

City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council

FROM: Elizabeth Macias, Chief of Police

SUBJECT: Correction to the Grand Jury's Report of May 19, 2011 on TASERS

DATE: Meeting of July 18, 2011

City Council Goals:

To provide public service that assures the safety of property and citizens residing, working or visiting in Brisbane.

Background:

On July 5th, Council approved the City of Brisbane's Response to the Grand Jury's report of May 19, 2011 on the use of TASERS. The City of Brisbane's response to the Findings by the Grand Jury was not included in that response approved by Council at the July 5, 2011 Council Meeting. The corrected letter is attached which includes the City of Brisbane's response to the Findings and the Recommendations by the Grand Jury.

Purpose:

City Council to review the corrected response to the Findings and Recommendation made by the Grand Jury on their report of May 19, 2011 on Tasers, followed by the City of Brisbane's response to both the Findings and Recommendations.

Recommendation:

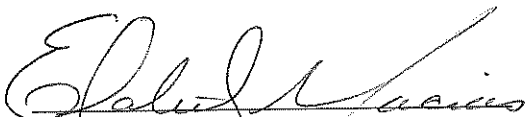
Staff recommends that the City Council approve the City of Brisbane's response to the Grand Jury's findings and recommendations.

Fiscal Impact:

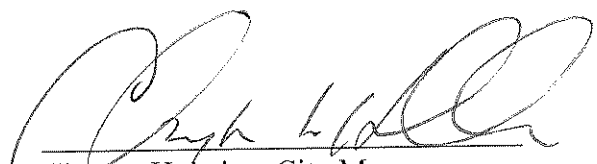
None

Attachments:

- A. Letter to Honorable Joseph E. Bergeron on the City of Brisbane's response to the Grand Jury's recommendations.
- B. Grand Jury Report of May 19, 2011 on TASERS – Standardizing to Save Lives and Reduce Injuries.



Elizabeth Macias, Chief of Police



Clayton Holstine, City Manager

CITY OF BRISBANE POLICE DEPARTMENT



ELIZABETH MACIAS
CHIEF OF POLICE

July 18, 2011

Honorable Joseph E. Bergeron
Judge of the Superior Court
Hall of Justice
400 Old County Road
Redwood City, CA 94063-1655

TASERS – Standardizing to Save Lives and Reduce Injuries

Dear Honorable Joseph E. Bergeron:

This letter is in response to the 2010/2011 Grand Jury report of May 19, 2011 which contained findings that pertain to the City of Brisbane. Listed below are the Jury's findings and recommendations followed by the City of Brisbane response. The Brisbane City Council reviewed and approved the below recommendations at a public hearing on July 18, 2011. The City of Brisbane responds to the Grand Jury's findings, conclusions and recommendations as follows:

The San Mateo County 2010-2011 Grand Jury makes the following findings to the City Councils of the cities of San Mateo County:

1. The San Mateo County Sheriff's Department has a Use of Force policy that is different than the standardized policies of the other law enforcement agencies within San Mateo County.

RESPONSE: The City of Brisbane Agrees with the finding. We have no knowledge of the San Mateo County Sheriff's Department Use of Force Policy but have no reason to disagree with the information contained in the Attachment to the Grand Jury's report.

2. Officer's respond to calls outside of their jurisdiction for mutual aid and joint task force operations. In joint operations where officers respond to calls outside of their jurisdiction for mutual aid and joint force operations such as GTF and NTF, the protocols for Taser use by the Sheriff are not the same as the other agencies in the county which also use TASERS.

RESPONSE: The City of Brisbane Agrees with the finding. In joint operations, the protocols for the use of Tasers for the Sheriff's Office are not the same as other agencies in the county.

3. Lexipol is the primary provider of Use of Force policies for 15 out of 18 police agencies within San Mateo County. Fifteen cities, BART and CHP use Lexipol or have policies similar, if not identical, to Lexipol.

RESPONSE: The City of Brisbane Agrees with the finding. Lexipol is Brisbane's provider of Use of Force Policies.

4. All agencies using TASER devices require training prior to the issuance of a TASER to individual officers, require annual or more frequent training, require a "Use of Force Report" when a TASER device is activated and require medical evaluation for a subject who has been "tased."

RESPONSE: The City of Brisbane Agrees with the finding. Our officers all receive quarterly training on the TASER and are required to fill out a "Use of Force Report" when a TASER device is activated as well as require medical evaluation for all subjects who have been "tased."

5. No agency requires reporting when a TASER device has been used in the "light up" deployment mode, but not activated.

RESPONSE: The City of Brisbane Agrees with the finding. In the past, the Brisbane Police Department has not required reporting when a TASER device has been used in the "light up" deployment mode, but not activated.

6. No agency requires that an officer who has been issued a TASER device actually keep it on his/her person. The TASER device must be kept secured in the patrol car for those officers on patrol duty.

RESPONSE: The City of Brisbane Agrees with the finding. In the past, the Brisbane Police Department has not required that an officer who has been issued a TASER device keep it on his/her person. It has been optional for the officer whether to keep it on his/her person or secure it in the patrol car while on duty patrol.

7. The cities of Menlo Park and East Palo Alto are the only San Mateo County police agencies that do not supply TASER devices to their officers and therefore, TASERS are not available as an alternative to lethal force.

RESPONSE: The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Attachment to the Grand Jury's report.

8. The use of a TASER device, before being required to physically subdue a subject, would result in fewer injuries to both officers and subjects.

RESPONSE: The City of Brisbane Agrees with the finding. The use of Tasers before being required to physically subdue a subject would reduce the possibility of injury to both the officer and subject.

The San Mateo County 2010-2011 Grand Jury makes the following recommendations to the City Councils of the cities of San Mateo County:

1. Add a "Deployment Only" category to all Use of Force Reports and track the effect that this "Light Up" mode has in assisting deputies [Officers] to gain and maintain control over subjects.

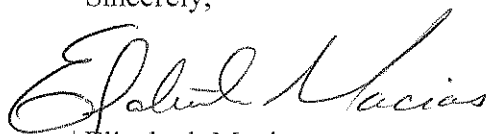
RESPONSE: *The recommendation has been implemented. The city agrees that adding a "Deployment Only" category will provide useful information in regards to the overall effectiveness of the use of Tasers in the field. The TASER Use Report has been modified to reflect this new category.*

2. Require uniformed officers to have TASER devices available to the same extent that the officers are required to have a firearm available for use.

RESPONSE: *The recommendation has been implemented. Changes made to the department's policy manual requiring uniformed officers to carry their TASER.*

Thank you for the opportunity to comment on the recommendations made by the Grand Jury.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth Macias".

Elizabeth Macias,
Chief of Police