TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER  DEPARTMENT: POLICE

DATE: AUGUST 4, 2008  CMR: 338:08

SUBJECT: TASER UPDATE AND THIRD QUARTERLY REPORT

This is an informational report and no Council action is needed at this time.

DISCUSSION:

On May 7, 2007, the City Council approved the expenditure of Citizens Options for Public Safety (COPS) funds (CMR:234:07) for the purchase of electronic control devices (TASERS), supplies, and training in accordance with the TASER Task Force study.

In July 2007, staff purchased 100 TASER X-26s equipped with the TASER-CAM system. The TASER-CAM is a digital audio/visual recording device which is affixed to the TASER X-26 and allows for greater accountability as it records the activation of the device. Data from the TASER-CAM is downloaded to a secure computer which stores records of deployments and activations.

In September 2007, staff finalized the TASER policy (CMR:368:07) according to the models of the International Association of Chiefs of Police, Police Executive Research Forum, the California Police Chiefs’ Association and current case law. The City Attorney and Independent Police Auditor also reviewed the TASER policy.

Several of the Department’s Defensive Tactics Instructors attended the TASER instructor course, as well as a number of other use of force courses. These instructors developed a course curriculum that included: nomenclature; TASER capabilities; Police Department TASER Policy; Use of Force; Excited Delirium; Crisis Intervention Techniques and In-Custody Death Incident Response. Additionally, officers went through a series of decision-making scenarios. Officers were evaluated in the performance of these scenarios and were required to complete and pass all phases of the training and written tests in order to be certified to carry the TASER. The training was 17 hours. Members of the City Council, Human Relations Commission and the Independent Police Auditor attended portions of this training. This quarter, the Police Department trained five newly hired officers on the TASER and the subjects associated with TASER implementation and use.
Defensive Tactics Instructors provided comprehensive training to Palo Alto Fire Department Paramedics and EMTs on the TASER, Police Department procedures and possible injuries that could result after a TASER application. Defensive Tactics Instructors also met with physicians and staff at Stanford Medical Center Emergency Room.

On September 27, 2007, officers began carrying TASERS. As a part of the reporting and accountability system, the Police Department tracks whenever a TASER is drawn and pointed at a subject (deployment), as well as when a TASER is used (activation). Any time that a TASER is deployed or activated, the officer is required to advise their supervisor and an entry is made into the Police Department’s Computer Aided Dispatch (CAD) system. Additionally, each officer’s TASER-CAM is inspected after every activation. The data is also reviewed quarterly to ensure all deployments and activations are reported. From September 27, 2007 through December 31, 2007, there were a total of seven TASER deployments and one TASER activation (CMR:130:08). From January 1, 2008 through March 31, 2008, there were a total of 11 TASER deployments and one activation. This quarter, April 1, 2008 through June 30, 2008, there were 12 TASER deployments and no TASER activations.

The following are summaries of TASER deployments that occurred between April 1, 2008 and June 30, 2008.

1) A woman called the Police Department advising that her son who was mentally ill had just run away from her in downtown Palo Alto. The Police Department received several other independent calls about a subject acting strangely. Officers arrived in the area and located the subject. Upon observing the officers, the subject laid down on the ground without being ordered to do so. The white male adult claimed he was “Allah” and said he had a bomb in his backpack. An officer drew his TASER while the subject was being handcuffed. The subject was taken to Valley Medical Center for a 72-hour psychiatric evaluation.

2) Officers observed several subjects fighting in a parking lot. An officer deployed his TASER and gave arrest commands. The Asian male adult and the Pacific Island male adult stopped fighting and complied with the officers. The subjects were taken into custody for being drunk in public and booked at the Santa Clara County Main Jail.

3) A father called the Police Department to advise that his son was suffering a manic episode and was yelling and breaking items in the house. Officers arrived and spoke with the subject encouraging him to see a psychiatrist. The subject refused and said that he would resist if the officers tried to take him for a mental evaluation. After several minutes, the subject tried to evade the officers and an officer drew his TASER. When the subject observed the TASER, he surrendered. The subject was taken to Valley Medical Center for 72-hour psychiatric evaluation.

4) An officer observed two subjects fighting in a park. The officer approached the subject and gave them arrest commands. The subjects, both white male adults, continued their
aggressive behavior towards each other. The officer drew his TASER and the subjects stopped fighting.

5) A citizen called the Police Department regarding suspicious circumstances at a gas station which should have been closed for business. The reporting party found the gas station open, with the lights on inside the business and money on the floor. Officers arrived to find a van occupied in the rear of the business. Officers called the occupant of the van back to them and one of the officers had his TASER drawn. The subject was detained and it was determined that no crime had been committed. The officers released the occupant of the van.

6) Officers responded to a call of a residential burglary in progress. The reporting party advised that a strange truck was backed into his driveway and his flat-screen television was in the bed of the truck. Officers responded to the scene and located the truck with the victim’s television in the bed. Officers responded to the registered owner’s address in a neighboring jurisdiction to determine who had possession of the vehicle. As one of the subjects was walking out of the house, he ignored repeated commands to keep his hand out of his sweatshirt pockets. Fearing that the subject may be trying to arm himself, officers tried to remove the subject’s hands from his sweatshirt pockets. The Hispanic male adult began resisting violently and an officer drew his TASER. The subject stopped resisting and was handcuffed. He was booked on a $10,000 warrant. Detectives are currently investigating this subject’s connection to a series of daytime residential burglaries on the Mid-Peninsula.

7) A citizen called to report three subjects acting suspicious behind a closed commercial business on a Saturday morning. The reporting party provided dispatchers with a description of the occupants, vehicle and direction of travel as they left the area. The reporting party noted that during the time that the subjects were behind the business, they had covered the rear license plate with a piece of cardboard. Officers responded into the area and determined that there had been an interrupted burglary at the business. An officer located the suspect vehicle and detained the driver; however, the other two suspects fled on foot. Another officer observed one of the Hispanic male adult suspects and gave him arrest commands with his TASER deployed. The suspect complied with the commands and was taken into custody. The other suspect was taken into custody later that day. All of the suspects were arrested for burglary and an assortment of other charges.

8) An officer observed a subject leave a retail store with a large bulge under his shirt. The officer had arrested the subject on numerous occasions and was aware that he had been a parolee. The officer asked the subject to stop but the subject refused and kept walking. The officer commanded the subject to stop, and when the subject ignored his commands the officer deployed his TASER. The subject then complied with the officer. The subject, a white male adult, was taken into custody for petty theft with a prior as it was determined he
had stolen a 1.75 liter bottle of Whiskey from the store. He was booked at the Santa Clara County Main Jail.

9) Officers responded to a fight outside a bar downtown and located the subject. When Officers gave him arrest commands the subject refused to comply. An officer drew his TASER and the subject, a Hispanic male adult, surrendered to officers. The suspect was booked for being drunk in public.

10) Officers responded to a bus stop regarding a person who was yelling at people. As an officer located and contacted the subject, he began yelling racial epithets, screaming and crying. As the officer was alone, he drew his TASER but did not point it at the subject. Another officer arrived and detained the subject, a Hispanic male adult. The subject was taken to Valley Medical Center for a 72-hour psychiatric evaluation.

11) An officer observed a disturbance at a downtown bar. The subject, a white male adult, was intoxicated and had just been ejected from the establishment when he became aggressive and started to charge the bouncers. The subject swung at the bouncers and the officer drew his TASER and gave arrest commands. The subject ran from the officer and was taken into custody a short distance away. He was booked for being drunk in public.

12) An officer was sitting in a marked patrol car at a City park writing a police report when a subject walked up to her carrying a beer bottle. At a distance of less than three feet and without any provocation the subject threw the beer bottle directly at the officer. The officer was able to turn away from the bottle and it impacted on her left side below her shoulder. The officer got out of her car, advised radio and drew her TASER giving the subject arrest commands. The subject complied with arrest commands and was taken into custody by a second unit that arrived shortly after the officer requested assistance. The subject, a white male adult, was booked at the Santa Clara County Main Jail for assault with a deadly weapon on a police officer.

Staff will continue to monitor TASER deployments and activations and report to Council on a quarterly basis.

Council has received numerous articles about TASER use by several members of the community. Attached is a copy of an interim report on TASERS completed by the U.S. Department of Justice, National Institute of Justice. The report describes a study of deaths following electro muscular disruption.

ATTACHMENT

National Institute of Justice Interim Report
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