



Technology Ad Hoc Committee

Report and Recommendations on Los Angeles County Sheriff's Department Use of Tasers

Approved by the Commission:
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Los Angeles County Sheriff
Civilian Oversight Commission

Working for transparency with respect to the Sheriff's Department



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EXECUTIVE SUMMARY

The Los Angeles County Sheriff Civilian Oversight Commission (Commission) is concerned about recent media accounts of law enforcement agencies use of tasers throughout the nation, including in Los Angeles County, and the Commission's Technology Ad Hoc Committee (committee) determined there was an urgent need to conduct research and analysis into the Los Angeles County Sheriff's Department (LASD) use of tasers as they remain the subject of community and media scrutiny. The Commission requests that LASD review and modify their taser policies and procedures; and that LASD simplify their language to avoid confusion and consolidate them in one place so as to provide a clear reference point for appropriate taser use in different settings

ACTIONS OF THE COMMITTEE

On January 19, 2023, the Commission created the Technology Ad Hoc Committee to conduct analysis of LASD's use of technology equipment, policies, procedures, and practices. The members of the committee consisted of Commissioners Hans Johnson, Luis S. Garcia, and James P. Harris, and they were supported by Commission staff members Nune Petrosyan and Tracy Jordan.

On March 8, 2023, the committee met to discuss technology areas of concern and determined that taser equipment has been the subject of media accounts of injury or death; and that research and analysis should be conducted. From March 15-30, 2023, the committee asked for and received public input on LASD's use of tasers.¹ On April 10, 2023, the committee met again to discuss the community feedback received and the documentation provided by LASD.²

The members of the committee and its staff took the following actions:

1. Extensively researched the use of taser related policies in surrounding jurisdictions
2. Analyzed media reports of reports of taser use affecting the community
3. Submitted a request to LASD regarding taser policies, procedures, and related data
4. Conferred with LASD regarding their use of taser practices and procedures
5. Attended a Taser demonstration coordinated by LASD and Axon Enterprises, Inc.
6. Received and included feedback from the Office of Inspector General (OIG)
7. Received and included feedback from the Human Relations Commission
8. Received and included comments from the public

BACKGROUND

In 2021, USA Today reported that there had been at least 513 cases in which subjects died soon after police used tasers on them and that four of five cases that ended in death began as calls for nonviolent incidents.³ Furthermore, 84% of individuals who died were unarmed.⁴ Law enforcement use of tasers on suspects spans across the United States and does not

¹ Written Public Comment provided on LASD's Use of Tasers, 3.30.2023. Retrieved from <https://file.lacounty.gov/SDSInter/bos/supdocs/PublicComments-LASDUseofTaser2023.pdf>

² LASD. (2023). Response to the Commission on the Use of Tasers. Retrieved from <http://file.lacounty.gov/SDSInter/bos/supdocs/LASDReponsetoTaserRequest4.7.2023.pdf>

³ USA Today. (2021). Lethal force? Tasers are meant to save lives, yet hundreds die after their use by police. Retrieved from [Police use of Tasers ends in hundreds of deaths like Daunte Wright](#)

⁴ Ibid.

discriminate. However, Black people account for nearly 40% of those killed by law enforcement taser use in cases when race could be determined.⁵

A Los Angeles County Counsel annual litigation cost report for fiscal year 2021-2022 stated that the second costliest settlement arose from a 2015 service call from a woman reporting that her son was threatening to kill her and her daughter.⁶ Responding LASD deputies struck the individual with their fists, feet, batons, and flashlights, and they shot him with a taser. This use of force resulted in his death. Although the taser manufacturer recommended that taser charges be delivered in five second bursts, records from the device reflected that it was used in one 29-second burst followed by another five or six-second burst.⁷

On December 1, 2022, Los Angeles County District Attorney George Gascón announced that LASD Deputy Hiraudi Lopez-Romero had been charged with unlawfully using a taser on someone who had been detained for shoplifting in Compton in 2020.⁸ The District Attorney advised that the deputy was accused of exiting her patrol vehicle and using a taser on a handcuffed man who was detained in the back seat of the vehicle.

The Los Angeles County OIG conducts regular monitoring of LASD and reported that from January 2021 through December 2022, LASD deputies used a taser in custodial settings a total of 114 times.⁹ The report shows that in both 2021 and 2022, the taser was most used during the month of June.¹⁰ The OIG report on reform and oversight efforts from April to June 2022, noted a fatal use of force in June 2022 where deputies used a taser before firing several rounds on a man who was threatening to take his own life and take people hostage at a restaurant.¹¹

THE TECHNOLOGY OF TASERS

The taser was invented by Jack Cover in the 1970s., and it was inspired by a fictional device described in the book Tom Swift and His Electric Rifle, which also led to the acronym TASER.^{12,13} The taser was soon introduced to law enforcement in 1974 as a weapon that fired cartridges with two small probes connected to the weapon by a thin insulated high-voltage wire.¹⁴ The taser is intended to stun the target and overwhelm the sensory nervous system, and because the original taser cartridges used gunpowder as propellants, the federal Bureau of Alcohol, Tobacco, and Firearms classified it as a firearm.¹⁵ The second generation Taser 34000 was not classified as a firearm in 1994, and the third generation of the Taser M26 was determined to be less-lethal, proven safe, effective, and easy-to-use in 1999.¹⁶ A major manufacturer of tasers for law enforcement agencies, Axon states that tasers are the most

⁵ Ibid.

⁶ L.A. County Counsel. (2023). Annual Litigation Cost Report Fiscal Year 2021-2022. Retrieved from <https://file.lacounty.gov/SDSInter/bos/supdocs/178163.pdf>

⁷ Ibid.

⁸ L.A. County District Attorney's Office. (2023). News Release: December 1, 2022: Sheriff's Deputy Charged With 2020 On-Duty Assault in Compton. Retrieved from <https://da.lacounty.gov/media/news/sheriff-s-deputy-charged-2020-duty-assault-compton>

⁹ L.A. County Office of Inspector General. (2023). Reform and Oversight Efforts: LASD October to December 2022. Retrieved from [178500.pdf \(lacounty.gov\)](https://oig.lacounty.gov/178500.pdf)

¹⁰ Ibid.

¹¹ OIG Report. (April – June 2022) Retrieved from <https://bit.ly/3JIAZpK>

¹² Britannica. (2023). Taser electronic control device. Retrieved from <https://www.britannica.com/topic/TASER>

¹³ The Guardian. (2015). Where did the word "Taser" come from? A century-old racist science fiction novel. Retrieved from <https://www.theguardian.com/commentisfree/2015/nov/30/history-of-word-taser-comes-from-century-old-racist-science-fiction-novel>

¹⁴ U.S. DOJ. (2004). Taser International X26. Retrieved from <https://www.ojp.gov/ncjrs/virtual-library/abstracts/taser-international-x26>

¹⁵ Ibid.

¹⁶ Ibid.

studied use of force tool available to law enforcement, have saved more than 280,930 lives, and have had more than 5.2 million uses in the field by officers around the world.¹⁷

Today, law enforcement agencies use newer model tasers that have continued to be classified as less lethal. In September 2022, California Governor Newsom approved Assembly Bill 1406 (AB1406)¹⁸ that requires a taser or stun gun, that is held and operated in a manner like a pistol, to be holstered or otherwise carried on the side of the body opposite to the side that the officer's primary firearm is holstered. Despite tasers being less lethal and changes in legislation to reduce the likelihood of law enforcement misuses, we continue to hear media accounts of community members who have been injured or killed during officer's use of tasers.

LASD'S USE OF TASERS

In 2017, LASD which maintains jail facilities that hold approximately 17,000 inmates a day was an early adopter of tasers.¹⁹ During that time LASD spokeswoman Nicole Nishida advised that tasers were, "an effective tool in helping control violent individuals".²⁰ LASD developed Manual of Policy and Procedures (MPP) section 5-06/040.95-Electronic Immobilization Device (taser) Procedures which describes tasers as a less lethal handheld electronic immobilization device used for controlling assaultive or high-risk persons associated with the current use of three models of tasers: X26, X26P, and Taser 7.^{21,22} The procedure provides guidelines for the use of tasers that include, but are not limited to:²³

- Only a Department-approved taser shall be used by personnel;
- A taser shall be issued to and used only by LASD personnel who have completed the Department Taser Training Program;
- Prior to the use of the taser, whenever practical, Department personnel shall request a supervisor;
- Any individual subjected to an application of the taser, in either the "probe" or the "touch/drive stun" mode shall be taken to a medical facility prior to booking, for medical treatment and/or removal of the probes; and
- Application of the taser shall be discontinued once the suspect does not pose an immediate threat to themselves, Department personnel, or the public.

The procedure elaborates on emergent situations, stating that the taser should not be applied to or used in any situation where there is a reasonable possibility of severe injury or death. LASD policy further provides that in the extraordinary instance that personnel feel compelled to utilize the taser the conduct of the personnel involved will be evaluated in accordance with LASD's Use of Force policy if the deputy uses a taser during the following circumstances:

- Handcuffed persons;
- Persons detained in a police vehicle;
- Persons detained in any booking or holding cell;

¹⁷ Axon. (2023). How Safe Are Taser Weapons? Retrieved from [How Safe Are TASER Energy Weapons?](#)

¹⁸ California Legislative Information. (2023). AB-1406 Law enforcement agency policies: carrying of equipment. Retrieved from https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1406

¹⁹ Reuters. (2017). Inmate deaths reveal "torturous" use of Tasers. Retrieved from [Shock Tactics: Inmate deaths reveal "torturous" use of Tasers](#)

²⁰ Ibid.

²¹ LASD. (2016). MPP 5-06/040.95-Electronic Immobilization Device (Taser) Procedures. Retrieved from [5-06/040.95 - Electronic Immobilization Device](#)

²² LASD. (2023). Response to the Commission on The Use of Tasers. Retrieved from <http://file.lacounty.gov/SDSInter/bos/supdocs/LASDReponsetoTaserRequest4.7.2023.pdf>

²³ Ibid.

- Persons in control of a motor vehicle;
- Persons in danger of falling or becoming entangled in machinery or heavy equipment, which could result in death or serious bodily injury;
- Persons near flammable or combustible fumes;
- Persons near any body of water that may present a drowning risk; and
- Persons known to have a pacemaker or known to be pregnant.

LASD's Weapons Training Unit material on firearms states that the maximum distance for effective taser use is 15 feet.²⁴ Other training available to LASD personnel includes videos that depict taser drive stun applications, where the taser is placed directly onto the body.²⁵ Of the three models of taser used by LASD each device has the capability to temporarily incapacitate a subject from a safe distance rather than the use of other force options, but involves the device producing up to 50,000 volts.²⁶ The LASD intends to conduct a test and evaluation of the Taser 10 device which unlike previous models employs a single probe to the specific target area, the range is 45 feet and will reduce the voltage to approximately 1,000 volts.²⁷

LASD Field Operations Support Services (FOSS) Newsletter 20-24-Taser Procedures and Function provides personnel with a reminder on how to properly check a taser's function, spark, battery, and cartridge expiration dates.²⁸ LASD personnel carry tasers in a holster attached to the duty belt worn on the side opposite from the firearm,²⁹ and they should give a verbal warning of the intent to use the taser prior to activating the device, unless it would compromise officer safety or is impractical due to circumstances. The verbal warning will give the individual a reasonable opportunity to voluntarily comply and provides deputies and other individuals with a warning that the taser device may be activated.³⁰

The use of the taser shall be reported as a significant use of force as defined by MPP 3-10/100.00-Use of Force Reporting, when either probes or the touch/drive stun mode is used.³¹ Suspects who were involved in the use of force must be transported to a medical facility for examination and treatment by qualified medical personnel when the suspect was hit with a taser dart or was subjected to a taser used in the drive stun mode.³² LASD Policy in MPP 3-10/030.00-Unreasonable Force and Duty to Intervene states that LASD staff members must use only objectively reasonable force and describes unreasonable force as that force that is unnecessary or excessive given the totality of the circumstances.³³

Custody Division Manual (CDM) section 7-08/010.00-Authorized Special Weapons³⁴ lists less lethal special weapons that can be deployed in the custody setting, and it notes that the taser is

²⁴ LASD. (2020). Weapons Training Unit Material-Firearms. Retrieved from <https://pars.lasd.org/Viewer/Manuals/14494/Content/15062>

²⁵ LASD. (2020). Training Videos-Taser Drive Stun Applications. Retrieved from <https://pars.lasd.org/Viewer/Manuals/14494/Content/15379>

²⁶ LASD. (2023). Response to the Commission on the Use of Tasers. Retrieved from <http://file.lacounty.gov/SDSInter/bos/supdocs/LASDReponsetoTaserRequest4.7.2023.pdf>

²⁷ Ibid.

²⁸ LASD. (2020). Field Operations Support Services Newsletter 20-24-Taser Procedures and Functionality. Retrieved from <https://pars.lasd.org/Viewer/Manuals/15183/Content/17080>

²⁹ LASD. (2023). MPP 3-03/150.05-Duty Belt and Accessories. Retrieved from [3-03/150.05 - Duty Belt and Accessories - PARS Public Viewer \(lasd.org\)](https://pars.lasd.org/Viewer/Manuals/14494/Content/15379)

³⁰ LASD. (2016). MPP 5-06/040.95-Electronic Immobilization Device (Taser) Procedures. Retrieved from [5-06/040.95 - Electronic Immobilization Device \(TASER\) Procedures - PARS Public Viewer \(lasd.org\)](https://pars.lasd.org/Viewer/Manuals/14494/Content/15379)

³¹ LASD. (2021). MPP 3-10/100.00-Use of Force Reporting Department Member Responsibilities. Retrieved from [3-10/100.00 - Use of Force Reporting - Department Member Responsibilities - PARS Public Viewer \(lasd.org\)](https://pars.lasd.org/Viewer/Manuals/14494/Content/15379)

³² LASD. (2014). LASD Field Operations Support Services Newsletter 14-29-Medical Treatment and Transporting Suspects. Retrieved from [14-29 - Medical Treatment and Transporting Suspects - PARS Public Viewer \(lasd.org\)](https://pars.lasd.org/Viewer/Manuals/14494/Content/15379)

³³ LASD. (2021). MPP 3-10/030.00-Unreasonable Force and Duty to Intervene. Retrieved from [3-10/030.00 - Unreasonable Force and Duty to Intervene - PARS Public Viewer \(lasd.org\)](https://pars.lasd.org/Viewer/Manuals/14494/Content/15379)

³⁴ LASD. (2017). CDM 7-08/010.00-Authorized Special Weapons. Retrieved from [7-08/010.00 Authorized Special Weapons - PARS Public Viewer \(lasd.org\)](https://pars.lasd.org/Viewer/Manuals/14494/Content/15379)

not classified as a special weapon and may be carried by all personnel in compliance with CDM 7-08/030.00-Electronic Immobilization Device (Taser) Procedures³⁵ and CDM 7-05/010.00-Aerosol Chemical Agents.

LASD's CDM 7-08/030.00 policy on Electronic Immobilization Device (Taser) Procedures has one section that specifically states that "custody assistants working in a Custody Services Division facility are not authorized to utilize tasers" and that the policy "also applies to custody assistants who may have completed the Department's Taser training program for use within other divisions of the Department."³⁶ Despite whatever concern LASD has about custody assistants using tasers in the jails, that policy goes on to note that custody assistants who have completed the taser training program and are assigned to work in Court Services Division lock-up or as Patrol Operations station jailers may utilize tasers in accordance with MPP 5-06/040.95-Electronic Immobilization Device (TASER) Procedures. Custody operations determined that there was a need to develop additional policy in Custody Operations Directive (COD) 22-002-Limitations on Force which states that use of a taser against restrained incarcerated person may only be used when a person is assaultive, presents an immediate threat of injury to personnel or others, and there are no other reasonable means to control the person.³⁷

Tasers may be a downgrade from the danger associated with firearms, but they still involve the potential to inflict serious or even fatal injuries. The policy in CDM 7-08/030.00 acknowledges this by stating that personnel should check an incarcerated person's medical records before a taser is used on them if time and circumstances permit and that a taser should not be used if it is contra-indicated in their medical records, unless it is necessary to prevent imminent loss of life or serious bodily injury.³⁸ These policies appear to acknowledge that the taser is an acceptable less lethal option to use in some circumstances, but not all.

The use of a taser triggers LASD policy in MPP 3-10/038.00-Reportable Use of Force and Force Categories, which defines a reportable use of force as any physical effort to overcome a suspect's resistance or any use of force which results in injury or a complaint of pain attributable to an identifiable injury.³⁹ Using a taser could be categorized as a Category 2 Force, which includes identifiable injury or a complaint of pain that a medical evaluation determines is attributable to an identifiable injury or even a Category 3 Force, which includes any death following a use of force.⁴⁰

³⁵ LASD. (2016). CDM 7-08/030.00-Electronic Immobilization Device (Taser) Procedures. Retrieved from [7-08/030.00 Electronic Immobilization Device \(TASER\) Procedures - PARS Public Viewer \(lasd.org\)](#)

³⁶ Ibid.

³⁷ LASD. (2023). Custody Operations Directive-Limitations on Force. Retrieved from [22-002 Limitations on Force - PARS Public Viewer \(lasd.org\)](#)

³⁸ Ibid.

³⁹ LASD. (2021). MPP 3-10/038.00-Reportable Use of Force and Force Categories. Retrieved from [3-10/038.00 - Reportable Use of Force and Force Categories - PARS Public Viewer \(lasd.org\)](#)

⁴⁰ Ibid.

LASD DATA ON TASER DISCHARGES

The Commission requested that the LASD provide data regarding taser discharge or use during a five-year period, which consisted of January 1, 2018, to April 24, 2023. The LASD data reflect that, of the 1,432 taser discharges in L.A. County, Hispanic people incurred 744 uses, that is 52 percent of uses in a population that is 49 percent Hispanic, based on the 2020 census.^{41,42} In L.A. County over that same five-year period, Black people incurred 414 uses; that is 29 percent of discharges in a population that is 9 percent Black. The disparity in use of tasers is apparent in the case of Black residents.^{43,44}

The data reflects that 1,211 of the taser discharges are associated with the patrol stations with Lancaster Station (221) being involved with more discharges than any other station followed by Lakewood Station (118) and then Palmdale Station (105). LASD data did not reflect any School Resource Deputies use of tasers during the requested time frame.⁴⁵

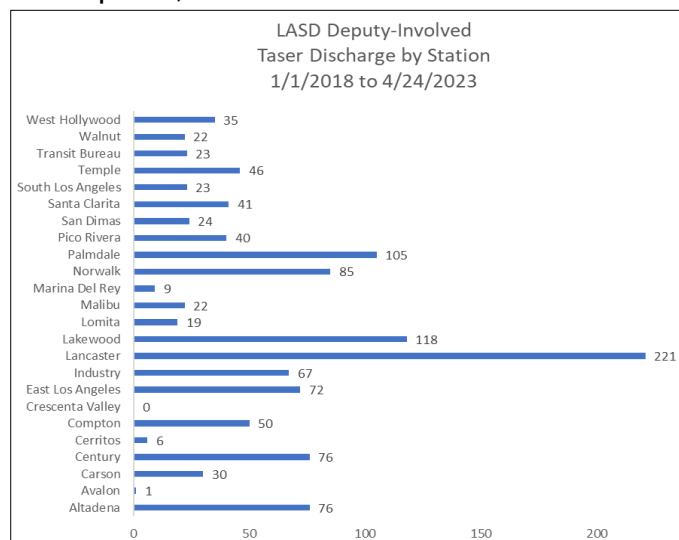


Chart 1: LASD Taser Data 2018-2023

OTHER LAW ENFORCEMENT AGENCIES' POLICIES ON THE USE OF TASERS

Today, most law enforcement agencies use tasers and have policies and procedures governing an officer's ability to use the device. The table below shows a glimpse of policies on the use of tasers at four law enforcement agencies:

Table 1: Four law enforcement agencies taser policy comparison

	Los Angeles County Sheriff's Department (LASD)	Los Angeles Police Department (LAPD)	Orange County Sheriff's Department (OCSD) ⁴⁶	San Bernardino County Sheriff's Department (SBCSD) ⁴⁷
Taser to only be used by staff who have completed taser training	Yes MPP5-06/040-95 ⁴⁸ CDM3-06/055.00 ⁴⁹	Yes Special Order No. 20-2021 Policy 573 ⁵⁰	Yes Policy 300.13	Yes Policy 3.630.10

⁴¹ LASD. (2023). LASD Taser Data 2018-2023. Retrieved from <https://bit.ly/3JjTQqP>

⁴² U.S. Census. (2020). Quick Facts L.A. County-Population Estimates. Retrieved from <https://www.census.gov/quickfacts/fact/table/losangelescountycalifornia,US/PST045222>

⁴³ LASD. (2023). LASD Taser Data 2018-2023. Retrieved from <https://bit.ly/3JjTQqP>

⁴⁴ U.S. Census. (2020). Quick Facts L.A. County -Population Estimates. Retrieved from <https://www.census.gov/quickfacts/fact/table/losangelescountycalifornia,US/PST045222>

⁴⁵ LASD. (2023). LASD Taser SRD Response. Retrieved from <https://bit.ly/44c1N9C>

⁴⁶ Orange County Sheriff's Department. (2023). Policy Manual. Retrieved from [Department Manual \(Lexipol\) 2023-01-09.pdf](#)

⁴⁷ San Bernardino County Sheriff's Department. (2019). Policy Manual-3.630. Retrieved from [San Bernardino County Sheriff's Department Manual](#)

⁴⁸ LASD. (2016). MPP 5-06/040.95-Electronic Immobilization Device (Taser) Procedures. Retrieved from [5-06/040.95 - Electronic Immobilization Device](#)

⁴⁹ LASD. (2020). CDM 3-06/055.00-Mandated Equipment. Retrieved from [3-06/055.00 Mandated Equipment - PARS Public Viewer \(lasd.org\)](#)

⁵⁰ LAPD. (2021). Special Order No.20-2021 Use of Non-Lethal Control Devices. Retrieved from [SO-20-2021 USE-OF-NON-LETHAL-CONTROL-DEV.pdf](#)

Officers must carry tasers	Yes MPP3-03/150.05 ⁵¹	Yes Policy 621.10 ⁵²	Yes Policy 309.3	Yes Policy 3.630
Officer should give a verbal warning of intent to use the taser	Yes MPP5-06/040.95 ⁵³	Yes Special Order 23-2020 Revises 1/556.10 ⁵⁴ Use of Force Directive 1.3 ⁵⁵	Yes Policy 309.4	Yes Policy 3.630.25
Taser policy lists limitations, exceptions, or cautionary language	Yes MPP5-06/040.95 ⁵⁶	Yes Special Order 20-2021 Policy 573 ⁵⁷	Yes Policy 309.5	Yes Policy 3.630.45
Multiple applications of the device policy	Yes COD 22-005 ⁵⁸	Yes UOF Directive 4.5 ⁵⁹	Yes Policy 309.5.1	Yes Policy 3.630.45
Suspect must be examined by medical personnel if taser probes and/or electrodes make contact	Yes FOSS Newsletter 14-29 ⁶⁰	Yes Policy 648.11 ⁶¹	Yes Policy 309.6	Yes Policy 3.630.30
Taser use must be reported	Yes MPP 3-10/100.00 ⁶²	Yes Special Order 23-2020 Revises 1/556.10 ⁶³ Use of Force Directive 1.3 ⁶⁴	Yes Policy 309.5.2	Yes Policy 3.630.40

⁵¹ LASD. (2023). MPP 3-03/150.05-Duty Belt and Accessories. Retrieved from 3-03/150.05 - Duty Belt and Accessories - PARS Public Viewer ([lasd.org](#))

⁵² LAPD. (2023). Policy 621.10-Required Equipment-Uniformed Officers. Retrieved from <https://lapdonlinestrgeacc.blob.core.usgovcloudapi.net/lapdonlinemedia/2023/01/VOLUME-3-word-1.pdf>

⁵³ LASD. (2016). MPP 5-06/040.95-Electronic Immobilization Device (Taser) Procedures. Retrieved from 5-06/040.95 - Electronic Immobilization Device (TASER) Procedures - PARS Public Viewer ([lasd.org](#))

⁵⁴ LAPD. (2020). Special Order 23-2020-Policy on the Use of Force Revised. Retrieved from KM_C558-20200826151408

⁵⁵ LAPD. (2022). Directive No. 1.3.-Use of Force Policy. Retrieved from [Use-of-Force-policy-directive-1.3.pdf](#)

⁵⁶ LASD. (2016). MPP 5-06/040.95-Electronic Immobilization Device (Taser) Procedures. Retrieved from 5-06/040.95 - Electronic Immobilization Device (TASER) Procedures - PARS Public Viewer ([lasd.org](#))

⁵⁷ LAPD. (2021). Special Order 20-2021 Use of Less Lethal Control Devices. Retrieved from [SO-20-2021 USE-OF-NON-LETHAL-CONTROL-DEV.pdf](#)

⁵⁸ LASD (2022). Custody Operations Directive 22-005-Updated Procedures for the Use of the Conducted Energy Weapon. Retrieved from <https://pars.lasd.org/Viewer/Manuals/19170>

⁵⁹ LAPD. (2018). Use of Force Tactics Directive No. 4.5.-Electronic Control Device Taser. Retrieved from <https://lapdonlinestrgeacc.blob.core.usgovcloudapi.net/lapdonlinemedia/2021/05/Less-Lethal-Devices.pdf>

⁶⁰ LASD. (2014). LASD Field Operations Support Services Newsletter 14-29-Medical Treatment and Transporting Suspects. Retrieved from 14-29 - Medical Treatment and Transporting Suspects - PARS Public Viewer ([lasd.org](#))

⁶¹ LAPD. (2021). Manual Volume IV Revised by Special Order No. 20-2021. Retrieved from [SO-20-2021 USE-OF-NON-LETHAL-CONTROL-DEV.pdf](#)

⁶² LASD. (2021). MPP 3-10/100.00-Use of Force Reporting Department Member Responsibilities. Retrieved from 3-10/100.00 - Use of Force Reporting

⁶³ LAPD. (2020). Special Order 23-2020-Policy on the Use of Force Revised. Retrieved from KM_C558-20200826151408

⁶⁴ LAPD. (2022). Directive No. 1.3.-Use of Force Policy. Retrieved from [Use-of-Force-policy-directive-1.3.pdf](#)

According to LAPD Manual Volume IV revised by Special Order No. 20-2021 on 648.11, whenever an officer uses a taser and the probes or electrodes make contact with their clothing or skin, the suspect must be examined by medical personnel, and officers must immediately request an ambulance if the suspect loses consciousness.⁶⁵ Use of force oversight is so important that in 2022, LAPD issued Administrative Order No.1-2022 stating that pursuant to California Government Code Section 12525.2, various operations including but not limited to the Critical Incident Review Division, must provide monthly incident reports to the California Department of Justice (DOJ) for all instances when an officer is involved in any incident in which the use of force against a civilian results in serious bodily injury or death.⁶⁶

Sending reports to the DOJ is instrumental, as LAPD Use of Force Directive No. 4.5-Electronic Control Device Taser states that the most effective taser mode is the “probe,” which has the ability to cause “neuro-muscular incapacitation,” and the second mode is “drive stun,” which causes localized pain to the suspect.⁶⁷ The policy explains that in close quarter situations, applying drive stun with a live cartridge is an effective technique and requires the officer to deploy the technique from a minimum of two inches from the suspect to allow the probes to deploy. LAPD Directive 4.5 further notes that the optimal range to use the current Model X26P Taser is 7-15 feet from the suspect, that optimal target areas include the back or navel area, and that the duration is 5 seconds once activated on a suspect.⁶⁸ This policy is a compilation of key taser information in one source that is easily understandable. It is equally as important that employees acknowledge key policies and appropriately apply them.

The San Bernardino County Sheriff's Department (SBCSD) policy manual section 3.630 describes a taser as a device that discharges probes and delivers an electronic charge to an individual for the purpose of controlling violent or potentially violent subjects who pose an immediate threat to a law enforcement officer or other members of the public.⁶⁹ SBCSD notes that the taser is intended to help reduce the risk of injury to suspects, deputies, and the public, and tasers must not be used as a means or method of punishment.⁷⁰ SBCSD uses plain language in policy 3.630.45 to state that a taser may only be used when objective facts indicate that the suspect poses an immediate threat to a deputy or member of the public. SBCSD plainly states in policy 3.630.45 that a taser should not be used over a prolonged period and repeated continuous or simultaneous exposure should be minimized.⁷¹

Orange County Sheriff's Department (OCSD) policy manual section 309.5 on the use of electronic control devices specifies that individuals suspected of being under the influence of drugs/alcohol or exhibiting profuse sweating, extreme agitation, or irrational behavior may be more susceptible to problems and should be closely monitored following the use of a taser, until they can be examined by medical personnel.⁷² It is important to note that all in one policy, OCSD explained that staff should take additional precautionary measures related to “excited delirium” in association with the use of a taser.

⁶⁵ LAPD. (2021). Manual Volume IV Revised by Special Order No. 20-2021. Retrieved from [SO-20-2021_USE-OF-NON-LETHAL-CONTROL-DEV.pdf](#)

⁶⁶ LAPD. (2022). Manual Volume IV Revised by Administrative Order No.1-2022. Retrieved from [10RM1058_KM-C554e-20220127073328](#)

⁶⁷ LAPD. (2018). Use of Force Tactics Directive No. 4.5.-Electronic Control Device Taser. Retrieved from <https://lapdonlinestrgeacc.blob.core.usgovcloudapi.net/lapdonlinemedia/2021/05/Less-Lethal-Devices.pdf>

⁶⁸ Ibid.

⁶⁹ San Bernardino County Sheriff's Department. (2019). Policy Manual-3.630. Retrieved from [San Bernardino County Sheriff's Department Manual](#)

⁷⁰ Ibid.

⁷¹ San Bernardino County Sheriff's Department. (2019). Policy Manual-3.630. Retrieved from [San Bernardino County Sheriff's Department Manual](#)

⁷² Orange County Sheriff's Department. (2023). Policy Manual. Retrieved from [Department Manual \(Lexipol\) 2023-01-09.pdf](#)

LASD taser MPP policies are separate from LASD's 2019 issued policy in FOSS Newsletter 07-13⁷³ describing "excited delirium," which does not refer to the use of tasers or that staff should take precautionary measures upon the use of tasers. LASD has a separate Custody Operations Directive (COD) 22-005,⁷⁴ which states that personnel must monitor incarcerated people subjected to a use of a taser and immediately summon medical personnel if they were exposed to multiple or prolonged applications or if the incarcerated person is exhibiting "excited delirium."

The use of the term "excited delirium" is a discredited phrase not recognized by any medical, psychiatric, or clinical organization. It does not appear in the Diagnostic and Statistical Manual of Mental Disorders (DSM). It is a baseless diagnosis to explain the deaths of some people who were killed during police encounters. USA Today has already reported that a higher percentage of those killed by law enforcement taser uses were Black people. The use of a baseless term in policy associated with a device that is attributed with a higher percentage of deaths in a particular race makes this a significant concern.

TASER DEMONSTRATION

On May 12, 2023, the LASD hosted a Taser 10 demonstration with representatives from Axon Enterprise, Inc., and requested that Commissioners and staff attend to learn about the device that the department will pilot. The demonstration was led by Axon Enterprise, Inc., subject matter expert Steve Tuttle. The members of the committee and its staff were able to observe and ask questions about the following presented during the demonstration:



- The stated mission of the taser developers and Axon corporate officials is to dramatically reduce police-shooting fatalities by 50 percent
- Taser 10 has a Built-in Signal that activates Axon Body Cameras when the safety is off
- 2018 Multi-State Use of Force Study referencing no significant injuries were incurred in 504 uses of conducted electrical weapons (tasers)⁷⁵
- Taser risks fatal complications of 30 out of 5,245,000 field uses
 - 20 of the 30 were related to uncontrolled falls
 - 10 of the 30 were related to fume ignition
- Taser risks non-fatal major complications 37 out of 5,245,000 field uses
 - 22 of 37 were related to penetrating eye injuries (unilateral blindness)
 - 5 of 37 were related to non-fatal major burns
 - 4 spinal and 6 permanent brain injuries from falls were the remaining 10 of the 37
- Taser 10 has improved safety with more distance and time with effective range of 40 feet
- Raising and lowering of the Taser 10 will be recorded in the weapons logs and will continue to be logged until the device battery dies, or the device has been re-holstered

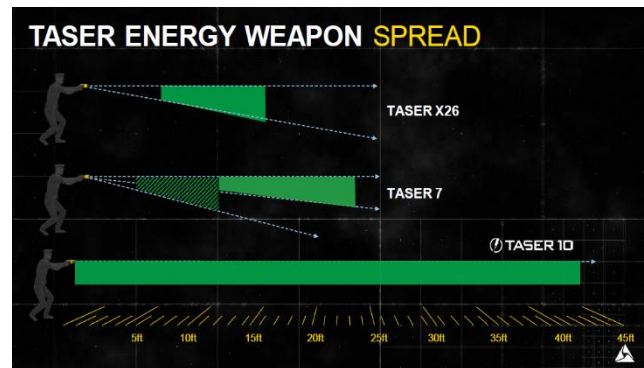
⁷³ LASD. (2019). FOSS Newsletter 07-13-Excited Delirium. Retrieved from 07-13 - Excited Delirium - PARS Public Viewer (lasd.org)

⁷⁴ LASD (2022). Custody Operations Directive 22-005-Updated Procedures for the Use of the Conducted Energy Weapon. Retrieved from <https://pars.lasd.org/Viewer/Manuals/19170>

⁷⁵ Atrium Wake Forest Baptist Medical Center. (2018). Study: Police Use of Force is Rare, as are Significant Injuries to Suspects. Retrieved from <https://newsroom.wakehealth.edu/news-releases/2018/02/study-police-use-of-force-is-rare-as-are-significant-injuries-to-suspects>

- Taser 10 will automatically log the raising and lowering of the device

The Taser 10 device will be piloted by LASD at Men's Central Jail, North County Correctional Facility and Century Station for a period of 120 days. LASD identified these locations for the taser pilot program as each operation is uniquely configured.



COMMUNITY FEEDBACK

In March 2023, the Commission posted on its website a public comment submission form in English and Spanish, and a mass email was distributed to individuals to advise them that the Commission is seeking public input. Community members offered views on this issue and wanted to ensure that the Commission understood their concerns, some of which follows:

- "Better tasers than guns."
- "No tasers, short and simple."
- "I will rather have deputies use tasers than deadly force."
- "I don't think it is natural to shock the body this way... it is inhumane and cruel."
- "Law enforcement needs to be able to use something, especially if someone is getting out of hand."
- "I don't believe I would survive a taser attack due to my age and effect on heart function."
- "Tasers can be useful as long as they don't kill."
- "I fear that some may depend on tasers too much, instead of using reasoning and communication."
- "When used responsibly, I am in favor of less than lethal force of tasers."

The Los Angeles County Human Relations Commission provided public comment regarding LASD use of tasers by advising that LASD use of tasers is in alignment with their report *Redefining Policing with Our Community*,⁷⁶ which recommends changing State law to require law enforcement agencies to implement policies to exhaust all other acceptable measures, including self-identification, de-escalation techniques, and non-lethal tactics, before resorting to use of force.

In 2009, the American Civil Liberties Union (ACLU) Southern California issued a letter to the Orange County Sheriff's Department requesting that they limit the use of tasers to situations where death or serious bodily injury is threatened, whether to a deputy, the public, or a suspect.⁷⁷

ANALYSIS

On December 3, 2022, at his swearing-in ceremony, Sheriff Robert Luna vowed to lead LASD with a spirit of integrity, accountability, and collaboration.⁷⁸ Sheriff Luna spoke at the January

⁷⁶ Los Angeles County Human Relations Commission. (2020). *Redefining Policing with Our Community*. Retrieved from [Cover-Front \(Final\)](#)

⁷⁷ ACLU. (2009). *ACLU Urges Orange County Sheriff to Limit Use of Potentially Lethal Tasers*. Retrieved from [ACLU Release](#)

⁷⁸ Los Angeles Times. (2022). Robert Luna is sworn in as L.A. County's new sheriff, replacing controversial predecessor. Retrieved from <https://www.latimes.com/california/story/2022-12-03/robert-luna-sworn-in-sheriff>

19, 2023, Commission meeting and advised that he believes in oversight, and he welcomes the Commission's assistance in oversight of LASD.⁷⁹

It is important to have regular review and revision of policies and procedures that involve public safety. Review and analysis revealed that several LASD taser policies have not been updated or revised in more than five years. These taser policies include, but are not limited to:

- MPP 5-06/040.95-Electronic Immobilization Device (2016)
- CDM 7-08/010.00-Authorized Special Weapons (2017)

Additional review and analysis of LASD's taser policies reflects that LASD has numerous policies that collectively need to be applied to effectively be called LASD Taser Policies. LASD has both MPP and FOSS policies that apply to field services. Similarly, the Department also has MPP and COD policies that apply to custody and court services. In addition to having several moving parts, some of the phrasing used in LASD policies is complicated or highly conditional and risks confusion. It should be simplified with a focus on plain language.

The Custody Operations Directive (COD) 22-005 policy also introduces new language, stating that it is updating the procedures for the use of Conducted Energy Weapons (CEW), previously referred to as electronic immobilization device (taser). COD 22-005 also includes a brief definition section with descriptions of the different modes used with the CEW. The Department should be consistent with the names and terms it uses in taser policies. Plain language should also be used when developing policies to ensure that it is easy for people to read, understand, and use.

Further review of LASD policies also reflects that FOSS and COD policies refer to the term "Excited Delirium" to describe "a state of extreme mental and physiological excitement," which has been used by law enforcement agencies in the past but is no longer considered a valid term of reference. In 2020, the American Psychological Association determined that the term "Excited Delirium" was too nonspecific to meaningfully describe and convey information about a person and should not be used.⁸⁰ The term "Excited Delirium" is so antiquated that on January 4, 2023, the Los Angeles County Board of Supervisors adopted a motion to support of Assembly Bill 360-Prohibition of Use of "Excited Delirium, which if passed would prohibit a peace officer from using the term "Excited Delirium" to describe an individual in an incident report but would not prohibit a peace officer from describing an individual's behavior."⁸¹

RECOMMENDATIONS

After reviewing and analyzing data and documents to create this report, the Technology Ad Hoc Committee recommends that the Commission request that LASD, in consultation with the OIG, review and revise taser policies and procedures and submit a written progress report to the Commission on letterhead by December 1, 2023. Revisions should include, but not be limited to:

⁷⁹ YouTube. (2023). Commission Meeting, January 19, 2023. Retrieved from https://www.youtube.com/watch?v=kBVZ_oltbbc

⁸⁰ American Psychological Association. (2020). Position Statement on Concerns About Use of the Term "Excited Delirium." Retrieved from <https://www.psychiatry.org/File%20Library/About-APA/Organization-Documents-Policies/Policies/Position-Use-of-Term-Excited-Delirium.pdf>

⁸¹ L.A. County Board of Supervisors. (2023). April 4, 2023, Board Motion Support of AB360 (Gipson) Prohibiting Use of "Excited Delirium." Retrieved from <https://file.lacounty.gov/SDSInter/bos/supdocs/179264.pdf>

1. Review, revise, and combine LASD Field/General taser-related policies to enhance readability, understanding, and usefulness as follows:
 - a. LASD Field/General Taser related policies include, but are not limited to:
 - i. LASD MPP5-06/040.95
 - ii. Field Operations Support Services Newsletter (FOSS) 20-24
 - b. Revise policy to have clear and consistent language like that used by other law enforcement jurisdictions such as:
 - i. LAPD Use of Force Directive No. 4.5 Electronic Control Device Taser policy that is inclusive of a listing of taser characteristics, points to remember, definitions, procedures, optimal target areas, avoiding repeated and simultaneous activations to avoid potential injury to the suspect, etc.
 - ii. San Bernardino County Sheriff's Department Policy 3.630.45 that is inclusive of plain language related to "taser limitations of use."
2. Review, revise, and take appropriate action to ensure that LASD Field, Custody, and related policies are consistent with Los Angeles County Board of Supervisors support of Assembly Bill 360-Prohibition of Use of "Excited Delirium."⁸²

The Technology Ad Hoc Committee further requests that LASD take the following actions to increase transparency and accountability efforts related to LASD use of tasers:

3. Identify a place on the LASD public website that is easily accessible to the public and effective as of January 1, 2024, publicly post monthly reports with LASD use of tasers by station, facility, and operation with incident type and location with the following demographics of the tasered person:
 - a. Age
 - b. Race
 - c. Gender
4. Provide a written report back to the Commission within 90 days of the termination and/or completion of the LASD Taser 10 device pilot program with the following:
 - a. Data listing the involved station or operation and the demographics for each person who was the target of an LASD taser discharge during the pilot program; and
 - b. Pilot program findings and evaluation associated with each involved location consisting of the pros and cons including, but not limited to:
 - i. Device use
 - ii. Impact on tasered individuals
 - iii. Reduction in use of deadly force
 - iv. Policy applicability
 - v. Other areas observed
 - c. Determination related to LASD use of the Taser 10 device post pilot program.

After the Commission accepts these recommendations, staff will continue to monitor this matter and report back when necessary to the full Commission.

⁸² L.A. County Board of Supervisors. (2023). April 4, 2023, Board Motion Support of AB360 (Gipson) Prohibiting Use of "Excited Delirium." Retrieved from <https://file.lacounty.gov/SDSInter/bos/supdocs/179264.pdf>