

The purpose of this document is to provide Police Commissioners with high level talking points of those issues raised at the working group meetings where no consensus was made.

The views provided below were noted from comments made at the working group meetings, or provided to the Commission office in writing.

Each item corresponds with that part of the policy, section and page references are provided.

Item #1 – Reviewing ECD activations that occur during an Officer-Involved Shooting would follow DGO 8.11 (Investigation of Officer Involved Shooting): (Policy section, third paragraph, pg. 1)

Views provided by the DPA/COH:

- Requests additional language to the last sentence of the first paragraph to read; “and will include an analysis of the effective [ECD] activation” given that the board in DGO 8.11 reviews “cases in which a member discharges a firearm,” and an ECD is not a firearm
- Both agencies recommend explicitly stating that the review will include analysis and recommendations on an ECD activation that takes place during an officer-involved shooting

Views provided by the SFPD:

- Believes additional language is redundant because all aspects of an officer involved shooting are reviewed pursuant to DGO 8.11/DGO 3.10 (Firearm Discharge Review Board)
- Language in DGO 3.10 states that the board will “discuss the circumstances surrounding the shooting event and the response of the officer(s).” The review includes analysis of whether “the actions of the officer in response to the circumstances leading to the discharge of his/her firearm were appropriate and consistent with department policy.” This would include the analysis of any force used (including an ECD) and actions that preceded the OIS.
- Additionally, the ECD Appendix should not direct what evaluation takes place in other Department General Orders.

Item #2 – Composition of the ECD Review Board: (Section III. A.1. pg. 2) As drafted, the ECD board would include one member of the Police Commission.

DPA/COH

- Given the constraints for community inclusion both agencies call for a second Commissioner to be included to compensate for civilian oversight (two in total)
- Concern that the ECD Review Board is too heavily weighted with law enforcement officials

SFPD:

- Chief continues to work with the City Attorney’s Office to develop a process to allow a member of the public to take part in the ECD Review Board.
- If the suggestion of a second Police Commissioner is in lieu of a member of the public sitting on the ECD Review Board, the SFPD opposes that recommendation.

Item #3 – Expanding Review Boards written analysis: (Section III. B. 3, pg. 3)

DPA:

- Requests a fifth point after “Whether the use of force investigation was complete” to read; “e) written analysis to include recommendations regarding policies, training, equipment, tactics, and supervision.”

SFPD:

- Believes additional point would be redundant as the requirement of written analysis of equipment, tactics and supervision is already included in numbers one, two and three of this section
- Additionally, the purpose of the ECD Review Board is to continually review training, policies and procedures, as stated in paragraph four of the Policy section

Item #4 –Paragraph related to SF Administrative Code 96A: (deleted section under “Duties of the ECD Review Board,” pg. 4)

DPA:

- Requests reinstating this paragraph and expanding the summaries in the 96A Report to be more detailed, similar to the SF Sheriff’s Department 96A report and the LAPD Commission’s report on Categorical Uses of Force

SFPD:

- This ECD Appendix deals with the ECD Review Board, and not all uses of force, which is what SF Admin Code 96A covers. ECD uses, once implemented, will be included in the SFPD’s 96A report.
- The SFPD believes the ECD Review Board Appendix is not the appropriate document to define the format and content of the 96A report.
- Changing the format of the SFPD’s 96A Report should be a separate discussion
- The Department is working with the Board of Supervisor’s Office to determine any impact on the format of the 96A Report based on Assembly Bill 953, which goes in effect on July 1, 2018
- The provision in the deleted paragraph requiring the ECD Review Board’s report be presented to the Police Commission on a quarterly basis is redundant, as that requirement is already stated in paragraph #5 on Duties of ECD Review Board
- The Department has included the DPA’s suggestion that the ECD Review Board report include the summaries of each ECD incident in paragraph #5 under ‘Duties of ECD Review Board’