



City of Palo Alto Taser Task Force

RECOMMENDATION AND REPORT

To: City Council

From: City of Palo Alto Taser Task Force

Agenda Date: May 7, 2007

RECOMMENDATION

In response to the request from this Council, and for the reasons elucidated in this report, the Taser Task Force hereby recommends (7-2) that Tasers be purchased and deployed by the Palo Alto Police Department.

REPORT

In a Memorandum to Colleagues dated December 11, 2006, that was adopted by Council on December 18, 2006, then Mayor Judy Kleinberg was charged with establishing a Taser Task Force to develop recommendations to Council for possible purchase and use of Tasers by the Palo Alto Police Department. In a Memorandum dated January 5, 2007, and authored by then Mayor Kleinberg, the appointees to the Task Force were announced.

On April 10, 2007, following several meetings in which the Task Force heard live presentations, received voluminous literature, heard public comments, and had discussion, a majority of the Task Force members tentatively voted to recommend to this Council (7-2) that Tasers be purchased and provided to the Palo Alto Police Department for deployment by its officers.

On April 24, 2007, this report was ratified by the Task Force as its official report and recommendation to the Council. On that day, four Task Force members recommended the purchase and deployment of Tasers, in tandem with a Taser use policy drafted by the

Chief.¹ Three Task Force members also recommended the purchase and deployment of Tasers, provided certain conditions would be undertaken in conjunction with that deployment as explained below. One Task Force member recommended that Tasers not be deployed until certain conditions were met. Finally, one Task Force member recommended that Tasers not be purchased by the City of Palo Alto. In sum, on April 24, 2007, on a 7-2 vote, the voting members of the Taser Task Force recommended the purchase and deployment of Tasers.

Summary of Task Force Proceedings

The first meeting of the Task Force was convened on January 29, 2007. At that meeting, the Task Force discussed the assignment and considered operational strategies for carrying out that assignment. The Taser Task Force also began to develop relevant sources of information on the issue. At the first meeting, Police Chief Lynne Johnson supplied the Task Force with a notebook that contained several studies and reports of Tasers by various research groups. The Task Force was also provided with a notebook by Aram James, an anti-Taser advocate from the Coalition for Justice and Accountability, which also contained various studies and media accounts with regard to Tasers.² At the first meeting, the Task Force began to map out a schedule for presentations and future meetings. Finally, as with every meeting, the Task Force invited public comment on the matters discussed.³

The Task Force convened again on February 6, 2007. At that meeting, the Task Force listened to a presentation regarding Tasers conducted by Chief Johnson. The Department's use of force policy and various force options currently available to the Palo Alto Police Department were discussed and shown to the Task Force. There was also a presentation and display regarding the type of Tasers that the Department was interested in purchasing.

On February 27, 2007, each Task Force member was presented an opportunity to conduct a training session regarding critical decision-making and shoot/don't shoot scenarios at

¹The draft Taser use policy provided by the Police Chief is attached as an Addendum to this Report.

² As the Task Force progressed, it continued to receive voluminous literature from the Chief, the presenters, and members of the public. A bibliography of the reports and studies presented to the Task Force is attached as an Addendum to this Report. In addition, members of the Task Force shared information with each other that became discussion pieces for the meetings.

³ Minutes of each Task Force meeting were prepared and reviewed for accuracy by the Task Force members. The meeting agenda and minutes for each meeting are accessible on the City's website.

the Stanford Department of Public Safety. The training simulated different force scenarios presented to police officers and demonstrated the challenges presented in determining how best to respond to each situation. While the training was optional and individualized, those Task Force members who took advantage of the training stated that they found it to provide an important perspective.⁴

The Task Force again convened on March 13, 2007. At that time, the Task Force heard a presentation by the Chief of the Mountain View Police Department with regard to the way in which that City determined whether to expand its Taser deployment. The Chief noted that the City of Mountain View used its Human Relations Commission to explore the issue. The Task Force also heard from Barbara Attard, Police Auditor for the City of San Jose, to learn about the experiences of the San Jose Police Department with regard to its deployment of Tasers. Ms. Attard expressed her view that comprehensive and independent training, a tight policy, and objective auditing were important components that needed to be integrated into any decision to deploy Tasers. Finally, the Task Force received and briefly discussed the Taser policies of various departments that had deployed them, including the Cities of Mountain View, Los Altos and San Jose, the Los Angeles Sheriff's Department, and the Alameda County Chiefs of Police and Sheriff's Association Model Policy.⁵

The Task Force again convened on March 27, 2007. At this meeting, the Task Force heard from Dr. Jeffrey Ho regarding the medical issues surrounding the use of Tasers.⁶

⁴ Originally, the training eventually undertaken by some of the Task Force members was to be conducted as part of a public meeting. However, because the locale for the training was at Stanford and therefore, not within the City limits of Palo Alto, we were advised that the Brown Act would prevent holding a public meeting outside the City. Accordingly, per advice of the City Attorney and permissible under the Brown Act, the Task Force members were provided the opportunity to conduct individualized training at Stanford.

⁵ The Task Force received information that the large majority of the police agencies in the region had equipped their officers with Tasers. The Chief of the Newark Police Department was invited to present before the Taser Task Force – he declined the invitation but a letter espousing his position that he was not prepared to recommend deployment of Tasers for his agency was presented to the Task Force.

⁶ Concern was raised by members of the public, the ACLU, and some Task Force members about the fact that the research conducted by Dr. Ho was funded by the Taser manufacturer. Despite numerous and repeated efforts by Task Force member Dr. Choi to obtain additional medical experts to present before the Task Force, the invited experts declined or were unable to attend. The Task Force was able to supplement the medical information provided by Dr. Ho with documents and reports provided by the ACLU and other members of the public and was fortunate to have a physician and nurse on the Task Force.

In addition, the Task Force heard a presentation from Aram James from the Coalition for Justice and Accountability on why, in his view, Tasers should not be deployed. Finally the Task Force heard from Police Practices Director Mark Schlossberg of the ACLU about the ACLU's position on Taser implementation, use, and concerns. At the meeting, the Task Force was also presented with a Taser draft policy that would govern the use of Tasers should deployment be authorized.

The Task Force convened again on April 10, 2007. At that time, the Task Force heard a brief presentation from Scott Wong of the Palo Alto Peace Officers' Association.⁷ The Task Force also heard a presentation from Assistant City Attorney Donald Larkin concerning the use of Tasers and potential liability issues. After public comment, the Task Force discussed the ultimate issue regarding whether Tasers should be deployed by the City of Palo Alto Police Department.

Summary of Task Force Deliberations

On April 10, 2007, the Task Force members articulated the following tentative positions:

Aye Votes

Jay Boyarsky: In support of purchase and deployment of Tasers. To not so equip officers would be morally wrong. The Chief should be given deference on weapons deployment issues as it is ultimately her responsibility to keep the public safe.

Dr. Enoch Choi: In support of purchase and deployment of Tasers. The medical studies indicate that the risk of deployment of Tasers is acceptably low.

Gary Goodman: In support of purchase and deployment of Tasers. The Chief should be given deference on weapons deployment issues. The policy should provide more discretion to police officers.

Rabbi Josh Zweiback: In support of purchase and deployment of Tasers. The moral question of whether it is appropriate to use Tasers is dependent on the risk of lethality. The risk of lethality with regard to Tasers is acceptably low.

Linda Lenoir: Conditional support of purchase and deployment of Tasers since they may save lives. Conditional support so long as there is a tight policy, continual training, audits and monitoring.⁸

⁷ Prior to this brief presentation, the Task Force had received a letter in support of Tasers from the Palo Alto Police Officers' Association.

⁸ The Police Chief has committed to a Taser policy, training, and both internal and external auditing (The external auditing to be conducted by the Police Auditor as long as the position continues to exist.)

Daryl Savage: Conditional support of purchase and deployment of Tasers since they may save lives, other jurisdictions have deployed Tasers successfully, and the pain realized by Tasers, while intense, does not result in a long-lasting injury. Conditional support so long as there are strict and enforceable guidelines on use, training and monitoring.⁹

Donald Mendoza: Conditional support of purchase and deployment of Tasers since they are relatively safe and deaths have not been proven to result from their deployment. Conditional support with the following suggestions: Oversight of Taser deployment by the Police Auditor and the Human Relations Commission; a specific definition in the policy for “passive resisting”¹⁰; audio/video function of the Taser must be operational; incremental deployment of the Tasers first to experienced officers and supervisors.

No Votes

Jack Hamilton: Not in support of purchase and deployment of Tasers at this time. The Taser is not designed to be used in deadly force scenarios and will not definitively save lives. The medical evidence of risk is too uncertain because most of the research has been funded by the manufacturer. Position is to: Put the Department’s request for implementation of Tasers on hold until independent scientific research deems Tasers safe; the Department should support independently funded research into Taser use; the Department should support regulation of Tasers by a government agency; the Department should continue to equip officers with less lethal tools other than Tasers provided they have been independently proven to be safe; and the Taser Task Force should be reconvened in 18-24 months to review the state of the medical evidence and possibly reconsider its recommendation.

Janet Wells: Not in support of purchase and deployment of Tasers. The funds should be alternatively directed to assist the mentally ill. Taser use may have a disparate impact on the mentally ill and minorities. The types of crimes that occur in Palo Alto do not necessitate Taser use. There are too many unknowns regarding Tasers to deploy them.¹¹

Conclusion

The Task Force members appreciated the opportunity to participate in this process. The Task Force would like to thank all of the presenters who took the time to provide their

⁹ As noted above, the Police Chief has committed to these conditions.

¹⁰ At the April 24, 2007 Taser Task Force meeting, Mr. Mendoza found the specific definition of “passive resistance” as articulated in the draft policy to be acceptable.

¹¹ Ms. Wells also provided the Task Force with a copy of a 2005 Resolution by the NAACP that called for a ban on Tasers until independent scientific research could be performed regarding their safety.

insight, perspective, and expertise to the Task Force. The Task Force would also like to thank those presenters and members of the public for providing reports and other literature germane to the topic that increased the Task Force's sources of information. Should this Council have further questions about any of the matters discussed in this report the Taser Task Force would be pleased to provide any clarification or further comment desired.

Taser Studies Distributed to Task Force Members

- United States Government Accountability Office (GAO), Taser Weapons: Use of Tasers by Selected Law Enforcement Agencies
- League of Minnesota Cities, Police Use of Conductive Energy Devices (Tasers)
- Orange County Sheriff's Office Taser Task Force Committee Members
- United States Department of Defense, Human Effects Center of Excellence, Human Effectiveness and Risk Characterization of Electromuscular Incapacitation Devices
- Police Executive Research Forum (PERF), "Subject to Debate" newsletter, PERF Summit Culminates in National Guidelines for CEDs
- California Police Chiefs' Association (CPCA), CPCA Taser Survey
- Potomac Institute for Policy Studies, Press Release
- Potomac Institute for Policy Studies, Efficacy and Safety of Electrical Stun Devices Report
- Victoria Police Office of the Police Complaint Commissioner, Taser Technology Review Final Report
- Police Scientific Development Branch, PSDB Further Evaluation of Taser Devices
- International Association of Chiefs of Police (IACP), Electro-Muscular Disruption Technology, "A Nine-Step Strategy for Effective Deployment
- Stanford Criminal Justice Center, Use of Tasers by Law Enforcement Agencies: Guidelines and Recommendations (Prepared for the City of Mountain View Human Relations Commission)
- San Jose Police Department, Taser Usage Study
- Santa Clara County Civil Grand Jury Report, Tasers – Training and Tracking
- Charlotte-Mecklenburg Police Department, Taser Project, First Year-Full Deployment Study

- IACPNet, Long Beach, California: Less-Lethal Weaponry Case Study
- American Civil Liberties Union of Northern California (ACLU), Stun Gun Fallacy: How the Lack of Taser Regulation Endangers Lives
- Oregon Health & Science University, Portland, Oregon, A Retrospective Case Series Describing the Injury Pattern of the Advanced M26 TASER in Multnomah County, Oregon
- www.educationoptions.org, "Excited Delirium, Restraint Asphyxia, Positional Asphyxia and In-Custody Death" Syndromes: Controversial theories that may explain why some children in treatment programs die when restrained.
- Dr. Jeffrey Ho, MD, FACEP, Sudden In-Custody Death
- Internet Journal of Rescue and Disaster Medicine, Medical Aspects of Less Lethal Weapons
- U.S. Department of Justice, Office of Community Oriented Policing Services, Conducted Energy Devices: Development of Standards for Consistency and Guidance
- Ventricular Fibrillation after Sun-Gun Discharge
- Cardiac Electrophysiological Consequences of Neuromuscular Incapacitating Device Discharges, Journal of the American College of Cardiology, 2006 by the American College of Cardiology Foundation
- Department of the Army (US Army Center for Health Promotion and Preventive Medicine), Subject: The US Army Center for Health Promotion and Preventive Medicines Position on whether Taser Electro Muscular Incapacitation Launched Electro Stun Weapons are Safe to Use on US Army Military and Civilian Personnel During Training, February 2006