

## The Taser: Don't Be Shocked

### **Synopsis**

Local law enforcement agencies use a variety of lethal and non-lethal weapons. One of these weapons, the Taser, receives both positive and negative publicity. The 2005-2006 Grand Jury looked at the use of the Taser by local law enforcement agencies, focusing on established policy and training.

The Grand Jury found that all local law enforcement agencies within the County of Santa Cruz had current policies that thoroughly addressed important factors regarding Taser use. The Grand Jury also found agencies were providing up-to-date training to their officers. The overall reported reduction in injuries to officers and suspects, since Taser usage was introduced, was an unanticipated finding.

Recommendations are made encouraging continued policy review and additional training.

### **Definitions**

**Afid Tags:** Each air cartridge contains over forty minute particles that identify the serial number of the air cartridge used.

**Air cartridge:** a replaceable cartridge for the Taser that uses compressed nitrogen to fire two barbed probes on connecting wires, sending high-voltage current into the target

**Barb:** sharp point of the probe that is intended to penetrate clothing or skin. Penetration of skin is not required for successful deployment.

**Drive Stun:** bringing the Taser into direct contact with the target after the air cartridge has been expended or removed

**Excited delirium:** a behavioral condition whereby a person exhibits extremely agitated and non-coherent behavior, elevated temperature, high tolerance to pain, and excessive endurance without fatigue

**Taser:** a conducted-energy weapon that utilizes compressed nitrogen to shoot two probes up to twenty-one feet. The probes are connected to the weapon by wires and when the probes make contact with the target, the Taser transmits electrical pulses along the wires and into the body of the target. Taser is both the company name and the product name.

**Lethal Weapon:** weapon that, by design, is capable of causing death

**Non-Lethal or Less-Lethal Weapon:** weapon that is designed and normally employed to incapacitate, while minimizing fatalities

**OC:** Oleoresin Capsicum; also known as pepper spray; used as a non-lethal, self-defense tool that irritates the eyes to cause tears, pain, and even temporary blindness

**POST:** Commission on California Peace Officer Standards and Training; the agency that regulates standards and training for California law enforcement officers

**Use of Force:** California Penal Code § 835a provides that: “Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.”

## ***Background***

Every day throughout the country, law enforcement officers are faced with difficult split-second decisions to use lethal or non-lethal force to protect their lives, or the life of another person. This difficult decision also falls upon law enforcement officers serving in Santa Cruz County.

When lethal force is not justified, and sometimes when it is, law enforcement officers employ non-lethal weapons to perform their duties. Various types of non-lethal weapons are used by law enforcement including impact weapons, chemical agents, and defensive tactics. More recently, less lethal munitions that deploy a bean-bag or a plastic projectile have been available to law enforcement officers.

Most non-lethal weapons and force options depend on pain-compliance to be effective. The effectiveness of these measures can be diminished by size, strength, mental condition, or being under a chemically influenced state.

People under the influence of an illicit stimulant substance such as cocaine or methamphetamine, or people with a history of mental illness who are not taking their medications properly, are particularly prone to the condition of excited delirium. Pain-compliance weapons and force are minimally effective on those in a state of excited delirium. Therefore, law enforcement personnel are at greater risk for injury when they must take control of such a person. Using hands-on force, or the Taser, can escalate a state of excited delirium.

Taser, the brand name for the Thomas A. Swift Electronic Rifle, manufactured by Taser International, is advertised as a less-lethal weapon that does not depend on pain-compliance. The most current models of the Taser in use by local law enforcement, the M26 (introduced in 1999) and the X26 (introduced in 2003) override the central nervous system and incapacitate the subject. It is, therefore, more effective against persons who have the ability to resist painful stimuli.

Taser International asserts that their current model, the X26, produces a low-amperage, high-voltage discharge. Training material shows the amperage output of a standard Christmas tree bulb as 1 amp, and that of the Taser as 0.0036 amps. Taser International additionally asserts that the static discharge from a door knob can range from 35,000 to 100,000 volts compared to 50,000 volts from the Taser.

When oleoresin capsicum (OC) or Pepper Spray was first introduced for use by law enforcement its use was controversial. Use of the Taser is likewise controversial. While news articles often focus on detrimental effects of Taser usage, the successful deployment of Tasers and their effectiveness are less frequently reported. The American Civil Liberties Union (ACLU) and Amnesty International are two organizations that have been particularly critical of Taser use. Many studies have been conducted concerning the Taser that reflect both sides of the controversy. The results are often contradictory. Published articles often encourage a completely independent government-sponsored study of the Taser, rather than studies conducted or commissioned by Taser International.

A study published by the Florida Gulf Coast University<sup>1</sup> examined 1,400 Orange County (Florida) Sheriff's Department use of force reports from 2001 to 2003. This study showed that while subduing a target:

- impact weapons had high injury rates and lower effective rates
- chemical agents had very low injury rates but were often ineffective
- defensive tactics caused the largest number of suspect and officer injuries and were often ineffective
- Taser was effective seventy-seven to ninety-five percent of the time and was effective in de-escalation ninety percent of the time with a very low injury rate

The ACLU of Northern California (ACLU-NC) published a Taser Study in September 2005.<sup>2</sup> Included in this study was a "Best Practices Taser Policy." This did not represent a "model policy," rather "some of the best policies currently being employed by regional law enforcement agencies." Portions of the policies of Capitola and Scotts Valley Police Departments were favorably cited by the ACLU-NC.

The Criminal Justice Committee of the 2005-2006 Grand Jury reviewed the departmental policies of the five local law enforcement agencies (Capitola Police Department, City of Santa Cruz Police Department, Scotts Valley Police Department, Watsonville Police Department, and Santa Cruz County Sheriff-Coroner's Office) pertaining to the use of the Taser, and compared each policy with the "Best Practices Taser Policy" presented by the ACLU-NC. State law enforcement agencies were excluded from the study.

Specific Taser training is not currently available from California Peace Officer Standards and Training (POST). Law enforcement personnel are trained by department in-house training staff who were previously trained by Taser International. Training material is constantly updated. The current training version provided by Taser International is version 12.0.

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<sup>1</sup> Florida Gulf Coast University, "Taser Deployment and Injuries: Analysis of Current and Emerging Trends," undated document.

<sup>2</sup> American Civil Liberties Union of Northern California, "Stun Gun Fallacy: How the Lack of Taser Regulation Endangers Lives," September 2005.

## **Scope**

This investigation focused on the policies and procedures of each local law enforcement agency in the County of Santa Cruz for deployment of the Taser, training provided to officers, and maintenance of the weapons to ensure Tasers are being used properly. The investigation sought to determine if education was consistent with recognized training standards. The purpose of the investigation was not to encourage or discourage the use of the Taser by local law enforcement, nor to make any finding on the safety or science of the Taser.

## **Sources [See Appendix]**

## **Findings**

1. Every local law enforcement agency has a Taser policy in place.
2. All local law enforcement agencies have reviewed and revised their Taser Policies within the past twelve months.
3. Not all local law enforcement agencies publish a “use of force” report that includes Taser use and deployment.
4. Every local law enforcement agency uses either the M26 or X26 Taser. No local agency currently issues a Taser to each individual officer.
5. Every local law enforcement agency currently employs an officer trained to instruct in the proper use of the Taser according to individual department policy.
6. Every local law enforcement agency uses the most current Taser training material provided by Taser International for initial and updated Taser training. POST does not provide Taser training to California law enforcement officers.
7. Taser training officers must be re-certified every two years.
8. Only officers who have received Taser training are authorized to carry a Taser.
9. Every local law enforcement agency requires that officers who are going to carry Tasers on their duty shifts, must test the weapon prior to departing the office.
10. Officers carry a Taser on the opposite side of their bodies from their lethal weapons.
11. It is reported by training officers that the mere threat of using a Taser will often de-escalate a volatile situation.
12. The range of probes from a Taser is fifteen to twenty-one feet from weapon to target, thus reducing the proximity of physical contact.
13. When either the M26 or the X26 is discharged, small, colored and transparent, coded microdots, called afids, disburse into the surrounding area. The afids facilitate the collection of evidence and are traceable to the taser weapon used.
14. Barbs that penetrate the skin can be removed easily by officers or medical personnel.
15. Commonly, photos are taken of barb sites after removal.

16. The M26 and X26 Taser models have built-in memory that documents use of the weapon and are capable of being downloaded and used for statistical data gathering. Not all local law enforcement agencies have purchased the computer hardware to download this information.
17. Local law enforcement agency administrators were knowledgeable about the Taser and the controversy surrounding its use.
18. A search of the literature by the Grand Jury found that death or injury, associated with Taser utilization by law enforcement, occurred disproportionately in suspects on drugs, in states of excited delirium, or in those who received persistent multiple shocks.
19. It is difficult for law enforcement officers to quickly recognize the broad range of symptoms exhibited in states of excited delirium.
20. All of the policy items listed in the ACLU-NC “Best Practices Taser Policy” are partially or fully addressed in the Taser Policy of every local law enforcement agency.
21. Local law enforcement administrators and training officers have told the 2005-2006 Grand Jury that officer Workers Compensation claims and suspect injuries have declined since Taser use began.

## ***Conclusions***

1. Local law enforcement agencies have policies that regulate Taser use that meet or exceed the “Best Practices Taser Policy” recommended by the ACLU-NC.
2. Departmental administrators and Taser training officers are knowledgeable in the use of the Taser and its possible risks.
3. Local law enforcement agencies are using the most current Taser training material.
4. Law enforcement agencies must have less-lethal weapons at their disposal to better protect themselves and the public.
5. POST does not provide independent training in the use of the Taser.
6. Less-lethal weapons, such as the Taser, decrease the need for traditional defensive tactics by law enforcement officers, and are reported to be responsible for a reduction in costly Workers Compensation claims.
7. A person in a state of excited delirium poses a serious threat to law enforcement personnel, as well as the general public.
8. Community outreach and the sharing of published reports showing the circumstances and use of less-lethal weapons, including the Taser, would help to educate the public and improve law enforcement relationships with the community.

**Recommendations**

1. Local law enforcement agencies should continue to be diligent in updating their Taser policies to conform to changing regulations and technology.
2. Currently, all Taser training officers receive their training from Taser International. Local law enforcement administrators should lobby POST to provide independent training for Taser use.
3. Local law enforcement agencies should publish a Use of Force Report to include Taser usage. Portions of this report could be shared with members of the community to foster educational awareness and improve community relations.
4. The Grand Jury recommends that law enforcement agencies within the county begin a tracking system to determine if a correlation between Taser deployment and the number of law enforcement officer Workers Compensation claims exists.
5. Local law enforcement agencies should train their personnel in the recognition of symptoms related to excited delirium and establish policies for handling persons in that state. As soon as reasonably possible, the services of medical professionals should be enlisted to render appropriate care.

**Responses required**

<b>Entity</b>	<b>Findings</b>	<b>Recommendations</b>	<b>Respond Within</b>
Santa Cruz County Sheriff-Coroner	3, 6, 16, 19, 21	1-5	60 Days (September 1, 2006)
Capitola Police Department	3, 6, 16, 19, 21	1-5	90 Days (October 1, 2006)
City of Santa Cruz Police Department	3, 6, 16, 19, 21	1-5	90 Days (October 1, 2006)
Scotts Valley Police Department	3, 6, 16, 19, 21	1-5	90 Days (October 1, 2006)
Watsonville Police Department	3, 6, 16, 19, 21	1-5	90 Days (October 1, 2006)

## **Appendix - Sources**

### **Interviewed:**

Chief of Police, Capitola Police Department.  
Chief of Police, City of Santa Cruz Police Department.  
Chief of Police, Scotts Valley Police Department.  
Chief of Police, Watsonville Police Department.  
Sheriff-Coroner, Santa Cruz County Sheriff-Coroner's Office.  
Training Officer, Capitola Police Department.  
Training Officer, City of Santa Cruz Police Department.  
Training Manager, Scotts Valley Police Department.  
Training Officer, Watsonville Police Department.  
Training Officer, Santa Cruz County Sheriff-Coroner's Office.

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## 2005-2006 Santa Cruz County Grand Jury Final Report

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### Santa Cruz County Sheriff-Coroner’s Office

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### Taser International

“Deadly Rhetoric: How the ACLU of Northern California’s Fight Against Law Enforcement Control Tools Endangers Communities,” January 2006.

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“Report on Human Effectiveness and Risk Characterization of Electromuscular Incapacitation Devices,” October 18, 2004.

### Watsonville Police Department

“Use of Force Policy,” January 9, 2002.

“Use of Taser – Policy and Procedure,” June 1, 2005.

### **Newspaper articles**

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