.C. SAINZ: That will report to the [CED] Board.

COMMISSIONER TURMAN: Commander?

COMMANDER WALSH: I was just going to say just to juxtapose CIT and LAPD, those are singular subjects in the whole. When the ECD is deployed, you may have baton use, you may have pepper

spray use, you may have hands-on. So, the expert should not just be a CED expert. It should be the Academy that looks at this.

COMMISSIONER TURMAN: Okay. Is there compromise here or am I [unintelligible] this to the Commission?

SGT. POMATTO: I think everything that she's addressing is on page 18 of 5.01, Training Division Responsibilities, Risk Management Responsibilities, and Data Collection Analysis. You can treat it just like every other use of force in the Department.

COMMISSIONER TURMAN: Can you show her that and see if she agrees?

[Unintelligible conversation.]

COMMISSIONER MELARA: And the roles and responsibilities are the Department responsibilities. It is not our policy, it is what we want to get our policy to be [inaudible].

[Unintelligible conversation.]

COMMISSIONER TURMAN: Ms. Marion, do you agree with Sergeant Pomatto then?

SAMARA MARION: Well, I think I agree to disagree. I'm very familiar with [unintelligible] analysis, and most certainly, I worked on that as well and there was resistance to those components.

COMMISSIONER TURMAN: All right. On to the Commission. Next issue?

RANIA ADWAN: Is it that one number? It's eight [inaudible].

COMMISSIONER TURMAN: Go ahead.

CHIEF SCOTT: I was just going to say, if you go back to Q, I think we should add that AED thing, in view of [unintelligible] supervisors' responsibilities to take up consistency and redundancy. I know it is redundant, but if we're going to go there, I think a supervisor, it would be wise to have a supervisor just confirm that the AED has been requested as part of their responsibilities. Yeah, just, it'd be number six, the same language that [unintelligible].

COMMISSIONER TURMAN: We're going to add that to number six, under Q, what the Chief just said. Any issues with that?

RANIA ADWAN: To include the point about AED, so that the supervisor also confirms that the AED was called for.

COMMISSIONER TURMAN: Okay. All right. I'm not hearing any issues, so we'll add that to number six. Anything under R?

SAMARA MARION: Yes, I'd like to address that.

COMMISSIONER TURMAN: Okay.

SAMARA MARION: Right now, the way that it reads, it indicates that our agency would only be notified if there was a determination of unnecessary force. And I recognize that that is the language of 5.01. It doesn't address the concerns; however, our agency and our recommendation would be that we would be notified if there is the deployment of the Taser that results in serious bodily injury or death. And it should refer also to DGO 8.12, which is the in-custody death, which indicates that we would be [unintelligible], but the language as written, does not provide the kind of oversight.

Well, it's not just a supervisor's preliminary determination of unnecessary force, I think that it should be that our agency is notified when there is a Taser deployment that results in serious bodily injury or death.

SPEAKER: So, you just want to add [inaudible]?

SAMARA MARION: I would want a [strike], a determination of unnecessary force. That bar is very high. What that means is we'd only be notified if the supervisor determined unnecessary force.

SPEAKER: Well, actually, [unintelligible] in Risk Management. [TBA] will be notified within seven days. Every ECD deployment, no matter what.

SAMARA MARION: Right. And that's where I'm just talking about that we'd want immediate notification if there is serious bodily injury or death. That we would be part of an immediate notification. For the seven days, then deals with other categories of...

SPEAKER: Activation?

SAMARA MARION: Yeah, of activation. It would be great to have that [inaudible]. But our agency's position is if there's death or serious bodily injury, we should be notified.

SPEAKER: [Inaudible.]

SAMARA MARION: So, that's where I'm saying I would recommend to [write-in] the unnecessary force and add the serious bodily injury or death.

SPEAKER: This is an odd and narrow [provision] on the [unintelligible] use of force that results in injury.

COMMANDER WALSH: That's because it's taken directly from 2.04, where that guides our notifications.

SAMARA MARION: No, I understand where it came from.

A.C. SAINEZ: We're trying to be consistent again, with all the policies, when we give [inaudible] or not, conflicting with other [unintelligible] policies. The in-custody death, that was taken out, or that's what [inaudible] specific to in-custody death and the notification protocol, that's been taken out.

COMMISSIONER TURMAN: Is there a reason we cannot comply with what Ms. Marion is saying?

[Unintelligible conversation.]

COMMISSIONER MELARA: We notify DPA and [someone] when there is an officer involved shooting. That's it.

COMMISSIONER TURMAN: Okay. What does that have to do with this?

COMMISSIONER MELARA: It means that you're going against the charter.

COMMISSIONER TURMAN: How are we going against the charter? We're just adding another provision to notify them in other circumstances.

[Unintelligible conversation.]

COMMANDER WALSH: So, the original...Commissioner, the original discussion with DPA was that they would come out and immediately investigate, which was outside of the charter. So, there was one, they had to receive a complaint. So, notification is different, it was different. So, this came from the meeting we had with DPA to keep it consistent with what we had.

COMMISSIONER TURMAN: Right.

COMMANDER WALSH: The expansion was they would investigate, even without a complaint, that's the way it was relayed, which was outside.

COMMISSIONER TURMAN: Is she asking for an investigation now?

COMMANDER WALSH: I don't know.

COMMISSIONER TURMAN: Are you asking for an investigation now?

COMMANDER WALSH: Is it just a notification?

SAMARA MARION: Well, certainly, we're asking for notification. I think the issue of investigation, we have charter ability to conduct a use of force review of the Department.

COMMANDER WALSH: That's an audit, we talked about this already. It's not an investigation. You talked about responding to a scene after notification, even if there was no complaint. That we would potentially [poll] the scene if somebody was seriously injured. That is different than the audit function, which you get to do on use of force, I think, every two years.

SAMARA MARION: We're permitted, it's not, it's a minimum of two years. So, we're permitted to audit the Department's use of force.

COMMANDER WALSH: Right. But that's not what I'm saying is that's not an investigation. You will get the use of force data. I think the issue was the notification.

SPEAKER: [Inaudible.]

COMMANDER WALSH: Right. So, I'm asking, is this just for notification purposes?

SAMARA MARION: I think at a minimum, it's a notification of serious bodily injury and [inaudible].

A.C. SAINZ: But when you say a minimum, what type of maximum? There's a lot of...

COMMISSIONER TURMAN: Did you, [did we] go past the minimum?

A.C. SAINZ: Exactly.

COMMISSIONER TURMAN: Are you asking for notification?

SAMARA MARION: We're asking for notification.

CHIEF SCOTT: Immediate notification?

SAMARA MARION: Immediate notification.

COMMISSIONER TURMAN: And do you anticipate other circumstances where you're going to ask for something other than notification? And how would that process work? That's what they're trying to [inaudible].

SAMARA MARION: Sure. And that's, from our agency's procedure, given the authority that we have to conduct use of force reviews of the Department, that we would be able to come out to the scene on a death or serious bodily injury deployment of a Taser. But at a minimum, we're [unintelligible] notified.

COMMANDER WALSH: You get death, 812 covers death.

SAMARA MARION: Right.

[Unintelligible.]

SAMARA MARION: So, at a minimum I would want that to be included here, that we are notified, and that there is a reference to 812, and that's not included. And in fact, it's very narrow. That it's saying that only the Department has determined unnecessary force.

CHIEF SCOTT: [Unintelligible.] So, the purpose of the notification is what?

SAMARA MARION: That we're notified that there has been a death or serious bodily injury from a Taser deployment, so that as an independent agency, we are put on notice concerning that. That we're able to...I think the issue of can we then investigate? From Proposition G, from our agency's perspective, we would be permitted to investigate, because we're allowed to review the Department's

use of force, which would involve the Department [getting] involved in a situation that results in either serious bodily injury [inaudible].

A.C. SAINEZ: Proposition G specifically?

SAMARA MARION: And I do believe that it's part of our...

COMMANDER WALSH: We should take death out of it. We all agreed that if there's a death in-custody, you will get notified, just per 812. Even if that language isn't right here, we all...it's 812. So, we're talking about serious bodily injury. So, the issue that we've been revolving and we brought up in the meeting is, it still says you need a complaint. So, notification is different than notifying to investigate without a complaint, even with serious bodily injury. And I think that's what we originally all got hung up with, including with [Sarah Hawkins] was there.

CHIEF SCOTT: So, a notification within what time? I mean what are you asking?

SAMARA MARION: We would want immediate notification in the same way that we are, we get immediately notified of a death in-custody. And [A(12)], we are all on the list of immediate notifications.

CHIEF SCOTT: So, at two o'clock in the morning? Three o'clock in the morning?

SAMARA MARION: Yes.

A.C. SAINEZ: So, and we had this discussion, [Tamara]. So, the purpose of the notification is to determine whether there was potential misconduct or unnecessary force, so you'll also evaluate that. Our supervisors will respond out, they'd be getting an immediate supervisory evaluation, and if it's within policy, we would think that there's no need for an immediate investigation, where you may differ and say, "We're going to come out," even though there's no misconduct in the scenario that we posed. So, now we have to hold the scene, use our limited resources to hold a scene for an administrative investigation. Is it necessarily warranted based on...?

SAMARA MARION: We're not asking for any holding of the scene, absolutely not. If you have a scene and we're notified, we'll come out. We're not asking for something above and beyond what you're already doing.

A.C. SAINEZ: Or asking to be notified to conduct an immediate investigation without a complaint, which the charter requires.

SAMARA MARION: I think we disagree on what the charter states. In terms of the capacity that we have under Proposition G, does not [inaudible].

COMMISSIONER TURMAN: If you disagree on what the charter states, so fight it out at the Commission. Next.

[Unintelligible conversation.]

COMMISSIONER TURMAN: Risk Management Notifications, on the 11/22 version.

CHIEF SCOTT: I think this gets into Samara's last issue. I mean to [unintelligible] point. In seven business days, you'll be notified on all of them. So, it begs the question, is you're intending to respond to those scenes? I mean I think it's a fair [ask] too. I understand where this is going, because are we going to notify you on a baton strike that results in a serious injury? Are we going to notify you on other intermediate force that results in a serious injury? I mean, I think it's a fair ask to know where this is going, because S says we will notify you and everyone within seven business days.

SAMARA MARION: Right. And we discussed how. Originally, what we had asked for is not only that we be notified for serious bodily injury and death, but also, those circumstances such as, if the Taser is deployed longer than 15 seconds, if it's a high-risk population. And the compromise was that we wouldn't be notified about those cases, we wouldn't be notified when they happen, but within seven days, we would be provided that information so that we could be monitoring those kinds of situations. And ultimately, we're talking about an independent agency having an opportunity to monitor the way in which cases are being used, and that we get access to that information, and we'd see that's the role of our agency. So, serious bodily injury, that would be notified immediately, and for all these other cases, within seven days.

CHIEF SCOTT: I think that you already have that, and this is a carve out for us to take specifically for [unintelligible]. That you already will be notified on every notification and every [unintelligible]. So, I mean, it's like we're creating another protocol for the Tasers that go beyond anything else that we do, and that's the concern, is where is this going? If we're talking about accountability, [unintelligible]. We're creating something different here just for this.

COMMISSIONER TURMAN: Okay. It sounds like, I've already said this, [inaudible], so, let's move on.

[Unintelligible conversation.]

RANIA ADWAN: T?

COMMISSIONER TURMAN: Yeah, T. Off-Duty Considerations. [Unintelligible]?

CHIEF SCORR: No.

COMMISSIONER TURMAN: U. Section U. [Inaudible.]

JENNIFER FRIEDENBACH: November 2nd, under U, I'm returning to the second paragraph, "Any officer who has not carried the ECD," part of that sentence. I would like to put in there language that by [unintelligible] Department-approved instructor. I think we need to lay that out to make sure that the manufacturer is not doing the training, for [unintelligible] in terms of their interests, and covering their own liability.

COMMANDER WALSH: If you read 11/22, it says, "Department-approved."

JENNIFER FRIEDENBACH: It's Department-approved.

COMMANDER WALSH: Right, that's our instructor.

JENNIFER FRIEDENBACH: Right. But you can't, but you can approve AXON as a trainer. Right?

COMMANDER WALSH: AXON will tell you how to use the equipment, just like they do with the body equipment, the actual physical attributes. All the training to policy, all the training that's going to be done is done by the training academy staff. AXON doesn't come back for a single officer. They do have to train a group of people to say, "These are the parts. This is how it works, et cetera." There's no way of getting around a manufacturer telling you what this particular device does. The training of when and how to use that device and the follow-up, all comes from the police department, just like the body camera.

DAVID RIZK: So, are you objecting to saying, "Shall receive Department-approved training not from a vendor"? Or are you saying that's inescapable that the vendor is going to play a role? The vendor is going to play a role.

[Unintelligible conversation.]

DAVID RIZK: And can we clarify that the vendor, does the vendor play a role in tactics training or no?

COMMISSIONER TURMAN: He just said. We're not going to do it again. The Department does the tactics. The vendor talks about the mechanism. What do you want clarified there? Give me language.

DAVID RIZK: Could we verify that the Department will be solely responsible for the tactics training rather than the vendor? It's an independent issue. I think it gets into the public peace of mind that the process isn't being influenced by the vendor.

CHIEF SCOTT: So, if there is some Department that is doing groundbreaking work that we think would benefit our Department, we'd prohibit it from bringing that person in and helping us? Let's not throw out the baby with the bath water, is what I'm saying here. I mean, if we permit it, the vendor will do what's appropriate. They teach us about the device, we will do the training, but we don't want to be prohibited from exploring other avenues because there might be other avenues out there for this or anything else. That's all I'm saying.

COMMISSIONER TURMAN: And that's enough. Next issue.

JENNIFER FRIEDENBACH: So, we have that separate document about the review. I don't know if we're moving onto that?

COMMISSIONER TURMAN: Not tonight.

SPEAKER: [Inaudible.]

COMMISSIONER TURMAN: I'm not suggesting anything.

JENNIFER FRIEDENBACH: No, I'm asking, what do you suggest? That you make recommendations [unintelligible].

COMMISSIONER TURMAN: We'll get back to you.

JENNIFER FRIEDENBACH: Okay.

DAVID RIZK: Sir, are you going to be able to provide us [with your guidance] about whether this will be on the Commission agenda?

COMMISSIONER TURMAN: Not tonight. Anything else?

DAVID RIZK: Can we expect it? There's been a number of issues where SFPD was going to propose compromises.

COMMISSIONER TURMAN: Such as what?

DAVID RIZK: The 40-hour training issue. They were going to propose a draft hold.

COMMISSIONER TURMAN: Uh-huh?

DAVID RIZK: They were going to propose a threshold. Is there a process going forward?

COMMISSIONER TURMAN: Yes. They will propose it. They will propose it and then you can argue one way or the other. That's it. I'm passing the issue on to the Commission, you can pick it up there. Okay? [Unintelligible], let's move on. We haven't reached a conclusion, you can pick it up there, but I'm not addressing any issues on the compromise [inaudible] tonight. Anything else?

COMMISSIONER HIRSCH: I have a question on the Review Panel. What is that? [What is that going to be brought?]

COMMISSIONER TURMAN: Good question. I have no idea.

[Unintelligible conversation.]

COMMISSIONER HIRSCH: Well, I just wanted to know, is this coming to the [inaudible].

COMMISSIONER TURMAN: Absolutely.

CHIEF SCOTT: I can answer that in two seconds.

COMMISSIONER TURMAN: Go ahead.

CHIEF SCOTT: The idea is to have an actual review panel for a serious incident, because right now, we don't really have a formalized mechanism to address things other than [unintelligible] and officer involved shootings. But like this, although we have another DGO that does that, we want to eventually bring to the Commission a policy that addresses our ability to have review panels for

serious incidents. The [concept] is that if it's a serious injury, they will need review panels. I mean, that would be tough, but let's say somebody [unintelligible]. So, that's what we want to evolve to. We just want to put the language in there, put it on the map, if you will, while we develop that. And the CED or ECD language is a policy that already has a review panel just for this, but we want to eventually [change] that, so that's why we're doing this.

COMMISSIONER TURMAN: Okay. So, as I understand it, what we will do now, is we will put together, adding of the language to this policy also, in a different color. We'll put in the language that the Department is suggesting and that will be posted, it will also be passed out to the commissioners, so they can decide, to review these issues, and then it will be posted as to when you will [take this up] in commission. I don't have any idea if it's going to be December 6th. Anything else? All right. Thanks for joining us tonight.

I'm sorry, Public comment?

Thank you for joining us. Good night.

END OF DOCUMENT