TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER DEPARTMENT: POLICE

DATE: DECEMBER 18, 2006 CMR:449:06

SUBJECT: PUBLIC HEARING FOR THE APPROVAL OF THE ACCEPTANCE OF CITIZENS OPTIONS FOR PUBLIC SAFETY (COPS) FUNDS IN THE AMOUNT OF $120,963 FOR PURCHASE OF ELECTRO-MUSCULAR DISRUPTION DEVICES (TASERS) OR OTHER FIRST LINE EQUIPMENT, DEPENDENT UPON THE RECOMMENDATIONS OF THE TASER TASK FORCE

RECOMMENDATIONS

Staff recommends the City Council approve the acceptance of Citizens Options for Public Safety (COPS) funds in the amount of $120,963 for the purchase of electronic control devices subject to final Council approval following the Taser Task Force’s (TTF) study and recommendation.

BACKGROUND

Since 1997, the California State Budget Act has included allocations to counties and cities for the COPS program. This funding is intended to fill the need for additional resources at the local level to ensure public safety. Under the provisions of Government Code Section 30061, 75 percent of the funds are allocated to counties and cities, based upon population, for law enforcement services. Funds must supplement existing services and cannot be used to supplant any existing funds. Each county is required to continue the operation of a Supplemental Law Enforcement Services Fund (SLESF) to receive the State funds and the county’s Supplemental Law Enforcement Oversight Committee (SLEOC) must approve each agency’s proposal for the use of the funds. Prior to sending the proposal to the SLEOC, the bill requires that each city conduct a public hearing for the purpose of reviewing and approving the Police Department’s request for expenditure of funds. Each city is also required to deposit the funds into a separate SLESF so that these funds are not intermingled with General Fund dollars. The funds must be expended within two years after receipt. Council has approved accepting COPS funding for the last nine years. Council approval of the use of funds must be made by December 31.

Previous uses of COPS funds have included the purchase of safety equipment, surveillance equipment, evidence collection equipment, mobile data terminals, youth program activities, upgrades to the telecommunications infrastructure, upgrades to the patrol vehicle and traffic motorcycle programs, an
additional sergeant position for the Special Problems Team, and a captain position and associated training to assist in the City’s homeland security efforts.

This year, the Police Department is requesting that Council conceptually approve the use of COPS funds for the purchase of electro-muscular devices (EMDs), commonly referred to as tasers. This request is made with the understanding that EMDs would only be purchased after the Mayor’s Taser Task Force has completed their work and made a recommendation to the City Council. If the Council ultimately determines that EMDs should not be issued to officers, Police staff would seek approval from the Council for other uses of the funds.

DISCUSSION

Electro-muscular disruption device (EMD), also known as tasers, have been used by police departments for over 20 years. However, in the last five years, the EMD technology has improved to the point that over 7,000 police agencies across the country are now using them. In California, out of the 331 municipal police departments, over 85 percent authorize EMDs as a less lethal form of force. They temporarily immobilize a person by pulsing electricity to over-stimulate the nervous system, causing an uncontrollable contraction of the muscle tissue and incapacitating the subject so that officers are able to subdue and handcuff the suspect. The International Association of Police Chiefs (IACP) and the Police Executive Research Forum (PERF) have developed model policies. The Association of Bay Area Governments (ABAG) has established grants to promote the use of tasers for police agencies.

On December 4, 2006 City Council approved the establishment of a citizen’s Taser Task Force and directed that it provide the Council with a recommendation on whether or not to allow the use of tasers by the Palo Alto Police Department. The Council directed the City Manager to develop, with the Police Chief, a taser use policy, which will be considered by the Task Force in making its recommendation. While staff understands that some people believe the use of tasers has resulted in the death of some individuals, at this time there is not any conclusive study that has proven this. Research has shown that other mitigating factors such as alcohol and/or drug intoxication and/or intense physical exertion on the part of the subject were major causes of the deaths. The TTF will be reviewing all of the available information.

Council directed the TTF to make its written recommendation to the City Council no later than March 31, 2007. If the City Council does not authorize the use of electronic control devices by the Police Department, staff will submit to Council for its approval a proposal for an alternative use for these funds.

RESOURCE IMPACT
Palo Alto’s $120,963 allocation of COPS funds was received by the City and deposited into the City’s Supplemental Law Enforcement Service Fund (SLESF). Revenues and expenses of $120,963 will be budgeted in the City’s SLESF as part of the mid-year report.

**POLICY IMPLICATIONS**

No actual expenditures of the COPS funds will be made for tasers or any other equipment without subsequent Council approval.

**ENVIRONMENTAL ASSESSMENT**

This is not a project subject to CEQA requirements.

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