

# Memorandum

## City of Lawrence

### Police Department

To: Tarik Khatib, Chief of Police  
From: Rob Murry, Police Sergeant  
Date: January 1, 2017  
Re: Lawrence Police 2016 TASER Report

#### **Discussion**

Between January 1, 2016 and December 31 2016, five members of the public received an exposure from a Taser during a criminal incident. All Taser uses resulting in an exposure to a member of the public were upon individuals who were actively threatening or engaged in physical violence against another person or officer, or they were actively and physically resisting lawful arrests. A brief synopsis of each event is included as an attachment.

All the members of the public, who received a Taser exposure, were examined by medical health care professionals at a hospital after the Taser exposure.

All Lawrence Police Taser deployments are subject to a review process. All Taser deployments involved a person who was involved in active assaultive behavior, the threat thereof, or actively resisting arrest. Active assaultive behavior presents injury risks to the person and the officers who must accomplish their lawful objectives. Lawrence Police Department Taser usage philosophy dictates that Taser usage is for the purpose of intervening in violent encounters where there is a threat of or actual assaultive or attacking behavior toward a person or the officer. This philosophy recognizes there are some instances of active resistance that may not necessitate a Taser deployment.

In 2016 17 officers received the initial user certification, and 108 officers received recertification for the Taser X2 model, from a certified Taser instructor. Currently, every officer departmentally certified to carry a Taser has received a Taser exposure.

In 2016 the department reviewed and updated the Taser policy.

In 2016 the department spent approximately \$23,891.76 on Tasers and related equipment. The breakdown is as follows:

Freight	\$ 306.09
Targets	\$ 413.70
TASER Cartridges	\$ 15,238.80
Digital Power Magazines	\$ 1805.12
Taser X2 with DPM	\$ 5062.05
<u>Taser X2 Replacement</u>	<u>\$ 1066.00</u>

**Total \$23, 891.76**

**Incident Synopses**

On 03-26-2016, an officer was parked in a patrol vehicle in the 3300 block of Iowa Street. The officer heard what sounded like "tires squealing." The officer then observed a vehicle drive over the curb as it turned from Iowa Street to 33<sup>rd</sup> Street. As the officer was preparing to investigate further, a call was dispatched in reference to a reckless driver at the same intersection.

The officer then observed the vehicle stopped at the entrance of a residential area. The officer noted the vehicle had a flat tire and had been driven over the curb, striking a sign. The officer requested a second officer.

The officer exited the patrol vehicle and was contacted by numerous witnesses. The witnesses provided a description and location of the individual that had abandoned the vehicle. The officer located the individual and announced police stop. The individual questioned "police?" and the officer clarified police stop. The individual then fled on foot.

A second officer pursued the individual on foot. The first officer returned to the patrol vehicle and gave pursuit. The first officer returned with the patrol vehicle, observed the second officer and the individual stopped with the second officer pointing a Taser and giving commands to the individual. The individual was not complying and was requesting to be shot. The individual continued not to comply and acted as if they would charge by flinching their chest. The second officer went hands on and the first officer assisted. The individual and officers went to the ground, and the individual continued to resist. The individual placed both hands under their body and refused to give their hands to the officers. The first officer struck the individual in the side attempting to gain compliance and was unsuccessful. The first officer attempted to spray the individual with O.C. spray, but the individual was able to deflect the spray. The individual was able to push off the ground causing the officers to lose their grip of the individual. All three were standing and the individual jumped onto the back of the second officer and struck the second officer in the face. The second officer was able to roll the individual off and onto the ground. The second officer got one of the individual's hands under control, but the individual placed their other hand under their body. The first officer gave multiple commands to the individual to place the hand under the body behind their back, but the individual refused. The officer warned the individual they would be exposed to a Taser if they did not comply. The individual continued to resist, and the first officer exposed the individual to Taser. The deployment was successful and the individual placed both hands behind their own back. The individual was taken into custody without further incident.

On 06-12-2016, officers were dispatched to a business in the 800 block of Iowa Street. The call was in reference to an individual running around the business, possibly having a mental health issue. It was also noted that the individual would be angry about the police being notified.

Officers arrived on scene and heard an individual outside frantically yelling. An officer contacted the individual and the individual advised that the person officers were looking for was on the third floor of the building and possibly under the influence of methamphetamines. Officers entered the building and located the individual that they had been dispatched in reference to. Officers asked the individual if they could speak with the individual and the individual ran from the building. Officers contacted the individual outside and started speaking with the individual letting the

individual know that they wished to help. The individual appeared agitated and paced back and forth. The individual then walked away talking, in an angry tone, but it was unintelligible. The officer asked the individual to come back and talk. The individual started walking back toward the officers. The individual then told the officers "kill me" and made reference to having an arrest warrant. The individual came at the officer with clinched fists. The officer displayed a Taser and ordered the individual onto the ground. The individual stopped but did not comply. The officer again ordered the individual onto the ground. The individual lunged toward the officer with a clinched fist drawing the individual's right arm back. The officer deployed the Taser, and it had minimal effect before the individual was able to remove the probes. An officer attempted to grab the individual, but the individual was flailing and it was unsuccessful. The initial deploying officer deployed the Taser a second time, but it had no effect and was not believed to have struck the individual. The officer tackled the individual. The individual continued to struggle and make comments in reference to being killed. A third officer arrived on scene to help and deployed OC spray. The struggle continued until another officer arrived and officers were able to take the individual into custody.

On 06-17-2016, an officer was dispatched to a business in the 1000 block of West 23<sup>rd</sup> Street. The call was initially in reference to suspicious activity and was then upgraded to a possible auto burglary involving two to three individuals.

Upon arrival an officer contacted two individuals, outside the business, that were similar in description to the individuals involved in the call. While speaking with them, a third individual exited the business and joined the group. The officer identified the individual's and via radio determined one individual had an arrest warrant for a custody escape. The individual possibly heard the radio traffic and tried to exit the area by asking to leave to use the restroom. The officer attempted to take the individual into custody and the individual pulled away. The officer attempted again and the officer observed one of the individual's arms swinging toward the head of the officer. The officer deployed a Taser and the deployment was unsuccessful. The individual fled on foot and the officer gave chase. The officer deployed the Taser a second time and it was successful. The individual went to the ground and the officer was able to control the individual until another officer arrived on scene and the individual was taken into custody.

On 07-30-2016, officers were dispatched to a residence in the 2500 block of Redbud Lane. The call was in reference to a domestic disturbance.

Officers on scene determined probable cause existed to place an individual under arrest. They attempted to do so and the individual tensed up and pulled away. Officers instructed the individual to relax. But the individual continued to stiffen and pull away in an attempt to keep from being handcuffed. The officers took the individual to the ground, but the individual struggled against being taken to the ground. Once on the ground the individual continued to stiffen their body, pull their arms away from officers, and twist their body away in an attempt to push up to stand up. The individual made it to their knees and one officer displayed a Taser and gave a warning with verbal commands to stop resisting and to get on the ground. The individual continued to resist and the officer again attempted to use physical control over the individual. The individual was warned again, that if they did not stop resisting, of a Taser exposure. The individual continued to twist away from officers and attempt to get up. The individual pushed with their back and shoulders in an attempt to remove an officer. The officer that had displayed a Taser and warned of its use deployed a Taser in the drive stun capacity. Officers were able to take the individual

into custody.

On 11-17-2016 officers responded to a disturbance with weapons at a business in the 200 block of W. 10<sup>th</sup> Street.

The first officer on scene observed a disturbance between multiple individuals and one of the individuals was in possession of a knife. The officer gave commands to drop the knife and the individual dropped the knife. The individual that had been in possession of the knife, alleged another individual had threatened the individual and another person with a knife and that the knife the officer observed had been in self-defense. A second individual corroborated the allegation. The officer attempted to contact the individual that had been identified as the initial possessor of a knife. During the attempt to contact and pat the individual down the individual fled from the officer. The officer provided a description of the individual to other officers.

The individual was located and as another officer exited the patrol unit the individual stopped, the individual went onto knees, and placed their hand near their chest folded. The officer drew their firearm and gave commands for the individual to get down and to spread their arms. The individual instead stood up. The officer believed to take the individual into custody they would need to use their hands the officer holstered the firearm. As the officer approached the officer saw the individual's hands which were still clasped together appeared to be holding a knife, blade inward. The officer believed this to be a possible suicidal individual. Another officer approached and the officer on scene shouted the individual had a knife. The approaching officer drew a Taser from the holster and the individual turned toward the officer. The officer on scene warned Taser and then attempted a Taser exposure. It was unsuccessful and a second attempt was made. The second attempt was successful and officers attempted to take control of the knife. Officers were not able to take control of the knife and utilized a third attempt that was successful and the individual was taken into custody.

### **Events Summary**

All of the people who received a Taser exposure were examined by medical health care professionals at a hospital. The medical attention was typically provided at the expense of the City and not the person.

None of the five individuals who received a Taser exposure filed a complaint.

Two Taser policy violations were noted during 2016. The violations occurred during the deployment of the Taser. During one deployment the Taser was deployed in an environment where the subjects fall would reasonably result in great bodily injury. During one deployment the individual was actively resisting, but was not involved in the threat or use of physical violence.

The five individuals who received a Taser exposure were comprised of (5) Caucasian Males. Their ages: Two were (29) years old, two were (20) years old, and one was (24) years old.

The following Kansas Statute and Lawrence Municipal Ordinance violations were identified by the arresting officers in the five cases where a person received a Taser exposure:

#### **Aggravated Assault**

Aggravated battery on a Law Enforcement Officer  
Assault of a Law Enforcement Officer  
Battery on a Law Enforcement Officer  
Criminal Damage to Property  
Domestic Battery  
Driving under the influence of drugs/alcohol  
Expired Tag  
Failure to report accident  
Leaving the scene of an accident  
Interference with a Law Enforcement Officer  
No Insurance  
Possession of hallucinogenic drug  
Possession of others Driver License  
Transporting an open container