

2012-13 GRAND JURY REPORT
RESPONSE FORM

GROUP Law & Justice DATE August 1, 2013
DEPARTMENT Sheriff – Coroner RECOMMENDATION 13-29 -13-33
SUBMITTED BY John McMahon PAGE 81-86

FINDING – AGREE/DISAGREE (If disagree, explain why)

FINDING #1. The Respondent **Agrees** with the findings to implement enhanced officer training regarding the “Silence is Golden” rule to include situations where the target does not exhibit NMI symptoms or compliance.

FINDING #2. The Respondent **Agrees** with the findings to amend SBCSD TTA (Taser Training Academy) manual to require greater communication among on-scene officers regarding the number of discharges of the taser against the target to avoid multiple, repeated or continuous exposures.

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13-29 The Grand Jury recommends the Sheriff's Department implement enhanced officer training regarding the "Silence is Golden" rule to include situations where the target does not exhibit NMI (neuromuscular incapacitation) symptoms or compliance.

The Sheriff's Department Training Division currently instructs deputies that a loud arcing sound during taser deployment is an indicator of a bad or poor connection. Deputies are trained to move to alternative force options upon recognition of the taser's ineffectiveness. Training currently exists, and will be further emphasized, to address those rare instances of effective taser connections unaccompanied by NMI or compliance.

13-30 The Grand Jury recommends the Sheriff's Department amend SBCSD TTA manual to require greater communication among on-scene officers regarding the number of discharges of the taser against the target to avoid multiple, repeated or continuous exposures.

The TTA manual is the property of TASER International, Inc. The Sheriff's Department does not have authority to amend the TTA Manual. The Sheriff's Department policy, in part, states that verbal announcements should generally be given prior to the application of the taser. This announcement serves to provide reasonable opportunity for voluntary compliance and warning to the other deputies that a taser is being deployed. The Training Division will assess options to safely and practically incorporate communication among deputies involved in taser deployment and newly-arriving deputies to minimize the possibility of unnecessary repeat or prolonged use.

13-31 The Grand Jury recommends the Sheriff's Department increase hands-on training with tasers, focusing on the issue of identifying when a taser discharge is effective.

The majority of the TTA training and department training focuses on the proper use and recognition of effective taser application. Much of the training is hands-on, which includes, but is not limited to, weapon nomenclature and handling, safe loading/unloading, appropriate target acquisition, cartridge deployment and drive-stun technique. The deputies fire the tasers at targets on the Sheriff's Range and most

demonstrate proficiency in all aforementioned components. The Sheriff's Training Division will continue educating deputies on identification of effective taser deployment and the importance of situational awareness. Future training will continue to reinforce the importance of alternative force options when the taser is believed to be ineffective to minimize taser dependency or repeated or prolonged use.

13-32 The Grand Jury recommends the Sheriff's Department formulate training to address the problem of knowing when the taser is operating properly to avoid continuous, repeated and prolonged use of the taser.

The Sheriff's Training Division currently trains deputies on effective versus ineffective taser deployment. This training includes hands-on drills, video, and PowerPoint presentations. The training demonstrates the near silence of an effective deployment and the loud arcing sound associated with an ineffective deployment. Deputies are trained to transition to alternative force options once the taser deployment is deemed ineffective. Many deputies voluntarily receive full taser charges to gain first-hand knowledge of the physiological effects. This training is designed to provide recognition of proper operation, thereby minimizing repeat and prolonged use.

13-33 The Grand Jury recommends that when multiple deputies are using tasers, the highest ranking deputy at the scene be required to keep track of the cumulative number of taser exposures.

Absent a definitive rank distinction, it could be impossible for multiple deputies to identify the highest ranking person during a struggle with a combative subject. Most force incidents occur without the supervisor present, which would be the only way to visibly determine the highest ranking deputy. Generally, a force incident involving taser deployment by multiple deputies would indicate extreme non-compliance. To require deputies to keep track of cumulative taser exposures could reduce tactical focus, thereby jeopardizing the safety of the deputies and the public. While specifying an individual deputy to count exposures may not be feasible, the Sheriff's Training Division is exploring alternatives, such as improving communication to meet the primary objective, which is minimizing unintended, unnecessary, repeat or continuous exposures.