




MEETING DATE: 10/17/2005  
ITEM NO. 7  
DESK ITEM

## COUNCIL AGENDA REPORT

DATE: OCTOBER 17, 2005

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER 

SUBJECT: AUTHORIZE THE EXPENDITURE OF \$41,240 TO TASER INTERNATIONAL FOR THE PURCHASE OF FORTY-ONE ELECTRO-MUSCULAR DISRUPTION TECHNOLOGY (EMTD) DEVICES FOR THE POLICE DEPARTMENT

### RECOMMENDATION:

Authorize the expenditure of \$41,240 to Taser International for the purchase of forty-one electro-muscular disruption technology (EMTD) devices for the police department

### DISCUSSION:

Attached are three communications received related to this agenda item after the posting of the agenda.

- 1) Letter from ACLU Foundation of Northern California
- 2) E-mail from Mr. Harry Dembrowski
- 3) E-mail from Mr. Philip Brouwer

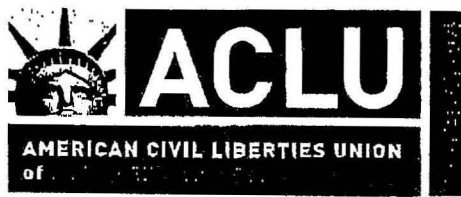


PREPARED BY: SCOTT R. SEAMAN, Chief of Police  
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Reviewed by: JS Assistant Town Manager \_\_\_\_\_ Town Attorney \_\_\_\_\_ Clerk Administrator  
\_\_\_\_\_ Finance \_\_\_\_\_ Community Development

Revised: 10/17/05 4:12 pm

Reformatted: 5/30/02



October 17, 2005

Chief Scott R. Seaman  
Town of Los Gatos  
110 E. Main Street  
Los Gatos, CA 95031

Re: Taser Purchasing Decision and the Need for Strong Policy

Dear Chief Seaman:

I understand that you will be considering purchasing 41 Tasers for the Los Gatos police department at tonight's Town Council Meeting and am writing to urge you to pull the item from the consent calendar and delay purchasing the Tasers until strong regulations are put in place governing their use.

Between 1999 and September 2004 over 70 people died following Taser use. That number has doubled in the past year to over 150. Contrary to claims by the manufacturer, Taser International, Tasers are not "non-lethal" and may have contributed to a growing number of deaths, including several here in Northern California.

In response to the increasing use of Tasers, we recently released a new report on the use of Taser stun guns in our region. The comprehensive survey, which examines policies and training materials in more than 50 police departments in northern and central California, is titled: *Stun Gun Fallacy: How the Lack of Taser Regulation Endangers Lives*. In the survey, we review the death toll, medical concerns about Tasers, and the aggressive and misleading marketing practices of Taser International, the weapon's manufacturer. What we found was a profound lack of regulation. Other key report findings include:

- Only four of the 54 law enforcement agencies that provided their Taser training and use policies limit the number of times a Taser may be used on an individual or the duration of such shocks. This is significant, as a number of the deaths have followed multiple shocks.
- The vast majority of departments rely exclusively on training materials produced by Taser International, a company currently under investigation by the Securities and Exchange Commission and the Arizona Attorney General, in part, for making exaggerated safety claims.
- The majority of police departments lack any regulation in several critical areas including the use of Tasers on children, the elderly, pregnant women, handcuffed or otherwise restrained individuals, or passive resisters.

The report concludes that in light of the growing number of deaths and lack of independent medical safety studies, Tasers should only be used as an alternative to deadly force. The report also contains a "best practices" section made up of policies used by other departments in the region.

We appreciate the fact that Los Gatos has held off on purchasing Tasers in an effort to better understand their effects and possibly consequences. We also understand that there is a policy under development that will contain certain protections for vulnerable groups and regulations on their use. However, without a publicly available draft policy, it is impossible to fully evaluate whether they will be

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sufficiently regulated. Additionally, it is our understanding that the training contemplated will be largely based on that developed by Taser International. As outlined in our report, this training is greatly flawed as it exaggerates the safety of the weapon and downplays health concerns.

In April of this year, the International Association of Chiefs of Police ("IACP") urged local law enforcement to have policies in place before deployment of Tasers. In light of this recommendation, the growing number of deaths associated with its use, and the information contained in the attached report, we strongly urge you to delay purchasing Tasers until policy has been publicly debated and approved by this council and appropriate training has been developed.

Thank you very much for your consideration. If you have any please give either of us a call at 415-621-2493.

Sincerely,



Mark Schlosberg  
Police Practices Policy Director



Sanjeev Bery  
San Jose Director  
ACLU of Northern California

cc: Chief Scott R. Seaman

**From:** <BlueJay8008JB@netscape.net>  
**To:** <mwasserman@losgatosca.gov>  
**Date:** 10/15/2005 1:33:35 PM  
**Subject:** Ban Police Stun Guns

I am contacting you with a very important message concerning our community. I have been reading news stories throughout the year about the negative impacts of police stun guns. According to Amnesty International, 140 citizens in the United States and Canada have died after being stunned by a police stun gun. Three weeks ago, a Cook County Illinois medical examiner found a police taser to be the cause of death for a victim. The DeKalb Georgia police department made a statement that its police department will no longer use taser guns. The mayor of Birmingham Alabama banned the use of police taser guns. The city of Chicago will no longer purchase taser guns. The St. Lucie County Sheriff's Department in Florida decided not to use tasers in its county. As you can see by all these examples, cities and police departments are increasingly not using taser guns. Two weeks ago, Taser International, the company that makes taser guns, made a new statement that their taser guns may cause impaired breathing or even death. The long term effects of taser usage is unknown. Citizens that have heart conditions may go into cardiac arrest after being tasered. Please ban the use of police taser guns. I would feel much safer if officers carried pepper spray and batons to apprehend criminals. Thank you.  
Harry Dembrowski

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**From:** Phil Brouwer <philip@accentonrugs.com>  
**To:** <mwasserman@losgatosca.gov>  
**Date:** 10/17/2005 12:45:29 PM  
**Subject:** Taser foolishness

Dear Council Members

I read in this morning's Mercury about the proposition by the Police to buy Taser weapons. Please stop this foolishness.

Los Gatos is not the big city. Outfitting our officers with Tasers does not suit our low crime community. Unfortunately, our Town frequently operates with an Ivory Tower mentality, where Big City consultants seem to guide the thinking of those in power. The proposition to buy Tasers is simply wasteful and reckless reliance the advice of Ivory Tower consultants instead of good police work.

My observation of our Police force is that they are generally under utilized and idle. Please buy each police officers a broom instead of Foolish New Toys, so they can use their idle time to rid the town streets of trash. Now that would be money better spent.

Please use some fiscal responsibility and tell the Police that we cannot waste money on unnecessary weapons.

Sincerely

Philip Brouwer

**CC:** <dmcnuttt@losgatosca.gov>, <sglickman@losgatosca.gov>, <jpirzynski@losgatosca.gov>, <bspector@losgatosca.gov>