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DEPARTMENT OF ELECTIONS
SAM HILLER

THE SAFER POLICING INITIATIVE

Be it ordained by the People of the City and County of San Francisco:

SECTION 1: Ordinance

The Administrative Code is hereby amended by adding Sections 2A.84-1 through 2A.84-5, to read as follows:

SEC. 2A.84-1. TITLE.

Sections 2A.84-1 through 2A.84-5 shall be known as the “The Safer Policing Ordinance.”

SEC. 2A.84-2. FINDINGS.

The People of the City and County of San Francisco declare as follows:

- 1. The San Francisco Police Department’s highest priorities should be to safeguard the life, dignity and liberty of all persons, and protect our community through safe policing. To accomplish that goal, police officers must have less-lethal force options available to them to control potentially dangerous confrontations without resulting in possible serious injury or death or using more serious use-of-force options, such as firearms.*
- 2. Conductive Energy Devices (CEDs), commonly known as tasers, have been found to save lives and prevent injuries. CEDs provide a less-lethal force alternative to resolve encounters with subjects who are actively resisting, assaultive, or exhibiting action likely to result in serious bodily injury or death of another person, themselves or a police officer.*
- 3. In 2016, the Department of Justice under President Barack Obama conducted a thorough review of the San Francisco Police Department’s use of force after several officer-involved shootings. One of the Justice Department’s recommendations for reform was that the City should “strongly consider deploying” CEDs. The Justice Department stated that “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.”*
- 4. A separate Department of Justice study under President Obama found that the use of CEDs corresponds to a decrease of approximately 60 percent in the number of suspect injuries, and a similarly significant reduction in injuries to police officers.*
- 5. An additional Department of Justice study of medical experts concluded that short term exposure to CEDs is safe in the vast majority of cases, and there is no conclusive medical evidence that indicates heightened risk of serious injury or death to the average person from the direct or indirect cardiovascular or metabolic effects of short term exposure to CEDs.*
- 6. Despite the Justice Department’s recommendation and these extensive studies, and despite many years of hearings, debate and draft policies, the San Francisco Police still are not*

authorized to carry CEDs. On May 5, 2017, the Police Commission CED Working Group had before it a comprehensive and reasonable CED Policy that ensured CEDs would be deployed subject to limits on their use and subject to comprehensive training, supervision, and reporting requirements. That CED Policy should have been approved and should have formed the basis for CED deployment by the Police. The Police Commission in November 2017 approved the use of CEDs generally but delayed approving any specific CED policy and delayed implementation of their use until December 2018 at the earliest, and there is no guarantee that implementation will begin even then. For the benefit of our community and our neighborhood police, that simply is too long a wait and too uncertain an outcome.

SEC. 2A.84-3. PURPOSES AND INTENT.

In enacting this Ordinance, it is the purpose and intent of the people of the City and County of San Francisco to:

- 1. Provide San Francisco police officers with less-lethal use-of-force options to bring potentially dangerous confrontations to a safe conclusion, while minimizing the use of additional force and the risk of serious injury or death. CEDs provide a less-lethal force option that can save lives and prevent injuries.*
- 2. Authorize the San Francisco Police Department to purchase and deploy CEDs, subject to robust training, strong supervision, reporting and accountability to ensure CEDs are used in the safest manner possible and only when lower levels of force are either ineffective or impractical.*
- 3. Require the City and County of San Francisco to take all necessary means to ensure that CEDs are deployed in a timely manner consistent with this measure and without cut-backs in other vital police functions and equipment, to allow full implementation of the CED program by December 31, 2018.*

SEC. 2A.84-4. AUTHORIZATION OF CONDUCTIVE ENERGY DEVICES.

(a) It shall be the policy of the City and County of San Francisco ("City") to allow the San Francisco Police Department to deploy Conductive Energy Devices (CEDs), to save lives and prevent injuries. It shall be the policy of the City to equip police officers with CEDs for the purpose of resolving encounters with subjects who are actively resisting, assaultive, or exhibiting any action likely to result in serious bodily injury or death of another person, themselves or a police officer.

(b) The Police Department is hereby authorized to purchase a sufficient number of CEDs to provide each uniformed police officer with a CED. The Police Department shall be and hereby is authorized to use CEDs, subject to the following conditions:

- (1) Training and Certification. Only police officers who have successfully completed the Department's Use of Force Training and Threat Assessment: Field Tactics and De-escalation Training are authorized to carry CEDs. Officers may be required to complete subsequently-*

adopted, Department-approved CED training. Officers shall be required to undergo such annual retraining and recertification as may be adopted by the Department.

(2) Issuance and Carrying CEDs. Only Department-issued CEDs and cartridges are authorized for use in the City, and only in Department-approved weak-side holsters that cause the CED to be carried on the side opposite to an officer's duty weapon.

(3) Availability of Defibrillators. Automated External Defibrillators (AED) must be available in Department vehicles in all police districts in which CEDs are deployed.

(4) Reporting and Review. The Department shall thoroughly investigate and accurately document all facts and information when a police officer activates a CED, intentionally or unintentionally.

(c) The Police Commission and the Police Department may promulgate such general orders or policies as they deem necessary in order to implement the provisions of this ordinance. Any general order or policy adopted by the Police Commission or Police Department regarding CEDs shall be consistent with this ordinance.

(d) It is the intent of the people in enacting this ordinance that additional funds be provided to the Police Department for the purpose of implementing the CED program authorized by this ordinance. To effectuate this intent, within 45 days after the effective date of this ordinance, the Police Department shall request a budget augmentation for the funds necessary to fully implement the CED program by December 31, 2018. The City shall include in each proposed and enacted budget on and after that date a specific line item for funds appropriated for the purpose of implementing and maintaining the CED program authorized by this ordinance.

SEC. 2A.85-5. AMENDMENT OR REPEAL.

This 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.

SECTION 2: Interpretation

This Initiative shall be interpreted so as to be consistent with all federal and state laws. It is the intent of the voters that the provisions of the Initiative be liberally construed and implemented in a manner that facilitates the purposes set forth in this Initiative.

SECTION 3: Severability

If any provision of this Initiative or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this initiative which can be given effect without the invalid provision or application, and to this end the provisions of this Initiative are severable. In enacting this Initiative, it is the express intent of the voters that, if any provision of this Initiative is held invalid, the remainder of the Initiative shall be given full force and effect.

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SECTION 4: Conflicting Initiatives

In the event that this Initiative and another measure or measures relating to CEDs shall appear on the same City election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this Initiative. In the event that this Initiative receives a greater number of affirmative votes, the provisions of this Initiative shall prevail in their entirety, and the provisions of the other measure or measures shall be null and void.

SECTION 5: Legal Challenges

Notwithstanding any other provision of law, if the City or any of its officials fails to defend the validity of this Initiative following its approval by the voters, any citizen of the City shall have the authority to intervene in any court action for the purpose of defending the validity of the Initiative, whether such action is in a trial court, on appeal, or on discretionary review by the Supreme Court of California and/or the Supreme Court of the United States.

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