

San José Mayor and City Council
200 E. Santa Clara St.
San José, CA 95113
Fax: (408) 292-6207
Attn: Agenda Desk

Via facsimile

Re: Item 8.2, November 29, 2005, Council Meeting: Acceptance of the Independent Police Auditor's 2005-Mid-Year Report and Police Department response

Dear Honorable Mayor and City Council:

We are writing to urge you to implement sensible regulations regarding use of Tasers by the San Jose Police Department. The San Jose Police Department currently lacks any specific policy addressing Taser use. In 2004, the Department deleted its Taser policy that prohibited its use "on restrained, unconscious, non-combative, or otherwise incapacitated persons."

No research independent from Taser International has been conducted to determine that Taser use is safe to use on vulnerable individuals or even, more generally, on humans. At the same time, there is a growing body of anecdotal evidence about police shocking children, minors, pregnant women, those with disabilities and elders. Some of these incidents involved injuries and even death. Given the lack of unbiased research and the anecdotal stories of post-Taser injuries, we think it irresponsible for any police department to use a device that can be lethal without specific policies on its use.

Across the country, a wide range of organizations are calling for more specific and limited policies on Taser use; in some jurisdictions, Taser use has been banned until better research is done. A number of police departments and trade groups have called for better policies on how Tasers should be used. In May, a Santa Clara County grand jury recommended that local law enforcement agencies adopt policies regulating Taser use. Just last week, the Independent Police Auditor called for San Jose to implement regulations for Taser use.

We urge you to put the following rules in place with regards to the San Jose Police Department's use of Taser stun guns:

- Tasers should not be used on restrained, unconscious, non-combative, or otherwise incapacitated persons.
- Unless the situation is life-threatening, children and minors, elders, pregnant women, and people with disabilities should not be shocked with a Taser. The health hazards are too great.

Letter to San José Mayor and City Council

November 28, 2005

Re: Item 8.2, November 29, 2005, Council Meeting: Acceptance of the Independent Police Auditor's 2005-Mid-Year Report and Police Department response

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· SJPD policies should set specific guidelines addressing repeated Taser shocks on an individual. Taser International itself states that “repeated, prolonged and/or continuous exposures to the Taser may cause strong muscle contractions that may impair breathing and respiration” A man died in Vallejo, for example, after being shocked 17 times by police Tasers.

· Tasers should not be used on people engaging in passive civil disobedience. Political protesters sometimes engage in passive resistance such as sit-ins. They should not be subject to Taser shocks.

Thank you for consideration of our request to implement reasonable regulations around the use of Tasers by San Jose police.

Sincerely,

Kyra Kazantzis

Directing Attorney

Public Interest Law Firm

Steve Preminger

Chair

Santa Clara County Democratic Party

Paul Isaacs

Deputy Director

Council on Aging Silicon Valley

Richard Hobbs

Evan Low

President

Silicon Valley LGBT Democratic Club

Bob Applebaum

President

Evergreen Democratic Club

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