

## MEMORANDUM

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**TO:** Thomas J. Fountaine, II, Borough Manager  
Borough of State College

David J. Gray, Senior Vice President for Finance and Business  
The Pennsylvania State University

**FROM:** Mark H. Bergstrom, Chair   
TASER Advisory Committee

**DATE:** June 1, 2016

**RE:** TASER Advisory Committee (TAC) -- Final Report

Please find attached the Final Report of the TASER Advisory Committee. The Committee was established in May 2015 by the Borough of State College and The Pennsylvania State University as an independent advisory committee "to consider the various use of force reports with the use of TASER during the first year of their authorization." The committee served for a 12-month period (May 31, 2015 – June 1, 2016) and met quarterly to review the reports and policies of each department involving incidents of TASER deployment.

Thank you for your consideration in establishing the TASER Advisory Committee and in entrusting the members with this important review. The members have confidence in the manner in which the program was implemented and is now operating. Feel free to contact me (814.863.4368 or [mhb105@psu.edu](mailto:mhb105@psu.edu)) if you have any questions or if I can be of any further assistance.

Enclosure

cc: Thomas King, Chief of Police, Borough of State College  
Michael Lowery, Interim Chief of University Police, The Pennsylvania State University

# FINAL REPORT -- TASER ADVISORY COMMITTEE

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## Introduction

In February 2015, the Borough of State College and The Pennsylvania State University (PSU) Police Departments authorized their officers to use Conducted Energy Devices (CED) (also known as Conducted Energy Weapons) manufactured by TASER International. The X26P Advanced TASER is the only device authorized for use by the Departments. The TASER is designed to interrupt a subject's central nervous system by deploying battery powered electrical energy. The TASER has two applications: Drive Stun Mode, in which the TASER is applied directly to the subject resulting in pain; and Probe Stun Mode, in which compressed nitrogen cartridges propel two insulated wires with small end probes to make contact with the subject's body, resulting in the loss of neuromuscular control and which causes involuntary muscle contractions and overrides voluntary motor responses.

Prior to the deployment of TASER, both the State College and Penn State Police Departments spend more than a year developing procedures, policies and protocols based on best practices and recommendations in the law enforcement community. The U.S. Department of Justice's 2007 Report on Local Police Departments found that 78% of local police Departments serving populations similar in size to State College authorized the use of CED's. The Pennsylvania State Police (PSP) and numerous municipal police Departments serving Centre County are authorized to use CED's, including Bellefonte Borough and Ferguson, Patton and Spring Townships.

The TASER Advisory Committee was established in May 2015 by the Borough of State College and The Pennsylvania State University as an independent advisory committee "to consider the various use of force reports with the use of TASER during the first year of their authorization." The purpose of the Committee was to provide an external process for review of the use of TASER by officers of the State College Borough and The Pennsylvania State University Police Departments, thereby increasing the expectation of effective policies and procedures related to the use of TASER.

The duties of the TASER Advisory Committee included review of the following:

- Reports received from the Chiefs of Police of the two Departments, including internal reviews, reports on effectiveness, and final determinations, in all instances involving TASER uses:
  - TASER is drawn and trained on a person;
  - TASER is deployed in drive stun mode; or
  - TASER is deployed by discharging a TASER cartridge at a person.
- A summary of all TASER related complaints received from the public and the disposition of each complaint.
- At the end of the Committee's term, make recommendations on administrative or supervisory police policies, procedures and training regarding the use of TASER. The Committee's recommendations are advisory only and are non-binding on the Police Departments.

The Committee consisted of five members appointed by the Borough Manager, with the Chiefs of Police of the Borough of State College and The Pennsylvania State University serving as ex officio, non-voting members.

## FINAL REPORT -- TASER ADVISORY COMMITTEE

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### Appointed members

Mark H. Bergstrom, Executive Director (Committee Chair)  
Pennsylvania Commission on Sentencing

Susan E. Bardo, Esq., Attorney  
Stover McGlaughlin

Lames W. Locker, Jr., Member  
State College Civil Service Commission

Doris L. MacKenzie, Ph.D., Professor of Criminology  
The Pennsylvania State University

Emily McDonald (PSU Student), President  
University Park Undergraduate Association

### Ex Officio (non-voting) members

Thomas King, Chief of Police  
Borough of State College

Tyrone Parham, Chief, University Police and Public Safety (2015)  
Michael Lowery, Interim Chief of Police (2016)  
The Pennsylvania State University

### Summary of Meetings

The TASER Advisory Committee held eight meetings between May 31, 2015 and June 1, 2016. These included the following: an organizational meeting; an orientation and training meeting; four quarterly meetings to receive and review reports on TASER use from the Chiefs of Police; a Town Hall meeting to provide information and receive public comments; and a meeting with Police Officers to discuss their experiences with the use of TASER. A brief summary of each meeting, including issues discussed and recommendations made, is provided. For the four quarterly meetings, information on TASER use and any complaints received is also provided. In addition, the Committee Chair attended a meeting of the Task Force on Policing and Communities of Color (11/5/2015) to provide an overview of the Committee's work, to hear concerns, and to extend an invitation to attend the Town Hall meeting.

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## FINAL REPORT -- TASER ADVISORY COMMITTEE

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June 10, 2015

### **Organizational Meeting**

(State College Municipal Building)

Issues discussed:

Review of TASER Advisory Committee charge.

Review of decision to authorize use of TASER after many years of research; decision considered whether it was a good option as well as the community's perception.

TASER use in region: Pennsylvania State Police (PSP), other municipal police Departments in county.

Review of TASER policies & procedures adopted by each police Department: storage & assignment; deployment procedures; post-deployment procedures; appropriate medical attention after TASER use; post-deployment reporting.

Since the two Departments work side-by-side on many occasions, the policies and procedures adopted are similar. TASER draws do not go before the Conduct & Procedure Review Board; deployments do.

Scheduling of training, orientation and TASER demonstration.

Scheduling of four quarterly meetings.

Recommendations made:

None.

June 26, 2015

### **TASER Training & Orientation**

(Central Pennsylvania Institute of Science & Technology)

Issues discussed:

TASER International PowerPoint presentation addressing: technology, neural muscular incapacitation, target area, probes vs. drive stun, data logs.

Use of force overview (decision-making process by officers); location of TASER in continuum; factors that impact perception of control.

*Graham v. Connor* (reasonable officer standard)

Overview of de-escalation training: Crisis Intervention Training; MILO simulation training system; OODA Loop (Observe, Orient, Decision, Action).

MILO Test System (simulation training).

TASER demonstration; electrical pulse effect does not cause any long-term health issues; once 5-second electrical pulse has ceased, subject will not feel any additional disruption of central nervous system; ambulance called to scene of all TASER activations so that the person may be immediately evaluated by medical personnel.

Recommendations made:

None

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June 1, 2016

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August 26, 2015

### **Quarterly Meeting #1**

(State College Municipal Building)

#### Reports from Departments:

- TASER Draw: PSU = 0  
SC = 6
- TASER Stun or Discharge: PSU = 0  
SC = 4
- Complaints received: None

#### Issues discussed:

Review of report format to be used to review cases; any injuries (officer or suspect) will be noted on form.

Members received written policies and procedures from Borough; PSU unable to redact document in order to provide written TASER Policies to Committee (PSU is not subject to Right-to-Know (RTK) Law and the policy document is deemed confidential).

Review of survey of similar universities and host municipalities; many of the universities are not authorized to use TASER, but often rely on municipality for police services; many of those municipalities are authorized to use TASER.

Review of experiences from MILO simulation training and the multiple scenarios; discussion of need to make quick decisions and need for decompression time after incident.

Discussion of use of OC (Oleoresin Capsicum) spray, also known as pepper spray, both as individual units and fogger; discussed where use of OC spray was located in use of force continuum; questions regarding circumstances warranting use of OC spray vs. TASER.

Observation that most cases of draw or discharge of TASER involved individuals under influence of drugs or alcohol or mental illness.

During review period (three months), of 10,960 calls received by State College Police, TASER drawn on six occasions and discharged four times.

#### Recommendations made:

Obtain objective data on factors that may impact use of TASER, such as drug/alcohol involvement (e.g., portable breath test) or mental illness (evaluation).

Differentiate between drive stuns and probe discharges; in incidents involving multiple uses, provide explanation.

At some point, Committee should meet with officers who have used TASER to discuss policies and procedures.

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## FINAL REPORT -- TASER ADVISORY COMMITTEE

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November 4, 2015

### **Quarterly Meeting #2**

(State College Municipal Building)

#### Reports from Departments:

- TASER Draw: PSU = 6  
SC = 1
- TASER Stun or Discharge: PSU = 0  
SC = 2
- Complaints received: None

#### Issues discussed:

Both Police Departments have incorporated BAC (blood alcohol count) tests into their policies; officers will request, but an individual has the right to refuse to take the test.

There is no mechanism to communicate information related to a mental illness evaluation to the Police Department (HIPAA).

Details on types (stun, discharge) and multiple uses of TASER in a single incident are now incorporated into the reporting, as well as the reasons for multiple uses.

Discussed factors that may impact decision to use TASER; single officer, back-up response time; staffing availability (football weekend).

Discussed circumstance that led to two officers in a single incident drawing TASER, instead of one serving as cover; erratic behavior of suspect, physical surroundings, officer in training, officer injury contributed to decision.

Discussion of the role of TASER, often limited to draws, brought about compliance and reduced threat of injuries to officers and suspects.

During review period (three months), of 7,236 calls received by State College Police, TASER was drawn on one occasion and discharged two times.

#### Recommendations made:

Maintain statistics on TASER use by race/ethnicity, gender, age; recognition that with very small numbers, it may be best to have at least one year of data before releasing to the public.

Scheduling of a public meeting and a meeting with officers.

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## FINAL REPORT -- TASER ADVISORY COMMITTEE

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February 10, 2016

### **Quarterly Meeting #3**

(State College Municipal Building)

#### Reports from Departments:

- TASER Draw: PSU = 1  
SC = 3
- TASER Stun or Discharge: PSU = 0  
SC = 0
- Complaints received: None

#### Issues discussed:

PSU reported alcohol was a contributing factor in the one draw case during the quarter; at least half of campus use of force incidents related to alcohol. Public awareness of TASER may result in reduced use; some concerns that high scrutiny of TASER use may undermine utilization by officers when most appropriate tool.

#### Issues discussed:

*Armstrong v. Pinehurst* (mental health; limited use; threat to self or other).

Drexel University research (deficits in cognitive functioning – verbal learning and memory – for up to one hour after TASER; may undermine knowing, intelligent, voluntary waiver of rights); incorporated 60-minute delay in Miranda warning into Borough policy; being reviewed by PSU.

Funding for Borough & PSU TASER through general funds (not supported by grants); each TASER costs @ \$1,000 (including holster and additional cartridges).

#### Recommendations made:

None.

However, members commended the Departments for quick action in incorporating recommendations and emerging research into policies & procedures.

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February 10, 2016

### **Town Hall Meeting**

(State College Municipal Building)

#### Presentation:

Police Departments: Overview of procedures by both Departments, including mention of 8-hour training requirement and passing written test before being authorized to use TASER.

Advisory Committee: Overview of TASER Advisory Committee charge and activities to date; key take-away from Committee members include: the focus on reduction in harm to all parties; the effectiveness of a TASER draw alone; and the high incidence of intoxication and mental illness in circumstances where TASER has been used; and the impression by members that the Departments' policies are evolving based on best practices, court decisions and current research.

#### Issues discussed:

Issues and concerns raised by audience included: interest in race/ethnicity, gender and age of those who have been subjected to TASER; stigma and distrust regarding use; delay in establishing Committee until after first use of TASER; questions regarding differences in policies between Borough and PSU; questioning about whether TASER could be removed one purchased; recommend continued and increased community involvement.

#### Recommendations made:

Implement program to publicize TASER use to widest audience possible; distinguish local use and policies from misuses receiving national coverage, recognize that individuals living in State College and on campus may have experienced abuses elsewhere; be sensitive to student/faculty turnover and that any efforts to educate the public must be sustained and repeated.

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## FINAL REPORT -- TASER ADVISORY COMMITTEE

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May 3, 2016

### **Quarterly Meeting #4**

(State College Municipal Building)

#### Reports from Departments:

- TASER Draw: PSU = 2  
SC = 5
- TASER Stun or Discharge: PSU = 0  
SC = 0
- Complaints received: None

#### Issues discussed:

Review of issues identified during previous meetings for incorporation into final report; while impairment and mental illness are common factors associated with TASER use, they are also common factors with many arrests by the Departments.

Mechanisms to inform and educate public about TASER in this region should include: relevant information on TASER use; recognizing TASER as an appropriate tool in the use of force continuum; acknowledging the responsible use TASER by local officers who are guided by well-developed policies; documenting where possible the benefits of the use of TASER in reducing harm and achieving compliance, often without need for stun or discharge.

#### Recommendations made:

Develop an annual report and other education/dissemination tools to build and maintain public confidence in the TASER program; provide ongoing access to information identified throughout process (draw/stun/discharge), including break-out by race/ethnicity, gender and age, as well as injuries sustained.

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May 3, 2016

**Meeting with Police Officers (six officers representing both Departments)**  
(State College Municipal Building)

Issues discussed:

TASER is an essential tool; most encounters end through talking, but at times need response to resistance.

TASER is not a punishment mechanism; it is a control mechanism.

Different definition of 'use of force' used by the two Departments; a TASER draw is a PSU use of force, but Borough requires further step (laser on suspect).

Concerns were raised about standard for using TASER (subject needs to be actively resisting); may be too late, especially if single officer; suggest consideration of pre-assaultive behaviors.

Concerns were raised about cross-draw mandate; larger officers may have difficulty accessing TASER from holster.

Recommendations made:

Consider policy changes that provide greater discretion to officers responding alone; investigate alternate procedures to mitigate cross-draw problems.

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### Conclusion & Recommendations

Throughout the 12-month process, the State College Borough and Penn State Police Departments provided information and assistance to the TASER Advisory Committee without interfering with the independent review being conducted. They were open and responsive to suggestions made by the Committee.

Several recommendations have been embraced by both Departments. This includes efforts to improve the information collected about: substance abuse and mental illness as contributing factors in the use of TASER; reasons for multiple deployments of TASER; injuries sustained during the deployment of TASER; and the tracking and reporting of demographic information on the use of TASER, including the race/ethnicity, gender and age of those subjected to TASER.

The Committee found that the State College Police Department *Policy Manual* effectively addresses the administrative and supervisory police policies, procedures and training regarding TASER use. The Department is to be commended for its actions during this review period to incorporate new provisions, particularly those responsive to persons of diminished capacity. The Committee does recommend a review of policies regarding the use of TASER, and whether a different standard should apply when a single officer is responding to an incident.

One limitation of the Committee's review is that members did not receive the University's written policies and procedures. While assured that the TASER policies are similar to those adopted by the Borough, it would be helpful if this information could be made public. While the Committee is confident from the review of cases that the University is following best practices, it is also important that the public shares this view; increasing the information available about these policies would be beneficial.

The Committee believes transparency and public education are needed to foster greater acceptance of and confidence in the use of TASER. Because of the turnover in the population in the region, efforts in these areas need to be ongoing and varied so as to reach many audiences. It is important to communicate the unique role of TASER in the use of force continuum, the necessary and appropriate use of TASER in certain circumstances, and the benefits in terms of reduced harm and enhanced officer safety.

To this end, the Committee is recommending the preparation and release of an Annual Report, including important background information on the policies and procedures in place, and an accounting of the use of TASER during each year. Because of the close working relationship between the Borough and the University, a joint report by the two Departments may be an efficient approach to delivering useful information to the town & gown community. The information collected and disseminated should be available for use in future evaluations of the efficacy of the program.

In closing, the Committee wishes to thank and recognize the Borough staff, as well as the officers of both Departments who conducted the orientation and training, and those who met with the Committee to discuss their experiences and share their expertise. We are especially indebted to Chief King, Chief Parham, Interim Chief Lowery and Assistant Chief Moerschbacher, for their involvement and leadership, and their time and patience, in providing detailed reports and answering endless questions.