



**PART II**

**OBSERVATIONS, RECOMMENDATIONS,  
AND CORRECTIVE ACTIONS**

**MIR·FOX & RODRIGUEZ, P.C.  
OBSERVATIONS, RECOMMENDATIONS,  
AND CORRECTIVE ACTIONS**

TABLE OF CONTENTS

	<u>Page</u>
HPD CED Focus Groups	29
CED Inventory Count	50
Digital Power Magazine	52
Training Cartridges	52
Unrecorded Inventory	53
Scanner	53
Spark Test	54

## OBSERVATIONS, RECOMMENDATIONS, AND CORRECTIVE ACTIONS

### HPD CED FOCUS GROUPS

#### Background

MFR analyzed the CED deployments by officer, and noted that 803 officers have deployed their CEDs during the Scope period as summarized below. Our analysis further indicated that 803 officers deployed their CED for a total of 1,417 deployments during the Scope period that resulted in 1,284 service/incident reports summarized as follows:

Number of Times an Officer Deployed a CED	Total Number of Officers	Total Number of Deployments
1	492	492
2	156	312
3	90	270
4	26	104
5	23	115
6	7	42
7	1	7
8	4	32
9	2	18
10	0	0
11	0	0
12	1	12
13	1	13
<b>Total</b>	<b>803</b>	<b>1,417</b>

In the table above it should be noted that more than one officer may have deployed their CED related to an individual service/incident report.

MFR formulated six groups of officers who had been issued Conducted Energy Devices (CEDs) to discuss their CED related issues. Officer in this context is defined as a classified employee of the following ranks: Officer, Senior Police Officer, Sergeant, and/or Lieutenant. Each group had approximately 25 participants. Each Focus Group session lasted approximately two hours.

### ***Focus Group Composition***

The preliminary results of the statistical analysis performed by the University of Houston Center for Public Policy (UH CCP) Team indicated that the deployment of CEDs varied between certain racial groups of officers. To gain a better understanding of the preliminary statistical results, six groups were formulated as follows:

#### *Focus Group One*

Officers were judgmentally selected from a list of all officers who were issued a CED and had never deployed their CED in the line of duty.

#### *Focus Group Two*

Officers were judgmentally selected from a list of African American officers who had either deployed or not deployed their CED in the line of duty.

#### *Focus Group Three*

Officers were judgmentally selected from a list of Latino officers who had either deployed or not deployed their CED in the line of duty.

#### *Focus Group Four*

Officers were judgmentally selected from a list of Anglo and Asian officers who had either deployed or not deployed their CED in the line of duty.

#### *Focus Group Five*

Officers were judgmentally selected from a list of officers (all races) who had deployed their CED less than five times in the line of duty.

#### *Focus Group Six*

Officers were judgmentally selected from a list of officers (all races) who had deployed their CED more than five times in the line of duty.

The officers that MFR selected for each group were required by HPD to attend their assigned focus group. MFR checked off their names on the selection list to ensure that the officers who were present were the ones asked to attend the focus group. Several of the officers expressed their appreciation for the opportunity to give their comments related to the CED and did so freely as there were no representatives from HPD executive level management attending the Focus Group sessions.

## OBSERVATIONS, RECOMMENDATIONS, AND CORRECTIVE ACTIONS

### ***Discussion Outline***

The discussion format for each of the six Focus Groups was the same and the MFR discussion leader used the following outline:

- Introduction - The discussion leader assured the officers that their identity would not be associated with their comments. The MFR auditors who served as note takers during each session were instructed not to record either the officer's name or badge number.
- Objectives and Scope of the Conducted Energy Device Program Performance Audit were presented to the officers.
- Officers were told that the purpose of the Focus Group meeting was to have an open discussion about CEDs to identify potential areas of improvement by HPD and/or the City.
- General discussion questions were as follows:
  1. Do you see the CED as an effective tool in securing compliance?
  2. Do you use the CED as a substitute for other intermediate devices (e.g. baton)?
  3. Do you feel that the CED is a safe tool to use?
  4. Would you like to see CEDs discontinued?
  5. Have you used your CED and then followed the use of the CED by another intermediate device(s) or your revolver?
  6. CED Training:
    - a. Do you feel that you have had adequate training related to the CED?
    - b. Do you feel other officers have had adequate training related to the devices?
    - c. What additional training do you feel is needed?
  7. Would you recommend that HDP/the City purchase the camera attachment for your CED? If so, why? If not, why not?
  8. Our preliminary statistical results indicated that African American officers use CEDs less than Latino and Anglo officers, both in general and for suspects of different races/ethnicities including African American, Anglo, and Latino. In your opinion and given your experiences, "What are the possible reasons for this difference?"
  9. Based on our preliminary results we found that African American suspects are more likely to be shocked by a CED than Latino, Anglo, and Asian suspects. In your opinion and given your experiences, "What are the possible reasons for this difference?"
  10. In light of the comments made here today, are there any HPD policies related to CEDs that HPD should consider for issuance and/or revision?
  11. Any other comment and/or recommendation related to CEDs that you would like us to consider?

## OBSERVATIONS, RECOMMENDATIONS, AND CORRECTIVE ACTIONS

The discussion leader asked the eleven questions in order to generate discussion within the group. MFR is pleased to report that each officer in each group made a contribution. Some officers contributed more than others.

### Observation

#### **Summary – Focus Group Comments**

There were numerous comments made by the officers to each of the discussion questions that are detailed later in this section of the report. The general overall responses made by each of the Focus Groups to each of the questions are summarized in the following table:

Discussion* Question	Group** One	Group** Two	Group** Three	Group** Four	Group** Five	Group** Six
1. Do you see the CED as an effective tool in securing compliance?	Yes (83%)	Yes (60%)	Yes (75%)	Yes (100%)	Yes (71%)	Yes (100%)
2. Do you use the CED as a substitute for other intermediate devices (e.g. baton)?	No (100%)	Yes (71%)	Yes (50%)	Yes (75%)	Yes (100%)	Yes (100%)
3. Do you feel that the CED is a safe tool to use?	Yes (100%)	Yes (70%)	Yes (75%)	Yes (100%)	Yes (100%)	Yes (100%)
4. Would you like to see CEDs discontinued?	No (100%)	No (100%)	No (100%)	No (100%)	No (80%)	No (100%)
5. Have you used your CED and then followed the use of the CED by other intermediate devices or your revolver?	No (100%)	No (100%)	No (100%)	No (100%)	No (90%)	No (90%)
6. Do you feel that you have had adequate training related to the CED?	No (90%)	No (90%)	No (100%)	No (70%)	Yes (75%)	Yes (100%)
7. Would you recommend that HDP/the City purchase the camera attachment for your CED?	No (100%)	No (100%)	No (100%)	No (100%)	No (100%)	No (100%)

\* Discussion questions are described in detail in the previous section *Discussion Outline*

\*\* As described in the *Background* Section of HPD CED Focus Groups.

- Group One - Officers who have not deployed a CED
- Group Two - African American Officers who may or may not have deployed their CEDs in the line of duty
- Group Three - Latino Officers who may or may not have deployed their CEDs in the line of duty
- Group Four - Anglo and/or Asian Officers who may or may not have deployed their CEDs in the Line of duty
- Group Five - Officers (all races) who deployed a CED less than five times
- Group Six - Officers (all races) who have deployed a CED more than five times

**Focus Groups General Responses, Continued**

<b>Discussion* Question</b>	<b>Group** One</b>	<b>Group** Two</b>	<b>Group** Three</b>	<b>Group** Four</b>	<b>Group** Five</b>	<b>Group** Six</b>
8. Our preliminary statistical results indicate that African American officers use CEDs less than Latino and Anglo officers, both in general and for suspects of different races/ethnicities including African American, Anglo, and Latino. In your opinion and given your experiences what are the possible reasons for this difference?	African American officers may diffuse the situation verbally.	African American suspects have more respect for African American Officers, hence the CED is not required as often.	African American officers may diffuse the situation verbally.	African Americans do not think situations are out of control.	African American officers may diffuse the situation verbally.	African American officers may not have many violent suspects.
9. Based on our preliminary results we find that African American suspects are more likely to be shocked by a CED than Latino, Anglo, and Asian suspects. In your opinion and given your experiences what are the possible reasons for this difference?	African Americans tend to make more calls for services.	African American officers are familiar with dealing with diverse ethnic groups.	Calls for services tend to be higher in the African American communities.	African Americans are shocked more because they commit most of the crimes.	More African American suspects in high crime areas.	African American suspects will fight police before Anglo or Latino suspects will.

\* Discussion questions are described in detail in the previous section *Discussion Outline*

\*\* As described in the *Background* Section of HPD CED Focus Groups.

**Focus Groups General Responses, Continued**

<b>Discussion* Question</b>	<b>Group** One</b>	<b>Group** Two</b>	<b>Group** Three</b>	<b>Group** Four</b>	<b>Group** Five</b>	<b>Group** Six</b>
10. In light of the comments made here today, are there any HPD policies related to CEDs that HPD should consider for issuance and/or revision.	Reduce the amount of internal paperwork related to CEDs.	Reduce the amount of internal paperwork related to CEDs.	Reduce the amount of internal paperwork related to CEDs.	Reduce the amount of internal paperwork related to CEDs.	Reduce the amount of internal paperwork related to CEDs.	Reduce the amount of internal paperwork related to CEDs.
11. Any other comment and/or recommendation related to CEDs that you would like us to consider?	Officers would like to have the option of what they can wear on their tool belt as many of them are running out of room for the CED and cartridges.	Officers would like to have the option of what they can wear on their tool belt as many of them are running out of room for the CED and cartridges.	Officers would like to have the option of what they can wear on their tool belt as many of them are running out of room for the CED and cartridges.	Officers would like to have the option of what they can wear on their tool belt as many of them are running out of room for the CED and cartridges.	Officers would like to have the option of what they can wear on their tool belt as many of them are running out of room for the CED and cartridges.	Officers felt that they use the CED less in relation to other officers as they arrest more suspects.  Officers would like to have the option of what they can wear on their tool belt as many of them are running out of room for the CED and cartridges.

\* Discussion questions are described in detail in the previous section *Discussion Outline*

\*\* As described in the *Background* Section of HPD CED Focus Groups.

## **Detailed Focus Group Comments**

Specific noteworthy comments made by the officers during the Focus Group sessions in relation to the discussion question are as follows:

*Discussion leader asked the officers the following question(s) and the detailed response(s) that were noted are listed below.*

### **1. “Do you see the CED as an effective tool in securing compliance?”**

- “Absolutely, it saves lives.
- It depends on the situation.
- It’s just another tool to have.
- It’s simply an option.
- Good deterrent. It makes people think twice.
- It depends on the individual officer.
- The taser puts the suspects on the ground.
- Yes, the suspect is not going to fight with you when you ask them to get on the ground.
- It looks worse when someone is beaten with a baton or flashlight than when a suspect is tased.
- Presentation of the taser often secures compliance.
- Psychologically, it’s a threat when presented to the suspect.
- There is a lot more compliance when the suspect sees the device.
- Yes, if the person is on drugs and has beaten his wife.
- It’s a great tool when you are using it to protect yourself.
- It depends on the circumstances.
- Sometimes it works on a person and sometimes it doesn’t. It depends on the clothing and level of intoxication.
- Generally, an effective tool.
- It does nothing to help suspects on PCP (Phencyclidine is a hallucinogen similar to LSD but can be much more dangerous).
- It doesn’t work on drug abuse suspects.
- It doesn’t work on subjects with mental disabilities.
- It’s not the first step in securing control.
- It’s ineffective when suspects are so intoxicated that it seems like they are on drugs.
- Sometimes, the device has been known to fail to deploy.
- It depends on what you are dealing with at the scene.
- All the policies make the tool ineffective.
- The paperwork makes you think twice about using it.”

*Discussion leader asked the officers the following question(s) and the detailed response(s) that were noted are listed below.*

**2. “Do you use the CED as a substitute for other intermediate devices (e.g. baton)?”**

- “Yes.
- The consequences are different for using it.
- Training and policies are different.
- Tenure plays a big part.
- It depends on situation.
- It depends on different factors (station you train with, shift, etc.)
- There is confidence that the taser will work.
- Demographical tenure determines the use of the taser.
- Once I give you my command and you don’t comply, I’m gonna help you. I have never discharged my weapon.
- It’s a good tool.
- It is a more advanced weapon and it is effective.
- It’s better than anything else we have.
- We use it when we’re in fear of getting hurt. When we’re being attacked by a heavy-set person.
- Absolutely. Before the taser, we used the baton or mace. These tools were ineffective because you had to get close. If you weren’t close, you would end up spraying other people with mace.
- It’s better than shooting someone and is less harmful.
- Yes, we are using it more because we are being trained more.
- It’s more effective than the pistol.
- The CED is more effective because pepper-spray gets into officers’ eyes even after getting in the patrol car.
- It’s a great tool. It should not be discontinued.
- If he (the suspect) has something in his hand, I am going to pull my gun.
- Forty years ago, we fought because we weren’t trained with tasers. There are so many elements that you have to decide before you use it.
- That’s how we react because of what could happen. We don’t think about policies.
- If a person is aggressive, we’re going to stop him. No, no, we gave you a command. We don’t worry about the consequences.
- In the old days, we would apprehend a person and write the letter tomorrow.
- We already know what we need to do before we get out of the car. It’s going to be my way.”
- An additional comment by most officers that had not deployed a CED, was that, “They would use it.”

*Discussion leader asked the officers the following question(s) and the detailed response(s) that were noted are listed below.*

## **2. Officer's responses continued:**

- “The department gave us this BS training. We go for what we know. If that’s what you know, then you do what you know. I fight with these (puts up fists). If I happen to look at my belt, I realize, Oh, I got this thing right here. Let me use this taser. For years, we’ve done it this way (puts up fists)
- Hesitant to use CED because of the way the policies are written.
- Every time I come within pistol range (i.e. of the suspect) everything is fine. We played with it in roll call, but we found out it didn’t click like it was supposed to sometimes.
- There’s not enough time to figure out which one to use.
- The younger guys are more apt to use it.
- The taser is not reliable.
- It’s not always the safest tool. Sometimes when suspects are tased, they pull darts out and officer has to threaten to shoot him/her.
- No, because face plates (i.e. blast doors) fall off.
- Reports that have to be written after deploying tasers are time-consuming so, I would rather not use it.
- I have used it and it didn’t work. So, I ended up shooting the suspect. I do not trust the taser because it is not dependable.
- Does not work when suspect is under the influence of drugs. For example, a guy that was on drugs was tased 14 times until he went down. The next day he was sent to jail and he was rejected back to the hospital.
- I have not used it. The pepper spray works fine.
- I would prefer hands on first rather than use CED.
- I’ve seen it work and not work.
- Sometimes you don’t have time to pull out the taser. The other weapons are faster to use.
- I have to reconsider using the CED because policies continue to change. There are too many to keep up with and there is too much red tape involved with it.
- It’s not a replacement for the baton.
- I can’t carry other intermediate devices (i.e. baton).
- The situation must be almost perfect to use it. Now, we can’t use it on the people that run.
- In the drop program, we don’t care about the policies and procedures. It’s a scare tactic with the younger people, We’re going to fire you, if you screw up.
- We have not gotten anymore training than, unsnap, here it is, and that’s it.
- It is the last weapon I would use because of the way they make us carry it. It’s not accessible.”

*Discussion leader asked the officers the following question(s) and the detailed response(s) that were noted are listed below.*

**3. “Do you feel that the CED is a safe tool to use?”**

- “Yes, it’s the safest tool we could have gotten if it works.
- It’s not a fix all, but a great tool.
- There are no lasting health repercussions.
- It’s safe if it works on the individual that it’s used on.
- Yes, if you already have it in your hand and it works. It is what it is. It’s a safe tool sometimes if it works.
- It’s safe based on the info you get from the department and the media.
- Death is usually a result of a pre-existing condition.
- It’s safer than the baton and the pepper spray.
- The paperwork can take you up to 3 hours. It’s a safe tool ultimately, but the public is not as aware as they should be.
- There should be continued training and open dialogue on this device.
- The protocol for having the taser on the belt is a bad decision and makes it unsafe for officers.
- There are some problems with the CED.
- A gun is a safe tool; it depends on who uses it. There are a lot of problems with the taser, especially, the cartridge.
- The perception the public gets is not clear when the press gets, ‘No comment’ responses from the department.
- Has it been proven to cause death?
- The public’s ignorance makes it seem like an unsafe tool.
- The department doesn’t back up the officers in the media.”

*Discussion leader asked the officers the following question(s) and the detailed response(s) that were noted are listed below.*

**4. “Would you like to see CEDs discontinued?”**

- “No.
- No, they should not get rid of it. We just weren’t adequately trained for this tool.
- I am 185 lbs and I don’t wanna have to fight him (as he points to a very large officer). He can call me old, but I’m using the taser.
- I think about the taser after the arrest. I should have tased that suspect. I should have put that heat on his behind.
- I would not like to see them discontinue the CED. However, I would like to have a choice to carry it or not.
- I would rather carry the taser. If other officers prefer other tools, they should be able to carry what ever they feel comfortable with.
- Keep them if officer is able to use it at their discretion/judgment. They don’t have to watch us like children and tell us when to use the CED.
- No, it’s a great tool. However it has administrative problems. It has saved suspects’ lives.
- Yes, take them away because there are too many restrictions for using it.
- Are they going to take our guns away?
- It’s not going to happen (i.e. take away the taser) no matter what we say.
- I would like an option to carry it or not.
- The department is putting too much into figuring out which tool to use.
- The decision to use the CED has to be made in less than one second. There are so many restrictions for using them that you need too much time to think about whether to use it or not. There are too many rules. The policies make it difficult to use.
- Too much red tape makes it hard to use the CED.
- It has too many connotations. A political game is played when the taser is used.
- It breaks more than it works.
- Instructions in the beginning were to shoot suspects on passive resistance.
- The department does not trust us enough to decide when to use the tool.
- I would rather use the baton.
- The department doesn’t trust the officers to use it wisely.
- The tasers draw media.
- The department needs to stand by what they told the officers in the beginning.
- It requires more paperwork for the supervisors.”

*Discussion leader asked the officers the following question(s) and the detailed response(s) that were noted are listed below.*

**5. “Have you used your CED and then followed the use of the CED by other intermediate devices or your revolver?”**

**Officers’ responses were as follows:**

- “Yes, because the CED did not work as intended. A homeless individual had a heavy jacket and darts did not penetrate skin. Therefore, it did not work.
- During a struggle an officer stunned himself and had to revert to hands-on approach.
- I had to use my hands after using the taser.
- I never witnessed a CED that did not work.
- Tenure makes a difference.
- We use other tools because of habit or initial training.
- People don’t want to deal with the effects of the taser. The suspects see it as a threatening tool. Especially, when they see the laser dot on them.
- If someone came up to another officer and pulled a trigger on him, you don’t have that kind of time to think and respond.”

**6. a. “Do you feel that you have had adequate training related to the CED?”**

**Officers’ responses were as follows:**

- “Are they training cadets to use the tool in mock crime scenes?”
- You have to be tased to carry the taser in smaller departments.
- The new officers have had more training.
- Annual training is not enough. However, I understand it is costly.
- More training will make me more comfortable with working with the CED.
- You can’t adequately train someone with the CED until you are in the actual situation.
- The officers are reluctant to use the CED when it doesn’t work. Hence, more training is needed.
- Not enough training may cause uncertainty on when and how to use the CED.
- Not enough training because we have too many accidental uses.
- You need to have a heart and no fear.
- You need to understand what causes a suspect to act a certain way.
- Judgment is important.
- How about consistent training?”

*Discussion leader asked the officers the following question(s) and the detailed response(s) that were noted are listed below.*

**b. “Do you feel other officers have had adequate training related to the device?”**

Many of the officers responded to this question by saying that “The training had not been consistent.”

**c. “What additional training do you feel is needed?”**

**Officers’ responses were as follows:**

- “Consistent training is needed (instructions are not clear - they change on a continuous basis).
- There are inconsistent policies about removing darts. Judgment calls have to be made continuously.
- May need training to recognize signs of PCP.
- CIT-Crisis Intervention Training. Forty hours are required.
- Encourage media to go through training and get tased.
- The younger officers are relying too much on the tasers. If it doesn’t work they’re not sure what to do next.
- Most female officers can talk a suspect down more often than male officers.
- What more can be taught?
- The taser can kill you too if you leave it on them for 45 seconds.
- There is nothing in place and no adequate training.
- What scares me about the training is that we may have to be shocked as part of the training. Some departments have to do that and I don’t want to have to do that.
- The Fondren location structure was suggested for all stations. It has an officer on each shift trained to use a CED.
- During roll call it takes 10 minutes to update and review the CED.
- We need more training on how to write more articulate reports.
- The people at the top need to sit through some training or ride on a patrol.
- In policy, it is stated that medical condition of suspect should be known.
- The Sgt. or EMT can remove darts if it’s above the neck or in the groin.”

*Discussion leader asked the officers the following question(s) and the detailed response(s) that were noted are listed below.*

**7. “Would you recommend that HDP/the City purchase the camera attachment for your CED? If so, why? If not, why not?”**

**Officers’ responses were as follows:**

- “I don’t like it. The camera on the CED will not capture everything.
- The camera only catches a portion of situation.
- It will be another item that can be broken. It’s too costly.
- It will be extra weight on our belts.
- It would increase second guessing for using the CED.
- No, in that case put a camera on our shoulder to see everything that happens and not just what happens after the darts are deployed.
- I would see this as a problem because it would only record when taser is used and not what happened before it was used.
- The people viewing tape will not judge situation correctly.
- The cameras may be used against the officer.
- No, because the camera would only be good to record last seconds of situation. It will not capture entire situation.
- The vulgar language would be captured. We are forced to use it because that is the only way the suspects comply.
- It’s not a good idea and it’s not necessary.
- The camera captures piecemeal situations.
- Adding the camera may decrease the use of the CED by officers.
- You’re going to be guilty with the media no matter what.
- The camera results will be on MySpace and YouTube.
- When you use the taser camera, Channel 13 is going to show a clip of me saying, ‘Listen \*#\*#\*#\*#’. Then they’re going to look at me and ask, ‘Now, why did you tase him?’
- They are too bulky.
- They are designed to get the officer in trouble.
- Policing in the City of Houston is not what you see on Law and Order. It is not clean.
- What is the camera going to do for the officers?
- Police work is not clean. It’s violent, real, and not what’s on television.”

*Discussion leader asked the officers the following question(s) and the detailed response(s) that were noted are listed below.*

8. **“Our preliminary statistical results indicate that African American officers use CEDs less than Latino and Anglo officers, both in general and for suspects of different races/ethnicities including African American, Anglo, and Latino. In your opinion and given your experiences, ‘What are the possible reasons for this difference?’”**

**Officers’ responses were as follows:**

- “Most African Americans officers grew up fighting and wrestling. If you can’t talk them down, you fight them.
- It’s in the genes of the African American officers.
- African American officers use the gift of gab.
- Some officers are looking for a fight.
- Look at the seniority of the officers that are using the CED’s.
- It depends on the area of the City that you work in.
- You have to be able to read people. I can talk to this guy or I need to fight this guy. It comes with experience, you can’t teach this in the Academy.
- You have to take control when you step on the scene.
- The veterans are not training the new officers any longer. The veterans taught the new officers when to use force.
- Field training officers have tenure of two years which is not enough experience to train new officers.
- Tenure and shift are major factors. More CEDs are used on the night shift.
- Cultural awareness in Academy doesn’t help with what you experience on the street.
- Tenure plays a part.
- African American suspects are less likely to be compliant to a Anglo officer.
- The style of African Americans officers. (communication, respect).
- The rearing techniques of African Americans.
- African American officers’ approach is different.
- The CED may be used more in high crime rate areas.
- Perhaps, they don’t feel like situation is out of control and don’t think it is necessary to use the CED.
- Perhaps, African Americans are more compassionate towards some people.
- African American officers know the people where they patrol and don’t want to use force against suspects.
- Everyone just wants to get a paycheck and go home safely.
- Perhaps, people calling police are calmer with the African American police officers attending to the call.
- Sometimes ethnicity affects the way the suspect responds. Sometimes suspects will only respond to someone of their own ethnicity.
- Officers working in higher crime rate areas will have more incidents.
- More senior officers may be African American. Seniors are probably less likely to use the CED.”

*Discussion leader asked the officers the following question(s) and the detailed response(s) that were noted are listed below.*

**8. Officer's responses continued:**

- "Sometimes people don't want to speak to an African American officer.
- A lot of African American people don't like police, so they instill that mentality into the younger generation. As soon as an Anglo officer gets out of the car, it becomes a problem.
- African American suspects can relate to African American officers better.
- Different life experiences can play a role. Some African American officers can talk down suspects.
- It depends on the area you are patrolling in the City."

**9. "Based on our preliminary results we find that African American suspects are more likely to be shocked by a CED than Latino, Anglo, and Asian suspects. In your opinion and given your experiences, 'What are the possible reasons for this difference?'"**

**Officers' responses were as follows:**

- "The calls for service tend to be a lot higher in the African American community.
- The suspects have no future plans (i.e. they live for the moment).
- Racist officers are doing the tasing.
- New officers are trained a certain way by officers.
- African American officers are used to dealing with diverse groups.
- Stereotypes can play a role.
- It can be based on fear and lack of knowledge.
- When a person gets in trouble they bring up race issue and the race card is thrown.
- Whoever is committing the most crimes is being tased the most.
- The suspects of African American ethnicity do not want to look bad in front of their peers.
- Cultural issues can play a role.
- The crime rate is higher in the African American race.
- The African American culture is more aggressive. The suspects have more attitude and are more combative.
- It is directly in line with who is committing most crimes.
- The calls for service may contribute. African Americans are more likely to call police.
- Latinos may not call because of legal status.
- Look at the crime rate amongst ethnicities.
- The size of African American suspects can contribute to the amount.
- If an Anglo officer works in an African American neighborhood, he or she is going to taser more African American people."

*Discussion leader asked the officers the following question(s) and the detailed response(s) that were noted are listed below.*

**10. “In light of the comments made here today, are there any HPD policies related to CEDs that HPD should consider for issuance and/or revision?”**

**Officers’ responses were as follows:**

- “It was a good tool when it came out. However, policies make it hard to use. Improve it or get rid of it.
- Why does there have to be some aggressive force before using the CED?
- You do not have to articulate some other form of force.
- It’s not about what happens, but how it’s written up.
- Assistance is needed for officers to write better reports.
- No cameras for tasers.
- Tasers are tested every morning to make sure they are operating correctly.
- How do you classify taser on the call slip? (When to use it or not to use it)
- If senior officers had partners, there probably wouldn’t be a great need for tasers.
- The department may not be thinking safety with the use of tasers.
- How many more officers could we have if they use the money from the purchase of tasers, and taser training, etc?
- It’s funny that we have to test it every morning during roll call.
- Testing it says how reliable they are. There is battery failure and holster snap is weak. How many more options are we going to use? Why y’all tell us we can’t have partners anymore?
- Some things could be condensed. There is too much paperwork.
- Different opinions form confusion about the situation. Too many reports have to be written. Sometimes, supervisors write reports when they have not even witnessed what occurred.
- You have to articulate why you do what you do. It’s too complicated to use the CED.
- We should go back to if they are not compliant you should be able to tase them.
- We need to mirror the state law.
- Liability is an issue that you have to worry about when using the CED.
- IAD (Internal Affairs Division) complaints.
- The City should implement the same amount of GOs for the CED as any other compliance tool the officers have available.
- The CED is the only situation where the supervisor has to write a supplemental report. However, no supervisor supplement report is written for any other compliance weapon. We recommend the elimination of the supplement report.
- Eliminate the incident letter for the taser.
- Keep the CED in uniform with other weapons similar to it.
- The CED was media written.
- Paperwork should not be required for the accidental use of the CED.”

*Discussion leader asked the officers the following question(s) and the detailed response(s) that were noted are listed below.*

**10. Officer's responses continued:**

- “The policy needs to be revised. There is too much paperwork involved for the CED.
- The supplement report is beneficial because it will help the officer. The supervisor gives an opinion.
- IAD (Internal Affairs) complaint - two reports will support situation better than one.
- There are too many restrictions. There should be restrictions, but tasers should be allowed to be used for people not complying.
- Revise the restrictions and broaden the use of the CED.
- The City would rather pay for broken windows on an officer's car rather than pay for a lawsuit. Do not suggest allowing officers to use taser to make suspects comply even when they are in the car.
- Dry stunning is not as effective as using the darts. There is a pain issue.
- If tasers are kept, change the rules for using them.
- They want us to go out there and see a neat situation.
- There is too much controversy when tasers are used.
- We do not do a good job of writing reports.
- The policy has to be consistent and the training needs improvement.
- The tasers break too easily.
- There is not much faith in the device. Officers would rather jump on the suspect because when they tried to use the taser the first time it didn't work.
- The frequency of failure is getting higher and causing more problems.
- When one officer messes up, the policy should not change for everyone across the board.
- Management should come out on the street to see how it happens.
- You got over worked officers in Houston. There are not enough officers on the street.
- The amount of money you put in the tasers could be the number of officers back on the streets. Partners working on the street.”

*Discussion leader asked the officers the following question(s) and the detailed response(s) that were noted are listed below.*

**11. “Any other comment and/or recommendation related to CEDs that you would like us to consider?”**

**Officers’ responses were as follows:**

- “We would like to see the CED issued to investigators.
- Officers don’t wear the CED because it falls off easily and you have to write a report.
- There is an administrative letter you have to write every time the CED goes off.
- The tasers are under a lot of scrutiny.
- Can you increase the voltage in the tasers?
- A lot of people base things on what makes sense. A lot of times things don’t make sense. I am a fifty year old man. This is how I do it. We deal with a situation with a little more patience and so do the Latino officers.
- We go through all these cultural diversity classes. If I get an African American woman with a hand on her hip and shaking a finger in my face, I won’t see it as a threat. I deal with that at home.
- What comes out of this is not going to matter. They already made their minds up. They could take a vote of no by 80% that we don’t want to carry it any more. We are going to carry it. When it goes back up to Big Daddy we are still going to carry it like it or not. We were ordered to attend this. For some of us, it’s our day off or just getting off work. It’s her day off today. We were ordered. If you came and asked who would come to this you will be talking to yourself.
- The holster needs to be improved. Is the City of Houston considering other providers for them?
- Manpower is an issue when using tasers.
- Although it should be used as an intermediate device some of us have run out of room on our belts for it.
- I will go to my grave before I use it. I will use the baton or flashlight.
- It gives an officer a false sense of security. With the CED as opposed to with other weapons (baton, pepper-spray) you have to ask yourself, ‘What are you doing?’
- When you taser suspects you have the possibility of getting chastised by the public. This makes you less likely to use the CED.
- Scrutiny from the department is the biggest problem when using it.
- They should have maintenance on the CED so it will function properly.
- They need to hire more qualified policemen. The shortage of staff puts an officer in a more likely position to use the CED.
- The squad system is spread thin. When back up is called it takes too long to respond.
- When I call for back up on the night shift all I hear is crickets.”

*Discussion leader asked the officers the following question(s) and the detailed response(s) that were noted are listed below.*

**11. Officer's responses continued:**

- "Language barrier is a factor (Asians & Latinos).
- Gender comes into effect. Women may be more likely to use a taser on a male. The size of the suspect matters.
- Male officers are less likely to use it on female. However, if necessary it will be used.
- Dogs are being tased to get to suspects.
- The department does a horrible job of explaining things.
- The communication between levels of tiers (i.e. within HPD) does not exist. The top tier cannot communicate with lower tier. The lowest tier cannot communicate with highest tier.
- Trigger happy officers mess it up for everyone.
- More policies are written because of the bad officers.
- When officers speak out, they are categorized as disgruntled and prone to get fired.
- Results without risks are expected.
- HPD management feels like the CED results are irrelevant.
- Lower rank's opinions are taken, but not used.
- It's the Chief's idea to have tasers in the first place.
- They tell us to use it, but when we use it they question us about it.
- If an officer speaks out he/she is fired.
- This study means nothing. Nothing will change.
- This discussion is not going anywhere. No one is going to do anything about it.
- The department just wants to be able to say they listened to their officers and they performed a study.
- The media has helped get the word out about the taser.
- You have to have a perfect situation to use it on a suspect that is 21 feet away.
- Most female officers can talk a suspect down more often than male officers.
- They gave us the taser, so we wouldn't accidentally use our gun.
- They said it was a toy and would help keep us from fighting. Then they came up with policies and procedures. I want to give it back to them at this point.
- The upper management needs to take calls."

MFR noted that certain observations and comments kept reoccurring during the meetings and they are summarized as follows:

- Most officers in the sessions complained about the paperwork requirements for CEDs.
- Officers wanted more training in report writing.
- Several officers want carrying the CED to be optional like the other intermediate weapons. Many of the officers commented on the size of their tool belt and how it affected their ability to enter and exit their patrol car as well as the tool belt weighed them down during a foot pursuit.
- Officers really appreciated the opportunity to be heard.
- Several officers thought that the CED was effective and is becoming well known because they have had suspects plead with them once the suspect sees the laser dot from the CED on their body.
- HPD management was perceived as a top down style and officers believe that executive management did not adequately support them. Certain officers appeared to have a lack of trust for executive management.
- Most officers seemed to have little to no racial bias and certain officers questioned why MFR had segregated Focus Groups.
- Most officers wanted to retain the CED as an intermediate weapon; however, HPD needs to reduce the paperwork requirements to that of other intermediate weapons.
- Several officers appeared to need clarification on the applicable GO's.
- Officers wanted the CED rules changed so they could deploy a CED on a suspect who was fleeing. Currently, several of the officers believed they could not use a CED on a fleeing suspect.

## AUDIT DETAILS, OBSERVATIONS, RECOMMENDATIONS, AND CORRECTIVE ACTIONS

### CED INVENTORY COUNT

#### Background

The inventory records for the CEDs and the cartridges were maintained at the Academy. Each police station is required to maintain a record of the replacement cartridges issued to their officers from the station's cartridge inventory.

GO # 400-26 - "Conducted Energy Devices" Section 6 requires that:

"Officers trained in the use of and issued a CED will wear it all times while wearing the official uniform, even while working extra employment". Furthermore "Officers may also carry an approved pouch for carrying a spare CED cartridge (in lieu of attaching the cartridge to the handle of the CED)."

In summary the CEDs were issued to each patrol officer with two cartridges and they should be carrying one CED and two cartridges.

#### Observation

MFR selected a judgmental sample of 100 officers who were issued a CED to verify that the serial number of their CED and the serial numbers of the CED cartridges that were assigned to them by HPD were accurately recorded in the respective HPD inventory records. The officers were selected from six roll calls at four police stations, Westside, Southeast, North, and Northwest and certain officers were selected at the Academy.

MFR counted a total of 100 CEDs and 173 cartridges. Thus 26 of the 100 officers did not retrieve their second cartridge for the Audit Team to record the serial number and one officer had both cartridges missing. The officers gave the following reasons:

- "Cartridge is in the trunk of my vehicle
- Cartridge is at home
- Blast doors fell off the cartridge
- I lost my second cartridge while chasing a suspect
- Cartridge will not stay on the handle of the CED
- I have no room on my tool belt
- Have not had time to do the paperwork
- Did not want to be reprimanded for loss of City property
- The officer in charge of the cartridges at our station only works the day shift"

In addition to the 26 officers noted above four officers went to their vehicle to get their second cartridge so that the Audit Team could record the serial number.

## AUDIT DETAILS, OBSERVATIONS, RECOMMENDATIONS, AND CORRECTIVE ACTIONS

For the sample of 100 officers, MFR traced the serial numbers from all 100 CEDs to the inventory records at the Academy, **no exceptions were noted**. Based on the results of the CED testing, the risk for unaccounted CEDs is very low.

For the sample of 100 officers, MFR traced the serial numbers for only 110 of the 173 cartridges to the cartridge inventory records. The officer at the Academy had been on sick leave and had a backlog of CED replacement cartridge serial numbers that had to be input into the computerized cartridge inventory. MFR has provided the officer at the Academy the serial numbers of the remaining 63 cartridges to trace into the inventory records, once he has completed inputting the backlog of replacement cartridge serial numbers. MFR also noted that all serial numbers of cartridges purchased by HPD were recorded on the manufacturer's shipping documentation that was received and maintained by the Academy. Even though HPD has adequate physical safeguards over CED inventories and HPD is aware of all of the CED cartridges that are in its possession, there is a risk that HPD may not be able to determine to which officer a certain CED cartridge had been assigned.

### Recommendation

MFR recommends that HPD review their policy related to replacement CED cartridges as the officers have such a reluctance in carrying their extra cartridge primarily because of their fear of losing and/or damaging it as well as the related paperwork. Additionally, HPD needs to consider a more efficient record keeping system to reduce the risk of losing accountability for cartridges.

## AUDIT DETAILS, OBSERVATIONS, RECOMMENDATIONS, AND CORRECTIVE ACTIONS

### DIGITAL POWER MAGAZINE

#### Observation

A Digital Power Magazine (DPM) or commonly known as a battery, is an integrated power magazine containing lithium battery cells and a solid state memory module for tracking the CEDs power consumption. The memory module also has the date, time, power level remaining, and contains the latest Manufacturer's software update for the CED.

According to GO # 400-26, Section 12 CED or DPM Replacement, the officer is required to write a letter to be reviewed and approved by the supervisor who in turn drafts a letter to the commander. Upon approval, the officer will take copies of the approvals to the Taser Office at the Academy for a replacement DPM. We were told that the DPMs were failing more frequently now that certain CEDs were over 3 years old. Since the frequency of failure has increased, DPMs are being replaced without the authorization letters in order to reduce the officer's time away from work.

#### Recommendation

We recommend that HPD review and assess the DPM failures and the amount of time officers are spending to get them replaced. Consideration should be given to a more cost effective and efficient replacement process.

### TRAINING CARTRIDGES

#### Observation

The boxes of cartridges issued to the Academy Defensive Tactics Office for training purposes had the same capacity as the ones issued to the officers and police stations. During the audit we noted that the records did not indicate to whom the cartridges were given during training.

#### Recommendation

To reduce the risk of inaccurate reporting of issuance of cartridges, MFR recommends that HPD implement a process to improve the controls over training cartridge inventory.

#### Corrective Action

HPD has revised the training cartridge process. Process improvements include, the CED training cartridges are now a blue color and can be easily identified by HPD.

## UNRECORDED INVENTORY

### Observation

The original cartridges that were received during the initial shipment of CEDs were not recorded in HPD's inventory records at the Academy's Taser Office. The officer in charge of the CED records told the Audit Team that the initial batches totaling approximately 1,300 cartridges were issued very quickly to the officers which did not give the Taser Office adequate time to develop an inventory process. Subsequent to the initial issuance of the cartridges, a process has been developed to record all cartridges.

MFR noted that there were six CEDs in the Defensive Tactics Office of the Training Division that were not recorded in the CED inventory records. The Training Division told the Audit Team that these CEDs were received from the manufacturer without charge and as a result were not recorded in the inventory.

### Recommendation

MFR recommends that upon receipt from the manufacturer, all the CEDs and cartridges that are assigned to an officer be recorded in HPD's CED inventory tracking system at the Taser Office.

### Corrective Action

HPD has recorded the six CEDs in the Defensive Tactics Office of the Training Division in the HPD CED inventory tracking system. The Taser Office is continuing to work on recording the 1,300 cartridges.

## SCANNER

### Observation

All CEDs, cartridges, and DPMs have a serial number and a corresponding bar code. During the audit, MFR noted that the bar code scanner was more accurate and faster to record the serial numbers into the HPD CED tracking system; however, during the audit, the bar code scanner was temporarily out of order and has since been repaired. MFR did not note any bar code scanner(s) or access to the Taser Office CED tracking system in the police stations visited during the audit. The police stations were recording the serial numbers manually. The manual numbers were then manually entered into the CED tracking system at the Taser Office at the Academy.

### Recommendation

To improve the system of internal control, MFR recommends that HPD consider installing bar code scanners in all of the police stations to facilitate the recording and issuance of the CEDs, cartridges, and DPMs. Furthermore the scanners could be part of a centralized HPD CED tracking system that would contain the serial numbers of the CED and cartridges assigned to each officer.

## AUDIT DETAILS, OBSERVATIONS, RECOMMENDATIONS, AND CORRECTIVE ACTIONS

### SPARK TEST

#### Background

GO # 400-26 - "Conducted Energy Devices" Section 6 "Spark Test" requires that,

"Roll call supervisors will document witnessing spark tests on the roll call sheet and ensure all officers on the sheet conducted a spark test."

#### Observation

MFR noted that while attending roll calls during the CED and cartridge inventory test counts that the roll call supervisors were not consistently recording the witnessing of the spark test. Certain roll call supervisors had the officers record the Spark Test on their job card.

If the spark test is not performed regularly, the CED may fail to properly deploy the probes.

#### Recommendation

To ensure that the GO # 400-26 is being followed, MFR recommends that HPD review and revise its policy to have a periodic internal review process to ensure that roll call supervisors are adhering to GO # 400-26. The periodic review should be documented to evidence that the Spark Test had been performed.