

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
OF THE SAN FRANCISCO BAY AREA

BOARD OF DIRECTORS

Co-Chairs

Pamela Y. Price
George H. Brown

Immediate Past Co-Chairs

James M. Finberg
Nancy E. Harris
Monty Agarwal
Harry B. Bremond
Brian P. Brosnahan
John L. Burris
Raymond A. Cardozo
Charles S. Crompton
Sarah G. Flanagan
Joshua R. Floum
Lupe C. Garcia
Daniel M. Hutchinson
Susan K. Jamison
Loren L. Kieve
Jack W. Londen
David A. Lowe
Tracy M. Preston
Vincent A. Ruiz
Rohit K. Singla
James C. Sturdevant
Robert A. Thompson
Michael A. Troncoso

Executive Director

Lateefah Simon

February 18, 2011

San Francisco Police Commission
Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 505
San Francisco, California 94103-4603

Re: Opposition to the Use of Tasers by the San Francisco Police Department on
Behalf of Equal Justice Society, La Raza Centro Legal, San Francisco Day Labor
Program, Coalition on Homelessness, Causa Justa/Just Cause, San Francisco La Raza
Lawyers Association and the Lawyers' Committee for Civil Rights

Dear Commissioners,

We write in opposition to the San Francisco Police Department's proposal to arm police officers with Tasers, a potentially lethal weapon. We are deeply concerned about the impact that arming San Francisco's officers with Tasers will have on communities of color.

As the Commission is well aware, Tasers can seriously injure, and even kill, their targets. Roughly 400 suspects who have been stunned by Tasers have died.¹ As the American Medical Association's Council on Science and Public Health concluded, Tasers are used "too frequently" by police, and the devices "may contribute to the death of suspects, directly or indirectly."² Notably, a University of California San Francisco ("UCSF") study found that law enforcement agencies that utilize Tasers typically experience an increase of in-custody deaths in the first year of use.³ Particularly troubling was the USCF researcher's hypothesis that in some instances, the use of Tasers may actually escalate situations, resulting in the officer's deployment of a gun.

In particular, we are troubled that Tasers are likely to be employed excessively in communities of color. A 2008 audit on Taser use in Houston found that African American and Latino residents were disproportionately impacted by the utilization of Tasers.⁴ The audit also found that white and Latino officers were more likely than African American officers to use their Tasers on African American suspects.⁵

We are also concerned that Tasers will be used in circumstances where non-deadly force could and should be used. For example, this past month near Sacramento a 130-pound African American woman was thrown to the ground and tased by police officers when she was mistakenly identified as a suspect in a convenience store robbery.⁶ The woman, who had the receipt for her candy purchase, explained, "[i]t was pretty bad. I was knocked down on the ground. I was in a choke hold and then while I was laying on the ground I was tased. Tased while I was on the

ground and with my hands behind my back." Incidents like this are all too common in cities that have adopted the use of Tasers.

We question the assertion by some that the addition of Tasers would save the city money now spent defending against litigation. Tasers do not prevent officers from using excessive or unlawful force, or other harmful actions which give rise to litigation. As demonstrated by a recent \$750,000 settlement arising from the wrongful use of Tasers by police in Antioch, the unjustified or excessive use of Tasers may actually expose the city to increased liability.⁷

We are troubled by the Department's interest in moving forward with Tasers when its focus should be on initiatives that both build trust with community members and result in better outcomes. For example, the recent decision to implement a Crisis Intervention Team is a step in the right direction. We hope that the Commission's unanimous vote to adopt a crisis intervention model signals to officers that engaging in effective communication, rather than drawing a weapon, is critical to successful policing. Yet, voting in the same month to arm police officers with a new, potentially deadly weapon will send precisely the wrong message to officers. And, it will damage the Department's relationship with communities of color, as community members are increasingly subjected to unnecessary pain, humiliation, and potentially lethal force.

In sum, we renew our strong opposition to the use of Tasers by the San Francisco Police Department. We urge the Commission to consider the impact that the use of Tasers is likely to have on both the city at-large and communities of color when making the decision on whether to authorize their usage. As experience has shown, the optimistic projections offered by the proponents of Tasers are often at odds with the disturbing realities of how Tasers are actually employed in practice, especially when officers are not fully trained. This Commission should not discount the serious risk of injury and death that may result from the use of Tasers.

Sincerely,

Ifetayo Belle
Thurgood Marshall Civil Rights Fellow
Lawyers' Committee for Civil Rights

Lateefah Simon
Executive Director
Lawyers' Committee for Civil Rights

Eva Paterson
President
Equal Justice Society

Genevie Gallegos
Executive Director
La Raza Centro Legal

Xochitl Carrion
President
San Francisco La Raza Lawyers Association

Renee Saucedo
Attorney/Organizer
San Francisco Day Labor Program

Jennifer Friedenbach
Executive Director
Coalition on Homelessness

Maria Poblet
Executive Director
Causa Justa/Just Cause

¹ Terry Collins, *SF Police Seeking to Revisit Taser Debate*, ASSOCIATED PRESS, Jan. 30, 2011, http://articles.sfgate.com/2011-01-30/news/27092334_1_stun-guns-taser-international-unarmed-motorist (last visited Feb. 11, 2011).

² Sam Farmer, *Subduing Unruly Fans is An Inexact Science*, L.A. TIMES, May 4, 2010, <http://articles.latimes.com/2010/may/04/sports/la-sp-crowd-control-20100505> (last visited Feb. 11, 2011).

³ Jaxon Van Derbeken, *SFPD Takes Second Look at Tasers*, SAN FRANCISCO CHRONICLE, Feb. 28, 2001, at A-1, available at http://articles.sfgate.com/2010-02-28/news/18373017_1_tasers-san-francisco-stun (last visited Feb. 11, 2011).

⁴ Roma Khanna, *HPD's Tasers Used on Minorities 87% of Time*, HOUSTON CHRONICLE, Mar. 31, 2005, <http://www.chron.com/dispatch/story.mpl/front/3110477.html> (last visited Feb. 11, 2011).

⁵ Press Release, City of Houston, Houston City Controller Annise Parker Releases Performance Audit of TASER Use at HPD: Gender, Race and Geographic Patterns Identified (Sept. 8, 2008), available at <http://www.houstontx.gov/controller/pressrelease/2008/press090808.htm> (last visited Feb. 11, 2011).

⁶ Chris Biele, *Woman Mistaken for Robber, Tased*, FOX40 NEWS, Jan. 17, 2011, <http://www.fox40.com/news/headlines/ktxl-news-mistakenforrobber,0,7071562.story> (last visited Feb. 11, 2011).

⁷ Henry K. Lee, *Former SFPD Inspector Gets Settlement from Antioch*, SF GATE, Feb. 1, 2011, http://articles.sfgate.com/2011-02-01/bay-area/27093407_1_marvetia-lynn-richardson-taser-mokelumne-drive (last visited Feb. 11, 2011).