



City of Palo Alto Taser Task Force

Art Center, Meeting Room
1313 Newell Road
Palo Alto, CA 94303
February 6, 2007

Members Present

Michael Gennaco, Chair
Jay Boyarsky
Dennis Burns
Enoch Choi
Gary Goodman
Jack Hamilton

Linda Lenoir
Donald Mendoza
Daryl Savage
Janet Wells
Josh Zweiback

Introduction

Chair Michael Gennaco called the meeting to order at 6:05 p.m. and introduced task force members Dr. Enoch Choi (who participated by phone on January 29th) and Janet Wells (who was absent on January 29th).

Janet Wells is the past president of the NAACP and is very active in the community.

Review / Acceptance of Minutes from Last Meeting

Mr. Gennaco reminded everyone that the minutes are not verbatim, only a sense of the topic. Members were asked if there were any amendments to the minutes of January 29th.

Mr. Mendoza thought that members of the public were able to speak for five minutes rather than the three minutes noted and that the three minutes applied to future meetings. Mr. Gennaco clarified that since the meeting had run late and there were 15 speakers, the time limit was reduced to three minutes but not strictly enforced.

Dr. Choi corrected that he is an eight-year resident of Palo Alto, not nine.

The meeting minutes were accepted with the noted change and will be posted on the website. (<http://www.cityofpaloalto.org/cityagenda/publish/taser-taskforce/taser-taskforce.htm>)

Ms. Natalie Fisher asked about task force members' email addresses being made public. Mr. Gennaco responded that it is up to the task force members on whether or not to provide that information. Mr. Aram James has submitted a public records request for the same information. Dr. Choi said he did not want his personal email made public but it has been. He will not respond to emails sent to that address but contact can be made through www.medhelp.org.

Task Force Discussion Re Literature Distributed at Previous Meeting

Mr. Gennaco asked task force members for any comments, thoughts or concerns regarding the information distributed at the last meeting. Task Force Members Choi and Wells have not received their information binders from Mr. Aram James. Mr. James said he was told by City Attorney Don Larkin they would be distributed at tonight's meeting. Mr. Larkin was not able to attend the meeting but Deputy City Attorney Melissa Tronquet was present and said she would get them to the task force members in the next few days.

Mr. Gennaco asked if there was any missing information that could be helpful or educational.

The policy and training plan will be developed by the Police Department. Mr. Boyarsky brought in policies from the San Jose, Mountain View and Los Altos Police Departments. Los Altos's policy refers to tasers only and Mountain View's discusses all tools. Mr. Gennaco provided a copy of Los Angeles County Sheriff's Department's policy. Members should review the policies and discuss at the next meeting.

Dr. Choi said he is collecting medical literature and will solicit medical experts as well.

Mr. Gennaco expressed that the information received provides a balance on all sides.

Task Force Discussion Re Public Comment From Week Previous

Mr. Gennaco explained the importance of recognizing public interest in tasers and the importance of having a placeholder to discuss the previous week's comments. Mr. Gennaco asked for any reaction or comment on the public comment from last week's meeting.

Mr. Boyarsky expressed concern of the tenor of some emails to voice unpopular views. It's important to give appropriate weight to the message and messenger,

especially when the topic is controversial. Mr. Boyarsky continued to say that task force members have made a sacrifice to be here and asked to keep the unpleasantness to a minimum. Mr. Boyarsky clarified that he excluded Mr. James's emails from the above comments and that he appreciates his time and effort. Mr. Boyarsky said he would be supportive of offering time to Mr. James to make a formal presentation to the members on behalf of the Coalition for Justice and Accountability. Mr. Gennaco appreciated Mr. Boyarsky's remarks and said that we could look at the proposed timetable.

Palo Alto PD: Presentation Re Taser / Use of Force Options

Chief Lynne Johnson provided information about tasers and how the Department has come to the decision to purchase tasers. Chief Johnson said there are numerous vendors in addition to Taser International. Ninety percent of law enforcement agencies in California have tasers and 5,000-7,000 police agencies in the United States, Canada and Europe use them.

Chief Johnson explained that officers have been asking for tasers for three years and she wanted to do research before making a decision on them. Chief Johnson has read a lot of information from organizations such as PERF, IACP and spoken with colleagues who have purchased tasers and who have not. Other reports she's read come from the National Institute of Justice, the ACLU and Amnesty International. After much research, she is now ready to purchase tasers.

Chief Johnson said that Chief Seaman from Los Gatos/Monte Sereno Police Department mentioned during his presentation to his Council that "they hope to not use tasers but we're at a point in society that we would be negligent if tasers were not available to use."

Chief Johnson continued to say that tasers are less lethal weapons not non-lethal. Injuries and death have occurred in cases where bean bags, pepper spray and other tools have been used. Initially when pepper spray started being used, a few deaths occurred, not from the spray but from excited delirium. Pepper spray today is used by almost every agency. Civilians can also carry pepper spray. Tasers are not a replacement for tactics.

Chief Johnson said that some agencies have misused and/or abused the use of tasers and this has caused negative reaction. Some deaths have been linked to tasers and they are still controversial. The deaths are related to excited delirium and not the tasers. Opponents of tasers are concentrating on those deaths. An eight-year study by British Columbia has shown that 4,000 lives, both police officers and suspects, have been saved by the use of tasers. They concluded that there was a ratio of 70-1, saved versus lost lives compared to 90-1 with vehicle air bags.

The Association of Bay Area Government (ABAG) has researched and approved funding for ABAG cities to purchase tasers.

Chief Johnson asked task force members to consider the pros and cons of tasers and to not rely on abuse by other agencies. The recommendation they will be making applies to the Palo Alto Police Department. She said she has no control over other agencies' officers, but does have control of Palo Alto officers.

Chief Johnson spoke about the myth that unarmed people are not dangerous when in fact people on methamphetamine can have super human powers and can be extremely dangerous. She spoke about an incident years ago where a suspect had a baseball bat and was ultimately shot but didn't die and this would have been an incident where a taser could have been used.

Chief Johnson has the moral obligation to ensure the safety of the community and the safety of police officers. Officers have as much right as anyone else to go home everyday uninjured. She spoke about the statewide crisis of recruiting and retaining qualified candidates for police officer.

A study of deputy-involved shootings has shown that the Los Angeles County Sheriff's Office has had 11 percent of their deputy-involved shootings essentially being suicide by cops. Tasers have proven to save lives when used in these situations. Many more parolees will be released from prison and they frequently will fight to not go back.

Chief Johnson said that proper and continued training is a must and critical with the use of tasers. Police officers use discretion everyday and we have a low number of use of force incidents and believes this will not change with tasers.

Chief Johnson said that tasers are available on the Internet for anyone to buy for \$25 with 100,000 volts. At a tech show, they have colored tasers to appeal to the public. Citizens have no restrictions on the purchase or use of tasers.

The courts have stated that tasers are Constitutionally allowed if the suspect is resisting.

Chief Johnson stated that a policy is in progress and the policy states that if a taser is used medical assistance would be provided. Quarterly reports will be provided to Council. Prior to using tasers, officers would be required to attend 16 hours of crisis intervention training, which is double the number of hours provided on other tools. The training would be provided to teach officers how to deal with people with mental illness. Continual management and supervisory oversight would occur.

Mr. Hamilton asked if members would be able to ask Chief Johnson questions and Mr. Gennaco responded yes.

Presentation by Sergeant Natasha Powers

Sergeant Powers has been with the Police Department for 10 years and is a Palo Alto resident. Sergeant Powers is the head of the Department's defensive tactics team and is recognized by other agencies as a training expert in the use of force and defensive tactics. Sergeant Powers conducted a PowerPoint presentation and encouraged questions.

Sergeant Powers explained Palo Alto PD's transition of Koga tactics to the FBI method that provides more safety to officers. The concept of distance between the officer and suspect provides the officer time and safety. Sergeant Powers spoke about the various training officers receive from the academy and throughout their careers. She spoke about the legal justification for the use of force from the U.S. Constitution down to the law enforcement agency level.

When suspects are under the influence, there is no ability to reason with them. The various force options used in situations are: tactical communication, control holds/hands on, OC spray, ASP (collapsible) baton, SageCo gun, pepper ball and carotid restraint. Sergeant Powers spoke about OC, which doesn't always work as it needs time to oxygenate when sprayed. Mr. Hamilton asked whether the minuses of OC outweigh the pluses with OC and Sergeant Powers agreed. Sergeant Powers provided an overview for each tool used with the use of force and below are the tools where clarifying questions were asked.

- ASP Baton – metal and can bend. Per Department policy, a medical clearance is required when the ASP is used.
- Sage Gun – demonstration and uses a rubber bullet. Dr. Choi asked if only the rubber part shoots out and Sergeant Powers confirmed this.
- Pepper Ball – uses a CO₂ canister and is similar to paint ball, except that there is pepper in the ball. Mr. Hamilton asked what the range of the ball is and whether or not it is deadly. Sergeant Powers responded the range is approximately 15'-20' and yes it can be deadly. Sergeant Powers said that all of the tools can be deadly and that is why officers are trained to aim at extremities and not the face.
- Carotid Restraint – The Police Department rarely uses the carotid restraint and Sergeant Powers has used it only once in her career. The carotid restraint temporarily restricts oxygenated blood flow to the brain. Mr. Hamilton asked for some clarification on the technique so Sergeant Powers demonstrated the hold in which it is used. Mr. Boyarsky asked if this is the same thing as a choke hold and Sergeant Powers said that they are different.

Sergeant Powers spoke about the Department's current use of force policy and that it requires all uses of force be documented. Mr. Boyarsky asked about Palo Alto only having eight uses of force incidents and that that doesn't make sense in

that he knows in reading police reports that force on officers has occurred more than eight times. He also asked if we only have eight incidents then why does the Police Department need another tool. Sergeant Powers responded that force is often used any time an arrest is made and officers are required to document the force used in a crime report. Supervisors must document use of force in a separate report when there is a complaint of pain, visible injury, if OC, pepper ball, SageCo, ASP or carotic restraint are used and if a canine bite during apprehension occurs. Sergeant Powers said the "eight" refers to these scenarios and do not include taking someone to the ground or all arrests. Mr. Boyarsky asked if the Police Department might see an increase in uses of force with tasers and Chief Johnson responded there is the potential of an increase, but studies show that when officers show the taser, the suspect will usually comply. She also said that the tasers do not change the ability to go hands-on, but they are one more tool available to the officers.

Sergeant Powers explained that use of force reports are reviewed by a board in order to identify training needs or when they reveal a conflict in policy.

Sergeant Powers said tasers are not a traditional pain compliance tool, which means tools whereby the application of pain achieves compliance. She also spoke about the effects of the tasers and possible side effects. Sergeant Powers provided a list of Santa Clara and San Mateo County agencies who do and do not have tasers (included in PowerPoint handout).

Sergeant Powers displayed the taser model with a camera. A cycle can be terminated and information is downloaded when used. Ms. Savage asked that if a cycle is five seconds can it be stopped before the five seconds and Sergeant Powers responded yes. Sergeant Powers explained that tasers work on muscle mass – the more muscle, the more effective it is. She said that 50,000 volts does not go through the body and only 1,200 volts goes through the muscle and it is not additive per application. The taser camera has both video and audio capabilities. The benefits of the taser camera are accountability, video evidence, factual reference for report writing, assist in investigation of officer-based complaints, corroborate officers' statements and identify training and policy issues. Mr. Goodman asked if the taser would still work if the hand is covering the camera and Sergeant Powers responded yes. Sergeant Powers said the downloaded information is put into PDF format so it can't be altered and there will be a quarterly audit of each taser unit. Ms. Savage asked to whom the reports will go to and Chief Johnson responded that reports would be provided to the Council and HRC.

Due to the time, questions will be held until the next meeting.

Discussion Re Proposed Operational Plan / Timetable to Accomplish Goals

Mr. Gennaco distributed a draft schedule of future meetings and topics. The schedule allows a two-week span between meetings but the dates are flexible. Mr. Gennaco also mentioned that the time schedule would extend the deadline date into April.

Mr. Gennaco expressed his opinion that Taser International may not be needed to attend and it may only complicate the issues and suggested substituting Mr. James in their spot.

Dr. Choi has located a Minnesota physician/police officer with taser experience and asked if there are funds available to fly him here and pay per diem. Another option would be to do a video conference. Dr. Choi is concerned that there would be a conflict of interest if we have the medical examiner/coroner speak and provide testimony on cases. Mr. Hamilton would prefer to hear from a doctor who has a range of opinions. Mr. Boyarsky mentioned that there are local cardiologists who may have legitimate concerns in regards to pace makers. Ms. Lenoir suggested checking with local emergency room physicians.

Mr. Goodman said that he can do every week to meet the deadline and suggested that Mr. James fill the Taser International spot. He also recommended the task force have better time management and cut off presentations at a reasonable time limit.

Mr. Boyarsky said that the Valley Medical Center Emergency Room probably has actual experience with tasers due to San Jose Police Department using them. Mr. Goodman suggested also hospitals in Redwood City and San Mateo. Dr. Choi said that Stanford also has had experience with tasers.

Mr. Hamilton said the schedule looks good and the task force is dealing with complex issues and there is a lot of information to absorb.

Mr. Gennaco said we would stay with the proposed schedule and he will be working on the invitations. He also will have to check with the ACLU to see if they can make the February 27th meeting. Mr. Boyarsky said if they are unable to attend, we should find someone else to fill their spot. Mr. Gennaco said the dates are solid and he'll move presentations accordingly.

Rabbi Zweiback asked if members can send questions to Chief Johnson for response at the next meeting and Deputy City Attorney Tronquet said that is fine.

Public Comment

Darlene Wallach – Ms. Wallach said that tasers are weapons of torture and we shouldn't use torture in the United States. Tasers are cruel and unusual punishment and are considered psychological torture. Ms. Wallach feels that weapons kill and shouldn't be used. She spoke about Mr. Hopkins who was

pepper sprayed and if the officers would have had tasers they would have used them. Ms. Wallach said that Chief Johnson is not a good judge of appropriate use of force. She said officers should call crisis intervention to deal with mental illness if they can't deal with it themselves.

Aram James – Mr. James agreed to the request for him to speak to the members and present his information. Mr. James also suggested having Sheriff Laurie Smith (Santa Clara County) attend and speak about why the sheriff's office does not have or want tasers. Mr. James said that he has submitted a public records request regarding the Police Department's use of force incidents and types of force used. Captain Burns will be providing him with a five-year matrix. Mr. James feels that there is a police state mentality in the country and community. Mr. James spoke about the anarchist public demonstration and police presence and questioned whether or not tasers were present at that event.

Dennis Galen Mitrzyk – Mr. Mitrzyk feels that tasers are a form of torture and does not want them in the community. He said if he were tased he may not survive. Mr. Mitrzyk said the police can ask to see someone's ID and then be tased if they do not show it.

Natalie Fisher – Ms. Fischer questioned why officers would shoot someone for more than the five-second cycle. When someone is experiencing excited delirium and they don't respond, then officers see them as a threat and shoot them. People who don't respond may be considered dangerous and are the most vulnerable to cardiac arrest with the taser being a contributing factor. Police officers want to use them on the most vulnerable people.

John Abraham – Mr. Abraham said Chief Johnson conducted a good presentation of her view. He would like to know how things would have been different in the last two years if the Police Department had tasers. If permission is granted for tasers, careful checks of control will need to occur. Mr. Abraham again asked how things would have been better over the last two years with tasers for both the police and residents.

Richard Cassel – Mr. Cassel has been an electrical engineer for 40 years and is familiar with electrical safety in the work place. He stated that 40 milli-amps can cause defibrillation in the heart but can't burn. Mr. Cassel said the voltage is not the issue but the current and time. Police officers have control of the time and there should be a defibrillator available when using tasers.

Mark Petersen-Perez – Mr. Petersen-Perez thanked the group for the opportunity to address them. He also mentioned that the emails Mr. Boyarsky receives are a freedom of speech. Mr. Petersen-Perez spoke about the report by the Office of the Police Complaint Commissioner and that it's well-prepared and thorough but it isn't final and the jury is still out on taser technology. He said that Chief Johnson said there aren't any lawsuits regarding tasers but Mr. Petersen-Perez

said there are 80 lawsuits in pending litigation. Mr. Petersen-Perez has reviewed Taser International's financial records and they have paid \$1.6 million in litigation fees. He suggested the task force members think twice before authorizing tasers.

George Browning – Mr. Browning said that litigation is irrelevant to the discussion and there is litigation on other areas than tasers. Officers should be well trained and equipped and hopefully will have them available if threatened. Mr. Browning promotes the safety of police officers when dealing with violent suspects – will tasers help them? He said that if the baton doesn't work then next would be the gun. The taser would be between the baton and deadly force. Mr. Browning said the taser affects the area between the prongs and not across the heart. When a suspect is on drugs, they are uncontrollable. Mr. Browning wants to save police officers from injury and he is in favor of tasers.

Nancy Rutherford – Ms. Rutherford understands both sides and comes from a law enforcement family. She has worked in many hospitals in the area. Ms. Rutherford feels that there is no excuse for the way the police treat people and dehumanizing them during booking. She feels that we're all at risk. Ms. Rutherford brought handouts that were placed on the table.

Anna Griffin – Ms. Griffin is not a Palo Alto resident but she is an American citizen and is a former secretary for the Santa Clara County NAACP. She feels it is a judgment reaction for tasing someone. Ms. Griffin said that if the Police Department doesn't have enough police officers then they can't conduct the training needed.

Adjournment

Mr. Gennaco will send a letter to Council Member Cordell regarding an extension of the deadline to Council. The next meeting will be on Tuesday, February 27th at 6:00 p.m. and the location is to be determined.

The meeting was adjourned at 8:40 p.m.