

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Executive Office

SUBMITTAL DATE:
July 13, 2010

**SUBJECT: 2009-10 Grande Jury Report: Riverside County Sheriff's
Department Less-Lethal Weapon Devices**

RECOMMENDED MOTION: That the Board instructs Riverside County Sheriff's Department to forward to the Executive Office – within 30 days – a draft of the Board's response to the findings and recommendations of the Grand Jury that pertain to the Department's operational areas; and direct the Executive Office to submit draft responses to the Board within 60 days.

BACKGROUND: The attached report has been issued by the Grand Jury.

Section 933 (c) of the Penal Code requires that the Board of Supervisors comment on the Grand Jury's recommendations pertaining to matters under the control of the Board, and that a response be provided to the Presiding Judge of Superior Court within 90 days.

Draft responses received from the affected department will be consolidated and presented for the Board's consideration; the response ultimately approved by the Board will then be forwarded to the Grand Jury as required by statute.

Attachment

30daysheriff.lesslethal07.10

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD
Departmental Concurrence

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:
	Current F.Y. Net County Cost:	\$	Budget Adjustment:
	Annual Net County Cost:	\$	For Fiscal Year:

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature BY: Jay E. Orr

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
 Nays: None
 Absent: None
 Date: July 13, 2010
 xc: E.O., Grand Jury, Sheriff, COB

Kecia Harper-Ihem
 Clerk of the Board
 By: [Signature]
 Deputy

3.12

Dep't Recomm.: Consent Policy
 Per Exec. Ofc.: Consent Policy

2009-2010 GRAND JURY REPORT

Riverside County Sheriff's Department

Less-Lethal Weapon Devices

Background

The Riverside County Sheriff's Department authorizes the use of special weapons that present a formidable psychological advantage to the user and may eliminate the need for the actual deployment of weapon systems. Less-Lethal Weapon systems are to be used when force is necessary in self-defense, defense of another, prevention of escape or serious injury to persons or property. One such Less-Lethal Weapon is the X-26 Taser.

The primary function of the X-26 Taser is to create neuromuscular incapacitation by interrupting the ability of the brain to control muscles in the body. The X-26 Taser fires two small dart-like electrodes, which stay connected to the main unit by conductive wires. This creates an immediate and unavoidable incapacitation that is not based on pain and cannot be overcome, according to the X-26 Taser instruction manual.

Some Taser models, such as the X-26 Taser, also have a "Drive Stun" capability, which is the process of using the X-26 Taser as a pain compliance technique by placing it against an individual's body. This is done by removing the cartridge, then the X-26 Taser is held against the target without firing the projectiles. This causes pain without incapacitating the target.

Findings

1. The Less-Lethal Devices Manual Addendum to Department Directive #06-020 II.F.1 states: "Maximum of four effective applications per incident, either drive stun or discharge mode, whether from a single or a combination of multiple Energy Conducted Weapon(s) units." A review of a Taser report provided by the Sheriff's Department shows the Taser was used eight times on the same individual in a span of less than one minute. (See Attachment 1, Lines 0059-0066)

2. The Less-Lethal Devices Manual Addendum to Department Directive #06-020 III.F.1.b states: "When deputies deploy the X-26 Taser they need to remain aware and attempt to limit the time of each discharge to no more than five seconds." The X-26 Taser has a built-in feature that allows the user to keep track of the number of seconds activated. Deputies do not always adhere to the five-second policy. Attachment 1 shows five usages in excess of five seconds on the same individual in a period of less than one minute.
3. There is inconsistency in the use of Less-Lethal Weapons in the Riverside County jails. One facility reported the first option to gain compliance would be the Oleoresin Capsicum (OC) spray (pepper), whereas another facility would rely on the X-26 Taser. The Riverside Sheriff's Department Corrections Division Policy and Procedures does not provide guidance regarding the prioritization of the use of Less-Lethal Weapons.
4. In a review of the Corrections Division Policy and Procedures Manual it was noted section 505.07.5.6 has no designated assignment on Emergency Response Team (ERT) for the use of the X-26 Taser. However, the Less-Lethal Devices Manual section on ERT states "Deploys the X-26 Taser as directed by the ERT Sergeant".

Recommendations

Riverside County Board of Supervisors Riverside County Sheriff's Department

The Riverside County Sheriff's Department should:

1. Establish written policy detailing the number of times a X-26 Taser may be used on an individual within a specified time frame.
2. Require sheriff supervisors conduct a detailed review of all X-26 Taser reports. If a report reveals non-compliance with written policies, appropriate disciplinary action should be administered to the violator.
3. Develop realistic training exercises to assist the deputies in determining which is the most appropriate Less-Lethal Weapon rather than relying on the X-26 Taser as the Less-Lethal Weapon of choice.
4. Conduct a thorough review and update of all documentation to ensure consistency.

Seq	GMT Time	Local Time	Duration	Temp	Battery
0044	13:33:41	06:33:41	1	26	26
0045	14:23:28	07:23:28	1	25	26
0046	03:00:22	20:00:22	1	25	26
0047	14:17:06	07:17:06	1	24	26
0048	01:50:10	18:50:10	1	25	26
0049	04:18:06	21:18:06	1	25	25
0050	03:11:20	20:11:20	2	25	25
0051	01:33:24	18:33:24	1	25	25
0052	01:42:01	18:42:01	1	24	25
0053	01:47:52	18:47:52	1	24	25
0054	01:49:35	18:49:35	1	24	25
0055	06:47:14	23:47:14	1	24	25
0056	08:42:09	01:42:09	1	25	25
0057	08:42:15	01:42:15	1	25	25
0058	09:41:44	02:41:44	1	24	25
0059	09:57:32	02:57:32	6	34	24
0060	09:57:40	02:57:40	6	35	23
0061	09:57:46	02:57:46	5	35	23
0062	09:57:59	02:57:59	6	36	22
0063	09:58:09	02:58:09	6	36	22
0064	09:58:18	02:58:18	6	36	21
0065	09:58:24	02:58:24	5	36	21
0066	09:58:30	02:58:30	5	36	21

Recorded X26 Time Changes

Seq	GMT Time	Local Time	Change	Type
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End of Report.

ATTACHMENT 1



RIVERSIDE COUNTY GRAND JURY

(951) 955-8990 OFFICE • (951) 955-8989 FAX

June 23, 2010

Riverside County Board of Supervisors
County Administrative Center
4080 Lemon Street, 1st Floor
Riverside, CA 92501

Subject: 2009-10 Grand Jury Report:
Riverside County Sheriff's Department
Less-Lethal Weapon Devices

Dear Board Members:

Please note that Penal Code Section 933 et seq., specifies that you respond within ninety days. Further, it specifies that this report be kept **confidential for a minimum of two working days** prior to public release. The contents of this report will be made public after the close of business **June 25, 2010**.

Sincerely,

John B. Todd, Foreperson
2009-10 Riverside County Grand Jury

JBT:gs
Attach.