



MARK FARRELL
MAYOR

CITY AND COUNTY OF SAN FRANCISCO
POLICE DEPARTMENT
HEADQUARTERS
1245 3RD Street
San Francisco, California 94158



WILLIAM SCOTT
CHIEF OF POLICE

February 27, 2018

Mr. John Arntz
Director of Elections
Department of Elections
City and County of San Francisco
1 Carlton B. Goodlett Place
City Hall, Room 48
San Francisco, CA 94102

Re: Department Analysis; “Use of Tasers by San Francisco Police Officers”

Dear Director Arntz:

Thank you for the opportunity to review the “Use of Tasers by San Francisco Police Officers” measure (“measure”) that may qualify for the June 5, 2018 election. As requested, what follows is the San Francisco Police Department’s (“Department”) analysis of the measure’s impact on this agency.

1. The Measure’s General Provisions

The measure would permit the Department to allow the use of conducted energy devices (“CED”)¹ for its uniformed personnel. The measure would permit the Department to purchase a CED for each uniformed police officer. The Department would submit a budget request to the City to cover the cost of the CED program. The measure would require the Department to implement the CED program by December 31, 2018.

The use of CEDs would be subject to several conditions. First, only police officers who have completed the Department’s use of force and de-escalation trainings would be permitted to carry a CED. The Department would have the authority to require additional training for officers carrying CEDs.

Second, officers would be permitted to use only those CEDs issued and authorized by the Department and may only carry CEDs in Department-approved holsters. The measure mandates that CED holsters be worn on the officer’s non-dominant side—opposite where the officer carries his or her firearm. This requirement is to reduce the likelihood of a weapons-confusion incident.

¹ CEDs are colloquially known as “Tasers.” The Department avoids usage of this term as it is a brand name.

Third, the Department would be required to equip every Department vehicle in any district where CEDs are deployed with automated external defibrillators.

Fourth, the measure requires the Department to investigate and document every instance where an officer deploys a CED.

Fifth, the measure allows the Police Commission and the Department to promulgate policies and procedures in order to implement the provisions of this initiative ordinance. Any policy or procedure adopted by the Police Commission or by the Police Department regarding CEDs must be consistent with this initiative ordinance.

Additionally, the initiative ordinance may be amended only by a majority of the voters of the City and County of San Francisco, or by an ordinance adopted by a four-fifths vote of the Board of Supervisors to further the purposes of this ordinance.

2. Analysis of Measure's Impact on this agency

The Department remains steadfast in working with the Police Commission and community stakeholders to implement the usage of CEDs by Department members. As a result, in November 2017, the Police Commission approved the use of CEDs for the Department. The Police Commission's approval mandated implementation of CEDs by December 2018 but did not include a CED policy. The CED policy development is in progress with input from members of the Department and with input and review from external stakeholders. With that said, the Department has concerns with the impact that this measure would have if enacted.

One of the most salient impacts of the measure is, that if enacted, it can only be changed or rescinded by a majority of the voters of the City and County of San Francisco, or by an ordinance adopted by a four-fifths vote of the Board of Supervisors. This is problematic as the Police Commission, which provides civilian oversight over the Department, sets policy for the Department and this measure would prohibit the Police Commission or the Department from adopting general order or policies regarding CEDs that are inconsistent with this initiative ordinance. In essence, the measure would prevent the timely adjustment of CED policies that are inconsistent with the provisions of this measure even if emerging or best policing practices or other legitimate factors calls for such changes to occur immediately.

Furthermore, the United States Department of Justice ("US DOJ" Community Policing Services ("COPS")) recommends that the Department create an easy and transparent process for reviewing, approving, and creating new policies and procedures that support policing operations. The US DOJ COPS recommendations are based on a comprehensive assessment of the Department, which found among other issues that "the process to update Department General Orders ("policies and procedures") is overly protracted and does not allow the SFPD to respond in a timely manner to emerging policing issues" and as a result many of the Department policies and procedures "are from the mid-1990's and do not fully reflect current policing practices". As a remedy US DOJ COPS Office recommended that the Department: "work with the Police Commission to develop a nimble process for reviewing and approving existing and new

Department General Orders that supports policing operations with codified, transparent policies”, “commit to updating all Department General Orders in alignment with current laws and statutes, community expectations, and national best practices every three years”, and “work with the Police Commission to create a process to make timely and necessary updates to key policies”.

This measure is the antithesis of the spirit of many of the US DOJ COPS Office recommendations as it would not promote a nimble process allowing modifications or changes to CED related policies if the changes are inconsistent with the measure. Moreover, it is not a national best practice to promulgate policing operational policies relating to equipment usage and regulation by voter majority or a four-fifths vote of a legislative entity such as the Board of Supervisors. This responsibility to set and make policy adjustments and the responsibility to manage the operations of the Department should rest with the Police Commission and the Chief of Police respectively.

To be clear, the Department is supportive of CEDs and would like to continue to work with the Police Commission and the external stakeholders in developing a thoughtful and sound CED policy that meets the needs of San Franciscans and local law enforcement. It is important to emphasize that the US DOJ COPS Office recommends that the San Francisco Police Commission “strongly consider deploying” CEDs. The Police Commission has not only seriously considered CEDs but by approving the use of CEDs it has taken affirmative action toward implementing this reform recommendation. The process that the Department is currently undergoing to draft a CED policy for Police Commission approval consist of input from Department members as well as input and review by external community stakeholders. This policy development process is in furtherance and in the spirit of US DOJ COPS reform recommendations. Even if this measure does not pass, the Police Commission’s CED policy development, which is more comprehensive than this initiative measure, will continue.

Sincerely,



WILLIAM SCOTT

Chief of Police