

Memorandum

City of Lawrence

Police Department

To: Tarik Khatib, Interim Chief of Police
From: Stephen Zarnowiec, Police Captain
Date: January 28, 2011
Re: Lawrence Police 2010 TASER Report

DISCUSSION

Between January 1, 2010 and December 31 2010, Electronic Control Devices (ECDs or TASERs) were used eight times in actual field confrontations and nineteen times during voluntary training with police employees. All TASER uses resulting in ECD exposure to a member of the public were upon individuals who were actively engaged in physical violence against another person or officer, or they were actively and physically resisting lawful arrests. A brief synopsis of each event is included as an attachment.

All of members of the public who received an ECD application were examined by medical health care professionals at hospital after the ECD application. All persons exposed to the ECD (including police officers exposed to the ECD during training) were later found to have no ill effects other than the normal skin irritation from probe puncture or direct ECD contact.

All Lawrence Police ECD deployments are subject to a review process. Three of the eight ECD deployments during 2010 were determined to be lawful and within policy, but slightly outside of the department's ECD usage philosophy. All eight ECD deployments involved a person who was actively and physically resisting lawful arrest. Active physical resistance to a lawful arrest or detention presents injury risks to the person and the officers who must accomplish their lawful objectives. Lawrence Police Department ECD usage philosophy dictates that ECD usage is for the purpose of intervening in violent encounters where there is a threat of or actual "Inbound Violence" toward a person or any of the officers. This philosophy recognizes there are some instances of active resistance that may not necessitate an ECD deployment.

In response to our ECD usage review process findings, the Lawrence Police Department implemented the following ECD program changes in late 2010:

1. While all officer actions were lawful and within policy, all officers who deployed an ECD were debriefed and engaged in discussion after each usage to assure everyone is well trained in the applicable law, policy, and ECD usage philosophy.

2. The ECD policy was revised to further limit usage and better reflects the philosophy of utilizing ECDs to intervene in physical violence for the purpose of preventing injury to people.
3. Training changes were instituted and no new ECD operators were added until policy revision and training program updates were implemented.
4. All command, supervisory, and line staff (including officers who do not carry an ECD) received updated ECD training with an emphasis on usage philosophy.
5. All officers currently authorized to carry an ECD were provided updated training, in addition to the aforementioned department wide training, which included active scenario training with live role players.

These ECD program changes were completed by the first week of January, 2011. Once all program changes were completed, the department reopened ECD new operator certification training. Nineteen officers were selected and provided TASER certification training. All the selected officers experienced the effects of a TASER exposure applied to them personally as a part of the training. Currently, every officer trained and certified to carry a TASER has personally experienced what it feels like to receive an ECD exposure.

Early in 2010 the department evaluated the TASER Model X3 as a replacement to the TASER Model X26 we currently employ. While the Model X3 offered a significant advantage by allowing an officer to deploy up to two additional (three total) sets of probes without reloading the device, field testing of the Model X3 showed it to be difficult to manipulate correctly, excessively bulky, and cost prohibitive. The TASER model X26 will continue to be the standard issue TASER device for the Lawrence Police Department.

Due to the increased number of officers now trained and authorized to carry ECDs, there is a shortage of TASERS. The department no longer has a sufficient number of TASERS to assure all ECD trained officers are equipped with a TASER when they deploy for their shift. Daily, some TASER trained officers are required to work a part or their entire shift without a TASER. This problem will worsen after the next twenty officers are trained mid 2011. Our total number of TASERS available for patrol deployment should be increased to twenty six in order to assure all TASER operators will be properly equipped.

INCIDENT SYNOPSES

January 21, 2010:

Officers were sent to an apartment 2500 block of Redbud Lane to check the welfare of person who was upset. The first responding officer arrived and spoke to the upset person's mother at the door. The person's mother told the officer her son was located in the back of the apartment with a sword. The officer took

the mother out of the residence. As the officer was obtaining information the person, who was the subject of the call, stepped out of a back room wielding a sword. The officer drew their service pistol and ordered the person to drop the sword. The person refused to drop the sword. The officer requested assistance by radio. The person stated they were not going to surrender and stood staring at the officer. The officer continued ordering the person to drop the sword. The person stood staring. After a few moments the person walked out of sight into the back rooms of the apartment. Additional officers arrived and the group of officers re-contacted the person attempting to negotiate. The person walked back into view still holding the sword in front of him. Officers moved into the apartment while ordering the person to drop the sword. The person did not drop the sword. One officer deployed their ECD probes and issued a single successful ECD application to the person. The person immediately dropped the sword and fell to the floor. Officers immediately secured the sword and took control of the person.

March 7, 2010:

A Lawrence Police officer was on routine patrol near the convenience store located at 2330 Iowa Street when they heard gunshots and saw a person running after a small car that was quickly leaving the convenience store parking lot. The officer observed the person running after the car shooting a handgun at the fleeing vehicle. The person who had been shooting at the car continued to run. A second officer saw the fleeing shooter and began pursuing the shooter on foot. The suspect fled to the rear parking lot of an area store. As the pursuing officer followed, they saw a handgun in the shooters hand. A third officer spotted the shooter and ordered the shooter to stop. The shooter ran behind a sanitation chute on the back of the building to take cover. The pursuing officer started to contact the shooter ordering them to show their hands. The shooter turned to face the officer issuing the orders. The third officer, now behind the shooter, observed the shooter place their hand in their jacket pocket. The third officer deployed their ECD probes and issued a single successful ECD application to the shooter. Officers immediately took the person who had fired shots into custody.

April 6, 2010:

Lawrence Police officers were dispatched to an apartment at 530 Eldridge Street in reference to an aggravated burglary where three suspects entered an occupied dwelling and began to take property from inside the apartment. Prior to officers arriving, one of the apartment residents started to retrieve a firearm causing the suspects to flee from the apartment. The suspects quickly left the area in a vehicle. Arriving officers immediately broadcast a radio notification of the occurrence, the suspects' descriptions, and a description of the suspects' vehicle. A police sergeant located the vehicle driving east in the 1900 block of West 27th Street. The sergeant attempted to stop the suspect vehicle, however the driver fled. The sergeant followed the suspect vehicle until the driver of the suspect vehicle collided with a parked vehicle in the apartment complex parking

lot located at 2200 West 26th Street. The suspect vehicle passenger stepped out of the car and was immediately told they were under arrest by the sergeant. The suspect began running and the sergeant drew and deployed the ECD probes at the running suspect. The ECD deployment was ineffective. The suspect was later apprehended and one of the probes was found attached to their shirt. The probe had not penetrated or injured the suspects' skin.

January 23, 2010:

A patient being transported by ambulance to Lawrence Memorial Hospital produced a knife and began threatening suicide while the ambulance was in motion. The ambulance crew immediately stopped the ambulance at the intersection of Sixth Street and Louisiana Street, exited their ambulance, and called for police assistance. Officers arrived and found the person still in the ambulance, on the gurney, holding a knife to their stomach. The person stated they were going to kill themselves and was holding the extended blade of a knife against their stomach. Officers attempted to negotiate by verbally persuading the person not to hurt them self. The person then took the knife and began swinging it in a stabbing motion against their leg. One officer deployed their ECD probes and issued a single ECD application to the person causing the individual to drop the knife. Officers immediately picked up the knife and took control of the person.

May 4, 2010:

An officer on routine patrol observed a driver driving recklessly in the area of 7th Street and New York Street. The officer attempted to stop the vehicle and driver, however the driver fled. The officer pursued the vehicle to until it reached the dead end located at the Lawrence Waste Water Treatment Plant, 1400 East 8th Street. The driver initially refused to open the car door, roll down the car window, or show their hands to the officer. The suspect had a large dog in the car with him. The officer moved to the passenger side of the car prompting the driver to open the driver's side door. The officer moved back to the open door and contacted the driver. The officer told the driver to step out of the car. Other officers began arriving to help. During the contact, the driver put the keys back into the ignition raising a concern that the driver was about to attempt to start the car and drive away. Officers advised the driver they were under arrest. The driver refused to comply with officers' instructions to get out of the car. Officers tried to physically remove the driver from the car for the arrest. The driver physically resisted the officers and would not come out of the car. The dog became agitated and moved to the front seat with the resisting driver. One officer issued a single ECD with a single direct contact application to the person which was ineffective. A second officer then deployed pepper spray with no effect. The officer with the ECD then deployed the ECD probes and issued another single ECD application to the person with no effect. Additional responding officers arrived and first removed the dog. Officers then, as a group, overcame the driver's physical resistance and took the driver into custody.

May 8, 2010:

Officers were at Lawrence Memorial Hospital with a suicidal person who had made deep longitudinal cuts to both forearms. A mental healthcare professional completed a mental health screening and determined the person was a danger to themselves or others. The mental healthcare professional directed the person be transported to a state hospital for an involuntary commitment. The person refused to go to the state hospital and announced they were going to leave. The person told officers the only way to stop them from leaving was to shoot them. The person then removed the bandages from their wounds and began bleeding onto the floor. Officers were made aware the person's blood carried a significant infectious blood disease. Officers continued to try and verbally convince the person to cooperate, permit the bandages to be re-applied, and go with officers to the state hospital. The person, already bleeding on the floor, removed all remaining bandages from the wounds, announced the name of the infectious blood disease and challenged the officers to come get some of the blood disease. One of the officers deployed ECD probes and issued a single ECD application to the person. The person was immediately taken into custody.

June 2, 2010:

Officers were dispatched to a trailer at 1908 East 19th Street in reference to a domestic disturbance. Officers determined one of the participants would be arrested for battery. When the officers informed the person they were under arrest the person ran from the scene. Officers pursued the fleeing arrestee on foot and the person eventually ran back to the trailer where the incident began. The person suddenly grabbed a woman (the person's mother) around the upper body. The person held their mother continuing to turn her toward the officers as a shield. One officer drew their pepper spray. The person responded by turning to keep their mother, whom they were still holding around the chest, as a shield to block any pepper spray. The second officer moved behind the person, deployed his ECD probes, and issued a single ECD application to the person. The probe deployment was ineffective. Officers then attempted to overpower the person and force them to release the woman held as a shield. The officers were not able to overcome the person's grasping power so the officer applied a second direct contact ECD application to the person causing the person to immediately release the woman. Officers immediately took the arrestee into custody.

September 16, 2010:

Officers were sent to a trespassing complaint at a local restaurant located at 3520 West Sixth Street. Officers arrived and were asked by restaurant management to remove two highly intoxicated persons from the restaurant property. Officers determined one of the individuals may be suffering from alcohol poisoning and requested an ambulance. While one of the two individuals was being treated, a third acquaintance, also highly intoxicated, walked up to the officers and identified himself as a friend of the person being treated. The two individuals who were with the person being treated were aggressive, and

argumentative with the officers and ambulance personnel. Medical personnel determined the person they were treating would be transported by ambulance to the hospital for treatment. The two acquaintances indicated they wanted to drive their car. Officers refused to allow the two to operate the vehicle due to their high level of alcohol impairment. Officers called a taxi for the two people. The taxi driver first allowed the two into the taxi, but then ordered the two out and refused them service. Officers sent the two individuals away on foot. Officers left the scene at the conclusion of the call. A short time later the officers observed the two individuals driving a car. The officers stopped the car in the 500 block of Arizona Street. The driver immediately fled the stop on foot. Officers followed the person on foot. Just as the lead officer was coming over a fence behind the fleeing driver, the driver stopped turned and grabbed the officer. The officer took hold of the driver and ordered them to get on the ground. The driver hit the officer on the side of the head. The officer drew their ECD pointed it at the person, deployed the ECD probes, and issued a single ECD application to the person. The ECD was ineffective and the person ran away from the officer. The officer followed until the person again stopped and turned to face the officer. The officer ordered the person to the ground. The driver said, "No." The person tensed up their arms and the officer applied a second direct contact ECD application. The second ECD application was successful and the person was taken into custody.

EVENTS SUMMARY

All eight people who received exposure to an Electronic Control Device exposure were examined by medical health care professionals at hospital.

The medical attention was typically provided at the expense of the City and not the person.

None of the eight persons who were exposed to Electronic Control Device discharge filed complaints.

The eight persons who were exposed to Electronic Control Device discharge were comprised of one (1) Hispanic Male, two (2) African-American Males, and five (5) Caucasian Males. Their ages: three (3) were 18 years old, one (1) was 19 years old, one (1) was 24 years old, one (1) was 49 years old, and two (2) were 50 years old.

The following Kansas Statute and Lawrence Municipal Ordinance violations were listed by the arresting officers in the eight cases where a person received exposure to an Electronic Control Device deployment:

- Aggravated assault
- Aggravated battery
- Aggravated burglary
- Assault
- Attempted theft

Battery
Battery against a law enforcement officer
Criminal damage
Criminal discharge of a firearm at an unoccupied dwelling; criminal discharge of a
firearm at an occupied building or occupied vehicle.
Criminal use of a firearm
Criminal trespass
Driving while intoxicated
Defacing identification marks of a firearm
Disorderly conduct
Domestic Battery
Driving under the influence of alcohol and or drugs
Emergency Detention
Fleeing or attempting to elude a police officer
Interference with duties of a police officer or other public officer
Obstructing legal process or official duty
Possession of marijuana
Reckless driving
Use of force in resisting arrest