

**FW: Recommendation 16.2**

[REDACTED]

Thu 8/22/2019 5:51 AM

[REDACTED]

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** Gabriel Martinez [REDACTED]  
**Sent:** Wednesday, August 21, 2019 7:14 PM  
**To:** [REDACTED] McGuire, Catherine (POL [REDACTED]) Scott, William [REDACTED]  
 [REDACTED] Dorantes, Jennifer (POL [REDACTED])  
 [REDACTED]  
 [REDACTED]  
**Subject:** Recommendation 16.2

Dear Lt. Dorantes,

Our office has completed its review of the materials related to Recommendation 16.2 that have been submitted to us as part of the collaborative reform process. This package focused on San Francisco reviewing data and evidence while considering deploying electronic control weapons. After reviewing the package and information provided by the Department, the California Department of Justice finds as follows:

Recommendation 16.2.: The City and County of San Francisco should strongly consider deploying ECWs.

Response to 16.2: At the time recommendation 16.2 was issued, San Francisco Police Department (SFPD) officers were not authorized to use electronic control weapons (ECWs). In 2017, SFPD began facilitating a stakeholder working group regarding ECWs. SFPD and the stakeholder group reviewed fourteen ECW studies, including studies by Amnesty International, the U.S. Department of Justice, and Stanford University, as well as numerous articles, reports, and other documents. These studies and documents were submitted to the Police Commission for public posting. Additionally, SFPD initiated

an internal working group researching best practices nationwide and looking at U.S. DOJ recommendations regarding ECW policy. SFPD reviewed the ECW policies from twelve other police departments to inform its decision and policy. On March 14, 2018, SFPD published Department General Order (DGO) 5.02, "Use of Electronic Control Weapon," authorizing certain officers to use ECWs in limited circumstances.

Based upon all of the above, the Department of Justice finds that SFPD is in **substantial compliance** with this recommendation.

Please let us know if you have any questions or would like to discuss these further. Thank you.

**CONFIDENTIALITY NOTICE:** This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

Hillard Heintze File Review Recommendation # 16.2

<b>Finding # 16</b>	Currently, SFPD officers are not authorized to carry electronic control weapons (ECW, i.e., Tasers).
<b>Recommendation # 16.2</b>	The City and County of San Francisco should strongly consider deploying ECWs.

<b>Recommendation Status</b>	<b>Complete</b>	<b>Partially Complete</b>	<b>In Progress</b>
	<b>Not Started</b>	<b>No Assessment</b>	

**Summary**

Compliance Measure 1 is met.

The Police Commission of the City and County of San Francisco considered testimony and evidence of scientific experts, academic researchers, community members, and law enforcement personnel in considering whether to authorize use of electronic control weapons by officers of the San Francisco Police Department. The documents submitted in response to this recommendation are sufficient to designate this recommendation as complete. The HH team in phase three will monitor the department's final implementation, governance, and use of electronic control weapons.

<b>Compliance Measure</b>	<b>Status/Measure Met</b>
1 Evidence of review of data and evidence regarding ECWs.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

**Administrative Issues**

**Compliance Issues**



## Collaborative Reform Completion Memorandum

### Finding # 16 :

**Currently, SFPD officers are not authorized to carry electronic control weapons (ECW, i.e., Tasers).**

These tools are less-lethal weapons that are meant to help control persons who are acting aggressively.<sup>46</sup> Many police agencies use these tools and report that they have helped reduce injury to officers and community members and lead to fewer officer-involved shootings. Promising practices suggest that the use of ECWs can result in less use of force.

### Recommendation # 16.2

The City and County of San Francisco should strongly consider deploying ECWs.

**Response Date: 05/02/2019**

### Executive Summary:

Commander Walsh of the Chief of Staff Office initiated an ECW internal working group. This group, in conjunction with the Police Commission Office facilitated a Stakeholder working group. Police Commissioner Sonia Malera convened this Stakeholder group and led this group for this recommendation.

The Stakeholder group met numerous times to analyze, review numerous documents and voluminous amounts of material. This material consisted of many research studies and opinion articles written about ECWs. It was all sent to the Police Commission for posting on the website in order that all parties could have access to the materials.

The Stakeholder group consisted of the following **members:**

SF BAR Bar Association of SF	<a href="https://www.sfbar.org/">https://www.sfbar.org/</a>
COH Coalition on Homelessness	<a href="http://www.cohsf.org/">http://www.cohsf.org/</a>
CPAB Captain Police Advisory Board Community members	<a href="https://www.hanc-sf.org/16-home/-sp-234/379-community-police-advisory-board-cpab">https://www.hanc-sf.org/16-home/-sp-234/379-community-police-advisory-board-cpab</a>
ACLU American Civil Liberties Union	<a href="https://action.aclu.org/">https://action.aclu.org/</a>
Morgan Lewis/ Blue Ribbon Panel	<a href="https://www.morganlewis.com/news/morgan-lewis-team-served-on-panel-investigating-san-francisco-police-bias">https://www.morganlewis.com/news/morgan-lewis-team-served-on-panel-investigating-san-francisco-police-bias</a>
DPH Department of Public Health	<a href="https://www.sfdph.org/dph/default.asp">https://www.sfdph.org/dph/default.asp</a>
DPA Department of Police Accountability	<a href="https://sfgov.org/dpa/">https://sfgov.org/dpa/</a>
SFPD San Francisco Police Department	<a href="https://www.sanfranciscopolice.org/">https://www.sanfranciscopolice.org/</a>
SFPD Police Officer Association	<a href="https://sfpoa.org/">https://sfpoa.org/</a>
Mayor's Office	<a href="https://sfmayor.org/">https://sfmayor.org/</a>
SFPD/ Officers for Justice	<a href="http://officersforjustice.org/about-us.html">http://officersforjustice.org/about-us.html</a>
SFPD / Latin Police Officer Association	
SFPD / Asian Peace Officers Association	<a href="http://www.sfapoa.org/">http://www.sfapoa.org/</a>
SFPD / Pride Alliance	Facebook.com\sfpoprider



## Collaborative Reform Completion Memorandum

Police Commissioners	<a href="https://sfgov.org/policecommission/">https://sfgov.org/policecommission/</a>
SF HRC Human Rights Commission	<a href="https://sf-hrc.org/">https://sf-hrc.org/</a>
Eric Vanderpool	
Mental Health Association of SF	

### Reference

<https://sfgov.org/policecommission/electronic-controlled-weapons>

Police Commission ECW **Stakeholder** comments regarding ECW:

### See attachment #1

- [Minutes from 042117 CED stakeholder meeting](#)
- [Minutes from 050517 CED stakeholder meeting](#)
- [Minutes from 052217 CED stakeholder meeting](#)
- [Minutes from 060117 CED stakeholder meeting](#)
- [Minutes from 061317 CED stakeholder meeting](#)
- [Minutes from 071717 CED stakeholder meeting](#)
- [Minutes from 100217 CED stakeholder meeting](#)
- [Minutes from 112817 ECD stakeholder meeting](#)
- [Minutes from 012418 ECD stakeholder meeting](#)

### Reference

<https://sfgov.org/policecommission/electronic-controlled-weapons>

### **Compliance Measures:**

#### **1) Compliance Measure 1**

Evidence of review of data and evidence regarding ECWs.

The Department internal working group, the Police Commission Office, Police Commissioners Malera and Hing, worked with the Human Rights Commission to participate in various "Community Input Sessions", in addition to attending the Stakeholder working group meetings.

- San Francisco City College
- Bill Graham Civic Auditorium
- Alive and Free Leadership Studies Group

Command Staff members participated in the as well as sworn members who have had prior experience at outside agencies with the use or training of ECWs.

Executive Director Doctor Joseph Marshall Jr., as well as Leadership Academy Director Ms. Deborah Estell facilitated the on-site meeting within the classroom setting which consisted of youth from ages of 14-24. The group was assisted by members of the Human Rights Commission with group think and open discussion activities.



## Collaborative Reform Completion Memorandum

See Screen shot - documents posted on the San Francisco Police Commission Website

### Electronic Controlled Weapon Studies

- Amnesty International Study
- Bozeman Safety Injury Profile Report
- Braidwood Commission on Conducted Energy Weapon Use
- Braidwood Study Summary
- CEW Use in Law Enforcement
- NIJ study article
- NIJ Taser Report
- PERF Taser Injury Outcomes
- US DOJ NIJ Findings from Expert Panel on Safety of Taser
- Wake Forest Baptist Medical Study article
- 2015 Stanford Study
- State of Connecticut ECW Analysis & Findings, June 2016
- U.S. Department of Justice, Office of Justice Projects – National Criminal Justice Research Service(NCJRS) Report “Study of Death Following Electro Muscular Disruption” (2011)
- Report of the Maryland Attorney General's Task Force on Electronic Weapons

### Other Documents Submitted to the Working Group

- 2016 Bar Association of San Francisco Report
- May 5, 2017 Review of Evidence report
- May 2017 articles about CEDs and deaths
- May 18, 2017 review of CED process in SFPD from 2010
- May 18, 2017 list of suggested articles and reports
- May 25, 2017 SFPD's CED comparison table
- May 26, 2017 DPA's list of suggested materials
- June 1, 2017 Dr. Tseng's PowerPoint presentation to CED working group
- June 7, 2017 SFPD CED comparison table
- LAPD Use of Force 2016 yearend review
- The Intercept article: A shot to the Heart
- Baltimore Sun article: Shocking Force
- LA Times article on effectiveness of Tasers
- May 2017 Product Warnings
- Response to articles submitted by BASF
- June 12 email from Richmond PD Sgt. Joseph Vigil answering stakeholder questions
- Blue Ribbon Panel\_Letter of June 21 2017
- Dr. Tseng's 062117 presentation to the Commission
- John Burton's 062117 presentation to the Commission
- Matt Master's 062117 presentation to the Commission
- July 3, 2017 email from Richmond PD Sgt. Joesph Vigil answering stakeholder questions
- July 5, 2017 Mike Brave's responses to Commission's follow-up questions
- August 8, 2017 Mike Brave's response to Commissions' follow-up questions
- August 21, 2017 SFPD CED comparison table
- "Serious Injuries From Tasers are Extremely Rare"



## Collaborative Reform Completion Memorandum

Taser® Conducted Energy Weapons: Physiology, Pathology and Law (Article by James E. Brewer and Mark W. Kroll, M.D.)

"A Profile of Injuries Sustained by Law Enforcement Officers: A Critical Review"

Taser dart-to-heart distance that causes ventricular fibrillation in pigs (Read final sentence in Abstract)

"Can TASER Electronic Control Devices Cause Cardiac Arrest?"

Journal of Emergency Medical Services – Article 'Excited Delirium Strikes Without Warning'

Report of the American Medical Association Council on Science and Public Health on Use of Tasers ® by Law Enforcement Agencies

American College of Emergency Physicians – Periodical, Annals of Emergency Medicine – Article "Physiological Effects of Conducted Electrical Weapons on Humans"

Excited Delirium Syndrome: Causes, Symptoms, Treatment (on the website is a linked YouTube video discussing ED which is very interesting – <https://youtu.be/k8eyWHf1y50>)

Great generalized PowerPoint presentation out of Montgomery County in Maryland, discussing Excited Delirium response by EMS and Law Enforcement members. As mentioned in my document, whenever possible, officers should pre-stage and approach a subject suffering from ED together. However, that isn't always possible, so to the extent it isn't officers should have the authority to seize the person for subsequent on-sight evaluation by en-route medical personnel.

White Paper Report on Excited Delirium Syndrome (ACEP Excited Delirium Task Force)

Blue Line (Canadian National Law Enforcement Magazine) March, 2012 issue "Excited Delirium Syndrome: New Study on ExDS Shows Police Can Train For This"

American College of Emergency Physicians - Report "Cardiovascular Risk and the TASER: A Review of the Recent Literature"

"The Impact of TASERS on Police Use-of-Force Decisions: Findings from a Randomized Field-Training Experiment (Abstract)

Special Report: As Taser warns of more risks, cities bear a burden in court

Special Report: A 911 plea for help, a Taser shot and the toll of stun guns

Breathe, Ronald, Breathe: The court case curbing Taser use

Special Report: How Taser inserts itself into investigations involving its weapons

U.S. police, cities have faced at least 435 wrongful death suits involving Tasers

Taser by the numbers: An overview of lawsuits involving Tasers and key company data

How Reuters tracked fatalities and Taser incidents

Taser forges network of scientists, ties with police to defend stun gun

Taser's defense tactics include lawsuits against coroners and experts

Across the U.S., high-profile deaths lead to stun-gun case settlements

2017 Bar Association of San Francisco Report

2017 Coalition on Homelessness letter regarding CEDs

Officer Oerlemans' responses to stakeholder questions

Follow-up questions from stakeholders to Mike Leonesio

Mike Leonesio's responses to CED Stakeholder questions October 16, 2017

Mike Leonesio's responses to Mr. Brave's responses to stakeholder questions

SFPD Responses to Leonesio's Answers to Stakeholder Follow-up Questions

SFPD Responses HRC report

### Reference

<https://sfgov.org/policecommission/electronic-controlled-weapons>



## **Collaborative Reform Completion Memorandum**

### **See attachment #1**

- SFPD Responses to Mr. Leonesio

### **See attachment #2**

- SFPD Responses to Community Forums

### **Reference**

<https://sfgov.org/policecommission/electronic-controlled-weapons>

### **See attachment #3**

Additional Documentation:

- Collaborative Reform Initiative Status Report  
Recommendation 16.2