

## Lee, Katherine

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**From:** John Lindsay-Poland <JLindsay-Poland@afsc.org>  
**Sent:** Monday, January 11, 2021 2:32 PM  
**To:** Kitty Calavita; Nathan Mizell; Kitt Saginor; Julie Leftwich; georgeperezvelez@gmail.com; Ismail Ramsey  
**Cc:** Lee, Katherine  
**Subject:** Reporting on equipment use

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Dear Commissioners:

For your consideration of the Item 9c on this Thursday's PRC meeting, I share with you this comparison of the reporting of police equipment use that will occur according to the Use of Force Policy (Policy 300) and what will occur to implement the Controlled Equipment Ordinance.

The phrase inserted into the ordinance late in the process in September that would exclude from reporting requirements, "any Controlled Equipment not included in a Use of Force report" (2.100.050 (A)(1)) is problematic for multiple reasons.

Uses of force are the most important instances of uses of militarized equipment, and therefore of reporting. But equipment reporting according to the Use of Force policy is very limited, and is nowhere explicitly required by the Use of Force policy (see below).

The Controlled Equipment ordinance would report what percentage of uses were authorized by warrant, for each geographic police area, and violations of Controlled Equipment Use Policies, in addition to the list of data points below. **None of that is required in the public document required for Uses of Force.**

In addition, the phrase added to the Equipment Ordinance "not included in a Use of Force report" **could refer to *internal Police Department reports***, since the Use of Force policy discusses internal *reports* (in Blue Team, see 300.6.2) and a public *analysis* that goes to the PRC quarterly (see 300.11.1).

Some controlled equipment used during a use of force incident is **unlikely to make it even into internal reports**, including breaching equipment such as frangible rounds from firearms, battering rams, LRADs, or armored vehicles, since they are not referenced in any Levels of Use of Force (see below).

The equipment ordinance requires reporting for *each type of equipment*. This includes, for each type of equipment:

- a summary of how Controlled Equipment was used
- for each geographic police area, the number of days Controlled Equipment was used
- for each geographic police area, what percentage of those reported uses were authorized by warrant
- a summary of any complaints or concerns received
- information about violations of Controlled Equipment Use Policies

On the other hand, the public reporting requirement in the Use of Force policy, as amended by the City Council in December 2020, is as follows:

**"300.11.1 USE OF FORCE ANALYSIS**

The Professional Standards Division Captain or his or her designee shall prepare a comprehensive analysis report on use of force incidents. The report shall not contain the names of officers, suspects or case numbers, and should include but not be limited to:

- (a) An analysis of use of force incidents with demographic details of the individual impacted including, but not limited to race, gender and age.
- (b) All types of force as delineated in Levels 1, 2, 3 and 4 in Section 300.6.(2)
- (c) The identification of any trends in the use of force by members.
- (d) Training needs recommendations.
- (e) Equipment needs recommendations.
- (f) Policy revisions recommendations."

Notice that this analysis does not in itself require any mention of the *use* of equipment. The different Levels required for analysis include a mix of uses of unspecified equipment, and types of force where there is no reference to equipment at all.

Levels 1, 2, 3 and 4 combine different types of equipment use (see Section 300.6.2). Level 2 would include pointing an assault rifle at someone (reportable under the equipment ordinance), but would not distinguish pointing an assault rifle from pointing another firearm (not reportable under the equipment ordinance). Level 2 also includes the use of a body takedown, without weapons.

Level 3 includes chemical agent use (reportable under the ordinance), but also personal body weapons, failure to activate a body camera, or a simple complaint of continued pain after officer interaction (none reportable under the ordinance). Levels 1 and 4 do not specify any equipment whatsoever.

I firmly believe that the Police Commission did not recognize the effect of inserting "any Controlled Equipment not included in a Use of Force report" in the ordinance, or it would not have been approved. I myself did not recognize its impact at the time. I believe it's a simple matter to reverse the Commission's approval with a proposal to remove this phrase from the Commission's approved version.

Best,  
John Lindsay-Poland

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