



# CITY OF DALY CITY

333-90TH STREET

DALY CITY, CA 94015-1895

PHONE: (650) 991-8000

August 11, 2011

Honorable Joseph E. Bergeron  
Judge of the Superior Court  
Hall of Justice  
400 County Center, 2<sup>nd</sup> floor  
Redwood City, CA 94063

Re: 2010-2011 Civil Grand Jury Report TASERS Standardizing to Save Lives and Reduce Injuries

Dear Judge Bergeron,

On behalf of the City Council of Daly City, I have been requested to submit the following response to the Grand Jury's findings and recommendations pertaining to the above referenced report dated May 24, 2011. The City Council approved this response at a public meeting held on August 8, 2011.

## Findings

1. The Sheriff's Department has a Use of Force policy that is different than the standardized policies of the other uniformed law enforcement agencies in San Mateo County. The Sheriff Department's policy requires a deputy to make physical contact with subjects who are violent or threatening prior to the deployment and/or activation of the TASER device unless the deputy can identify and articulate a reason to move up the ladder to the TASER device use. Once engaged in physical contact, TASER use is limited to the "drive stun" mode.

**Response:** The City **neither agrees nor disagrees** with this finding as this finding was directed towards the San Mateo County Sheriff's Office.

2. Law Enforcement agencies often respond to calls outside their jurisdiction for mutual aid and joint task force operations, such as the San Mateo County Gang Task Force and Drug Task Force. In these joint operations 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 **agrees** with this finding.

3. Of the 18 uniformed police agencies using TASER devices in San Mateo County that the Grand Jury reviewed, the primary provider of Use of Force policies and TASER use policies is Lexipol, LLC. Fifteen cities, BART and the CHP use Lexipol, or have policies that are similar, if not identical, to Lexipol.

**Response:** The City **agrees** with this finding.

4. All agencies using TASER devices require training prior to the issuance of a TASER to individual officers; require annual or more frequent retraining; 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 **agrees** with this finding.

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

**Response:** The City **disagrees** with this finding. The Daly City Police Department *Taser Use Report* form requires officers to document Arc display, Laser Display Only (light up), and Taser Application.

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

**Response:** The City **partially disagrees** with this finding. The Daly City Police Department requires all officers to carry an intermediate force option, which requires an officer to carry either a Taser or Pepper Spray.

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 neither **agrees nor disagrees** with this finding as this finding was directed towards the Menlo Park and East Palo Alto police agencies.

## **RECOMMENDATIONS:**

***The 2011 San Mateo County Civil Grand Jury recommends that the Sheriff:***

***This recommendation is directed to the San Mateo County Sheriff.***

1. Adopt either the Lexipol standard policies and decision toolbox approach, establish similar policies, or reestablish the prior Use of Force policy dated April 10, 2008.

2. Add a "deployment only" category to all Use of Force Reports and track the effect that this "light up" mode has in assisting deputies to gain and maintain control over subjects.
3. Require uniformed deputies to have TASER devices available to the same extent that the officers are required to have a firearm available for use.

***The 2011 San Mateo County Civil Grand Jury recommends that the City Councils of the cities of Menlo Park and East Palo Alto:***

***This recommendation is directed to the City Councils of the cities of Menlo Park and East Palo Alto.***

1. Implement the use of TASER devices for their uniformed police officers.
2. Adopt Use of Force policies that are consistent with other San Mateo County cities.
3. Implement policies that require training, supervision, reporting, multi-level supervisory review, and medical evaluation of subjects when TASER devices are used as well as "deployment only" tracking for in-field incidents.
4. Require uniformed officers to have TASER devices available to the same extent that the officers are required to have a firearm available for use.

***The 2011 San Mateo County Civil Grand Jury recommends that the City Councils of all cities other than Menlo Park and East Palo Alto:***

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 to gain and maintain control over subjects.

**Response:** This recommendation is **implemented**. The Daly City Police Department has always required officers to document "deployment only" use of the Taser.

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:** This recommendation is **implemented** to the extent that the Daly City Police Department requires all officers to carry an intermediate force option, which requires an officer to carry either a Taser or Pepper Spray. Presently 98 of 108 Daly City Police Officers carry a Taser.

Honorable Joseph E. Bergeron  
RE: 2010-2011 Civil Grand Jury Report TASERS Standardizing to Save Lives and Reduce Injuries  
Page 4 of 4

In conclusion, the City of Daly City appreciates the opportunity to provide written responses to the San Mateo County Grand Jury on TASERS Standardizing to Save Lives and Reduce Injuries. The City Council of Daly City approved the responses contained herein on August 8, 2011.

Should you or the Grand Jury require additional information or clarification concerning the response provided, please contact me directly at (650) 991-8127.

Sincerely,



Patricia E. Martel  
City Manager