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SFPD Commission Releases DOJ's Office of Community Oriented Policing Services Preliminary Feedback on Use of Force Policy Reforms

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In February of this year, San Francisco Police Commission President Suzy Loftus requested that the United States Department of Justice Office of Community Oriented Policing Office conduct an initial review of the Commission's existing revisions to SFPD's use of force policies. The draft policies, along with the significant community and stakeholder feedback, was sent to the DOJ in March for their review. Community meetings were held in January in the Tenderloin, Western Addition and Bayview to get community feedback on the existing Use of Force policies. In February and March, a stakeholder group, including advocacy, legal, police, and community groups, was convened by the Police Commission to give feedback on the proposed revisions. On May 6th, 2016, the United States Department of Justice, Office of Community Oriented Policing Services provided preliminary feedback on those revised policies.

“I am appreciative that DOJ was willing to give us preliminary feedback on these policy reforms while their larger effort to evaluate and prepare final recommendations continues” said Police Commission President, Suzy Loftus. “The Police Commission is committed to fundamentally re-engineering the use of force in San Francisco and DOJ has proven to be a trusted partner in this effort. I am taking their preliminary comments and items for consideration to the full Commission this week on Wednesday, May 11th. I look forward to continuing our collaborative work to ensure that San Francisco has a 21st Century Police Department.”

The DOJ issued a memo commending the Commission and SFPD for “developing, reviewing and finalizing the use of force policies with community and stakeholder input. This process not only allows the community to have a voice, but also provides a stronger, more comprehensive policy. Furthermore, the process provides accountability and transparency regarding policy development.”

The DOJ suggested that the policy include a table to define terms and suggested that descriptions of levels of force and authorized weapons be spelled out. They also had subject matter experts from across the country provide comments directly into the policies for consideration by the Commission.

In addition, they advised the Commission to consider a number of Action Items from President Obama’s 21st Century Policing Task Force, including:

- Task Force Action Item 1.5.4, that, “use of physical control equipment and techniques against vulnerable populations – including children, elderly persons, pregnant people, people with physical disabilities, limited English proficiency, and others – can undermine public trust and should be used as a last resort.”
- Task Force Action Items 2.21, to “...emphasize de-escalation and alternatives to arrest or summons in situations where appropriate.”
- Task Force Action Item 2.2.2, to “mandate external and independent criminal investigations in cases of police use of force resulting in death, officer-involved shootings resulting in injury or death, or in-custody deaths.”
- Task Force Action Item 2.2.4, to “collect, maintain, and report data to the Federal Government on all officer-involved shootings, whether fatal or nonfatal, as well as any in-custody deaths.”
- Task Force Action Item 2.2.5, to “clearly state what types of information will be released, when, and in what situation, to maintain transparency.”

- Task Force Action Item 2.2.6, to “establish a Serious Incident Review Board comprising sworn staff and community members to review cases involving officer involved shootings and other serious incidents that have the potential to damage community trust or confidence in the agency...”

With regard to Conductive Energy Devices, the DOJ referenced the Task Force report that states that “studies of CEDs have shown them to be effective at reducing both officer and civilian injuries but new technologies should be subject to the appropriate use of force continuum restrictions.” The DOJ did not make a recommendation on whether or not San Francisco should adopt CEDs, but offered resources to consider if the Commission does choose to adopt them as a force option.

President Loftus has appointed Commissioner Petra DeJesus and Commissioner Thomas Mazzucco to join her on the Police Commission’s Sub-Committee on Use of Force. This sub-committee is tasked with reviewing the comments and incorporating DOJ’s recommendations into the policies. The Commission will discuss the Policy comments and Action Items on Wednesday, May 11th, 2016. Following this discussion, two public meetings will be held on the Use of Force policy revisions – on June 8th, 2016 and June 15th. The Commission will announce the locations of both meetings once the locations have been determined. The policies will then come before the full Police Commission for a vote.

The DOJ memorandum along with the subject matter experts’ comments on the policies can be found at: [Police Commission DOJ Recommendations - Use of Force Policies](#)

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