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# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Robert L. Davis

**SUBJECT: SJPD 2006 ANNUAL FORCE  
RESPONSE REPORT**

**DATE:** March 15, 2007

Approved

*Ray Warner*

Date

*3/15/07*

## INFORMATION

In the spring of 2004, the San Jose Police Department (SJPD) began issuing every patrol officer a TASER device. The City of San Jose was one of the first major cities in the nation to deploy TASER devices to all of its patrol personnel, and Chief Rob Davis determined that a *TASER Usage Study* should be conducted since the TASER was a relatively new tool to law enforcement. The Department felt that the results of such a study could assist in determining whether TASER devices were being deployed effectively and could identify any training issues that might arise. This voluntary assessment of TASER usage by the SJPD covered the May 1 through October 31, 2004 time period (the time the majority of the TASER devices were issued).

A second *TASER Usage Study* was subsequently released, which combined statistics on TASER usage from the initial report with an additional six-month period (November 1, 2004 through April 30, 2005), thus providing statistics for the entire first year of the Department's use of TASER devices.

Since the initial release of the TASER reports, the Department recognized the need to expand the TASER study to include the tracking of all use of force data to quantify and qualify the force being used by officers. In August 2005, the Department voluntarily designed a "Force Response Report," which tracks not only TASER use but all reportable uses of force by Department members.

On an annual basis, staff from the Department's Research and Development Unit will collect and analyze reportable force used by members of the SJPD. This information will be provided to the public on an annual basis. The first annual report covers all reportable force used by the SJPD during the period of January 1, 2006 to December 31, 2006.

## REPORT HIGHLIGHTS

- SJPD received 413,731 calls for service for calendar year 2006
- Of the total calls for service, officers used force in 1,239 incidents to take uncooperative suspects into custody (0.29%)
- Of the 1,239 use of force incidents, 1,517 individual force responses were reported by officers. This number (1,517) represents 0.36% of the total 413,731 calls for service. A

"Force Response Report" is generated anytime an officer uses reportable force. If more than one officer used reportable force during an incident, or if more than one suspect had force used on them during an incident, there would be more than one force response report for a single incident.

As an example, an officer might first attempt a control hold to subdue a suspect's aggression, but the suspect continues to resist. A second officer might assist with a physical takedown to control the suspect's aggression. This force response would represent one incident, which resulted in one suspect receiving two types of reportable force. Each involved officer would be required to complete a use of force response report for their individual actions. Thus, one incident with one suspect resulted in two officers each reporting a use of force on the same suspect.

- Physical force used by officers to subdue a resistive suspect (pain compliance/control holds, takedowns and body weapons) was reported 1,610 times, representing 71% of the total 2,278 force options used
- The TASER was used by officers 232 times as a force option, representing 10.2% of the total 2,278 force options used or 0.06% (six-one-hundredth of one percent) of the 413,731 calls for service
- Of the total arrests made by the SJPD (33,995), only 4.46% of the arrests made resulted in a force response report (1,517)
- Of the 1,517 force response reports, officers reported 584 instances where a suspect was on probation, parole, or a fugitive from justice.

## **CONCLUSION**

The San Jose Police Department believes that by collecting all force data and by providing this information to the public on an annual basis, it will clearly show how infrequently the SJPD uses force when taking uncooperative suspects into custody, compared to the number of calls for service the Department handles yearly. It is compelling to note that of the 33,995 arrests made in CY 2006, a form of physical force was used in only 4.46% of those arrests.

Based on defined Department policies, procedures, training bulletins, officer experience and individual perceptions of danger for each unique situation, Officers have a variety of force options to select from. Having these options in mind, officers overwhelmingly selected the lowest level of force, physical hands-on force in 71% of their encounters, to control uncooperative suspects. The use of impact weapons (batons) and TASERS represent 12% and 10% respectively as the next most selected use of force, with the use of OC Spray representing 6% of the total. These are significant statistics that indicate the decision to use either a baton or TASER are almost equal, which indicates that SJPD officers do not routinely select the use of a TASER as the first or primary force option. What is also clearly evident is that SJPD officers use the lowest level of force available to control the overwhelming majority of uncooperative suspects, even though it represents the highest potential for personal injury to the officer of any of the force options they might select.

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Additional questions concerning any of the data provided in the Force Response Report may be directed to Lt. Laurence Ryan, Commander, Office of the Chief, Research and Development Unit. He may be reached during normal business hours at (408) 277-5200.

A handwritten signature in black ink, appearing to read "R. Davis". The signature is stylized with a large, circular initial "R" and a cursive "Davis".

ROBERT L. DAVIS  
Chief of Police

RLD:LR:CE

# **Force Response Report**

January 1, 2006  
through December 31, 2006



**San Jose Police Department**

**ROBERT L. DAVIS**  
CHIEF OF POLICE

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**Force Response Reporting Form**

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**TASER Usage Report May 1, 2005 – December 31, 2005**

## **Introduction**

At times, officers are confronted with situations where control is required to effect an arrest or protect public safety. In most circumstances, control is achieved through voluntary compliance or verbal commands. However, in situations where resistance is encountered and verbal persuasion has not been effective, is not feasible, or would appear to be ineffective, an officer may use objectively reasonable force to effect an arrest, prevent an escape, overcome resistance, or in self-defense or defense of others.

Police agencies nationwide are collecting use of force statistics to quantify and qualify the reasonableness of force being used by officers. The availability and analysis of this data can assist in evaluating staffing levels, implementing appropriate training and addressing officer safety concerns.

In May of 2004, the San Jose Police Department began to collect voluntarily information on TASER usage. Two separate reports were published, including a 6-month and a 12-month report, up through April 30, 2005.

In September of 2005, the SJPD voluntarily implemented a Force Response Reporting form to collect data on all types of force. This collection of data included TASER usage as well as all other types of force. The Department believes that by collecting this data and by providing this information to the public, it will clearly show how infrequently the SJPD uses force when compared to the number of calls for service. This data will also help the Department ensure its use of force training is leading to compliance with use of force policies.

The first part of this report will contain data that represents the SJPD's force response reporting during the period of January 1, 2006 to December 31, 2006. This 12-month report includes all force options used by the SJPD. There are several attachments included with this report that include:

- A. Attachment "A" is a detailed explanation of each category included in the Force Response Reporting form used by the officers. This document is written for Department personnel to assist them in the preparation of the report
- B. Attachment "B" is a copy of the Force Response Report used by the officers after any reportable force incident
- C. Attachment "C" is a TASER Usage Report for the period of May 1, 2005 to December 31, 2005. This report documents the TASER usage for the eight months between the last TASER Usage Report and this Force Response Report.

The SJPD force response tracking form is based on several outside agency forms, Federal and State tracking forms, and items specific to the SJPD. By implementing this reporting process, the SJPD is able to address various questions related to use of force. The force response tracking system is designed to be of mutual benefit to the public and the SJPD by providing accurate Department-wide statistical information for public consumption and education, along with an early trend analysis for officer safety training.

A "Force Response Report" is generated anytime an officer uses reportable force<sup>1</sup>. If more than one officer uses reportable force during an incident, or if more than one suspect had force used on them during an incident, there will be more than one force response report for a single incident. It is therefore important to understand that the total force responses do not necessarily indicate the total number of incidents unless specifically stated. The following table represents this relationship:

Total number of incidents handled by the SJPD (Jan. 1, 2006 to Dec. 31, 2006)	Total number of incidents involving a "Force Response" (Jan. 1, 2006 to Dec. 31, 2006)	Total number of officers reporting "Force Responses" (Jan. 1, 2006 to Dec. 31, 2006)
413,731	1239	1517

<sup>1</sup> A reportable use of force is defined in SJPD Duty Manual L 2644 as any incident in which a sworn Department member, either on or off duty, exercises their police powers and uses deadly force or any force option including physical force.

EXCEPTIONS TO REPORTABLE FORCE: The use of a firm grip control which does not result in injury, the appearance of injury or complaint of pain (e.g., the use of a grip to control the suspect's hands while searching or handcuffing); or, that force reasonable to overcome resistance due to physical disability or intoxication, which does not result in injury, the appearance of injury or complaint of pain (e.g., lifting an intoxicated person to a standing position).

## **PART 1: Incident Information**

### **Day**

The day of the week that the force response occurred (i.e. Sunday, Monday, Tuesday, etc.)

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
183	155	169	123	243	296	348

### **Time**

The time of day that the force response occurred expressed in military time.

00:00- 03:59	04:00- 07:59	08:00- 11:59	12:00- 15:59	16:00- 19:59	20:00- 23:59
551	61	78	114	295	418

### **Source of Call**

The source that most accurately describes why the officer was at the scene where the force response occurred is listed below. Although more than one source might be applicable to the situation, officers were directed to select only the most descriptive source. The following descriptions provide an explanation of each category:

1. On view: The officer observed the incident already in progress without any direction from a citizen or dispatch.
2. Self-Initiated: The officer initiated a contact with a citizen. That contact led to a force response by the officer.
3. Dispatched call for service: The officer was made aware of the incident via radio communications or a phone call from official SJPD sources. A specific request by another officer for a response is also included in this category.
4. Flag down: The officer was alerted to the incident by a citizen in the field to the officer or another officer.
5. Other: None of the other types accurately describe the source of the call.

On View	Self-Initiated	Dispatched Call	Flag Down	Other
498	230	705	71	13

**Incident Type**

The table below illustrates the nature of the incidents involving a force response.

<b>Incident Type</b>	<b>Amount</b>
Alcohol Influence	157
Ambush	3
Arrest Situation	266
Assault on Citizen	115
Assault on Officer	77
Building Entry	8
Crime in Progress	80
Disturbance	233
Domestic Violence/ Family Disturbance	112
Drug Influence	44
Foot Pursuit	96
Gang Activity	14
Mental Illness	34
Off-Duty Incident	6
Pedestrian Contact	42
Suicidal Person	10
Suspicious person/Circumstances	71
Vehicle Pullover	74
Vehicle Pursuit	3
Other	72

**Officer Activity Immediately Prior to Force Response**

The following table describes the officer's activity immediately prior to the force response.

<b>Officer Activity</b>	<b>Amount</b>
Foot pursuit	269
Handcuffing/Attempting to take custody	513
Person search (Not Handcuffed)	88
Person search (Handcuffed)	15
Subject escort	91
Interview/Interrogation/Giving arrest commands	295
Transporting in vehicle	10
Other	236

## **PART 2: Officer Information**

### **Years of Experience**

The total years of law enforcement experience of the officer responding with force.

0-4	5-9	10-14	15-19	20-24	25-29	30+
429	481	358	138	66	42	3

### **Officer was assaulted by suspect with...**

Officers were directed to select all items that apply to this incident and with this particular suspect. Since an officer may have been assaulted by the suspect(s) with more than one type of weapon in a single incident, the total amount column will not equal the total amount of force response incidents.

<b>Officer was Assaulted by...</b>	<b>Amount</b>
Not Assaulted	963
Force Response Prevented Battery	242
Hands/Arms	258
Feet/Legs	110
Impact Weapon	14
Edged Weapon	4
Handgun	0
Rifle	0
Shotgun	0
Vehicle	3
Other	46

### **Officer Injuries**

The injury or injuries that the officer sustained during the incident in which force was used is listed below.

Not Injured	Injured, Not Treated	Injured, Treated	Fatal
1286	176	55	0

### **Other officers Present**

"In the presence of other officers" was selected only if there were other officers actually on scene and the suspect was aware of their presence.

Officer was alone	Officer was with other officers
226	1291

### **PART 3: Force Option(s) Used**

All the force options used by officers are listed in the table below. Only reportable force as defined in the San Jose Police Department Duty Manual was reported. More than one option may have been reported per officer for each incident.

Each force option was evaluated by the officer as being "effective" or "non-effective." "Effective" means the suspect stopped his/her actions due to the force option or a tactical advantage was gained due to the force option that allowed the suspect to be physically taken into custody.

<b>Force Option</b>	<b>Amount of Uses</b>	<b>% of Total Amount of Uses</b>	<b>"Effective" Uses</b>	<b>% "Effective"</b>
Pain Compliance/ Control Hold	724	31.8%	529	73.1%
Takedown	711	31.2%	642	90.3%
Body Weapon	175	07.7%	147	84.0%
OC Spray	141	06.2%	116	82.3%
TASER Drive Stun	69	03.0%	42	60.9%
TASER Probe Deployment	163	07.2%	117*	71.8%
Impact Weapon	273	12.0%	215	78.8%
Canine Apprehension	10	00.4%	10	100.0%
Stun Bag Shotgun	0	--	0	--
L8 multi-launcher	0	--	0	--
40 mm single launcher	4	00.2%	4	100.0%
SAGE gun	0	--	0	--
Legal Intervention	0	--	0	--
Carotid Restraint	4	00.2%	2	50.0%
Deadly Force	4**	00.2%	4	100.0%
<b>TOTAL</b>	<b>2278</b>	<b>100.1%</b>	<b>--</b>	<b>--</b>

NOTE: All percentages are rounded to the nearest tenth percentage and therefore may not equal 100%.

\*Of the 46 "not effective" evaluations, the following reasons were noted:

- Probe(s) missed or pulled out by suspect: 29
- Insufficient spread between probes: 7
- Thick or loose clothing: 6
- Unknown reason: 4

\*\* Two officers used deadly force in one incident.

## **PART 4: Suspect Information**

### **Sex**

The sex of the suspect that force was used on is stated in the table below.

Male	Female
1312	205

### **Age**

The age of the suspect that force was used on is stated in the table below.

Age Range	Amount
10-14*	10
15-19	217
20-24	409
25-29	290
30-34	187
35-39	143
40-44	113
45-49	90
50-54	29
55-59	14
60-64	9
65-69	6

* In the 10-14 year old category, the breakdown is noted: <ul style="list-style-type: none"><li>▪ Age 13: 4 subjects</li><li>▪ Age 14: 6 subjects</li></ul>
-------------------------------------------------------------------------------------------------------------------------------------------------------------

### **Number of Suspects Present**

The answer was based on the perception of the officer responding with force.

Suspect was alone	Suspect was in the presence of others
1035	482

### **Suspect Injuries: (Select only one)**

The following describes the injuries that suspects sustained during the incidents in which force was used as a direct result of the force option used.

Suspect Injuries	Amount
Not Injured	688
Injured, No Treatment Needed	229
Injured, Refused Treatment	130
Injured, Treated	285
Hospital Administrative Clearance	183
Fatal	2*

\* This total represents one event in which two officers used deadly force on one suspect.

## Race

The following table illustrates the race/ethnicity of the suspects on whom force was used.

<b>Race/Ethnicity</b>	<b>Total Amount of Force Responses</b>	<b>% of Total Amount of Force Responses</b>	<b>Total Number of Arrests*</b>	<b>% of Total Number of Arrests</b>
African-American	257	16.9%	3372	09.9%
American Indian	3	00.2%	115	00.3%
Asian Indian	3	00.2%	94	00.3%
Cambodian	0	--	3	<00.0%
Chinese	1	00.1%	60	00.2%
Filipino	10	00.7%	265	00.8%
Guamanian	0	--	5	<00.0%
Hawaiian	1	00.1%	0	--
Hispanic	830	54.7%	17,780	52.3%
Japanese	0	--	9	<00.0%
Korean	0	--	5	<00.0%
Laotian	0	--	4	<00.0%
Other/Unknown	19	01.3%	1679	04.9%
Other Asian	70	04.6%	3165	09.3%
Pacific Islander	11	00.7%	175	00.5%
Samoan	17	01.1%	190	00.6%
Vietnamese	27	01.8%	685	02.0%
White	268	17.7%	6389	18.8%
<b>TOTAL</b>	<b>1517</b>	<b>100.1%**</b>	<b>33,995</b>	<b>99.9%**</b>

NOTE: All percentages are rounded to the nearest tenth percentage and therefore may not equal 100%.

\* includes Arrests and Citations by SJPD from January 1, 2006 through December 31, 2006 (Traffic Citations with no corresponding police report were excluded)

\*\* Total percentage excludes those categories that represented less than 00.1%

## Signs of Chemical Influence

Officers reported observing signs of chemical influence in 1035 of 1517 reported force responses.

## Signs of Mental Illness

Officers reported observing signs of mental illness in 240 of 1517 reported force responses.

**Status of the suspect**

The following table shows the parole or probation status of suspects at the time of the incident. The category "fugitive" was used to indicate that the suspect had an outstanding warrant, felony affidavit on file, or was fleeing from an on-view arrest.

<b>Suspect Status</b>	<b>Number of Reported Incidents</b>	<b>% of Total Force Responses</b>
Probation	192	12.7%
Parole	139	09.2%
Fugitive	253	16.7%

NOTE: All percentages are rounded to the nearest tenth percentage.

**WRAP used**

The WRAP was used in 17 cases during a reported force response.

# Force Response Report

## Attachment A



Attachment "A" is a detailed explanation of each category included in the Force Response Reporting form used by the officers. This document is available to Department personnel in order to assist them in the preparation of the report.

## **Attachment A**

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### **Incident Information:**

#### **Date**

The calendar date when the force response occurred including month, date and year. It should be written in the format mm/dd/yy.

#### **Day**

The day of the week that the force response occurred (i.e. Sunday, Monday, Tuesday, etc.)

#### **Time**

The time of day that the force response occurred written in military time.

#### **Source of Call**

Select the source that most accurately describes how the officer arrived at the scene where the force response occurred. Although more than one might be applicable to the situation, please select only the most descriptive source.

1. On view: The officer observed the incident without any direction from a citizen or dispatch.
2. Self-Initiated: The officer initiated the contact.
3. Dispatched call for service: The officer was made aware of the incident via radio communications or a phone call from official SJPD sources. A specific request by another officer for a response is also included in this category.
4. Flag down: The officer was alerted to the incident by a citizen in the field to the officer or another officer.
5. Other: None of the other types accurately describe the source of the call.

#### **Incident Type**

Describe the type or nature of the incident the officer observed, was informed of, or was responding to. Although more than one might be applicable to the situation, please select only the most descriptive type.

1. Alcohol influence: The reason for the call was a person under the influence of alcohol. This could be an intoxicated person panhandling at a shopping center.
2. Ambush: The officer was attacked by a person lying in wait or by other means of surprise. There were no indications observed by the officer leading to the attack.
3. Arrest Situation: The officer was in the physical process of making an arrest on the person that force was used on.
4. Assault on Citizen: The officer was responding to a call of an assault and/or battery being committed on another person. The person committing the assault and or battery was the person that force was used on.

## Attachment A

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5. Assault on Officer: The officer was responding to a call of an assault and/or battery being committed on another officer. The person committing the assault and or battery was the person that force was used on.
6. Building Entry: The officer responding with force was in the process of doing a building entry or search.
7. Crime in Progress: The officer was responding with force to a person related to another type of crime in progress that is not specified in the category.
8. Disturbance: This area is to be used to describe the nature of the disturbance if it is not more accurately reflected in other categories. Please write in the nature of the disturbance.
9. Domestic Violence/Family Disturbance: All events with a disturbance involving family members. The nature of the relationship is irrelevant. It could be spouses, parents, siblings or any other relationship.
10. Drug influence: The reason for the call was a person under the influence of any illicit drug including, but not limited to, those punishable by H&S § 11350(a) and H&S § 11377(a).
11. Foot pursuit: The officer responding with force was going to a foot pursuit of another officer,
12. Gang activity: The primary reason for the call, or the officer's purpose to contact the person was due to specific gang activity. This would not include merely driving through a gang area when the incident occurred.
13. Mental illness: The reason for the call was a person suffering from a condition related to mental illness other than suicidal tendencies.
14. Off-Duty incident: The officer was off-duty at the time of the force response.
15. Pedestrian Contact: The officer had made contact with a pedestrian.
16. Suicidal person: The person that force was used upon was displaying suicidal behavior threatened, attempted or completed.
17. Suspicious persons/circumstances: The person that force was used on was involved in suspicious activity that is not described more accurately in other categories.
18. Vehicle pullover: The force response occurred after a vehicle stop. The person that the force was used on is somehow associated with the vehicle stopped.
19. Vehicle pursuit: The officer responding with force was actively involved in a vehicle pursuit at the time of the force response.
20. Other: None of the other types accurately describe the incident type.

## **Attachment A**

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### **Officer Activity Immediately Prior to Force Response**

Select the source that most accurately describes the officer's activity immediately prior to the force response. Although more than one might be applicable to the situation, please select only the most descriptive activity.

1. Foot Pursuit: The officer was in foot pursuit with the person that force was used on.
2. Handcuffing: The subject became resistant during the handcuffing process of a person.
3. Person Search (Not Handcuffed): The subject became resistant during the search (cursory/pat-frisk/custodial) of a person not handcuffed.
4. Person Search (Handcuffed): The subject became resistant during the search (cursory/pat-frisk/custodial) of a handcuffed person.
5. Subject Escort: The subject became resistant during an escort of the person, either handcuffed or not handcuffed.
6. Interview / Interrogation: The officer was in the process of speaking to the suspect immediately prior to the force response. This includes situations where the officer has just made contact to speak to an individual and the suspect's actions cause the officer to respond with force.
7. Other: None of the other types accurately describe the officer's activity prior to the force response.

## Attachment A

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### Officer Information:

#### Years of Experience

The total years of law enforcement experience of the officer responding with force.

#### Officer assaulted by suspect with

Please select all items that apply to this incident and with this particular suspect. If the suspect punched the officer and hit the officer with a stick, both "hands" and "impact weapon" should be selected. If there were two suspects at the same incident and suspect "A" punched the officer while suspect "B" hit the officer with an impact weapon, only select hands on the form corresponding to suspect "A" and select impact weapon on a separate form used for suspect "B".

1. Not Assaulted: The officer was not assaulted.
2. Force Response prevented battery: The officer would have been battered by the suspect if the officer had not responded with force prior it happening.
3. Hands / Arms: The officer was assaulted by the suspect using his/her hands or arms.
4. Feet / Legs: The officer was assaulted by the suspect using his/her legs or feet.
5. Impact Weapon: The officer was assaulted by the suspect using an impact weapon.
6. Edged Weapon: The officer was assaulted by the suspect using an edged weapon.
7. Handgun: The officer was assaulted by the suspect discharging a handgun.
8. Rifle: The officer was assaulted by the suspect discharging a rifle.
9. Shotgun: The officer was assaulted by the suspect discharging a shotgun.
10. Vehicle: The officer was assaulted by the suspect using a vehicle as a weapon.
11. Other: None of the other types accurately describe the assault.

## **Attachment A**

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### **Officer Injuries**

Select only one of the following that best describes the injury or injuries that the officer sustained during the incident in which force was used. Include injuries that occurred as a direct result of the suspect (e.g. suspect hit officer, officer strained back during struggle with suspect) and those indirectly related (e.g. officer fell or tripped due to poor footing conditions during a tactical retreat).

1. Not Injured: The officer was not injured during the event.
2. Injured, Not Treated: The officer was injured or complained of pain but was not treated.
3. Injured, Treated: The officer was injured or complained of pain and was treated at the scene or at a hospital. This would include any treatment given by police, fire, AMR, hospital staff or other medical personnel.
4. Fatal: The officer died as a result of the injuries sustained during this event.

### **When the officer responded with force, the officer was**

Select only one. "In the presence of other officers" should be selected only if there were other officers actually on scene and the suspect was aware of their presence.

## Attachment A

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### Force Option(s) Used

Select all the force options used by the officer in regards to the suspect reflected in this report. Only reportable force as defined in SJPD Duty Manual L 2644 should be reported on this form (see footnote on page 1 for definition).

Each force option will then be evaluated as being "effective" or "non-effective." Effective means the suspect stopped his/her actions due to the force option OR a tactical advantage was gained due to the force option that allowed the suspect to be physically taken into custody. If the force option was not effective, the officer will explain the circumstances regarding the ineffectiveness in a crime report.

The following definitions are to help the officer choose the correct response.

Pain Compliance/Control Hold: Any control hold, joint manipulation technique, grab, nerve stimulation technique or pressure point application which causes injury, the appearance of injury, or complaint of pain.

Takedown: Any movement or technique, learned or improvised, that is intended to lower the suspect to a position on the ground or towards the ground.

Body Weapons: The officer used a part of his/her body to strike the suspect. Included in this category would be hand, elbow and knee strikes, kicks and head butts.

O.C. Spray: The officer discharged Department-issued O.C. spray at the suspect.

TASER Drive Stun: The officer applied the TASER to the suspect in a drive stun mode. Drive stun is when the TASER is used at close range and when the TASER is in actual contact with the suspect. It is not necessary that the dart cartridge be removed in order to categorize the use as a drive stun.

TASER Darts Deployed: The officer shot the darts from the TASER making contact with the suspect.

Impact Weapon: The officer used a Department-approved impact weapon or other impact objects used as objectively reasonable to strike the suspect.

Canine Apprehension: A police service dog was used to assist in taking the suspect into custody. This section to be used by K9 handlers only.

Stun Bag Shotgun: The officer discharged a stun bag shotgun at the suspect.

L8 Multi-Launcher: The officer discharged a L8 multi-launcher at the suspect.

40mm Single Launcher: The officer discharged a 40mm single launcher at the suspect.

## **Attachment A**

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SAGE Gun: The officer discharged a SAGE gun at the suspect.

Legal Intervention: The officer uses a police vehicle to stop a fleeing vehicle from escaping. This is accomplished through vehicle-to-vehicle contact.

Carotid Restraint: The officer applied a carotid restraint on the suspect. The suspect does not necessarily need to be rendered unconscious. If the restraint is applied and the suspect complies prior to losing consciousness, the force option will be reported.

Deadly Force: Deadly Force is force that creates a substantial risk of causing death or serious bodily injury.

## Attachment A

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### Suspect Information:

#### Sex

The sex of the suspect that force was used on.

#### Age

The age of the suspect that force was used on.

#### Race

The race of the suspect that force was used on. Please enter the code from the following chart:

African-American	B
American Indian	I
Asian Indian	Z
Cambodian	D
Chinese	C
Filipino	F
Guamanian	G
Hawaiian	U
Hispanic	H
Japanese	J
Korean	K
Laotian	L
Other/Unknown	O
Other Asian	A
Pacific Islander	P
Samoan	S
Vietnamese	V
White	W

### How many suspects were present when the officer responded with force?

Select the most appropriate response. The answer should be based on the perception of the officer responding with force.

### Suspect Injuries: (Select only one)

Select only one of the following that best describes the injury or injuries that the suspect sustained during the incident in which force was used. Include injuries that occurred as a direct result of the force option used.

1. Not Injured: The suspect was not injured during the event.
2. Injured, No Treatment Needed: The suspect was injured or complained of pain but was not treated.

## **Attachment A**

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3. Injured, Refused Treatment: The suspect was injured or complained of pain but refused to be treated.
4. Injured, Treated: The suspect was injured or complained of pain and was treated at the scene or at a hospital. This would include any treatment given by police, fire, AMR, hospital staff or other medical personnel.
5. Hospital Administrative Clearance: The suspect was not injured due to the force option(s) used. The suspect did not request or need medical attention for injuries but was taken to a hospital only for clearance prior to booking as required by the San Jose Duty Manual. These incidents include; TASER, Carotid and WRAP applications.
6. Fatal: The suspect died as a result of the injuries sustained during this event.

### **Signs of Chemical Influence**

Select "yes" or "no." This category includes, but is not limited to:

1. Alcohol influence
2. Central Nervous System Stimulant influence (i.e. methamphetamine, cocaine)
3. PCP influence
4. Central Nervous System Depressant influence (i.e. heroin, barbiturates)
5. Ecstasy
6. LSD
7. Peyote
8. Mescaline
9. Any other mind/mood altering substance that contributed to the actions of the suspect which in turn caused to officer to respond with force.

### **Signs of Mental Illness**

Select "yes" or "no." This category includes, but is not limited to:

1. bizarre behavior (actions that are not consistent with conditions)
2. absurd, illogical thinking
3. disorganized speech and/or confused thinking
4. beliefs with no basis in reality
5. aggressive behavior
6. shouting
7. paranoia
8. violence toward others
9. unexpected physical strength
10. sudden tranquility
11. withdrawn and/or severely depressed mood
12. delusions and/or distorted perceptions
13. auditory and/or visual hallucinations
14. fear
15. panic
16. physical violence
17. hyperactivity
18. thrashing about (especially after restraints have been applied)

## **Attachment A**

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19. unexplained endurance
20. extreme sweating
21. apparent ineffectiveness of OC spray or Taser
22. attraction to glass
23. suicidal talk and/or gestures

### **Was the suspect**

Select all that apply to the suspect's current parole or probation status. The category "fugitive" is used to indicate that the suspect had an outstanding warrant, felony affidavit on file, or was fleeing from an on-view arrest.

### **WRAP used**

Select either "yes" or "no" indicating whether or not the WRAP restraint was used.

# Force Response Report

## Attachment B



Attachment "B" is a copy of the Force Response Report used by the officers after any reportable force incident.

<b>SJPD FORCE RESPONSE REPORT</b>	SAN JOSE POLICE DEPARTMENT	CASE NO. _____
	201 W. Mission Street San Jose, CA 95110 277-4261	

Date: \_\_\_\_\_ Day: \_\_\_\_\_ Time: \_\_\_\_\_

**Incident Information:**

**Source of Call:** (Select only one)

<input type="checkbox"/> On view	<input type="checkbox"/> Flag down
<input type="checkbox"/> Self-Initiated	<input type="checkbox"/> Other _____
<input type="checkbox"/> Dispatched call for service	

**Incident Type:** (Select only one)

<input type="checkbox"/> Alcohol influence	<input type="checkbox"/> Foot pursuit
<input type="checkbox"/> Ambush	<input type="checkbox"/> Gang activity
<input type="checkbox"/> Arrest Situation	<input type="checkbox"/> Mental Illness
<input type="checkbox"/> Assault on Citizen	<input type="checkbox"/> Off-Duty incident
<input type="checkbox"/> Assault on Officer	<input type="checkbox"/> Pedestrian Contact
<input type="checkbox"/> Building Entry	<input type="checkbox"/> Suicidal person
<input type="checkbox"/> Crime in Progress	<input type="checkbox"/> Suspicious persons/circumstances
<input type="checkbox"/> Disturbance	<input type="checkbox"/> Vehicle pullover
<input type="checkbox"/> Domestic Violence/Family Disturbance	<input type="checkbox"/> Vehicle pursuit
<input type="checkbox"/> Drug influence	<input type="checkbox"/> Other _____

**Officer Activity Immediately Prior to Force Response:** (Select only one)

<input type="checkbox"/> Foot Pursuit	<input type="checkbox"/> Subject Escort
<input type="checkbox"/> Handcuffing	<input type="checkbox"/> Interview / Interrogation
<input type="checkbox"/> Person Search (Not Handcuffed)	<input type="checkbox"/> Transporting in Vehicle
<input type="checkbox"/> Person Search (Handcuffed)	<input type="checkbox"/> Other _____

**Officer Information:**

**Years of Experience:** \_\_\_\_\_

**Officer assaulted by suspect with:** (Select all that apply)

<input type="checkbox"/> Not Assaulted	<input type="checkbox"/> Handgun
<input type="checkbox"/> Force Response prevented battery	<input type="checkbox"/> Rifle
<input type="checkbox"/> Hands / Arms	<input type="checkbox"/> Shotgun
<input type="checkbox"/> Feet / Legs	<input type="checkbox"/> Vehicle
<input type="checkbox"/> Impact Weapon	<input type="checkbox"/> Other _____
<input type="checkbox"/> Edged Weapon	

**Officer Injuries:** (Select only one)

<input type="checkbox"/> Not Injured	<input type="checkbox"/> Injured, Treated
<input type="checkbox"/> Injured, Not Treated	<input type="checkbox"/> Fatal

**When the officer responded with force, the officer was:**

<input type="checkbox"/> Alone	<input type="checkbox"/> In the presence of other officers
--------------------------------	------------------------------------------------------------

<b>SJPD FORCE RESPONSE REPORT</b>	SAN JOSE POLICE DEPARTMENT 201 W. Mission Street San Jose, CA 95110 277-4261	CASE NO. _____
-----------------------------------	------------------------------------------------------------------------------------	----------------

**Force Option(s) Used:** (Select all that apply)

<input type="checkbox"/> Pain Compliance/Control Hold	Effective: <input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Takedown	Effective: <input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Body Weapons	Effective: <input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> O.C. Spray	Effective: <input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Taser Drive Stun	Effective: <input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Taser Darts Deployed	Effective: <input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Impact Weapon	Effective: <input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Canine Apprehension	Effective: <input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Stun Bag Shotgun	Effective: <input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> L8 Multi-Launcher	Effective: <input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> 40mm Single-Launcher	Effective: <input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> SAGE Gun	Effective: <input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Legal Intervention	Effective: <input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Carotid Restraint	Effective: <input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Deadly Force	Effective: <input type="checkbox"/> Yes	<input type="checkbox"/> No

(Effective means the suspect stopped his/her actions due to the force option **OR** a tactical advantage was gained due to the force option that allowed the suspect to be physically taken into custody. If not effective, explain in crime report )

**Suspect Information:** (A separate form must be filled out for each suspect upon whom reportable force was used)

Sex: \_\_\_\_\_ Age: \_\_\_\_\_ Race: \_\_\_\_\_

**How many suspects were present when the officer responded with force?**

Single Suspect  Multiple Suspects

**Suspect Injuries:** (Select only one)

<input type="checkbox"/> Not Injured	<input type="checkbox"/> Hospital Administrative Clearance (Taser probe removal/WRAP/Carotid)
<input type="checkbox"/> Injured, No Treatment Needed	<input type="checkbox"/> Fatal
<input type="checkbox"/> Injured, Refused Treatment	
<input type="checkbox"/> Injured, Treated	

**Signs of Chemical Influence (Drugs and/or Alcohol):**

Yes  No

**Signs of Mental Illness:**

Yes  No

**Was the suspect:** (Select all that apply)

<input type="checkbox"/> On probation	<input type="checkbox"/> A fugitive (Warrant, Felony Affidavit, Fleeing Arrest)
<input type="checkbox"/> On parole	

**WRAP used:**

Yes  No

OFFICER'S NAME/BADGE

DATE

SUPERVISOR APPROVAL

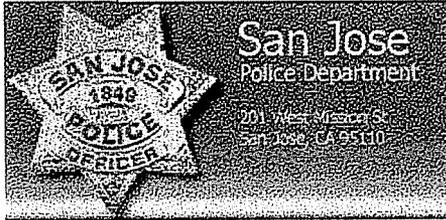
# Force Response Report

## Attachment C



Attachment "C" is a TASER Usage Report for the period of May 1, 2005 to December 31, 2005. This report documents the TASER usage for the eight months between the last TASER Usage Report and this Force Response Report.

## Attachment C



### ***TASER Usage Report*** **May 1, 2005 - December 31, 2005**

**San Jose, California Police Department**  
**Robert L. Davis, Chief of Police**

#### **PURPOSE OF THE STUDY**

In the Spring of 2004, the San Jose Police Department (SJPD) became one of the first law enforcement agencies in the country to equip each of its patrol officers and sergeants with a TASER device. Using what is called Neuro-Muscular Incapacitation (NMI) technology, the TASER is a force option that provides patrol officers with another tool for dealing with persons who are actively resisting or exhibiting active aggression, or to prevent individuals from harming themselves or others. Prior to Spring 2004, only patrol sergeants were authorized to carry the M26 version of the TASER, which is an older model of TASER.

To prepare for the deployment of the TASER devices to patrol personnel, the Bureau of Field Operations (BFO - Patrol Bureau) started a TASER training course for patrol officers on February 26, 2004. Once officers were trained, they were subsequently issued TASER devices for use in the field. The SJPD Range started issuing TASER devices to trained BFO personnel on April 14, 2004.

Within the reporting period of May 1, 2005 through December 31, 2005, the SJPD recalled and replaced all TASER M26 devices with the newer TASER X26 model. As of May 2006, the total number of deployed TASER devices rests at 1,024 TASER X26 devices. Training of officers in TASER usage has been ongoing prior to, and has been continuing through Continuous Professional Training (CPT) since the TASER deployment. The goal is to provide officers with updated training based upon what is being learned in the field about actual TASER usages.

Because San Jose was one of the first major cities in the nation to deploy TASER devices to all of its patrol personnel, Chief Rob Davis directed his Research and Development Unit to conduct a study in regard to TASER usage. The Chief believed that because TASER devices were a relatively new tool, the TASER devices should be studied to determine if they were being deployed effectively and to identify any training issues that might arise.

## **Attachment C**

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### **HIGHLIGHTS OF THE REPORT**

The following are some of the highlights of what the Department has learned about TASER usage during the reporting period of May 1, 2005 through December 31, 2005:

- TASER devices were used in an extremely small number of cases handled by SJPD officers, being used only 131 times out of 263,498 calls for service, or 0.05 % of cases handled.
- 97 of the 131 TASER usages occurred when SJPD officers were called to the scene of a disturbance or crime-in-progress by another citizen (74.0%).
- When deployed and when both probes remained in contact with the suspect, the TASER was successful in assisting in taking violent/combative suspects into custody in 94% of the cases. Thus, like any use-of-force device, the TASER does have operational limitations given certain variables in a particular event, such as whether or not a suspect is struggling to the extent that when fired the TASER device's prongs are deflected, thereby preventing the TASER prongs from entering into a suspect's skin or clothing to deliver the necessary charge to incapacitate the suspect.
- A significant number of TASER usage cases involved suspects who were either under the influence of drugs and/or alcohol or who were mentally ill, accounting for a combined total of 64.1% of the cases. In 4.6% of the cases, the suspects were believed to be under the influence and mentally ill.
- While TASER usage was disproportionate for suspects with racial/ethnic minority backgrounds when compared to the overall population of San Jose residents, TASER usage was statistically proportionate when compared to the racial/ethnic background for everyone SJPD arrested during the period of the study (see chart that follows on page 6).

### **ACCOMPLISHMENTS DURING THE REPORTING PERIOD**

The following are accomplishments that have been made in support of the SJPD's efforts to maintain the most current information regarding the use and safety of the TASER:

- The SJPD developed a 4-hour "Electronic Weapon User Course" which covers specific SJPD policy and procedure on the use of the TASER. This course is in the process of being approved by the California Commission on Peace Officer Standards and Training (POST).
- Two Training Bulletins were issued related to the use of the TASER in an effort to deliver the most current information regarding the use of the TASER to all sworn personnel.

## Attachment C

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- Training Bulletin 004-2005 (TASER USAGE UPDATE) related specific guidelines for the use of the TASER for SJPD personnel. This document contained 13 specific guidelines on the use of the TASER devices. The document also contained specific reporting requirements after the use of a TASER device. On February 28, 2006, the San Jose City Council voted to accept the TASER Usage Guidelines as described in Training Bulletin 004-2005 that had been previously agreed upon by the SJPD and the Office of the Independent Police Auditor (IPA).
- The SJPD assisted California POST in the creation of a Statewide standardized 16-hour "Electronic Weapons Instructor Course."
- The SJPD assisted California POST in the creation of a training DVD regarding the use of electronic weapons. This DVD training has been distributed throughout the State.
- The SJPD sent the Research and Development Unit Commander to a special meeting sponsored by the Police Executive Research Forum (PERF). This meeting was held to discuss best practices on the use of Conducted Energy Devices (CED), including TASER devices. The panel assembled for this meeting contained experts from multiple disciplines, including medical, police training, and police management. At the conclusion of this meeting, PERF published a report containing several recommended guidelines for CED usage. This document has been used nationally to assist agencies in developing CED usage guidelines. Along with other sources, the SJPD used this PERF document to create the guidelines for SJPD officers listed in Training Bulletin 004-2005 and included within the SJPD 4-hour Electronic Weapon User Course.
- The SJPD sent representatives to the TASER International 2005 Conference, 2006 Conference and the "Use of Force, Risk Management and Legal Strategies" Conference. Several experts in various fields (law enforcement training, electrical science, medical science, forensic science and legal) made presentations that were informative. At these conferences Department personnel were able to meet and network with trainers and managers from law enforcement agencies worldwide to discuss the best practices, policy and procedures regarding the training and use of TASER devices.
- SJPD officers have been receiving an hour of TASER update training during the Continuous Professional Training that officers are mandated by California POST to take every 2 years.

## **Attachment C**

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### **DATA COLLECTION METHODOLOGY**

Officers using the TASER are required to document its use in their reports, and information gathered from these reports was used to compile the data for the study. The information in this study includes the following:

- The number of times TASER devices were deployed
- The manner in which the TASER devices were deployed
- The number of calls to which officers were dispatched and a TASER was deployed
- The number of times officers deployed a TASER during a self-initiated activity
- The race/ethnicity of the suspects upon whom the TASER was deployed, compared with the arrest rates for all suspects arrested or cited for a criminal offense during the same time period
- The overall number of calls for service handled by patrol officers during this period of study
- The sex of the suspects involved
- The number of adults and juvenile suspects involved
- The number of involved suspects believed to be under the influence of drugs and/or alcohol
- The number of involved suspects believed to be suffering from mental illness (as identified either before or after the event)
- The number of involved suspects believed to be suffering from mental illness and who were believed to be under the influence of drugs and/or alcohol

## Attachment C

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### ANALYSIS

#### **TASER DEPLOYMENT**

The TASER can be deployed using one of two different methods. The first method is referred to as the probe deployment method, in which activation of the TASER deploys two small, straightened, barbed probes attached to separate 25-foot long copper wires into the suspect's skin or clothing. The device then sends an electrical charge over the copper wires, which disrupts a suspect's ability to control his skeletal muscles. The effect immediately ceases once the electrical charge ceases. Each pull of the TASER device's trigger delivers a five-second long electrical cycle. The TASER can also be deployed in what is referred to as the drive-stun method, in which two prongs attached to the tip of the TASER are placed against a suspect's body and an electrical charge is distributed by pulling the trigger of the TASER. For the purposes of this study, TASER usage was tracked under three categories, depending upon the way the TASER device was used, as outlined below:

Total number of times the TASER was used: .....	<b>131 (100%)</b>
Times the TASER was used in a probe deployment manner only: ....	<b>63 (48.1%)</b>
Times the TASER was used in a drive-stun manner only: .....	<b>43 (32.8%)</b>
Times the TASER was used in both modes: .....	<b>19 (14.5%)</b>
Times the TASER probes were deployed but missed: .....	<b>5 (3.8%)</b>
Times the TASER malfunctioned:.....	<b>1 (0.8%)</b>

Because of a number of variables, the TASER device was not always effective when it was deployed. These variables included the thickness of a suspect's clothing and whether or not the suspect's own movement dislodged one of the prongs, stopping the electrical charge. There were also some cases in which officers firing TASER devices missed their targets. Of the 131 TASER deployments, the TASER was not effective in assisting in the process of taking the suspect into custody in only 8 cases, or 6% of the time. It was noted that in the 8 cases where the TASER was not effective, 5 of those cases (62.5%) occurred during the cold weather months of November and December when thicker clothing is more likely to be worn.

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### ***CIRCUMSTANCES SURROUNDING TASER DEPLOYMENT***

The following information outlines the circumstances in which officers deployed the TASER devices:

Number of times officers responded to a citizens call for service ..... **97 (74.0%)**  
 Number of times officers self-initiated the enforcement activity ..... **34 (26.0%)**  
 Number of suspects believed to be under the influence of drugs  
 and/or alcohol ..... **66 (50.4%)**  
 Number of suspects believed to be suffering from mental illness ..... **18 (13.7%)**  
 Number of suspects believed to be under the influence of drugs  
 and/or alcohol and suffering from mental illness ..... **6 (04.6%)**

During this study period, SJPD received 263,498 calls for service (according to current computer aided dispatch data), which included 69,858 Priority 1 and 2 calls (those requiring immediate emergency response by police). Hence, the 131 TASER cases accounted for 0.05% of the total calls for service handled by the San Jose Police Department.

### ***RACE/ETHNICITY OF SUSPECTS COMPARED TO OVERALL ARREST RATE***

The following table outlines the race/ethnicity of the suspects upon whom the TASER was deployed. Also included in the table for comparison purposes are the statistics for the number of overall arrests made during this time period, with a breakdown of each racial/ethnic group's portion of the overall number of arrests.

Race/Ethnicity	Number of TASER Uses	% of total TASER usage	Number of arrests*	% of total number of arrests	Population in San Jose**	% of total population in San Jose
African American or Black	16	12.2%	2037	9.3%	17,651	2.0%
American Indian or Alaska Native	0	--	79	0.4%	3,091	0.4%
Asian Indian	4	3.0%	53	0.2%	23,823	2.7%
White	19	14.5%	4639	21.3%	294,175	33.7%
Chinese	0	--	59	0.3%	56,265	6.4%
Filipino	0	--	183	0.8%	58,738	6.7%
Hawaiian and Other Pacific Islander***	4	3.0%	261	1.2%	4,149	0.5%
Hispanic	75	57.3%	11,534	52.9%	277,044	31.7%
Japanese	0	--	9	<0.0%	13,249	1.5%
Korean	0	--	6	<0.0%	14,451	1.7%
Other Asian****	4	3.0%	1035	4.7%	9,620	1.1%
Vietnamese	7	5.4%	559	2.6%	80,486	9.2%
Some other race/2 or more races	2	1.5%	1341	6.2%	21,140	2.2%
TOTAL	131	99.9%	21,795	99.9%	873,882	100.0%

\* includes Arrests and Citations by SJPD (Traffic Citations with no corresponding police report were excluded)

\*\* Source: 2004 American Community Survey (posted on [www.sanjoseca.gov](http://www.sanjoseca.gov))

\*\*\* includes Guamanian and Samoan

\*\*\*\* includes Cambodian and Laotian

NOTE: All percentages are rounded to the nearest tenth percentage and therefore may not equal 100%.

## Attachment C

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### **SEX AND AGE OF SUSPECTS**

The following information outlines the sex and the age of the suspects upon whom TASER devices were deployed (percentages noted were rounded to the nearest tenth percent):

Cases Involving Male Suspects .....	125 (95.4%)
Cases Involving Female Suspects .....	6 (04.6%)
Cases Involving Adult Suspects (18-64 years old) .....	128 (97.7%)
Cases Involving Suspects 65-74 years old .....	2 (01.5%)
Cases Involving Suspects 15-17 years old .....	1 (00.8%)

### **CONCLUSION**

The San Jose Police Department will continue to monitor the usage of TASER devices, as well as other force options, by its patrol officers for the purpose of updating its ongoing training efforts and to facilitate forward thinking and progressive administrative and operational decision making processes.

The Department will also continue to monitor TASER usage by other police departments throughout the country as it seeks to make sure that its policies and procedures regarding TASER usage are up-to-date and effective. Continuing to monitor the Department's TASER usage also helps to ensure that the Department's policies and procedures are being followed, as well as providing information about TASER usage cases that can be incorporated into the ongoing TASER training that the Department provides. Such analysis and training will help ensure that this valuable tool will continue to provide officers with an enhanced ability to protect the public, suspects, and themselves while using the least amount of force that is reasonable to take combative or dangerous suspects into custody.

Additional questions concerning any of the data provided in this study may be directed to Lt. Laurence Ryan of the San Jose Police Department's Research and Development Unit. He may be reached during normal business hours at (408) 277-5200.