

MEMORANDUM

URBANA POLICE DEPARTMENT

To: Mayor Diane Marlin, Urbana City Council
From: Civilian Police Review Board, Deputy Chief of Police Richard Surles
Date: March 5, 2020
Re: Performance Review of TASER Program

Background

During the approval process of TASERs, City Code 19-53 was approved on February 2, 2015. This section requires the police department and CPRB to:

“...conduct a thorough evaluation of this Division 4 twelve (12) months after its effective date. The review process shall include an analysis of this Division 4’s strengths, weaknesses and effectiveness. The CPRB and the police department shall tender written reports to the mayor and the city council summarizing their respective findings and recommendations. The report provided for in this section shall be tendered in a timely manner but not later than three (3) months after the commencement of the review and evaluation process.”

After a special meeting of the CPRB on September 25, 2019, city staff discovered that the required report discussed above was never prepared nor was it presented to the mayor and city council as required by city ordinance. In an effort to come into compliance with this city code, the CPRB and police department are now tendering this report to the mayor and city council.

Number of TASER Incidents

Since TASERs were issued to specially trained Urbana police officers in early 2015, to date there have been 61 incidents where an officer utilized a TASER against a human in a non-training environment. Of the 61 incidents, 54 of those were merely a display of the TASER. Seven incidents involved the discharge of the TASER. The CPRB has reviewed 39 individual cases, which included three discharge cases. The reason that the remaining cases (22 in total) have not been reviewed by the CPRB thus far was based on the vote to no longer review display incidents (18 displays) or because the case is still pending in court (4 discharges). The pending discharge cases will be reviewed by the CPRB when the pending court cases are completed.

CPRB/UPD Review Process

The review process included providing a redacted copy of police reports and associated video in advance of a CPRB meeting, a public showing of the video with a summary of the event in question. The CPRB would then ask questions on police policy, procedure, tactics, etc. Over the course of the last five years, there have been hours of conversations between the CPRB and police department staff. The CPRB has the ability to refer matters back to the police chief for a secondary review. The CPRB has not referred any of the reviewed incidents back to the chief of police to date.

Special CPRB Meeting on September 25, 2019

During this CPRB special meeting there was a discussion about review of TASER displays and discharges. A motion was put forth, seconded and approved in a voice vote of 6 ayes and zero nays. The approved motion stated that TASER displays would not be reviewed automatically, however, TASER discharges against humans in a non-training environment would be automatically reviewed. The robust discussion in advance of the vote to reduce the review of incidents indicated that the CPRB felt that further continuous, automatic review of TASER displays would not be an efficient use of the board's time.

Division 4 – Strengths, Weaknesses, Effectiveness Analysis

Strengths

1. The CPRB and the police department have developed and improved their relationship over nearly five years. A mutual trust and understanding has developed through this process between CPRB members and police department staff.
2. The CPRB has continued to ask questions regarding police policy and procedure on a multitude of subjects during this time. That questioning has provided a certain level of oversight of the police department and conversely education to the CPRB members.

Weaknesses

1. The TASER review process has been inefficient for both the CPRB and police department staff. The process has been so thorough as to begin to impede the work of police staff due to case review preparation. The process became a nearly a full-time job in and of itself due to the volume of cases at any one time.
2. The use of the TASER camera did not provide as much video footage as the board would have liked. That was because the TASER was often pointed at the ground. Audio recordings, at time, were difficult to understand. However, through the advancement of police department equipment, body worn cameras were purchased and issued. Those provided high quality video and audio recordings.
3. The department's TASER policy is also out of date based on an elimination of the TASER Camera and utilization of body worn cameras instead. Police department staff has worked with members of the CPRB on revising the policy.

Effectiveness

1. The review process, while arduous and at times monotonous, provided a solid base for CPRB understanding of some of the realities of police work and police procedure. This work, despite the discussed challenges, has simply matured the CPRB review process so that a more pointed review of TASER usage can begin. It is only for this reason that the CPRB has elected to only automatically review TASER discharges.

Recommendations

The CPRB, through their September 25, 2019 vote, has provided a specific recommendation to modify the review process. That process, again, will automatically include review of TASER discharges. Nothing prevents the CPRB from requesting a specific TASER display from being reviewed however.

Police staff will continue to provide the human relations officer TASER display incident reports. Those incident reports will be redacted by the HRO office and available for inspection upon request by CPRB members. The opinion of city legal and former HR Director and Human Relations Officer Todd Rent is that this process will not require a modification of city ordinance, nor any action of the city council on behalf of the CPRB.

Police staff will issue the modified department TASER policy to update references to currently used technology (body worn cameras). The changes will be entirely administrative and not substantively change the policy. Much of this work has already been completed. Once finalized, the policy will be published to the department.

Police staff has modified the department use of force policy to include supervisor investigation of TASER discharges to reflect the current practice. This policy related to supervisor investigations of use of force was published at the end of 2019.

Introduction

The CPRB wishes to thank the mayor, city council members, city staff and the citizens of Urbana for the trust and patience in this process. We wish to specifically thank ex-Chief Pat Connolly for the initial organizing and policy co-authorship.

It is quite apparent that the design, implementation and review of this policy and these cases are taxing on staff time. We like to thank Chief Seraphin and Deputy Chief Surlis for their routine attendance at our meetings and their patience. In addition we must thank HRO staff including: Vacellia Clark, Todd Rent, Monique Williams, and Preston Williams without their dedication our jobs would be impossible.

Background

As some of us remember the process of engaging the community about the acquisition of Tasers and their use in Urbana was a long and somewhat heated process. After a series of meetings where the council chambers were often at over-capacity the decision to proceed with a measured and constantly reviewed Taser implementation was made. During these meetings the CPRB pledged responsibility for the thorough review of all Taser use. We have worked hard to review, comment upon and seek updates to documentation and policy where warranted. We hope our communities trust in this process continues to have merit.

Implementation

Each Taser review session is guided by an Order of Proceedings (Appendix A) which specifies actions required. This includes a web-based pre-meeting review of each case by Board members, public viewing of written reports and redacted video and audio followed by review of Taser Usage forms and a presentation by a police representative. At the close of each review the members opt to either recommend or not recommend policy changes and a roll call vote is called. In this manner the public can be assured of a systematic and thorough review that provides feedback to UPD.

Materials Provided During Review*

Initial Police report form (Appendix B)

Supplemental report forms (Appendix C)

Taser Usage Form (Appendix D)

TaserCam, Body camera, squad car video (Appendix E)

* All redacted as required to provide anonymity

Strengths

The lengthy review of approximately 40 Taser use incidences has allowed the CPRB the opportunity to better understand:

- 1) The action and reaction of those citizens in contact with police regarding Taser display and discharge. In a majority of Taser displays the persons involved easily recognize the device or respond immediately to verbal warning about Taser display. In some cases the persons involved are in such a highly charged frame of mind that display does not impact the situation. In these cases others in the scene have often noted the presence of the Taser to the primary person involved and helped reduce their level of anxiety. In very few cases and only with the most belligerent person involved does the Taser seem to further agitate them. There have only been 3 discharges (defines as the firing of the Taser at the person involved) by Urbana officers. Two of these were immediately effective and one had to be followed by a "drive stun" (the hand to hand use of the Taser probes on the body of the unit) to be successful. In no cases did the use of the Taser result in a further escalation of the incident or the use of deadly force.
- 2) The situational attributes of the individual police officer as they respond to potential harmful actions. Quite often during the course of reviewing the audio and video it becomes evident that officers practice many calming tactics which contribute to non-violent conclusions. This "on the street" perspective was exceedingly valuable. After almost 40 display reviews, we now have a fuller picture of the routine Taser implementation. A particular incident comes to mind, when several officers were trying to negotiate a young man who seemed mentally unstable. The calming voice of an officer and the objects knowledge of the presence of the Taser worked hand in hand to de-escalate the situation. The board commended this during the review. In fact, at several times in the process of dozens of case reviews the most often comments were; "Good police work", "no one was hurt".

In 2018 a secure portal was constructed on the City website and CPRB members were given access. Videos from Taser use (both display and discharge when germane) are posted there prior to meetings. Also available on this portal are the Taser Use form filled out with each display or discharge and the officer incident and supplemental reports.

Police representatives were always very patient with our questions about the process and results even if we had to be educated about the finer points of protocol or reasons for action.

Although we have never been through a scenario training session explicitly on the use of the Tasers, we have interacted with the shooting simulator at the ILEAS facility and have found this helpful to understand the frame of mind of officers involved in rapid decision making. In addition several Board members have attended the more advanced scenario training during the Citizens Police Academy at the UIUC- Police Training Institute.

Several times during the reviews, suggestions came forth from the Board regarding how the usage log was filled out and a few minor inconsistencies were corrected. Although the group has recently decided not to review each Taser display, much was learned these past several years. Yes, even if we were often just looking at red dots flashing by an officers feet. In fact, we concur that the CPRB has become comfortable with department Taser tactics as a direct result of the prior 100% review.

Weaknesses

The review process has been sometimes tedious and requiring lots of time. Time not only to review and comment, but many hours in video redaction, file transfer and storage requirements. In Attachments you may click on the URL to show a typical Taser display incident.

Although the audio channel on the TaserCam provided an important and interesting glimpse into the work being done, it was often garbled and therefore hard to use. In addition, the Tasers often were pointed down during display and we didn't get much usable video. Body worn cameras should eliminate this concern.

Further work needs to be done to update the TASER policy as related to the introduction of body cameras and further development of the use of the body camera images may require more thought and action. Initial reactions are very positive. As with the original development of the Taser policy, CPRB members will partner with the department to revise forms and policies related to the change from TaserCam to body camera.

Effectiveness

Because of the 100% review process we used until recent changes, the Urbana community can have better confidence in the way Tasers are used by Urbana Police officers. When we as Board members are asked whether we think Taser usage is fair, reasonable and effective I believe we can answer in the affirmative. Taser displays only have been efficiently used several times to gain control of situations in a non-violent manner and the very rare discharges have been effective deterrents as well as judiciously apply. This leads to smaller chances of injury to both the perpetrator and police officer.

Recommendation

Continue the review of Taser discharges as planned.

Edit all pertinent documents and report to the City Council the new reporting policy for discharges only.

Work with the UPD, staff and community members to address deficiencies and the changing requirements of all Urbana citizens regarding Taser use.

ATTACHMENTS

- A) Review of Taser Utilization/Order of Presentation
- B) Initial Police report form
- C) Supplemental report form
- D) Taser Usage Form
- E) URL to short Taser display video