CITY OF VALLEJO

OFFICE OF THE CITY MANAGER

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June 29, 2005

The Honorable Peter B. Foor
Presiding Judge of the Superior Court of California
Solano Superior Court, Hall of Justice
600 Union Avenue
Fairfield, California 94533

Dear Judge Foor:

This letter contains the City of Vallejo's response to the Solano County Grand Jury Report of June 21, 2005, regarding use of tasers in Solano County.

The Vallejo Police Department's management staff has reviewed the Grand Jury's recommendations regarding Electro-Muscular Disruption Technology (EMDT) use in Solano County and provided the following:

Finding #1 – Based on the police taser reports submitted to the Grand Jury and witnesses' testimony, it appears that Solano Law enforcement policies in general focus more on using the taser rather than under what circumstances tasers are to be used.

Recommendation #1 – Even though police agencies like Vallejo . . . have better written policies and procedures, all Law Enforcement agencies in Solano County should reevaluate their EMDT procedures and consider the IACP nine-step deployment strategy.

Response – Vallejo Police Department EMDT procedures are under constant review to insure full compliance with current legal issues, updated emergency medical protocols and changing EMDT technology. The Vallejo policy, as reviewed by the Grand Jury, was based on the International Association of Chiefs of Police (IACP) Model Policy and policy documents produced by numerous law enforcement agencies nation-wide.

Finding #2 – In reviewing the taser reports submitted, there were some use of the devices that appeared to violate the individual departments' written policies and procedures.

the Vallejo Police Department has already implemented the portion of the recommendation which suggests that the IACP nine-step deployment strategy be taken into consideration.

Finding #2 – In reviewing the taser reports submitted, there was some use of the devices that appeared to violate the individual departments' written policies and procedures.

Response – Disagree wholly as applied to the Vallejo Police Department. The Vallejo Police Department has consistently followed its EMDT policies and procedures.

Recommendation #2 – Agencies should write clear and concise policies and procedures to address the use of EMDT, including methods for measuring success and reporting incidents.

Response – The Vallejo Police Department has already implemented this recommendation. The current EMDT policy, as presented to the Grand Jury requires:

- The officer shall notify an on duty supervisor as soon as practical following Taser deployment.
- All intentional Taser discharges will be noted on the Arrest Report and documented in any related crime or offense reports. The officer shall include the serial number of the Taser and the serial number of the (Taser) cartridge deployed.
- Officers deploying the Taser shall email an after-action report describing the circumstances to the Taser coordinator and the Commander of the Management Support Division. The report shall include a download of the data port to confirm firing at or near the specified time and date of the described incident .

Finding #3 – Based on some interviews and reports, some agencies condone the use of EMDT for compliance.

Response – Disagree wholly as applied to the Vallejo Police Department. The Vallejo Police Department does not condone the use of EMDT solely for compliance.

Recommendation #3 – The Grand Jury strongly recommends that the policy explicitly state the guidelines where and when an EMDT can be used and when it should not be used (such as compliance and punishment).

Response – The Vallejo Police Department has already implemented this recommendation with regard to articulating explicit guidelines. Vallejo's EMDT policy, as presented to the Grand Jury already states:

- Officer should attempt to gain compliance by verbal persuasion and comments prior to use of the Taser.

- The Taser may be deployed to incapacitate a subject who actively resists apprehension or detention, including pulling away, fleeing, or resisting control holds. **Under no circumstances shall the Taser be deployed when the subject no longer constitutes a threat, has complied with the officer's instructions or loses the ability to escape.**

- The Taser generally should not be deployed against young juveniles – giving due consideration for the subject's size, aggressiveness, potential for violence and the gravity of the crime. Unless they present an actual threat of violence, the Taser shall not be deployed against obviously pregnant women, elderly or disabled persons.

- Under no circumstances shall a subject be "shocked" for longer than the automatic five-second Taser-controlled interval until his/her willingness to comply with the officer's instructions is determined.

- If a subject who is personally known to the officer escapes custody and an immediate arrest is not required (i.e., to preserve evidence, prevent other criminal activity, identify other suspects, etc.) the Taser shall not be used and the complaint-warrant process shall be invoked.

Finding #4 – Based on how the policy and procedures are written, incident reports and witnesses' statements, there is insufficient information to support a definitive finding in Law Enforcement's management of taser usage.

Response – No response appears to be required since there is no finding.

Recommendation #4 – Agencies should reinforce in-house training by using some of the department's own taser reports as a training tool.

Response – We agree and this recommendation has been implemented. Every Taser after action report is reviewed by the Commander of the Management Support Division and the Department's Taser Coordinator. Pertinent training issues are identified and incorporated into annual Taser training for Taser-equipped officers and added to the curriculum for officers receiving initial Taser training.

Please let me know if you have any questions or require further information.

Sincerely,

Roger L. Kemp
City Manager

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cc: Honorable Mayor and Members of the City Council
Robert W. Nichelini, Chief of Police
Frederick G. Soley, City Attorney