

In attendance:

Police Commission President Julius Turman (Chair), Commissioner Sonia Melara, Chief of Police William Scott, A.C. Hector Sainez, Cmdr. Peter Walsh, Sgt. Lynn Reilly, Director Paul Henderson (DPA), Samara Marion (DPA), Jennifer Friedenbach (Coalition on Homeless), Erik Vanderpool, Sneh Rao (HRC), Julie Traun (BASF) and Yonatan Moskowitz (POA)

President Turman clarified that the version of the policy appendix used for the meeting was submitted by the SFPD on Tuesday, January 23, 2018. This draft includes stakeholder comments, edits and suggestions the Department accepted ahead of the working group meeting on 01/24/18.

First paragraph under “Policy” – J. Friedenbach (supported by S. Marion and E. Vanderpool) requested that every ECD deployment be reviewed.

Chief Scott noted that reviewing every ECD activation could be unmanageable, and asked that only those instances that result in serious bodily injury or death go before the ECD review board. He also noted that the concept of a Serious Injury Review Board is being worked on by the Department, eventually absorbing this ECD Review Board and will look more broadly at Use of Force injuries, along with other types of serious incidents.

S. Marion asked that “serious” be deleted and reviews include injuries more broadly, with a clearer definition of injury so as not to include things like mild abrasions or probe removal. President Turman asked the Department and the DPA to discuss this issue further and provide him with new language that satisfies all parties.

E. Vanderpool asked to discuss the public reporting portion - third paragraph under “Policy”. He asked that the paragraph be more specific about what will be included in the reports to the public and said the current paragraph is too vague.

Regarding the composition of the ECD Review Board, E. Vanderpool spoke about ensuring that the ECD subject matter expert be non-biased and asked if there is to be a Department ECD SME there should also be an outside ECD SME. President Turman decided that the voting members of the ECD Review Board will identify one ECD SME.

S. Marion and J. Friedenbach wanted to discuss the composition of the ECD Review Board, section III Procedures. Both feel the board is too heavily weighted with law enforcement. The discussion included adding members of the public to the ECD, which Chief Scott had committed to in the past. S. Marion, J. Friedenbach mentioned having three or four members of the public included on the review board, with at least two Commissioners and one member of the public. The Chief stated he is working with the City Attorney’s Office to be able to include a member of the public and discussed the need for a process to ensure confidentiality and Police Officer Bill of Rights. Regarding adding a second member of the Commission to sit on the ECD Review Board, President Turman identified this as an issue for the full Commission decide.

S. Marion would like to expand the data described in Section 1 under B; Duties of the ECD Review Board. She believes the data collected and analyzed is broader than outlined in DGO 5.01. The Department agreed to reference the data points to be collected and analyzed in the ECD policy (DGO 5.02, Section P).

Additionally under point 3, section B (Analysis of ECD Activation), S. Marion would like the information reorganized so the bullet points fall under at least one of the following:

- Use of Force
- Supervision

- Equipment
- Timely and comprehensive investigation
- Lessons learned

The Department agreed to review and consider. President Turman asked the Department to work with the DPA to re-format this section and include possible additional items.

Point 6 under section B (page 3) related to the report that goes to the Commission; the working group discussed what this should look like. S. Marion asks that it be modelled after the LAPD report that is made public (inclusive of summaries, findings and recommendations). No consensus was reached and this item will go before the full Commission for discussion before a final decision is made.

E. Vanderpool discussed Section III.B.2. and asked if the point is to ensure the Department is conducting a comprehensive analysis of ECD uses, why is it not allowed to consider the underlying intent of the officer, and why the ECD Review Board cannot review the incident with 20/20 hindsight. President Turman determined that the language in this section is acceptable as written.

E. Vanderpool discussed Section III.B.4 and questioned why the ECD Review Board has to wait until an investigation has been completed before the case comes to the Board. The Department explained that information from an open case cannot be disclosed. President Turman determined that the language in this section is acceptable as written.

E. Vanderpool thanked the Department for including language that the Chief of Police can “concur, reject or modify” the findings of the ECD Review Board.

S. Marion thanked the Department for adding the duties of the ECD Review Board Chair.

Section IV – the group agreed that clarity is needed in this paragraph, and the Department agreed to add “Serious Incident” review board. Also, any new language regarding the types of cases to be reviewed will be included in the paragraph.

The working group also discussed the in-custody deaths attributed to ECD usage. The Department pointed out that there is a separate policy that covers in-custody deaths. S. Marion and J. Friedenbach believe that in the absence of revising the In-Custody Death policy to include ECDs, the ECD Review Board protocol should incorporate explicit language that states in-custody deaths from ECDs will be reviewed by the ECD Review Board. President Turman asked the DPA and the Department to work together to prepare language related to the in-custody discussion and present to him for review by Friday.

Public Comment:

Barbara Atard spoke about the importance of having a Review Board so the public has confidence that ECD are being used correctly by officers. She appreciates the work that is being done to ensure police accountability.

Following Public Comment the meeting adjourned.