SUBJECT: Authorization for the Purchase, Training and Deployment of Electro-Muscular Disruption Technology Devices (Tasers®) by Public Safety Employees

BACKGROUND
The Department of Public Safety has been tasked with the responsibility of providing professional law enforcement services for the people who live, work, and visit the City of Sunnyvale. Occasionally, to accomplish this goal, it becomes necessary to arrest people for crimes. While Public Safety does its best to ensure suspects are taken into custody without incident, at times it is necessary to use force to affect their arrest. To accomplish this, sworn Public Safety employees are provided numerous hours of defensive tactics training that include control holds, impact weapons, oleoresin capsicum (pepper spray) and deadly force options. The use of these force options can result in injuries, or death, for both officers and people being arrested.

To minimize injuries and increase efficiency, Public Safety continuously conducts research on new techniques, technology and equipment in order to minimize injuries and increase efficiency. One tool we have identified is the Electro-Muscular Disruption Technology device, also known as a Taser®. A Taser® and other similar products are designed to use an electrical current to induce involuntary muscle contractions causing a person to be temporarily incapacitated.

In nearby law enforcement agencies, Tasers® are valuable tools that have assisted officers in arresting combative suspects without having to resort to impact weapons, pepper spray or firearms. Staff believes Tasers® are beneficial and will reduce injuries for suspects and officers.

EXISTING POLICY
Support Services Goals, Policies and Action Statements Policy 4.3.1

Goal 4.3B Facilitate quality decision making, through planning and research.

Policy 4.3B.1. Maintain knowledge of technological advances, current trends and issues that impact Public Safety services.
**Action Statements**

4.3B.1a. Review Public Safety related literature to maintain an awareness of innovations in Public Safety service delivery.

**Policy 4.3B.2** Provide alternative options to enhance the effectiveness of Public Safety operations.

**Law Enforcement Goals, Policies and Action Statements Policy 4.1**

Goal 4.1E Sustain a highly trained police services division in order to assure that police services are provided in a quality and efficient manner.

**Department General Orders Manual Chapter 4 Part 4.12**

Policy 4.12.06 A. Officers are confronted with situations where control is required to effect arrests or protect the public safety. Attempts will be made to achieve control through advice, warnings, and persuasion. However, where physical resistance or a threat to life or safety is encountered and alternatives have been exhausted or would be ineffective, physical force may be used.

Policy 4.12.12 A. Only Department-issued or approved restraining devices, weapons, and equipment shall be used while performing a Public Safety function.

Weapons, equipment, and restraining devices are tools for use by Officers in de-escalating confrontational situations to avoid them developing into a deadly force situation. Such equipment provides alternatives for an Officer when faced with an escalating confrontation with a combative subject.

**DISCUSSION**

It is imperative that Public Safety provides for the safety of our community, including suspects who are arrested for crimes and officers making these arrests. This task has guided staff to search for contemporary equipment allowing officers to arrest combative suspects using minimal force in a safe and humane manner. In recent years, Sunnyvale Public Safety implemented the use of less lethal enforcement tools. This equipment consists of bean bag projectiles deployed from shotguns, shoulder mounted weapons that deploy rubber projectiles and shoulder mounted weapons that fire capsules of powdered oleoresin capsicum. The introduction of Tasers® will serve to enhance less lethal force options available to Public Safety staff.

The Taser® is a non-lethal electronic control device used to assist officers in the performance of their duties. It is designed to temporarily immobilize a non-compliant or violent person. Not considered a firearm, a Taser® uses compressed nitrogen to launch two tiny barbs attached with two 25-foot wires. The optimum range is 7-15 feet from the target. When fired, the top barb impacts at point of aim. When the barbs contact the assailant or his/her clothes, the Taser® sends electronic pulses through the wires instantly
incapacitating the assailant without causing permanent injuries. Since Tasers® immediately immobilize a person, it is possible minor injuries may occur; particularly from a fall to the ground. The technology is created by the device producing 50,000 volts to penetrate a subject’s skin and clothes. Amperage (amps), not voltage, is what causes serious physical harm. A wall outlet produces between 15 – 30 amps, as compared to a Taser® which produces .0021 of one amp. Tasers® have a tracking chip that stores the time and date the trigger was engaged. This data will provide complete and accurate documentation of the time and date of each Taser® firing. In addition, the data provides a powerful management tool to track use patterns and will aid in preventing misuse by officers.

The benefits for police organizations go beyond providing an alternative tool for arresting combative and uncooperative assailants. Nationwide, law enforcement organizations using Tasers® have experienced a drastic reduction in injuries and Workers’ Compensation claims from fighting with combative suspects. In Santa Clara County, most municipal law enforcement agencies, along with the San Jose State University Police Department and the California Highway Patrol, issue Tasers®. The Santa Clara County Sheriff’s Office and Sunnyvale DPS are the only two agencies who do not issue Tasers®. The only local agency to have kept meaningful Taser® use statistics is the San Jose Police Department (SJPD). In 2006, SJPD used force 2,278 times and of these incidents, the Taser® was used 163 times (7.2%). Refer to Attachment “A” for examples of how agencies have benefitted from implementing Taser® programs.

Since July 2008 to March 2012, 11% of Public Safety Officer Workers’ Compensation injuries are a result of arresting or fighting with combative suspects. These injuries have cost the City $343,000 in medical costs and approximately $69,000 in personnel time. In 2012 alone, seven officers have been injured while fighting with suspects. Six officers were unable to immediately return to work, which resulted in overtime costs to backfill these positions. Staff believes if Public Safety had a Taser® program, there is a high probability these injuries and the injuries sustained by suspects may have been prevented.

Subsequent to the implementation of Tasers® by police agencies throughout the nation, there have been a number of reported sudden death cases. Amnesty International, a group concerning itself with Human Rights, reported 152 possible Taser®-related deaths between 2001 and 2007. The majority of these deaths involved suspects who were exposed to Taser® use along with being under the influence of illicit drugs. However, there have also been several deaths reported after Taser® exposure, which were not attributed to being under the influence of drugs. These cases involved subjects diagnosed with Excited Delirium Syndrome along with other combined factors likely to have caused the suspect’s death. A consensus from the American College of Emergency Physicians Task Force found that Excited Delirium Syndrome is a
real syndrome that is generally used to describe a person displaying an altered mental status with severe agitation and combative or assaultive behavior that has eluded a unifying, prospective clinical definition.

In many Amnesty International reports, it is noted if a suspect goes into cardiac arrest after Taser® use, it will occur within five to 40 minutes. An opposing opinion, by some medical professionals, states if a lethal dysrhythmia such as ventricular fibrillation was caused from the electrical charge it would be expected to occur at Taser® activation and not five to 40 minutes after the Taser® is used. According to the American Academy of Emergency Medicine Clinical Practice Committee, coexisting conditions such as intoxication, prolonged struggling, altered mental status, or symptoms of Excited Delirium Syndrome may already be present in subjects exposed to an electrical charge from a Taser®. The committee does not believe the Taser® is a precipitating factor in cases of sudden death. Commonly, a person who receives an electrical charge from a Taser® will feel dazed for several seconds. Recovery is fast and the effects stop the instant the unit is shut off. Some will experience critical response amnesia and others experience tingling sensations.

Staff believes the initial training of public safety personnel will be paramount to having a successful and safe Taser® program. The program will consist of a nine step implementation process currently endorsed by the International Association of Chiefs of Police. Along with this process, the program will include training six (6) officers as department Taser® instructors; this is a 20 hour course per officer. The remaining 189 sworn officers, six Community Service Officers, and two Animal Control Officers will receive initial training during Advanced Officer training and Fire Tower sessions; approximately 1,600 training hours will be required. The training hours are contained in the current Police and Fire Service Bureau training budgets. Annually, all staff that is authorized to carry a Taser® must complete an annual two hour re-certification course in conjunction to regular in-service training.

Based on research, the purchase and deployment of Tasers® will provide Public Safety a tool to effectively subdue and arrest violent subjects. Additionally, staff believes officer and suspect injuries will be reduced and deadly force incidents may be prevented. The City Attorney’s Office reviewed this report and strongly supports this additional tool as an alternative for officers faced with situations where an escalation of force is required. A Taser® policy and comprehensive training plan have been developed to provide Public Safety employees knowledge of how the Taser® operates and guidelines of when a Taser® is to be deployed to minimize liability and injuries.

**FISCAL IMPACT**

The price of each Taser® is approximately $1,083 which includes the X-26 Taser®, holster, and spare cartridges. Purchasing 208 units and two dataport kits which are used to download Taser® activation information will cost
approximately $226,000. These funds have been identified in Asset Forfeiture and the Supplemental Law Enforcement Services accounts. Future replacement of Tasers® as they become unserviceable will have to be built into the department’s equipment replacement schedule with an anticipated five year replacement cycle. Funding for future replacements will come from future Supplemental Law Enforcement Services funding allocations.

The employee cost and tuition associated with sending six public safety employees to Taser® instructor school will be approximately $14,000. These costs will be absorbed within the current Department budget. Training for all other employees issued a Taser® will be accomplished by using straight time hours already within the Public Safety budget.

PUBLIC CONTACT
Public contact was made by posting the Council agenda on the City’s official-notice bulletin board outside City Hall, in the Council Chambers lobby, in the Office of the City Clerk, at the Library, Senior Center, Community Center, and Department of Public Safety; posting the agenda and report on the City’s Web site; and making the report available at the Library and the Office of the City Clerk.

ALTERNATIVES
1. Approve the use of Asset Forfeiture and Supplemental Law Enforcement Services funds to purchase and deploy Tasers® in the Department of Public Safety.

2. Do not approve the use of Asset Forfeiture and Supplemental Law Enforcement Services funds to purchase and deploy Tasers® in the Department of Public Safety.

RECOMMENDATION
Staff recommends Alternative 1: Approve the use of Asset Forfeiture and Supplemental Law Enforcement Services funds to purchase and deploy Tasers® in the Department of Public Safety.

Reviewed by:

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Attachment A: Examples of Taser® Program Benefits to Law Enforcement Agencies
Examples of Taser® Program Benefits to Law Enforcement Agencies

• Dr. William Bozeman, of Wake Forest University School of Medicine, conducted a study of Tasers® and stated:
  
o “These weapons appear to be very safe, especially when compared to other options police have for subduing violent or combative suspects. Not to say that injuries and deaths are impossible. Police and medical personnel need to be aware of the potential for serious injury and look for evidence that a person subdued by a Taser® has been hurt.”

• In Texas, the Houston Police Department tracked Workers’ Compensation claims for three years after Tasers® were deployed. The Taser® was used 1,332 times, and is believed to have reduced physical confrontations between officers and unarmed suspects. In addition, the Workers’ Compensation cost dropped from $2.2 million the year Tasers® were implemented to $738,000 the following year and $148,000 the third year.

• The Chico Police Department in California implemented Tasers® in 2003. While overall use of force in 2003 increased 53%, the injuries to officers declined by 50% and to suspects by 16%. Chico PD believes the success of Tasers® correlates to proper training. Chico has had no deaths as a result of Tasers® and strongly believes the Taser® is an effective option to other types of force. Officer and suspect injuries continue to decline, which Chico PD credits to Tasers®.

• Marin County Sheriff’s Department in California has a robust Taser® program. In 2009 the department used the Taser 87® times. Of these deployments 49 suspects surrendered upon mere display of the device. The remaining deployments had a 93% success rate upon the suspect receiving a single electrical charge; of these deployments one suspect received an injury consisting of an 8 inch scratch. No officers were injured.

• The Long Beach Police Department (LBPD) began using Tasers® in 2004 and collected use information for 2004 and 2005. During this time, LBPD deployed 900 Tasers® and used the Taser® 342 times which resulted in minor to no injuries 92% of the time. Despite LBPD having a 2% increase
in arrests and an 8% increase in overall use of force, arrest related injuries declined 25%.

- In Dallas, Texas a 15 month study regarding policy compliance and associated medical events showed among the 426 Taser® use incidents, all suspects received rapid medical evaluation or first aid. None of these suspects required additional medical attention except for one who was also found to have severe hypothermia. Additionally, in 5.4% (23) of these Taser® deployments, the Taser® was deemed to have clearly prevented the use of deadly force by police.

- The University of South Carolina’s Criminal Justice Department conducted research on 1,645 Taser® deployments by two large metropolitan police organizations. The research examined the impact of officer and suspect injuries related to Tasers®. The information presented showed without Tasers®, hands on tactics were elevated and injuries to officers and suspects increased. The study disclosed that relative to other forms of force, Tasers® can reduce the risk of injury to both suspects and police officers. Researchers believe this information should prove useful to police agencies considering adopting Tasers® and suggests agencies should consider Tasers® in place of hands-on tactics when fighting with actively resisting suspects.

- In the San Diego Sheriff's Department (SDSD), an analysis of officer involved shootings was conducted. In 2005 the SDSD experienced 10 officer involved shootings. In an effort to reduce these numbers the department purchased Tasers®. After acquiring Tasers® and conducting department training, in 2007 the SDSD had zero shootings. While the SDSD realizes they will continue to have officer involved shootings, their Command Staff is convinced that if they did not have Tasers® more incidents would have developed into lethal force situations.

- Similar statistics were experienced by the Ventura County Sheriff's Department (VCSD). In 2007 the VCSD deployed Tasers® to patrol deputies. In the previous six years, VCSD experienced 17 officer involved shootings. In 2007 the shootings dropped 100% to zero. The VCSD statistics showed a majority of these shootings involved mentally ill suspects, and noted the Taser® was an invaluable tool in assisting deputies with subduing these suspects while keeping injuries to both deputies and suspects at a minimum.