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Daniel Skolnik – ... May meeting of the Portland Public Safety Committee and we are joined today by members of the Police Department and members of the public as well as the full standing committee, the Public Safety Committee and Councilor Marshall, who's joining us as well and he of course was the chairman of the Public Safety Committee last year when the issue that is before us today first came before this committee. The first issue to take up today is approval of the minutes from the last meeting. Has everybody had an opportunity to review the minutes?

Kevin Donoghue – Yes, I move that we approve them?

DS – Okay, well I would like to make one note on this. Mary, I wanted to make one note in the minutes from the last session, and it's on page 6 of the minutes in the discussion of the building code violations process. In the second paragraph on page 6, it says 'Councilor Skolnik also suggested that the City not apologize for the inconvenience to the tenants,' and I would appreciate it if we could add the following language: 'because the idea is to focus attention on the landlord's obligations in responding to and resolving the safety violations.' Because I want to expand the sentence. 'He also suggested the City not apologize for the inconvenience to the tenants because the idea is to focus attention on the landlord's obligations in responding to and resolving the safety violations.' Thank you. With that amendment...

KD – I move as amended.

DS – The motion is seconded by Councilor Waxman, all in favor? Thank you. The motion passes unanimously. Okay. Today we are here to talk about potential use of electronic weapons, namely stun guns, often referred to colloquially as tasers, although tasers is a brand name of a company that makes them. But obviously we're talking about stun guns of all brands and under Maine law I think they're characterized as electronic weapons, so that's what we're talking about. We have received a wealth of background material that Attorney Costigan has prepared for us. It's very informative, it's all very helpful, and there's a good deal of it, it came to us in two different packets and I'd like to ask Attorney Costigan to itemize what we have in our packets.

Mary Costigan – Right now?

DS – Yes.

MC – Okay.

DS – Sorry to put you on the spot, I figured you could just walk us through what it is we have here so it gets reflected in the...

MC – Sure. You... I'm going to start with the first packet that I gave you a couple of weeks ago, and the top page is just a printout from the taser website to show you that you can get all this other stuff there, but towards the end there's a lot of information. The second one is case law, I can't tell you the outcome....

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DS – Yes, we have some case law, both for and against in terms of the ultimate decisions. We have some medical information, right? We have some news, some press releases from the Taser company...

MC – We have information from the Department of Justice, some background information and the report that they produced, we have information from Amnesty International's website...

DS – We have a model policy and procedure manual for public safety officers from Michigan, which is one example of how other departments have written the policy to address the use of these weapons.

MC – And another example from Columbus, Ohio, and this is information that Captain Malloch supplied to me. Some more information from the Taser website, I think somewhere in there I do have a letter from Shenna Bellows from the MCLU, and you have a letter from Amnesty International as well. And then you have a memo from Corporation Counsel Gary Wood regarding the Council's authority with regards to this issue, and he supplied some further information from New Jersey and from the I think he provided the Taser website printout that summarizes the legality of tasers in various jurisdictions, and a memo from Joe Loughlin dated March 30th of 09.

DS – Thank you, Attorney Costigan. And, um, for the record, have all the members of the committee had the opportunity to review and delve into these materials? [pause] Do you have any questions for Attorney Costigan related to the materials? [pause] So then I guess what I'd like to do at this point is ask our new police chief, Chief Craig, to address us generally on his thoughts around this topic, experiences in his past employee's work and how he would use the role of this type of law enforcement device for the Portland Police Department. Chief Craig.

JC – Good afternoon, good evening, early evening. You know, one of the things I looked at very closely when I applied for the position in Portland, I am very much aware that Portland's police department has pursued and continues to pursue tasers as a non-lethal device used to control violently combative suspects. Having spent 28 years with the Los Angeles Police Department, since being hired in 1981, the Los Angeles police department uses tasers, and I don't have statistics to tell you during that 28 year period how many individuals may have died as a direct result of the deployment of the taser, but I can tell you during my contact, its use has been very useful tool to both police officers and the community in terms of reducing injury. Some examples that come to mind, you know, officers at times make decisions to use deadly force. In the unfortunate times when they make those decisions when there's a threat against their life, a community member or someone else, and one of the things that's always a concern, I'll use an example of a suspect is armed with a knife, we can talk about whether the suspects armed with a knife can inflict harm to themselves, maybe attempt suicide, or a suspect threatening to direct or inflict harm on someone else with a knife, and both of those instances I've seen when a taser has been deployed very successfully, thereby rendering and incapacitating a suspect

who's armed with a knife. It's certainly not the only tool available, but it's yet another tool. I know for a fact in the LAPD swat and some of the other special reaction teams, they have access to the deployment of tasers. Now, certainly in those situations where there's an armed suspect, someone armed with a gun, it certainly limits your ability to use a taser, but it certainly can be yet another tool. Because the one thing you'll always be concerned with a suspect armed with a gun, the danger that poses the immediate threat to life, but it has been used even to a more limited degree in those instances. So, I believe the taser is an effective tool, I think it will be an opportunity for Portland Police Department and the community members 1. to reduce injuries to officers and community members, and I know there have been instances, I know in certainly having to talk more explicitly about those instances, one that he can probably talk explicitly about, is a victim or a suspect who is armed with a knife who was inflicting injury. But the one thing I did want to advise the committee and reassure you as you know, Los Angeles Police Department currently has been, for probably about six and a half years, under a federal consent decree, and during that time we have had various use of force options, one of which being taser. Those are very practical and a very, how could I say... in deploying a taser device, being that Portland has never had that device in its toolbox, certainly the one thing that I would be most concerned with, first and foremost in assuring that there's operational guidelines and policies established first – that's an absolute must. But equally important is the management oversight. The management oversight, as is in deployment of any use of force option, could be ____, a pepperball gun instruments, even the deployment of a straight stick, which is sanctioned underneath operation guidelines. It would be no different for the taser. In fact, probably more scrutiny, what my proposal will be and recommendation to the City Manger will be that in addition to establishing guidelines that we establish a three-month pilot period, and in doing that three-month pilot period only trained officers and trained supervisors would be able to deploy the taser device. Following this three month period, a full evaluation will be provided to this committee, the manager's office for your review and your assessment, as to the effectiveness of this tool. One of the things, when you talk about developing policy and guidelines, one of the things that's always of concern and certainly would be a concern as your chief of police is how the tasers are used and deployed. First and foremost the taser wouldn't be deployed on individuals who are non-violent, non-aggressive, individuals who are handcuffed and restrained properly restrained, and just the indiscriminate use of tasers, that's been issued in other departments, there have been issues in other departments where there have been multiple uses of the taser on an individual after the person is rendered helpless, if you will, and there was the intentional or excessive force by officers by continuing to utilize it. As in all our use of force situations, my proposal will include that anytime there is deployment of a taser there will be a verbal request so that supervisors, like they do in all use of force situations now, respond to the scene so they can provide immediate supervisory oversight and management oversight following the deployment and the subsequent investigation that concerned captain would do it within the 48 hours of deployment. Now certainly I've talked a little bit about training, talked about... oh, one thing that I think is very important, and as you look across the landscape of departments that use the taser device, medical treatment. I believe that's a critical aspect of the deployment of tasers that immediate medical attention will be rendered, whether it's a direct contact taser, and in those instances where the taser

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deployed is deploying darts, that those darts will not be removed by police personnel, but they will be removed by trained medical, whether it's someone trained in a hospital setting or a fire department EMS staffer will be responsible for removal...

DS – Can I just break in and ask a question on that. Are you saying that medical attention will come at the scene, or that they would immediately be taken to the hospital for that?

JC – At the scene, fire department would respond and conduct the preliminary medical evaluation, and certainly if there was any indication that continued medical treatment was necessary, they would be transported to a medical facility following that deployment. I think that's critical in that it allows an on-scene evaluation immediately following the taser, and on some of your studies, some of those unfortunate times individuals have died as a result of a taser, it's one of a couple of things, either medical treatment not being provided in a timely way and so that's an issue. The other part is there need to be stripped down guidelines concerning when the taser is deployed, like pregnant women should not be subject to taser, children should not be subject, certainly someone who's experiencing some mental illness, more than likely our officers should be trained to understand what the nature of the contact with that person that is under the influence of a narcotic, whether or not they're mentally ill, so there's a lot of factors and those are the kinds of issues that are discussed extensively during training. I think that's all I have for now, and I certainly will entertain the specific questions you might have.

DS – Thank you, Chief. I really appreciate your input there and certainly appreciate all your experience that you're bringing to bear on this question, as you will be called upon to do innumerable times in the future. I do have some questions. I found that very helpful. Should we ask questions now or should we hear from ,... how do you want to do this?

KD – Before we take public comment I'd be interested in knowing how you wish to resolve this meeting. I've already heard the Chief imply that there's a forthcoming proposal, and I would like to spend more of my energy responding to that proposal than speaking too long in the abstract about the prospect of tasers. I would like to hear public comment but before we hear that I'd very much like to hear what your expectations are for resolving this meeting.

DS – Thank you for that, Councilor. I think you're right that that's a question, that's a point that we should decide upon. My expectation is that we would not be making any... that we would not be making any recommendation to this ___ out of this meeting, although I am open to doing so if by the end of this meeting we feel that we're ready to do so, which I could imagine happening in a couple of different ways. Nonetheless I think it's more likely that we would not be comfortable doing so at the end of this meeting and so my expectation is that this meeting will be a forum for a discussion and public input and that we would be looking to make a recommendation or to further discuss in our next meeting what recommendation, if any, we might make to the City Council on this subject and certainly the proposal that we think is forthcoming... is it in fact true that you are working on a proposal on this topic for this committee?

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JC – Yes, and again the proposal is basically that we propose that we start on ____ after approval a pilot program, a three-month pilot program to gauge whether or not this is a tool that we want deployed here in our City.

DS – Okay. This is going to be a written proposal? Or is that the proposal...

JC – The proposal, actually, my understanding is to submit the proposal to the manager and then the manager would then submit the proposal to either this committee or the full Council.

DS – And when do you anticipate that that will be submitted to the City Manager?

JC – That can be turned around in the next week.

DS – Okay, thank you. So I guess what I would say is that I'm anticipating that we would not have a recommendation by the end of this meeting but that we would be looking to the next meeting to digest all of the materials that we have received and will receive, and it sounds like we're going to receive a copy of that proposal from the City Manager's office in the next meeting, would be... have we scheduled that yet?

MC – It's the second Tuesday in June.

DS – Do you have any questions, comments, concerns?

KD – Raw carrots...

DS – [laughs] Raw carrots...

KD – I would only say that I think that would be fine, and I would not be able to make it the first Tuesday in July. Second Tuesday in July.

DS – In July.

KD – I would not.

DS – Okay, thank you for that info. Councilor Waxman, do you have any thoughts, questions, concerns, raw carrots, to share with us?

DW – Oh, I don't know.

DS – On the issue of what we could be doing in this meeting.

DW – Well, my thoughts on this was, I don't know very much about tasers and really want to know a lot about them, I want to make an informed decision based upon the whole universal, the good and the bad of tasers, you know, how they work and how they don't work and what it's really about, and I don't know very much about it, so I was

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hoping that this meeting we could have your presentation and anybody else who has thoughts about what tasers are about to explain that to us, and then we'll look forward to either your proposal coming through the Manager or coming back to this committee, I'm not sure how that works. Well, when we have a proposal does it always go to the manager and then get referred to committee, or does it ... can it come directly to committee?

DS – Attorney Costigan?

MC – It, I don't think there's any set procedure.

DS – Okay. But I do think that it makes sense that in this case that we would ask the City Manager to share the proposal with us and then we would make, we would discuss that in the context of putting together a proposal of our own, of this committee's own which may in fact be the same proposal as what the police department is requesting, I mean proposing. But I do think it makes sense that it would come back to this committee and then we would send it back up.

DW – I have a question for Councilor Marshall. Where did this go in your committee when you were, a couple years ago? When were you chair of this committee? Last year? And this same, similar conversation came up.

DM – Right, there was an article in the Press Herald and in the article there was sort of the expression that the police department was looking at tasers as an option, so I just asked the police department to come in and discuss it with the committee and we basically ended up to the point of saying, you know, there's a study that's going on right now, and I believe it's completed at this point, and it was being conducted by the federal government involving tasers and we were going to wait to see the results of the study before we moved forward and then so that kind of cleared it off the agenda at that period in time and no action was taken.

DS – Is that the case study, is that the one we have?

MC – From the department of justice, yes.

DS – Okay. So having presided on that point that it's most likely that we will be waiting until the next meeting of this committee before we would be taking any official action, let's move forward. I'd like to ask if Captain Malloch has any, anything to add to what the Chief has given us regarding general views of how taser use fits in to policing in Portland.

VM – Well, the only thing that I would add is that one of the things that we would be pursuing is in the pilot project, that option you can purchase on a taser is a video/audio recording device that's automatically triggered when the safety is disengaged, holds about 90 minutes of audio and video recording, and tasers also all have a built-in data port that allows for management oversight where you can download information relative

to the date and time of discharge, the number of discharges and the length and duration of those discharges so that we can very closely monitor the actual use of the weapon. So those are a couple of safeguards that are built in. The video option represents a significant cost increase to the unit, increases it by about 50%, but we feel that it's a very important option, especially during our proposed testing evaluation phase of that. So that's one thing I thought you should probably have for background information. The other thing is, Councilor Marshall said that the national ___ of justice was completed in July of 08 and after having reviewed that, that's actually one of things that has caused this to come forward now, we feel that if we're able to follow the national institute of justice recommendations of safe application of taser and the international chiefs of police has a model policy, I guess our feeling is, like with any weapon there's a potential for abuse, there's a potential for misuse, but we feel like with the proper management oversight, proper training and proper guidelines, sorry, I'll shut that off before it rings, that it's worth pursuing, it'll become a very valuable tool for us. And it has the potential, certainly to help us avoid injury, not only to officers but also to people who are being arrested or need to be restrained, and other people who might be harmed by them. That's essentially where we're at. And we do have some anecdotal instances that we could provide you later on, or at another meeting, that would show the instance of a particular individual that comes immediately to mind a couple months ago showed up at his girlfriend's place of employment in violation of a protection from abuse order, when officers arrived he became suicidal and we actually have in-car video that shows him repeatedly stabbing himself and taunting the officers to engage him and do something about it. And as soon as that happened the officers came forward to communicate with staff and said had we had a taser, we could have deployed that and certainly disarmed this man...

DS – Was the man in handcuffs?

VM – No, he was not, he was stabbing himself in front of the officers.

DS – You mean, in the squad car?

VM – No, we pulled up in the parking lot and when we approached him he started stabbing himself in the stomach. It's an instance where officers can't safely approach him, because the weapon could be turned on them, he's clearly a danger to himself, and possibly others, especially the person that's protected by the court order against him. It's an example where it would have been very helpful and would have prevented injury to him, certainly, and it would have made it a lot safer for the officers. But we see those more and more.

DS – Well, I'll have some follow-up questions about that example, but I don't want to get off too much of a digression. I think there are some questions at this point. Councilor Waxman?

DW – I have just one quick question, for the moment, anyway. How many officers... we just came up in the budget meeting and our finance meeting as to how many officers are

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actually trained for mental health to deal with people who are in crisis? It used to be called... I think it was called a blue badge? Is that?

VM – A blue pen.

DW – When I worked at the Y I remember there was only a small percentage, when I was at the family center, it was only a small percentage of officers that had that training at the time, this was about four years, five years ago.

VM – It's called Crisis Intervention Training, and what started out as a grant to allow for that training, we've actually expanded it and I can't get you a specific number right now, but I can look it up and email it to you. We have set a policy in place right now that says that all supervisors, all field training officers and all newly hired officers will attend crisis intervention training. It's a 40 hour block, it's very extensive, detailed training. We only typically put it on twice a year because it actually involves assistance from our partners from NAMY and Ingraham volunteers and Health and Human Services, we bring psychiatrists in from Riverview and from Spring Harbor, and it's very... we also hear from people who have received services. It's a great program, but because it's so involved we only run it twice a year.

DW – If you could send me how many officers actually have that training in place, maybe what you foresee, how you foresee that improving over the next couple of years?

VM – Sure.

DW – Thank you.

DS – Thank you, Councilor Waxman. Any other questions at this point? Councilor Donoghue.

KD – Thank you. Captain Malloch, I know you're going to have at least that one anecdotal example and perhaps others that you can think of where a taser might have been a tool chosen. That would be very useful to me as a sort of,... if we choose to go with a pilot program or not, it would be useful for me to have that sort of, I guess, retroactive pilot, I know it's, you're talking anecdotal but I do want to have some sense of frequency of the incidents that your talking about, just some general description of what instances those are. The chief began to list some instances where it might not be advisable, and I know he hasn't written his proposal down yet, and the Chief can answer if he finds it more appropriate, but the examples of pregnant women. All women could be pregnant. Mental illness, large, and narcotic influence, large overlap with criminal behavior, and I start to worry that the universe is exclusively male, sober and sane, and I wonder if I am reading that, if I'm being unfair in that inference.

VM – Sure, I think it's important that you have a frame of reference about where that group comes from. That group is identified in the national institute of justice's report as an at-risk group for injury and they're basing that on their studies. And what they say is

that as you point out, obviously you can't every woman is pregnant, you can't tell every person has heart disease, but when it's known to the officer, it would be a fact that should be taken into consideration as to the effectiveness or the appropriateness, rather, of the deployment of taser. I think it's important to remember that we may very well rule out taser as an option in dealing with a person like that, but it doesn't mean we walk away, it means that we might have to go to another level of force or another type of force. I really think you have to maintain a... recognize that any tool that we use can be abused or used improperly. Police batons, when used appropriately, hitting someone in the legs or the extremities, is an appropriate use of force in certain circumstances. A strike to the head switches it to deadly force. The same can be true of a taser. A taser can be turned into a deadly weapon by inappropriate use of it. And that's where management oversight comes in.

KD – I appreciate those differentiations. I guess what I'll seek more clarity on is, I would seek more anecdotes such as you just cited so I can better understand the instances and I guess I'd like to get a sense of how small the universe of potential situations becomes when you do deduct each of those categories as you would define them as best we can, how small the universe of people would be.

JC – And that's a, that's a difficult question, it's probably more difficult for me because the landscape is certainly a lot different here in Portland than it is, say, in Los Angeles, but, you know, certainly there's some factors that are very obvious and I think the Captain really did a fine job illustrating many of these tools can have fatal consequences if used inappropriately. The fact that our officers are trained and there's an expectation that they continue training in the deployment of other police ____, or just the side arm. So certainly all these tools that law enforcement carriers, they do have obvious risks, but you look at the universe, that can be a very difficult assessment to make. And I understand what you're saying, because then it comes down to, well, is it really an effective tool if you take out, if you know, and you may not know that a female is pregnant, you may not know that someone is mentally disabled, or under the influence, of, say, a drug. I know in the early 80s when PCP was a pretty significantly used drug in Los Angeles, there was a lot of use of taser and this was a drug that the suspects displayed super-human type strength, and even many times after the taser being deployed and take the darts out, sometimes it had a great effect, sometimes it didn't. But certainly that same individual, if you use a firearm, they would suffer far more injury because the idea is to use that force that is both reasonable and necessary. Knowing how to shift back, that if an officer makes a decision that this is the type of force situation that taser deployment would be warranted but now the individual, the aggression is now de-escalated, there's an expectation that the officer de-escalates and goes more to a verbal encounter. The one thing that I'm very impressed with here in Portland is how they evaluate, ____ the issues is how a department looks at use of force. For example, the drawing and exhibiting of a handgun here is deemed a use of force, which I think is a very proactive and a very cautious way of ensuring that the officers are operating within the established guidelines. Certainly in the City of Los Angeles, that would probably be a minor mental task even in the department of justice has an answer to the department to evaluate drawing and exhibiting firearms in situations, however, when there is an officer-involved shooting situation, his

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commanding officer and the chief of police does evaluate the tactics leading up to the force incident, then the drawing and exhibiting, and then the actual use of force, deadly force, if it results in that. So, a different situation, but I'm very impressed with how this department has evolved in terms of the oversight of force issues.

KD – Thank you, Chief. I guess I'll defer any comments at this time, but I said I'd be interested when I see your proposal for a three month pilot, but I understand alongside that, how frequent the sorts of examples Captain Malloch will cite occur, because I want to know if three months is an appropriate window, and how can I get a comfort level if it an appropriate window given the frequency of instances you may cite as anecdotal evidence of why a taser might be a good tool. Did I make any sense there? Because if I didn't, you can tell me...

JC – And, you know, really we're open and always will be open to looking at whether maybe not three months, maybe at the end of three months period there's a decision that the pilot be extended out another three months, just because there might not be enough information that you can glean and see the effectiveness.

KD – I just want to avoid having too many more questions when I finally see a proposal, and that's my intent in asking these things.

VM – If I could add one other thing, besides anecdotal instances like the one I cited, and obviously I cited that one because it's so dramatic, and it represents serious injury to an individual, and a very dangerous situation for officers, one of the other things that we're reviewing is injury to officers during all uses of force and lost time and wages, productivity and medical bills that are associated with that. I know that over the last six years we've been averaging about \$100,000 year in lost time, productivity and medical bills for our officers who are injured in the line of duty, which isn't to say that taser would prevent an officer being injured every time, but we know most of the time when officers are injured it's because they're going hands-on with a physically assaultive combative person. A taser may very well be an appropriate use and disable that individual to the point that they can be safely taken into custody. So that's one of the things that we're also looking at for management standpoint.

DM – [unintelligible – siren]

JC - We have a grant, if the funding is there as the Captain pointed out earlier, one of the issues, the cheaper device doesn't have the video and camera capability. We thought it would be a better idea, we recognize that police cruisers have video taping capability, we thought as an added layer of insurance that also, we'd spend the extra money on the devices and, that had that capability. So we're talking, if we started a pilot, a proposal pilot, we're talking maybe 10 units, and the money is in a grant form, the form of a grant.

DM – And how much revenue would, with a camera?

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JC - With the camera it's \$1,280. And without I think it's somewhere around \$800, without the camera and the audio.

DM - And, um, and what grant are you referring to?

JC - The Brown Grant? The Burn Grant. And so the earliest that we could even consider getting the funds to make the purchase is in July.

DM - And is that a grant, something that's connected to the American Reinvestment and Recovery Act? Stimulus?

JC - I don't know. That's not, that's a separate...

DM - That's separate. So this is an ongoing grant...

JC - An ongoing grant for police equipment. We have detailed information on the particular grant, but that was the grant that would fund the purchase of these tasers.

DM - And can you use that grant money to purchase other equipment? Is this just an equipment, you know...

JC - Yes, you can use it to purchase other equipment. This is just one equipment item that we would purchase with it.

DM - And how big of a grant is it?

JC - If my memory serves me, \$70,000. And if I'm incorrect we'll include that.

VM - The Burn Grant is used for technology based initiatives, and the next, either two or three year cycle, we're allotted, we're dedicated \$695,000, which is a significant increase over past years. We typically get a Burn Grant awarded to us as part of federal money sponsored through the state, but this year it's considerably higher than before, probably as a result of the economic stimulus initiative. And what we've done, is we have to provide a proposed budget that's associated with that, and in that we listed about \$70,000 for patrol minor equipment, and initiatives like this, we would take an application and send it to the department of justice and tell them this is what we want to do with it, and then they would release the funds.

DM - And what's the rationale for going for a three month period versus a six month period or a year long period?

JC - You know, the only rationale for three months, and again, I'm new here, so I don't know if three months is really an adequate amount of time to make an assessment. Maybe six months is more. Maybe even a year. If this was Los Angeles I would say three months would be more than sufficient and if it's not, you know, we only can bring before this committee three deployment of taser, that's probably not a good enough to say that's

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sufficient. But again I understand what you're saying so maybe six months is better. I used three months but certainly we need to have adequate time. We, as you do, need to have the time to assess the effectiveness of the tool.

DM – You know, in LA you do have seasons but they don't change the way they do here...

JC – I'm sure in the winter...

DM – If we started testing in January, and did January, February, March, you have a kind of a different sort of activity than what you'd see in summer and so that's kind of what I'm getting at so, not to recommend one way or another, just sort of another variable for the mix.

DS – Thank you Councilor. Councilor Donoghue?

KD – Thank you. I anticipated speaking on ___ payments to you, I anticipated speaking much less, but I'll try to make this my last time. I don't want to err on the side of a longer period because it might end up that it wasn't deployed, and therefore may not be as essential a tool as one might imagine, and I don't want to, I hope that doesn't have the opposite effect of encouraging use so you have a data set, but I doubt that that would happen, so I'd be very interested to know that even if you had a small sample, that small sample might be a piece of evidence to indicate that perhaps it wasn't of high utility. The other thing I just wanted to mention is if this is all within the context of a grant application for police equipment, I think, while these are not singularly expensive devices, I would want to know in a context of a grant application what are our capital needs for police equipment and does this rank as a high priority within the context of others, so that's one of my main dissatisfactions as a City Councilor is I have no idea what the capital needs of our City are, we just say, they say, float this bond and we say all right. So I'd love to find out in a little bit more context what the capital needs of the department are. For the whole City, for that matter, but that's another question.

DS – Are you asking for them to give us their thoughts on that now or come back with that information?

KD – I would, within the context of eligible equipment under this grant, I would, I don't need it right now, cause I'd like to get an opportunity to prepare, because I need an education that I don't want right now, but that's one of those things, I don't know what the department's needs are in terms of equipment that are eligible for this grant, or otherwise, but particularly those pieces of equipment that might be able to fall under this grant. I want to know the context of that.

DS – Thank you, Councilor. And we do have a memo from former Chief Loughlin showing, and I'm not saying that that answers your question, I'm just saying that maybe that itemization of the equipment that officers have currently could be a starting point for

informing this committee where there are equipment needs, capital outlay needs, that could be addressed with the Burn Grant, is that right? Is that the thrust of your question?

KD – Yes, for starters, and I might learn a lot that might inform CIP or short term borrowing decisions in the future. I may give it back to you.

DS – I have a couple of questions. The cost of one of these things is \$1200 and the Burn Grant is I heard you say something in the neighborhood of \$70,000. And you think about buying ten of them for the program. Let's assume that the pilot program yields a positive recommendation all around that we should move forward with taser use in equipping officers with tasers in Portland. Would you be seeking to equip all patrol officers?

JC – At least enough tasers that they would have them accessible when they go out to do their duty. Certainly we wouldn't have to purchase, I think the staffing level now is 166, we wouldn't buy 166 tasers, but certainly enough to field, to have one in each car. One of the things, and I hate to always throw back to my experience, the life I lived for twenty eight years, one thing because the taser was a tool that showed to be very effective and it was a cost-savings to the City of Los Angeles in terms of officer injury or lack thereof, any time officers were involved in the execution of warrant services, any high-profile nature or event, or if it was a situation where there was an officer-involved shooting, one of the things that is always evaluated as to whether or not officers had in their possession a taser, or other non-lethal devices. And the thought is as some officer-involved shootings go from a to z in rapid time due to the nature of the event, but there are other times where it's a tactically evolving event where other options could be deployed. If an officer decides to go out in the field and does not have a taser and gets involved in a situation that ultimately ends in, say, an officer-involved shooting situation, the officer will be sanctioned and in most cases the officer-involved shooting and use of force would be considered in policy, but the actual tactics leading up to that force incident are determined to be training ____, and so the officer is sanctioned, he receives training, documented training and so it's a way of ensuring that officers have all of their available options, and so the department of justice, an independent monitor is going to come into, they look at that, they look and see whether or now we had ten units deployed in the field, did ten units have a taser checked out, and so that's the seriousness and what they look at as a force option, a non-lethal force option.

DS – So not... we would not have tasers strapped to the belt of every officer on duty but there would be a taser in every patrol car that was out.

JC- That would be a more economical approach. I mean, certainly, if every officer had their own personal taser, that could be very costly, and not really necessary so long as a unit deployed has the ability to check out a taser. Anything in a more cost-effective way of deploying a taser in the field, like we do in some of our other non-lethal devices, is supervisor vehicles, all the supervisor vehicles could be equipped with a taser so in the event or certain officers in the field, so that way if there's a request for a taser, and certainly that's risky because if there's an evolving tactical situation in the field, you would want the officer to have immediate access to the taser.

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DS – Do officers have other non-lethal weapons that they have on their belt or carry in their uniform?

JC – I would say [bus going by] they have OC spray which is a non-lethal, they all have that, they're equipped with that.

DS – Is that pepper spray?

JC – Pepper spray, yes.

DS – And is that the same as the pepper spray, pepper balls that...

JC – Basically. I think the pepper ball system is a more concentrated chemical, than ...

DS – Does that... Captain Malloch referenced pepper ball guns, so I'm wondering, are we talking about two different devices, pepper ball guns and pepper spray?

JC – yes. Pepper spray is a canister, so that it fits on the utility belt that officers carry out in the field and then the pepper gun is the full system, and I don't know if you're a supervisor, are they only in supervisor's cars?

VM – They are. The pepper ball, it's actually called the pepper ball delivery system, it's not a gun, it's not a firearm, but it actually works on a compressed air.

DS – I just want to make sure that your comments are being recorded.

VM – It's not a firearm, it works on a compressed air, so by definition it doesn't meet the legal definition of a firearm. Essentially, if you've ever seen a paintball gun, it looks almost exactly like that. The pellets that are fired look exactly like a paintball except that they're filled with pepper spray.

DS – So currently we have pepper ball delivery system in each supervisor vehicle...

VM – In two of them

DS – In two of them. And in, and all officers on duty carry a pepper spray canister. Is that correct?

VM – Correct.

DS – That leads into my next set of questions. We had two very unfortunate events yesterday, or they were reported yesterday. I guess they occurred on Monday, or over the weekend. We had two events where officers were confronted by a ___ and in both of these incidents the officers used pepper spray, is that correct?

VM – I believe so.

DS – That's what was reported. And it seems to be the case that in both of those incidents they were able to gain compliance of the offender or offenders as well as quell the unrest by using pepper spray. And my question is, why not pepper spray in all such events. Why not pepper spray in the example you gave us of the gentleman who was stabbing himself? All officers are carrying pepper spray canisters, it would seem to be effective, why not pepper spray?

VM – Pepper spray has some downfalls and some limitations, probably not the least of which is that there's a very high risk of cross-contamination with pepper spray. If I deploy pepper spray on you right now, everyone in the room would be under the effects of it to differing degrees. So that's a concern for us because it does affect the officers as well and it can also have a cross contamination into other people who might just be bystanders. The other thing that I think you need to keep in mind is that the taser offers an immediate reaction. It immediately interferes with the muscular, electric muscular function so that people essentially collapse.

DS – Well, let me interrupt a little bit. Is that always the case? Didn't we hear from Chief Craig and I think we probably all heard in the media of reports of people who get tased and don't fall and continue to come at you.

VM – There are some isolated cases and those typically tend to be people who are under the influence of PCP or other mind-altering substances. It's an involuntary neuro-muscular response and the vast majority of instances people are immediately incapacitated. That tends to be the reaction. Pepper spray...

DS – That's not the case with pepper spray?

VM – That's not the case with pepper spray. Pepper spray you have to have contact with the eyes, nose, facial area, in order for it to have a desired impact. You spray it on someone's arm, it's going to burn a little bit if it sits on their skin, but it's not going to have that same impact of making.. blind and immediate pain. The other thing is that we have seen a pretty good percentage of people, one of the things that we track is whether or not pepper spray is effective or not. Our experience has been that the best use of pepper spray is to actually spray the individual, step back, disengage and wait one to two minutes for the pepper spray to actually begin to take effect and full effect. When you can see compliance. And that also means that the officers go hands-on with the individual at some point when they're still able to fight back versus if they're, if they've been tasered and they're essentially less likely to offer physical resistance. The other thing with pepper spray is that we have had individuals that have been intoxicated and have told us, "go ahead and spray me, it doesn't impact me, it doesn't affect me." We had an instance last summer in the Old Port when an individual was sprayed in the face and he said "spray right in my mouth..." he opened his mouth and said "spray it in my mouth, it doesn't matter." And he's licking his face, licking his fingers and he says "this is nothing, I eat

this stuff all day long.” And it didn’t impact him. So we do see individuals that it doesn’t have a direct impact on. Tasers are another tool that wouldn’t replace pepper spray...

DS – So he may not.. again, I apologize for interrupting, you’re giving us so much good information. Was he deluded or are you telling us that in fact there are people that pepper spray does not have an effect on.

VM – There are people that it does not have an effect on. Certainly not the desired effect. I’m sure that they are, that they feel the impact of it, the effects of it, but it doesn’t create the compliance that we’re looking for. And also, what I started to say is that taser is another option that we would like to have officers have available to them, it would not replace pepper spray. Pepper spray doesn’t replace the taser, they serve two very different functions and I think it’s wrong to assume that because you have pepper spray you don’t need anything else. If that was the case we wouldn’t have pepper spray because we’d carry batons, we’ve carried police batons since the 1600s, really, when I started you were given a wooden stick...

DS – In the 1600s?

VM – I could be younger than you Councilor.

JC – I just want to clarify one issue, the cross-contamination is a big concern, it’s an officer safety concern. I know from my experience that OC spray, pepper spray, very, it has to be in a very controlled environment, I mean, when you talk about, this climate is very different, you’ve got a windy day, cold days, the reality of it is pepper spray is not very effective. I mean, certainly, the scenario that the captain discussed about the person ... stabbing themselves with a knife, pepper spray probably would not work in that instance. Now, the pepper ball system might work, but yet it’s just like he said, another tool that would be at the officer’s disposal. Pepper spray is risky, it’s real risky because it really does put others and the officers in harm’s way, and more times than I care to admit it seems that the officers are impacted by the deployment of pepper spray.

DS – What is the distance required, how close does the officer need to be to the offender in order to use both of those, in the case of a pepper spray canister.

JC – I think the effective distance of the taser is 30 feet, and pepper spray...

DS – No more than 30 feet?

JC – I think that’s the optimal, I think, and I know that 30 feet resonates with me. The OC canister, the pepper spray canister is certainly much less than 10, if that, because you deal with the variable of wind, direction, the further you are away the less likely...

DS – You gotta be a lot closer.

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JC – You gotta be closer, and then you run the risk of hands-on, especially when you're talking about a very, a highly agitated, combative suspect. As I pointed out earlier, you know, PCP, one of those types of drugs, a hallucinogen, we're probably in terms of the taser, may not have an impact. I have seen those instances where it had, but I've also seen more times it has not worked. So, that was in the early 80s, and I had a lot of experience dealing with PCP suspects then.

DS – We don't have a lot...

JC – I don't even think...

DS – We do see growing methamphetamine use, and I think it's probably is an out.

JC – Right. I just don't think they have, with meth, they don't have the superhuman strength one would have with the PCP. That's the real distinct, they have a high tolerance for pain...

[end of side one]

JC - ...the dart, the penetration of the dart as I indicated earlier, is simply removed by a medical person, however, you know, you have someone who's under the influence of, say, PCP, with a high tolerance for pain, they may not even know the dart's in them, they might look down and see it and just pull it out. There's a point where it doesn't impact them at all.

DS – All right. Thank you, Chief. I'd also like to follow up with you on a question that Councilor Donoghue was asking in terms of the crime rate in Portland. In terms of, the question of how long of a time period we should look at. Setting aside the pilot program proposal, just thinking generally about whether we should use tasers in policing in Portland. Do you think its worth comparing the crime rate in Los Angeles and the crime rate in Portland in terms of the sheer numbers of crimes and the types of crimes. My question is, and I'm not trying to ask a loaded question, I'm sincerely asking, is that worth weighing, or is that not part of what we ought to be considering in terms of whether or not we need these weapons.

JC – You know what's interesting about Portland, I don't think we can make a fair comparison on the crime rate, you're talking about a city of 4 million. One division I worked typically had anywhere between 40 and 50 homicides in a year, and many times, you know, when there was an active, when there were nine or ten thousand active gang members in a 12 square mile area, very different dynamic, and certainly when you talk about some of the type of violent encounters, you probably would need to consider a taser. Unfortunately, and so it is not uncommon, again something that I have seen dramatically change over the years, officer-involved shooting incidents, because of the violent attack on officers. What we are seeing, not just Los Angeles but across the country, is that there are more violent attack against officers, armed confrontations, where suspects are more brazen or more likely to shoot at police officers. So what you do

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see here in Portland that's very different than Los Angeles, because as I started to review the daily logs that come across, just the aggressive encounters that occur here in the Old Port area really, it still kind of surprises me that it's so frequent. And as you talk a little bit about this weekend, the one encounter where the officers were literally overrun, I think it was a total of ten officers that responded to that area to a group of in excess of 250 people, many of which were very hostile, violent, the officers made what I consider a wise decision to back out, there were no arrests made. There may have been one arrest, but I mean...

DS – I think they arrested the guy that had warrants out.

JC – They did arrest him, but after his arrest when individuals started to become aggressive, while ten additional arrests could have been made, for various charges, they were not arrested and the reason why they were not arrested because the officers were overrun and it took the assistance of not only ten officers that responded to the scene, but it took the assistance of, quite frankly, some of the bouncers from the local pubs who came out and provided assistance to the officers. So that's a pretty grim picture.

DS – Isn't it also true that the situation did not get out of hand because the pepper spray was used and people saw that and didn't want to be sprayed themselves, right? Just bouncers and the other officers that were holding back people that wanted to be bothering against the police.

JC – They were holding back... there were individuals who had the express intent on attacking police officers and the bouncers assisted police in keeping the crowd, yes, they did.

DS – So it sounds like you're saying that yes, it's worth comparing the types of crime that we have here in sheer numbers of crime.

JC – I would say the money to do a ... conduct a benchmark, you could probably take a city with like crime that may use the taser now. That would be I would think a great way of really comparing if someplace with about 65,000 residents, with the tasers being used, where the crime rate is about the same, I think you'd get a pretty good idea, and I know there are studies that are out there.

DS – Well, I think that's a good idea. Let's ask Corporation Counsel to take a stab at that. Would, did you get that?

MC – Sure.

DS – And, I mean, we may not be able to find data on point.

JC – The Department of Justice probably is a great starting point because they are looking at a number of cities in the application of force. You take the City of Englewood, for example, and I would hate to use Englewood because Englewood's crime rate is

significantly higher than Portland, it has more residents, but certainly it's a much more violent place. They have had some taser abuses and a lot of it had to do with just overall lack of training, lack of management oversight, no leadership, a whole host of things, and they had a couple of officers who got into significant trouble for the inappropriate use of excessive force involving a taser. But you take some small cities, probably here on the East Coast, because the deployment here, when you look at West Coast cities, typically deployment is much lower per capita when you talk about police per 1,000 residents. Typically the deployment on the East Coast is a lot more. When you look at, say, the City of New York, it has 35,000 police officers, and Los Angeles has 10,000 police in a city of 4 million, it kind of gives you an idea. And while in my division of 188,000, twelve square miles, true I had 390 police officers, but 188 residents, so I think that a study or a benchmark should include a city of like size and like crime rate that has tasers. Now I know some of our neighbors like South Portland, which is a small city, has tasers, and it would be interesting, maybe on a smaller scale to see how and when they deploy the use of it. Is it Falmouth is another city that has? I think all the neighboring communities have them, taser devices.

VM – The Sheriff's department, the Cumberland County Sheriff's Department has them, South Portland has them, Falmouth has them, and have had for several years, so there's some data, local data on uses. And I know the County Sheriff's office closely tracks usage, and they've offered us those numbers.

DS – Okay, so I think it would be very helpful for us to review that. I think that there are, we previously talked about, kind of pulled together the policies of other Maine police departments on this topic, and I'm not sure if we've completed that effort yet.

JC – And you know, I also would just like to add, one thing that you look at the generic policies that the international chiefs of police, there and the department of justice, as I recall there's no specific reference made to the medical treatment, I think that's so critical, the one thing that I think must be and should be a part of protocol and the operation and deployment is that medical treatment aspect, even if it's a close contact deployment where the suspect is rendered helpless temporarily the officer should contact and make sure the fire department responds and conducts an evaluation, even though it's a close contact deployment.

DS – Councilor Donoghue

KD – Thank you. I'm not sure how much data we need to pile up as far as comparing the other municipalities, I'm mostly interested in our neighbors and what their experience is. If we were doing this large national peer group I'd be very interested in New Jersey examples because they have different laws, but I'm not asking for that. I would like to, I appreciate Chief Craig is emphasizing medical treatment components to whatever the SOPs might be, I want to know what our neighboring towns are doing, so they're a little sleeper, but that will help me and what will help me more than anything, Captain Malloch, is when you're looking at your examples, I urge you and the Chief to talk about officer injury, and that's different, although a very important consideration than suspect

injury, and that's just something I want to be very interested in knowing, in which instances do you think taser could have both prevented suspect and officer injury and that's just my expectations about what I see a followup presentation about why this is worth filing in Portland. I want to hesitate to ask for a giant ___ search and comparative analysis that I don't have time to read. These are difficult decisions to make but I do want to understand what our experience tells us and I trust that you can present that fairly.

JC – Absolutely and the assurance that certainly is my commitment to this body and the community members of this city is that there will be very strict oversight, management oversight of the deployment of the taser. I do believe it's a great tool, another tool for the officers. I know that many times in my conversation with the officers, they're real enthusiastic about having yet another option, and it really, I know you were talking about injury to suspect, injury to officers, you know, that truthfully is kind of a difficult.. because let's say absent taser an officer in making a decision to use force, decides that the straight stick or baton is the chosen tool, certainly if this suspect is highly combative, certainly there's a high, high likelihood that suspect will suffer some very significant injury.

KD – I think I understand the problem you're trying to present here. There are some instances where the weapon chosen may be at a higher level than the situation demands, and that results in suspect injury. There may be a situation where the weapon is less than the situation demands, and that may result in officer injury, and I understand the argument that it's about finding that middle step. And what's going to help me, and it's no secret that I come at this as a suspect, but... not a suspect, as suspect, or at least skeptical, that way I don't have to play in any awful hunts, I'm going to be very interested in an outline of those instances and what you began to explain helped me understand it's about sometimes it's favors one over the other given the tools available, and I understand that it won't be a simple analysis, but I do trust that it can be presented fairly.

JC – Yes.

DS – Councilor Waxman? Thank you Councilor Donoghue.

DW – My question is, there's, it's \$1200 or somewhere around that for the actual taser, so there's a training period that takes place for the officers, so how much does that cost, how is it, how long is the training last, and is there some kind of licensure or something like that that we actually... if they... or certification that goes with, to an officer that goes through the training and passes the test for using the tasers and if that is true, how are we going to monitor that and update licensing or certification, because things seem to change with things.

JC – Yes, and a lot of the questions you asked me I absolutely do not have the answers to. I can tell you that the training is an absolute necessity before an officer can use it. We use and illustrate the pilot program where there's three to six months and certainly ... some officers that have been trained in the application of the taser deployment are currently

instructors at the academy, and they also teach the martial arts, so they're certified by the state of Maine in training, so there's documented training. I don't know how they do it here in Maine in terms of, but I trust, as I get more familiar with the process is that this training is documented and certainly an officer who is not trained cannot and will not use the taser, because they open themselves up for sanction, and the supervisors who have the tasers in their vehicles, they will have to be trained, and there's an expectation they know who the trained officers are. And there's ways to do that, I mean, certainly, like for example when you have a deployment of officers in the field, the lineup should reflect who's trained in, say the deployment of the urban police rifle, who's trained in the deployment of the taser, and it's noted, and even, it can be factored in as part of communications, when they know who's lined up, we have three taser trained officers deployed tonight, so that means if there's a request for a taser, communications as well as the supervisor know that officer A is a taser qualified officer.

DW – Would supervisors, in other words, if there was a situation where an officer, a beat officer was, needed, felt he needed taser, they weren't qualified to use one, they would call in and say they had evaluated the situation and they felt they needed one? Who actually makes the end call, the supervisor on duty?

JC – It could be a combination of both. For example, again, drawing on my own, whenever there was a violent aggressive, combative suspect, and now mostly officers in LA have taser, they're all trained in the use of taser so it's not a situation where some and not all are trained, so it's not the same issue, but when we were evolving to where the department is today, the officers would get on the air and request code tom, and request taser. That would generate two things. It would generate that a taser would come to the scene, an officer with a taser, and a supervisor. And so that's one way, and again the lineup that communications has as well as the on-duty supervisors, they should know that Officer A is taser qualified and has a rifle, Officer B is not, so when officer B comes to the scene officer B cannot be given a taser for deployment.

DW – I'd be curious if you could maybe get information about the actual training, if the officers have to have crisis intervention, that would depend, if that's something that would be required for someone who's going to be using a taser. I would think it would, but I don't know.

JC - Well, you know, the same thing, and again I don't know the answer to that, but just like the deployment and the officer who's carrying a, are we calling it an urban police rifle, is that... I know that they're, that at any given time two or three officers on a team may deploy the rifle, and I trust that supervisors are aware that certain officers...

DS – Before we open it up for public comment I want to ask a question in terms of where we may be heading with this. If, and this is just hypothetical, okay? If the City Council were to pass a measure saying that the taser was an appropriate use, was appropriate implement to be used by Portland Police in a deadly force situation and nothing short of a deadly force situation, would that still... would that make it... I should have formulated

my question before I asked it. Let's say the rule is deadly force situation only, do you still want them?

JC – I wouldn't say no, but I would say it would significantly impact, negatively impact the officers' ability to effectively use a tool that's not used as a deadly force. In any department, I don't think there's, and I don't want to speak out of turn, but I don't know of any department that deploys it as only a deadly force situation. Can it be used? Absolutely. But there's a suspect, as I pointed... illustrated earlier, we have a suspect that's armed with a gun, that may be an option, but it's certainly not a cheap option, because you have a person who's armed with a gun, and even a person with a knife, I know I keep bringing the knife situation up because sometimes a knife situation is more controllable, especially if one is inflicting harm upon themselves or others and if the officer is in a tactical situation deployed, say a domestic violence situation, the suspect is stabbing a significant other. Maybe that's an opportunity to deploy the taser without risking harm to the other victim.

DS – That would make a deadly force situation, wouldn't it?

JC – Well, if that would be deadly force, however, you know you talk about a quickly evolving tactical situation, force situation, the suspect can pick up a hard object, it could also be a brick, I don't know. Maybe deployment, and maybe ___ that's a deadly force situation. By a combative suspect, I mean, if you have a large stature suspect, that could be viewed, but that's a stretch. So I'm not saying that it wouldn't be a useful tool if that was the decision by the City Council, but it would significantly limit the effectiveness of the tool in not deadly force situations.

DS – Would they still be cost-effective, if that were the rule?

JC – It would be just another option, probably if that were the end decision possibly we would not deploy as many of them, it would be a tool that's available.

DS – Thank you.

JC – And again I'm not certain that, I don't know of any departments that, there may be a department or some out there that only deploy tasers in deadly force situations.

DS – Well, I asked the question limited only to that category, but it also occurs to me that the situation where somebody is suicidal may also be appropriate, you certainly wouldn't want to use deadly force in that situation.

JC – You wouldn't want to, but if you get, the growing trend today as you know is suicide by cop situation. You know, you get someone who is armed with a gun or a knife and they strongly desire that the police shoot them, and there's times when the taser has been deployed. Certainly we're talking about a deadly force situation, but again there are other situations where you wouldn't rise to the level of deadly force, but if certainly the suspect is violent combative, and that certainly has to be articulated, it couldn't be

someone who's drunk and talking in a loud voice, it needs to be straight guidelines as to what would constitute deployment.

DS – That gets to the heart of it, I think, because there's quite a long continuum of violent combative, there's a very short continuum of deadly force, and, you know, if we're operating on that long continuum of violent combative, that leaves open the possibility of ... many possibilities of any scenarios in which a taser could be used to very negative outcome. It could be used when...

JC – Certainly it could be on the higher scale of violent combative, there's an articulable act on the part of the suspect, he's picked up an object, he has hit the officer, using physical force, the officer is incapacitated to some degree, his partner deploys, he's not armed with a weapon but partner is now incapacitated or injured, and while that's not a suspect that you would want to use deadly force, but an appropriate response may be the deployment of a taser.

DS – But in that situation where it's like hand to hand combat, would you look to the officer using pepper spray before the taser, or do our current regulations speak to the use of pepper spray in that situation?

JC – Pepper spray could be used, but again you then run the risk, especially in close contact, if you're in a physical altercation, pepper spray might not be the best option for what we talked about earlier, cross contamination. And then when they're cross-contaminated, quite frankly the officer is disabled, he may not be able to continue. And then it could be a deadly force situation because what ultimately could happen the suspect then retrieves the officer's handgun, now you are absolutely in a deadly force situation.

DS – Okay, thank you Chief Craig. All right, at this time I'd like to open the floor for any comments from the public. Thank you for waiting so patiently during our discussion, I see we have ___ from Shanna Bellows, I'm very grateful for you to attend here today, this conversation would not be complete with views from all sides.

Shanna Bellows – Thank you Councilors. Good evening, my name is Shanna Bellows, I'm Executive Director of the Maine Civil Liberties Union. I want to start by saying the MCLU welcomes in general the use of non-lethal weapons and conversation about the use of non-lethal weapons or less lethal weapons in place of lethal weapons. However, that's not the conversation we've had this evening, and I'm parting from my written testimony because I am concerned that the frame this evening has been the use of tasers versus pepper spray instead of tasers versus guns, and I think currently in Portland we do have a situation where many of our fellow community members are feeling anxious and suspicious about the actions of our police department and to hear tasers discussed as another non-lethal weapon akin to pepper spray or other types that weren't discussed in that would be that guns is a concern to me because David demonstrates that tasers can be very lethal and Amnesty International has studied this closely and since June of 2001 there have been over 351 deaths in the United States from the use of tasers. Of those deaths, and I'm very concerned with the Department of Justice study because as I

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reviewed it, I saw that they did not identify tasers as lethal, and yet 50 of the coroners, the coroners, not Amnesty, identified tasers as having contributed to those deaths, and three coroners, actually, identified tasers as the sole source of death so clearly coroners are finding tasers to be a lethal weapon as they're identifying and reviewing these fatalities across the country. So, and some of those fatalities have been young people, the most recent being a 15 year old boy at the end of March. So, as the City Council moves forward in reviewing whether it's appropriate for the Portland Police Department to engage in the purchase of these weapons, because they really are weapons, I think the questions that you're asking are absolutely the right questions to be asking. Are there alternative uses for those Burn Grant funds, are the standard operating procedures surrounding use of tasers similar to those for use of deadly force, and Amnesty International, I don't see them here this evening, but I do want to, they are a coalition partner, or in coalition with the Maine Civil Liberties Union, and they have called for a moratorium on taser use because of their concerns. The MCLU is not calling for a moratorium at this time, what we're asking is that you treat tasers as lethal weapons or as an alternative to lethal weapons, not as an alternative to non-lethal instruments. Thank you very much.

DS – Thank you, Ms. Bellows, for contributing those comments. Do we have any questions from the councilors? All right. Councilor Waxman.

DW – Could you just repeat your last sentence for me?

SB – That's what I get for going off-script. But what I said is that, I think I'll summarize it, it may not be an exact quoting, but that Amnesty International is calling for a moratorium. The MCLU is not taking that step, but what we do ask as you proceed is that you treat your review of tasers as review of a lethal weapon, in the framework of reviewing a lethal weapon, and not as an alternative to non-lethal instruments. Thank you.

DS – Councilor Donoghue,

KD – I just ask that you would concede, or at least categorize, the other non-lethal weapons referred to such as being bag guns or pepper spray or pepper spray delivery systems as non-lethal weapons?

SB – I do characterize those as non-lethal. I don't believe the same data exists that demonstrates the same incidence of fatality across the country with those instruments.

DS – Thank you, Ms. Bellows. Chief Craig, according to the memo we got from your predecessor, Acting Chief Loughlin, we don't have bean bag guns or rubber bullets or netting or anything else in the line of non-lethal weapons, do we?

JC – We have bean bag, and... yeah, we have bean bag.

DS – And are those in every car?

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JC – Not in every car, I want to say in the supervisors' cars.

DS – And that's, is that shot with a pistol or a rifle?

JC – It's a shotgun. It's not a shotgun, it's a delivery system, it's like a shotgun in that a bean bag has to be delivered from a distance of at least 30 feet, I think that's the optimal range, and that, yeah, 30.

DS – Ms. _____, do you have some comments?

? – Also in Maine the deployment of a bean bag because it's through a firearm is considered a use of deadly force at this time. Because of the deployment system and the way the Maine statute to work, it is considered a use of deadly force. And therefore, when a bean bag is deployed the attorney general's office has to be notified just as they are in a shooting. There is a bill in the legislature right now to exempt the use of bean bags from the deadly force definition in Maine law, it's just went out of committee with an ought-to-pass designation but at this point we would have to notify, we notify the Attorney General's office when we deploy a bean bag.

DS – But regardless of how it's categorized, has anyone ever been killed by a bean bag?

? – Yes. You have to aim for the torso. If you hit somebody in the head there's a good chance you can kill them, unfortunately. And officers are trained obviously to aim for the torso.

DS – What about rubber bullets?

? – We don't have those.

DS – Why not?

? – I can't answer that for you, I'm sorry.

DS – So we have, we don't have any policy against rubber bullets, right?

? – Correct.

DS – Okay. Chief Craig, do you have any thoughts about the use of rubber bullets as opposed to tasers or bean bags in general?

JC – I think it's another tool, except, like a bean bag shotgun, rubber bullets, the delivery system is a bit awkward, and certainly when you exit the car if you have a taser device it's compact, you wouldn't necessarily, or what I'd recommend is that officers, when they go into a situations, particularly if they don't know what they're getting involved in, to get out of the car with this long rifle device. To a community member they may view that

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as a shotgun or a rifle, and so it would tend to agitate a situation and in fact the situation may not warrant the deployment. So it's another tool that's used and more varietous situation, but to have it, it's an awkward device, just like the bean bag. Due to size.

DS – Okay, thank you. Any further questions, comments, concerns, limericks or rock lyrics? All right.

KD – No, just to adjourn. I move to adjourn.

[end of tape]