



CITY OF PALO ALTO OFFICE OF THE CITY CLERK

June 13, 2016

**The Honorable City Council
Palo Alto, California**

Independent Police Auditor's First Report- 2015

Attached you will find the Independent Police Auditor's First Report- 2015.

ATTACHMENTS:

- Attachment A: 06-13-2016 Palo Alto OIR 2015 Part One Final (PDF)

Department Head: Beth Minor, City Clerk



INDEPENDENT POLICE AUDITOR'S FIRST REPORT - 2015

**Presented to the Honorable City Council
City of Palo Alto**

June 2016

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I. Introduction

This reports addresses materials received by the Independent Police Auditor (“IPA”) for review in the first half of 2015. Per an oversight protocol established by the City of Palo Alto in 2006, the Palo Alto Police Department (“PAPD”) sends completed cases to us from within three categories: complaint investigations, internally generated misconduct investigations, and reviews of Taser deployments. We then evaluate those cases for both the effectiveness of the process and the legitimacy of the results; where applicable, we also offer recommendations to the Department regarding best practices and systemic reforms.

The report features a discussion of eight cases and one use of the Taser to apprehend a burglary suspect.

II. Case Reviews

Case # 1

Factual Overview:

A citizen complained after receiving a citation for throwing a lit cigarette to the ground while he was standing next to his vehicle. The citizen believed that the citation should be dismissed and complained that the officer did not tell him what would happen if he did not sign the citation and threatened him with arrest. While the throwing of the cigarette was not captured on video, the subsequent conversation between the officer and the citizen was recorded by the officer’s body-worn camera.

According to the complainant, he did not intentionally throw the cigarette onto the ground; rather, he claimed to be waving at the officer in a way that caused the cigarette to accidentally fly out of his fingers. This explanation however, was not made at the time of his initial encounter with the officer. With regard to the subsequent and disputed conversation about signing the citation, the body camera recording indicates that when the complainant asked what would occur if he declined to sign, the officer said that he would be required to take him to jail until the complainant could see a judge. This procedure is a correct statement of current procedure in the County should an individual not agree (by signing) to appear in response to the citation summons. There is no evidence that the officer “threatened” him with arrest.

At court, it was determined that the citizen was in violation in accord with the citation.

Outcome and Analysis

PAPD determined that the complaint was meritless and found the officer’s actions to be within Departmental policy.

The investigation into the complaint was thorough, and important documents, video, and audio evidence were identified and included with the investigation. The analysis of the evidence was also thorough and complete. Two procedural aspects of the matter are worthy of further discussion, however.

The first relates to the initial intake interview. As documented by the investigating sergeant, when the complainant first arrived at the station, the sergeant indicated that he watched the body camera footage of the encounter with the complainant and informed the complainant that he did not see anything inappropriate by the officer. In part, as a result of that exchange, the complainant later said that he had some concerns about whether his complaint would be taken seriously.

When police interviewers opine early in the investigative process about the appropriateness of the officer's conduct, such statements can seem premature and message to the complainant that there is already a predestined result, undermining confidence in the Department's process. Worse, they can give an impression of defensiveness or a "home court advantage" that might cause the complainant to doubt the investigation's fairness or objectivity.

Even well intentioned attempts to clarify or defuse misunderstanding can create this dynamic. Accordingly, investigators should generally refrain from making any statements to complainants about the appropriateness of the subject officer's conduct until the investigation has been completed. We recommend that PAPD remind their supervisors of this important premise.

Recommendation: PAPD should brief their supervisors about the importance of maintaining objectivity during the complainant interview, and avoiding opinions or conclusions about the allegations at this initial stage of the process.

Second, when the complainant was interviewed at the station, he was only audiotaped by the sergeant's body-worn camera even though video capability was present. It is recommended that interviewers take full advantage of the body worn camera system and video and audio tape complainant interviews unless there are special circumstances that warrant deviation.

Recommendation: Unless there are unusual circumstances, complainant interviews should be video and audio taped using Department issued body-worn cameras.

Case # 2:

Factual Overview:

The complainant, a medical doctor at a local hospital, received a citation from a PAPD traffic officer for "texting while driving." According to the body-worn camera recording of the incident, she attempted to dissuade the officer during the stop itself by asserting that the texts were work related and of an emergency nature. The officer asked to see the phone to corroborate

the claims, and she provided it. After reviewing the texts, he went ahead and cited her. She asked repeatedly for a warning instead, and the officer eventually raised the possibility of a second citation for her refusal to cooperate with the ticketing process. She then provided her information as requested and received the ticket without further incident.

Her subsequent allegation was that the officer should not have cited her in light of the “physician emergency” that was the subject of the texts. She also believed it was inappropriate for the officer to review her phone’s contents, given the laws regarding confidentiality of medical records. Finally, she resented aspects of the officer’s demeanor and thought the reference to the potential second ticket was inappropriate.

Outcome and Analysis:

The Department was able to rely on a body-worn camera recording of the incident, as well as interviews with both the complainant and the involved officer, in conducting its investigation.¹ It ultimately determined that the allegations were unfounded, and we concur.

Especially given the existence of the recorded evidence, the disputes here seem to be less factual than matters of perception and officer discretion. The officer’s review of the texts *in response to her assertions* seems like a reasonable step, and a potential precursor to excusing her. Though the legal sensitivity of the medical information occurred to her later, and though she also later claimed that she felt as if could not have refused the officer even if she wanted to, the technical truth is that he did only ask to see the phone. The complainant’s stated resentment of the officer’s “smirks” and intractability are similarly understandable but seemingly more a matter of perspective than policy.

As with the previous case, the intake interview did feature extensive commentary by the handling supervisor about the evidence within the video, applicable laws, etc.² Again, while these statements were accurate, they merit consideration by the Department from a tactical and public relations perspective. It should be noted that the interviewer’s tone is unfailingly patient and respectful. However, there is a fine line between offering constructive, informative explanation and indirectly discouraging someone from formalizing a complaint. Even when the complainant follows through, as this doctor did, the preliminary dialogue could easily raise questions about the objectivity – and legitimacy – of the final result.³

¹ The camera footage apparently begins shortly after the interaction at the driver’s window has begun. This does not end up having a significant impact on this case, given the nature of the facts that everyone agrees upon. However, it is obviously preferable to create a complete recording where possible.

² As with the previous case, the Department’s recording is audio only, with the camera pointed at the ceiling of the interview room.

³ In fact, the complainant does at one point in her interview state that she feels as though the supervisor is taking the officer’s side.

PAPD generates very few formal citizen complaint investigations each year. While we have no reason to doubt that this is partly a reflection of effective performance and positive community relations, the “screening process” that occurs at intake may also be a factor. Such an approach has its advantages, including efficiency and protecting officer’s employment records from clearly frivolous claims. But other departments deal with this phenomenon in ways that do not create potentially problematic incentives for supervisors who are entrusted with the initial interviews of disgruntled citizens. Better perhaps, to at least initially accept the complaint on its face, and complete the subsequent fact-finding as needed. There is always time for further dialogue and explanation at a later point, in those cases when further communication has the potential to be beneficial.

Recommendation: PAPD should evaluate its process for initial intake and assessment of citizen complaints, so as to ensure that supervisors do not inadvertently deter citizens or create an impression of initial bias.

Case # 3:

Factual Overview:

This citizen’s complaint involved an allegation that the citizen was inappropriately arrested for being drunk in public. On the date of the incident, the involved officer detained two individuals outside a drinking establishment. The detention revealed that one of the individuals had an outstanding arrest warrant. The second individual, who ended up being the complainant, was allowed to leave the area at the direction of the officer. Shortly thereafter, the complainant returned to the arrest location and took custody of the backpack of the arrested individual. The complainant again returned and indicated that the person who was to take custody of the backpack had left the bar. At that point, the involved officer told the complainant he needed to leave the area or be subject to arrest for being drunk in public. The complainant questioned the officer about why he needed to leave at which time the officer arrested him for being drunk in public.

The citizen alleged that he had not met the elements of the offense for which he was arrested.

Outcome and Analysis:

Because of resource issues, the investigation was assigned to a retired member of PAPD. The investigation was extremely thorough and consisted of reviewing video and audio evidence of the incident and conducting interviews of relevant witnesses

The investigator determined that while the complainant was under the influence of alcohol on the night of his arrest, that fact alone did not provide sufficient cause for him to be arrested for being drunk in public. The investigator noted that in addition to being intoxicated, a

drunk in public charge requires probable cause to believe that the individual is unable to exercise care for his own safety or the safety of others. Because the police report and audio evidence reported that the officer had indicated to the complainant that if he left the arrest area he would not be arrested, it belied any evidence that the officer had reason to believe that he could not exercise the proper amount of care for his own safety or the safety of others. The investigator also noted that the video evidence showed no sobriety tests being performed on the arrestee and the police report similarly did not indicate that such tests had been performed. In addition, the officer did not document the level of intoxication or any other information suggesting an inability of the arrestee to care for himself on the back of the pre-booking information sheet which is where such information is to be documented. Instead, in this arrest package that section was left blank.

In addition, the investigator reviewed additional arrest reports of the involved officer and other PAPD officers to determine whether other drunk in public arrests were similarly lacking in documented indicia of the arrestees' inability to care for themselves and found that other arrests had been supported by such documented evidence.

The investigator accordingly concluded that while the complainant could have been arrested for delaying or obstructing the officer's investigation of the individual, the "drunk in public" charge for which he was arrested was inappropriate. PAPD concurred with the recommendations and found that the officer had inappropriately arrested the complainant for being drunk in public and held the officer to be in violation of the City of Palo Alto Merit Rules.

PAPD also appropriately examined the conduct of the on duty supervisor who approved the arrest and who had contact with the complainant prior to being booked, but before an assessment of that performance could be concluded, the sergeant had left the employ of the Department, making any accountability or remedial action moot.

Additionally and importantly, PAPD recognized the importance in providing first level supervisor and officer training with regard to the appropriate use and application of the drunk in public and officer obstruction charges. As a result, Department-wide officer and supervisor training were provided on these issues as a result of this incident.

Case # 4:

Factual Overview:

PAPD was advised that a City official had concerns about conduct by one officer who had been involved in the stop of the official for a minor traffic violation. The official indicated that during the stop, the officer had raised issues about the extenuated contract negotiations currently occurring between the City and the bargaining unit of the officer, and the resulting financial difficulties the officer was facing. To its credit, even though the official was not

desirous of filing a formal complaint against the officer, PAPD determined that the allegations were sufficiently serious to warrant an internal investigation.

As a large result of partially recorded video from the patrol car video camera and audio from another on scene officer's recording of the interaction between the official and the involved officer, PAPD determined that the officer had inappropriately raised issues with the official that were not related to the reason for the stop and which resulted in an unnecessarily extended length of detention. PAPD further determined that the involved officer was in violation of the Department's mobile audio video policy because the officer had failed to wear his microphone during his encounter with the City official.

The investigation into this matter was thorough and PAPD appropriately held the involved officer accountable for his violations of Departmental policy. Most importantly and consistent with best internal investigative practices, as noted above, once PAPD was alerted to the concerns about the officer's conduct, it determined to proceed with an investigation into that conduct so that the facts could be gathered and accountability could ensue should those facts indicate performance contrary to Department guidance and policy.

Case # 5:

Factual Overview:

This case involved a citizen complaint against both a PAPD traffic officer and the supervisor who assisted in his detention and citation. The incident began when the officers observed the citizen driving his car in disregard of signs and closures relating to traffic controls for the area near Stanford University. The violation occurred near the end of a scheduled home football game, and the officers were assigned to assist with the orderly flow of traffic and pedestrian activity.

The traffic officer conducted a vehicle stop, and the driver immediately expressed his need to leave in order to pick up visitors who were waiting for him. The driver was not from the area, and was apparently confused by the gap between his GPS directions and the temporary, event-specific lane restrictions. At one point during the detention, he decided to exit his car in order to take pictures of the intersection and document his perspective. However, this required him to ignore repeated instructions to get back in his car. Ultimately, and after being warned, he was arrested for obstructing the officers in the performance of their duties. He was handcuffed and seated on a bench.

After approximately 12 minutes, the handcuffs were removed and the rest of the stop continued without incident. The officers gave him separate citations for the traffic violation and the criminal offense, and allowed him to leave.

The complainant contacted PAPD a few days later to assert that the officers had shown “unnecessary brutality” and excessive force in their handling of the incident. He claimed injuries to his wrists and arm in conjunction with being handcuffed.

Outcome and Analysis:

PAPD conducted a thorough investigation into these allegations. It determined that the officers had been acting in accordance with PAPD policy and procedure throughout the encounter, and that there was no evidence to suggest that their acknowledged physical contacts with the complainant had been excessive or had risen to the level of actual force. We concur with these findings.

The Department was able to rely on body-worn camera footage as well as statements from the complainant, the involved officers, and a third-party officer from another agency who observed part of the detention. The IPA also had access to the footage, which clearly shows the complainant failing to follow the clear and repeated instructions and warnings by the officer who ultimately decided to arrest him.

Indeed, few of the key facts are in dispute. The complainant acknowledged his conduct, but believed that the officers should have been more responsive to the inconvenience entailed by his detention. Additionally, from his perspective, it was simply a common sense gesture to want to photograph the scene. When he moved away from the officer in lieu of returning to his car as asked, he believed this was less threatening than turning back towards him.

The major point of factual contention is the severity of the injuries. Though he did not go to the hospital that day out of “laziness,” the complainant asserted that he had been in a great deal of pain, and offered pictures showing the alleged damage to the skin on his wrists. The injuries were not, however, visible at the time of his in-person interview at PAPD (which was approximately three weeks later.) Moreover, nothing about the recorded evidence suggests that the handcuffing was resisted or painful, and this was confirmed by the observations of the assisting officer from another agency. On the contrary, the PAPD personnel seem to realize that the complainant, while somewhat single-minded and uncooperative, was not a physical threat. It was at the supervisor’s initiative, after receiving assurances from the complainant, that the handcuffs were ultimately removed prior to the end of the incident.

In sum, the investigation revealed that PAPD handled this incident appropriately and professionally.

Case # 6:

Factual Overview:

This case stemmed from a traffic stop in 2014 that led to the arrest of the driver for both evading a lawful detention (by driving away) and resisting/obstructing an officer in the

performance of his duties. It was initiated by Department management after concerns arose about the legitimacy of the stop, the officer's handling of the stop's particulars, and the accuracy of the subsequent reporting.

In the early morning hours, the PAPD officer ran a check on the suspect's license plate and determined that two minor warrants were associated with it. He attempted to initiate a traffic stop, but the car continued at normal speed for several seconds before turning into an apartment complex and reaching a dead end, at which point the officer approached the vehicle and made contact with the occupants. The car had a male driver and female passenger. After several contentious verbal exchanges, and the arrival of backup officers, the suspect was handcuffed and taken into custody.

The District Attorney's Office ultimately rejected the case for filing, and in his write-up the handling prosecutor's bases for not filing included remarks about gaps between the written reports and the video evidence as well as issues with the lead officer's demeanor. By this point, PAPD had initiated an investigation based on its own issues with the case. The subjects were the arresting officer and the supervisor who had arrived at the scene, approved the arrest, and participated in the report review process.

Outcome and Analysis:

The Department's investigation was meticulous, thorough, and effective in identifying and resolving the various issues arising from the incident. It included several interviews of witness officers and extensive review of the available recordings; it also involved finding and interviewing the suspect – who had not filed a complaint. The Department found that both subjects had violated policy in their handling of their respective responsibilities. We concur with that result.

The investigation determined persuasively that the arresting officer had been at fault in his assertive, discourteous interactions with the driver and in the inaccurate characterizations that his report contained. Though the arresting charge of "evading" was properly amended to the more justifiable "failure to yield," even that relied on information that was misleading or mistaken. In fact, the investigation described multiple instances in which the MAV recording did not support the description of events in the report narrative. (One example was the length of time it took for the car to stop after the officer activated the patrol vehicle's rotating lights.) Moreover, the performance deficiencies were sufficient to warrant formal discipline.

The same is true for the involved supervisor, who was at the scene for only a short time and made little effort to flesh out the officer's assertions and ensure that things were being handled appropriately. The investigation also revealed that he left it to another, lower-ranking officer to review the completed report; it was this officer's concerns that led to further review and the substitution of the lesser (and more appropriate) criminal charge. Even then, problems remained: the supervisor noticed a clerical error on the amended report and "fixed" it himself –

incorrectly – rather than returning it to the officer for final edits. The Department correctly determined that the sum of these lapses amounted to inadequate job performance for a supervisor, and issued discipline accordingly.

As concerns about the “quality control” issues of this arrest were reinforced by the review of evidence and the ongoing internal investigation, the Department took an important additional step. It conducted a further assessment of earlier arrests by the involved officer to rule out a pattern or practice of similarly questionable exercises of discretion. It determined that no such pattern existed, but the pro-active investigation was forward thinking and industrious, and we endorse the Department’s initiative in this regard.

Vehicle Pursuit Reviews and Policy Violations (2 Cases):

While reviewing car video in response to an unrelated complaint, a high level member of PAPD’s command staff identified a video recording of a PAPD officer apparently involved in a vehicle pursuit. Further check of the related materials located a transmission by the officer of observing a “failure to yield” motorist, but did not locate any radio transmission of a pursuit by the officer. PAPD policy requires officers involved in vehicle pursuits to notify their supervisor so that the pursuit can be monitored and terminated if the pursuit is not authorized or too dangerous.

As a result of this discovery, and to its credit, PAPD initiated an internal investigation into the incident. Based on the mobile car video and radio transmissions, the investigation revealed not only that the officer had failed to notify that he was involved in a pursuit, but that the traffic violation that was the basis for initiating a pursuit did not justify doing so and that the officer’s driving during the pursuit was without due regard and caution for the safety of all persons using the highway, including passing vehicles on their right while continuing to activate his emergency equipment. In addition to discipline, the officer also received additional training and a period of increased monitoring to ensure a comprehensive PAPD remediation program.

The investigation into this incident was thorough and objective and the concerted combination of discipline, training, and monitoring demonstrated the Department’s interest in accountability and remediation. The investigation also proved the value of the mobile activated car videos as fact-finding tools. Finally, and most importantly, once the PAPD command level individual discovered the potential violation of policy, even though he was making inquiry into an unrelated matter, his decision to order an investigation into the unrelated violation was consistent with best practices and police accountability.

Similarly, in the second case, a supervisor’s comprehensive review of pursuit information for purposes of his own reporting caused him to become aware of another officer’s inappropriate driving. That officer’s in-car camera showed that, in responding to radio traffic about a stolen car (which would ultimately be involved in a pursuit with law enforcement), he made the decision to move at high speed, and without lights and sirens, in order to provide assistance. Additional

problems of unsafe driving (including passing a car on the wrong side of the road) developed in the further course of his response.

The officer's actions fortunately did not lead to any injury or property damage. However, the driving decisions of this same officer had come to the Department's attention just weeks earlier, resulting in documented counseling and training for him. Additionally, PAPD management had taken pains during the same period to reinforce its expectations about safe driving and adherence to policy across the Department. Against this backdrop, the Department moved forward with a formal Internal Affairs investigation, and eventually disciplined the officer for violations of policy.

This second investigation affirmed some of the strong features of the Department's earlier driving-related case. It saw the Department take initiative even without an overtly negative outcome, treat the issue with an appropriate level of seriousness and formality, and reach a reasonable result.

We recognize that less formal counseling and training are often effective and sufficient as managerial interventions. But few aspects of officer performance are as potentially impactful on public and officer safety as driving practices, and the Department was right to give these cases the attention they deserved.

Common Issue: Preview of Video and Audio Evidence:

As we have indicated in prior reports, PAPD routinely permits officers to review mobile activated video, body camera recordings and any other video or audio recordings of the event prior to being interviewed about allegations of misconduct. As we have also indicated, this preview opportunity runs contrary to best investigative practices and potentially undermines the confidence the public may have in the internal investigations that PAPD conducts of its officers. While we cannot say that the preview of video and audio information to officers under investigation would have changed the results of any particular investigation, the mere opportunity provided officers to view tape recorded conduct ahead of the interview, necessarily shapes consciously or unconsciously how the officer responds to questions in the interview. For that reason, we recommend that PAPD reconsider its current protocols and in situations where the officer's conduct is under review, not provide a preview of any tape-recorded activity to those officers until they are interviewed. We also recommend that at the conclusion of the interview, officers be provided the opportunity to review any recorded material and then supplement their interview if the review process triggers additional memory or insight into the incident.

Recommendation: PAPD should revisit its current protocol of allowing officers to preview recorded activity of the conduct for which they are being investigated and about to be interviewed.

III. Taser Case

Factual Overview:

The one Taser use case of this review period commenced when Palo Alto police officers were asked to respond to an interrupted residential burglary in progress and a search for an outstanding suspect. The officer who ultimately deployed his Taser responded to the area and was assigned a perimeter position. After finding spent bullet casings in the suspect vehicle, it was broadcast via radio that the suspect may be armed. The deploying officer observed the suspect break the perimeter, alerted other officers, and then attempted to detain the suspect.

The involved officers reported that the suspect jumped a fence and was then ordered by one of the officers to stop at rifle point, but nonetheless ignored the commands. According to the officers, the suspect then ran from officers while holding an unknown dark object in his left hand and holding his waistband with his right hand. The officers further reported that the suspect refused to comply with their additional orders to stop.

According to the deploying officer's report, the suspect eventually slowed and turned to face the officer with his hands balled into fists. At this point, the officer deployed the Taser for one standard five-second cycle. The probes ended up striking the suspect in the back and buttocks and caused the suspect to fall to the ground, where he was taken into custody.

The suspect suffered abrasions to his face, arms, and hands from the fall and had two probes in the back and buttocks region. The suspect was treated at the scene by paramedics, transported to a local hospital for further treatment, and then booked into the jail.

Outcome and Analysis:

IPA reviewed the reports and related materials and found the investigation of this Taser use to be complete. Worthy of particular note was the inclusion of the Taser download data in the report that corroborated the involved officer's report on the number and length of the Taser cycle. In addition and to his credit, when the sergeant interviewed the suspect, he also obtained a signed consent to obtain the medical records so that they could be included in the investigative file.

When interviewed, the suspect himself said that he was running away from police when he "got Tasered" in the back. According to the suspect, after being struck with the Taser, he fell and hit his chin. The suspect said that officers then got on his back, making it hard for him to breathe.

The sole witness officer to the Taser application reported that he was in foot pursuit along with the deploying officer. According to the witness officer's report, he observed the suspect slow down and begin to turn toward the involved officer, at which point the officer deployed his Taser. The witness officer reported that the Taser caused the suspect to go to the ground.

According to the witness officer, the suspect refused to place his hands behind his back and continued to reach into his waistband and pocket area. The witness officer reported that he feared that the suspect was reaching for a weapon but was able to physically restrain him and with two additional officers was able to handcuff him.

As for the deploying officer, he provided a detailed explanation for his actions. He reported that after chasing the suspect for approximately 990 feet in full duty gear, and upon observing the suspect apparently preparing for a physical altercation by showing pre-assaultive behavior, the officer considered his fatigue from the foot pursuit, the possibility that the suspect was armed, and the fact that the suspect had been reaching for his waistband. According to the officer's report, these observations led to his deployment of the Taser.

The officer also reported that when he aimed the Taser and began to aim it, the suspect started to turn away; therefore, when the Taser was discharged, the suspect had turned his back on the officer.

PAPD determined that the involved officer's use of the Taser was in compliance with Departmental policy. PAPD further determined that the policy's requirement that a warning be given when practicable prior to the deployment of the Taser was not feasible during this rapidly evolving circumstance. We concur with this outcome.

While the PAPD case analysis is fairly detailed with regard to the decision to deploy the Taser, there were additional tactical considerations that were not included in the supervisor analysis, and which we believe merited documented consideration⁴:

A. The Decision to Chase a Suspect Who Was Thought To Be Armed:

Foot pursuits are inherently dangerous and place pursuing officers at a distinct tactical disadvantage. This is particularly true when it is believed, as in this case, that the person being pursued is armed. Rather than closing distance and attempting to apprehend such a suspect, progressive principles of officer safety train officers to "follow to contain," use cover, and attempt to continue to maintain a visual on the suspect. These principles also train officers to broadcast the foot pursuit, as the officer commendably did in this case, so that other officers can assist in safely developing a perimeter around the fleeing suspect. Other police assets (such as police canines) can be used to more safely apprehend a suspect in these circumstances.

In this case, there was no analysis of the potential danger and safety concerns caused by the officers engaging in a foot pursuit of the believed to be armed suspect. Had the suspect in

⁴ We recognize that the Department could have engaged in an after-action tactical review of this incident in another forum, separate from the formal administrative review of the Taser use and addressed these issues with the involved officers. If such a review occurred, we are not aware of any documentation of such a review. We recommend that any such review, whether during the use of Taser review or in another setting, be documented and retrievable.

fact been armed, the decision to close the distance, not continue to seek cover, and move close enough to the suspect to deploy the Taser could have been disastrous from an officer safety perspective.

B. The Decision to Deploy a Rifle as a Weapons Choice:

In this case, one of the responding officers deployed a rifle in his perimeter position. As a result of this weapons choice, he was not apparently able to effectively transition to a foot pursuit when the suspect began to run and was not on scene to assist when the Taser was deployed. So that Palo Alto can be better prepared to handle the next similar tactical challenge, the issue of the rifle as weapon choice in this case could have been identified and evaluated by the Department's tactical experts to determine whether a better option existed under these circumstances.

IPA would have liked PAPD to explore these additional tactical considerations, particularly the officers' decision to chase a "believed to be armed" suspect. The point would not be for purposes of discipline, but rather as part of its after-action assessment of this use of force. Given the infrequency of Taser deployments and their historical significance to the community as a source of special concern, this more comprehensive approach is seemingly worthwhile.

Recommendation: PAPD should expand its review of Taser use cases to encompass the event more broadly, including any tactical decision-making preceding the Taser deployment.

IV. Conclusion

Thank you for the continued opportunity to monitor PAPD on behalf of the community it serves. Please feel free to contact us at your convenience with questions or other feedback.