

MOTION BY SUPERVISOR HILDA L. SOLIS

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Transparency, Accountability, and Oversight of Los Angeles Sheriff's

Department's Taser Policy and Use

On January 3, 2023, an officer from the Los Angeles Police Department (LAPD) repeatedly stunned Keenan Anderson, six times, resulting in 42 seconds of electric pulses running through his body¹. Keenan Anderson died almost four and a half hours after his interaction with the LAPD.

The Los Angeles County Sheriff's Department (LASD), unfortunately, also has a long history of inappropriate use of tasers:

- In 2022, the County paid:
 - \$3.8 million to the family of a man who died in 2015 after a taser was used against him.²
 - \$16.2 million to the family of a man who died in 2020 when he was

¹ <https://www.latimes.com/california/story/2023-01-18/lapd-tasing-of-keen-an-anderson-brings-scrutiny-to-police-policy>

² <https://www.latimes.com/california/story/2023-04-03/after-millions-in-lawsuits-civilian-oversight-commission-to-tackle-lasd-use-of-tasers>

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beaten and tased by deputies who responded to a call. The mother of the man stated that he was suffering from a mental health crisis.³

- In April 2021⁴, the County paid \$1.75 million dollars to a woman who alleged excessive force and unlawful arrest. During her arrest, there were three Taser applications made. The deputies who made the arrest stated that the woman was in a “fighting stance”, however, upon investigating the incident, the Internal Criminal Investigator “concluded the plaintiff did not appear to be in a fighting stance and her arms were at her side...[and] she did not appear to be resisting...The plaintiff did not appear to pull away from the deputies, nor look in the direction of deputy two...the investigator did not observe the plaintiff being assaultive or kicking her legs.”⁵
- In 2021⁶, the County paid \$2 million dollars to the family of a man who died in 2018 after LASD deputies used a taser on him.
- In 2020⁷, an LASD deputy used her taser gun on a shoplifting suspect who was already detained. In 2022, the District Attorney announced charges against the deputy for unlawfully discharging her taser.
- In 2015⁸, there was another use of a taser, which resulting in the individual dying. The man was combative with the deputies and a deputy discharged a Taser at him. The Taser darts struck the man in the chest

³ Id.

⁴ https://file.lacounty.gov/SDSInter/ceo/claimsboards/1138691_030620-SOPCombined.pdf

⁵ Id.

⁶ <https://www.latimes.com/california/story/2023-04-03/after-millions-in-lawsuits-civilian-oversight-commission-to-tackle-lasd-use-of-tasers>

⁷ <https://ktla.com/news/local-news/l-a-county-sheriffs-deputy-charged-with-on-duty-assault-in-compton/>

⁸ <https://www.latimes.com/california/story/2022-03-15/sheriff-deputies-taser-settlement>

but had little effect. The man was still able to maintain a fighting stance against the deputies. Recognizing the initial Taser deployment had not incapacitated the man and with the deputies believing that they were still in danger of being assaulted, the deputy who employed the Taser did not release the Taser trigger and allowed the Taser to cycle past the initial five-second shock sequence. Records indicated the Taser was continuously activated for 29 seconds – significantly longer than the recommended single five-second deployment. The records also show that the Taser was then activated again for an additional five seconds. After this second round of Taser activation, the man fell face-first into a bathtub and was subsequently handcuffed. While waiting for paramedics to arrive, the man went into cardiac arrest and died.

- In 2007⁹, LASD Lakewood Station deputies attempted to move an incarcerated man to a County jail facility because he was refusing to be fingerprinted and complete the booking process. The watch commander stated that they would first request that the man comply with the transfer from the station jail to a County facility, and if that failed, they would deploy a Taser in order to initiate moving him. As a deputy entered the cell and approached the man, who was standing on the top bunk, the man moved towards the deputy. The deputy deployed the Taser, striking the man and causing him to fall from the top bunk to the floor, fracturing his spine, and leaving him paralyzed.

⁹ <https://www.latimes.com/archives/la-xpm-2009-feb-18-me-taser18-story.html>

These examples of Taser use and the corresponding lack of comprehensive and consistent LASD policies to address repeated Taser applications and/or the duration of a Taser activation on a person stress the need to reform policies to ensure actionable changes to the LASD policies and trainings to keep our residents safe. The policies and trainings will also make sure our LASD personnel are utilizing the tools available to them appropriately and judiciously and if they do not, there will be swift consequences that will follow.

LASD's current policies are limited, vague, and give LASD personnel an exorbitant amount of discretion on when and how to discharge a Taser that may increase the risk of misuse, liability, and potential to cause significant harm, even lethal, when used inappropriately.

Earlier this year, Sheriff Civilian Oversight Commission (COC) announced that it planned to study LASD's use on tasers and on September 21, 2023, the COC issued and adopted the Technology Ad Hoc Committee's report, "Report and Recommendations on Los Angeles County Sheriff's Department Use of Tasers"¹⁰, along with four recommendations, which are:

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

¹⁰ https://file.lacounty.gov/SDSInter/bos/commissionpublications/report/1144932_AdHocReport-LASDUseofTasers7-20-2023.pdf

- ii. Field Operations Support Services Newsletter (FOSS) 20-24
- b. Revise policy to have clear and consistent like that either 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."¹¹
- 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

¹¹ <https://file.lacounty.gov/SDSInter/bos/supdocs/179264.pdf>

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 tase 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.”

As a means of being proactive and learning lessons and best practices from other jurisdictions, it is imperative that LASD make the necessary and vital changes to its policies and trainings and to work with the County’s Office of Inspector General (OIG) and the COC to ensure policies are adopted and adhered to in practice with every encounter LASD personnel may have with the residents in LA County.

I, THEREFORE, MOVE that the Board of Supervisors:

1. Support the Sheriff Civilian Oversight Commission’s recommendations in its “Report and Recommendations on Los Angeles County Sheriff’s Department Use

of Tasers” report.

2. Request the LA Sheriff’s Department, in collaboration with the Office of Inspector General and COC, to provide an update on changes to its policies based on the COC’s recommendations and the below, in writing to the Board, in 120 days, and provide the COC with a presentation at one of their meetings on the following, but not limited to:

a. Revising the Sheriff’s Department’s policies to incorporate best practices from other law enforcement agencies, to ensure compliance with State and Federal legal standards, and to consider recommendations by law enforcement and advocacy groups on Taser usage, including, at a minimum:

- i. Definitions and clear examples of the differences among an individual “actively resisting”, a “threat”, and compliance;
- ii. Clear guidance for when a Taser can be used, e.g.: only in situations in which the use of such potentially lethal force is justified;
- iii. Mandatory reassessment periods in between each deployment of the Taser to determine if an additional deployment is necessary, and lawful, based on the current threat level presented;
- iv. Approval by a supervisor, when available, for multiple Taser deployments;
- v. A policy limiting the frequency on how often a Taser can be deployed on an individual, including strict limitations/prohibition on

repeated Taser application;

vi. Justification and documentation of Taser use, including

“sparking;”¹²

vii. Limitations on:

1. Number of times a deputy can “drive stun” or “dry Taser”¹³

an individual;

2. Duration of a Taser discharge on an individual;

3. Number of times a Taser can be discharged;

viii. Strict criteria for when the Taser can be used in all forms;

ix. Limitations on the use of Tasers on at-risk individuals, such as:

1. Individuals who are, or present, in an altered state;

2. Individuals with known or identifiable physical, mental health, learning, and other disabilities; and

x. Specific disciplinary policies and guidelines for violations of the Taser policy or if there is misconduct associated with the use of a Taser.

b. Recommendations on the current Taser technology to ensure it properly documents and tracks Taser use, including the institution of early warning systems for deputies who misuse or have a history of repeated use of the Taser on an individual.

c. Recommendations for updated trainings and a plan to ensure LASD

¹² Activating the Taser so that the electricity arc is visible and heard as a means of intimidation or testing.

¹³ When the Conducted Energy Device (CED) cartridge is removed, or the cartridge remains in the CED and the device is pressed against an individual's body.

staff are trained on new policies within 180 days after their adoption.

3. Direct the Office of Inspector General to include in its Quarterly Reports to the Board, the following, starting with the next quarterly report:

a. Update on the status of the LASD's adoption of an updated Taser policy, the status of training personnel on the updated Taser policy, and deputy compliance with updated policies, once adopted, consistent with LASD trainings until full compliance; and

b. Documentation and tracking on the Department's Taser use, including those that result in serious injury or death, in patrol and custody.

4. Direct the Chief Executive Office to provide support and resources to the Sheriff and OIG in implementing the necessary changes to the Taser policy and oversight of its use.

5. Direct the Chief Executive Office's Legislative Affairs to support legislation relevant to law enforcement's use of Tasers that are aligned with the intent of this motion.

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