

April 21, 2014

The Mayor and Council of the City of Calera met on April 21, 2014 at 6:30 p.m. at Calera City Hall with the following present:

Mayor: Jon G. Graham

Council Members: Ernest Montgomery, Alan Watts, David Bradshaw, Chris Bunn, Philip Busby, Bobby Joe Phillips

Department Heads: Sean Lemley, Police Chief
Reggie Darden, Building Official
Chris Pappas, City Engineer
Roy Hadaway, Finance Director
David Jones, Public Works Director
Matt Worthen, IT Manager
Seth Gandy, Parks and Recreation Director
Doug Smedley, Sewer Operations
Janet Greathouse, Library Director
Sean Kendrick, Fire Chief

Guests: Harold Cole, Fred Hoskins, Mike Bullard, Bill Davis, Preston Nail
Tom Vigneulle and Randy Krueger

Randy Krueger called the meeting to order and opened with a Word of Prayer and the Pledge of Allegiance.

Council Member Watts made a motion to approve and dispense with the reading of the following minutes:

Regular Meeting – April 7, 2014
Work Session – April 7, 2014

Council Member Bradshaw seconded said motion which was carried unanimously.

REPORTS OF DEPARTMENT HEADS:

Seth Gandy, Parks and Recreation Director, invited everyone to join us at Oliver Park this Saturday for the Strawberry Festival. Activities will begin at 8:00 a.m. with the 5K run. The festival will begin at 10:00 a.m. You can expect lots of vendors, live music, a car show, great food and a fun zone for the children.

COUNCIL MEMBER REPORTS:

Council Member Bradshaw requested Chris Pappas, City Engineer, give an update on the Sports Complex and the Highway 31 Bridge Project.

Mr. Pappas reported sod is being installed at the Sports Complex and the finishing touches on the concession stand should be completed after the sod has been installed. The Bridge plans have been submitted to ALDOT, and the remaining roadway plans are being

prepared.

MAYOR REPORT:

No report given

OLD BUSINESS:

No old business

NEW BUSINESS:

Mayor Graham introduced the following Resolution:

RESOLUTION NO. R-2014-3

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF CALERA, AS FOLLOWS:

THAT, Calera Police Department Directives Manual be amended by replacing sections number A-6.4:

**Calera Police Department
DIRECTIVES MANUAL**

Use of Taser A-6.4

Date: April 14, 2014

Purpose: To establish policy and procedure for the use of Taser.

Definition:

Conducted Energy Weapon (CEW) is an electro-muscular disruption system that causes contraction of the muscles and overrides the central nervous system, causing a temporary physical incapacitation with little to no injury or side effects. The Taser uses two (2) propelled probes to make contact with a combative subject then produces an electrical charge. This device also has the capability to be used as a “stun gun” without deploying the probes. CEWs are designed to temporarily incapacitate a person from a safer distance than other force options, while reducing the likelihood of death or serious injury. Definitions are based on the Taser-brand products (i.e. X-26, X-26 P, X2, X3, etc).

Section 1. Training, Issuing and Carrying of Taser

A. Taser Certification and Training

1. All officers shall be trained and certified in the Taser CEW before authorized to carry, use or deploy a Taser.

B. Issuing of Departmental Tasers

1. The Taser Instructor shall audit the Tasers once a month to ensure the proper reporting of Taser deployments and to inspect the working conditions of each Taser and cartridges.
2. Only Taser certified officers may carry or deploy a Taser.
3. Officers shall only carry or deploy departmentally issued Tasers.
4. Officers shall not drive-stun, Taser or point a Taser while horse-playing and doing so will be considered a serious violation.
5. Unless specifically issued to an officer, certified officers may sign out a Taser at the beginning of their shift, documenting the Taser in the checkout book. Upon checking out a Taser:
 - a) The officer shall inspect the Taser and cartridge for possible damage.
 - b) The officer shall conduct a function check, ensuring the unit is charged and functioning properly.
 - c) If a Taser or cartridge does not function properly or has been damaged, the unit shall not be checked out and the officer shall immediately report the malfunction or damage to their supervisor.

6. Checking-in the Taser

- a) At the end of shift the officer shall sign the Taser back into storage.

C. Carrying of Departmental Issued Tasers

1. All Tasers shall be carried in the departmentally approved issued Taser holster only.
2. Taser holsters shall be worn on the officers "weak-side", requiring a cross-over-draw, or weak hand draw of the Taser. (It has been reported in the law enforcement community that firearms have been unintentionally discharged because the officer thought they were holding a Taser, when in reality they were holding a firearm. Utilizing a cross-draw or weak hand draw to obtain the Taser should require more conscious thought, therefore reducing the confusion of whether they are holding a firearm or Taser.)
3. Tasers shall remain holstered and not displayed, or shown in public or private, unless removing or deploying for duty related use.

Section 2. Use of Taser (Restrictions and Cautions)

A. Restrictions

1. Punishment: officers are prohibited from using the Taser as a punitive measure.
2. Children: Tasers shall not be used on children, except when deadly force would be authorized.
3. Pregnant: Tasers shall not be used on known or reasonably suspected pregnant woman, except when deadly force would be authorized.

4. Flammable Environment: Tasers shall not be used in a flammable environment, or against a subject (s) who has been exposed to a chemical spray/agent that contains a flammable carrier.
5. Restricted Targeting Areas: Officers shall not target a subject's face, eyes, head, throat, chest, heart, breast or genitals, unless deadly force would be authorized.
6. Vehicle, heavy equipment or mobile: Officers shall not deploy or use a Taser on subjects in control of a motor vehicle, heavy equipment, Motor cycle, bicycle or other moving objects, unless justified to use deadly force and only when doing so would not jeopardize the safety of the public or other officers.
7. Multiple Tasers: No more than one officer should deploy a Taser against a single individual at the same time.
8. Health Conditions: alternative tactics shall be utilized where the officer has prior information that the subject suffers from a disability which would increase the danger to that person by using the Taser, i.e. a person at the scene tells an officer that the subject has a heart condition. The Taser may be used under these circumstances only when deadly force would be authorized.

B. Use Extreme Caution / High Risk for Injury

1. Officers shall use extreme caution when using the Taser. When the Taser has been deployed the subject's muscles should normally contract and the subject will usually fall to the ground. Officers should be aware of the environment and use caution when and where they deploy the Taser as to not cause an increased risk of injury. When practicable, the use of a Taser should be avoided on the following subject(s):
 - a) Elderly: Officers shall use extreme caution when using the Taser on elderly subjects. Officers should be aware that a fall to some elderly subjects could cause serious injuries. The use of a Taser should usually be avoided on the elderly, unless the elderly subject's actions justify the increased risk of serious injury or death by deploying the Taser.
 - b) Elevated Position: Officers shall use extreme caution when the subject is elevated off the ground; on a curb, porch, roof, bridge or other elevated position. The officer shall take into consideration where the subject may fall before deploying the Taser and should avoid the use of the Taser where a subject has an increased likelihood of being injured due to an elevated fall;

unless the subject's actions justify the increased risk of serious injury or death by using the Taser.

- c) Near Water: Officers shall use extreme caution when the subject is near a body of water or standing in mud. The officer shall take into consideration where the subject may fall before deploying the Taser and should avoid the use of the Taser where a subject has an increased likelihood of being injured due to falling in water, unless the subject's actions justify the increased risk of serious injury or death by using the Taser.
- d) Running or Fleeing: Flight from an officer, standing alone, is not justification for the use of the Taser. Officers should consider the nature of the offense suspected, the level of suspicion with respect to the person fleeing, and the risk of danger to others if the subject is not apprehended immediately. Additionally, officers should consider the type of area or environment, i.e. asphalt, railroad tracks, grass etc. (This section would not apply to a subject charging an officer or other person where the Taser would be used as a defensive tool.)
- e) Impaired Reflexes: Officers shall use extreme caution when determining to use a Taser on subjects who are highly intoxicated or are on drugs or medications that make them extremely unsteady on their feet.
- f) Restrained Subjects: Officers should avoid using a Taser on a restrained subject, unless the subject's actions justify an increased risk of serious injury.
- g) Multiple Deployments: Multiple deployments against an individual may increase the likelihood of serious injury where the individual is suffering from other symptoms, such as cocaine intoxication or other narcotics. The agency recognizes however, particularly where back-up officers are unavailable, that multiple applications may be necessary to gain or maintain control of a combative individual.
- h) Extreme Fatigue: a contributing factor to serious injury or death is the level of a subject's exhaustion. Studies recommend that when an

officer believes that control of a subject will be necessary and met with resistance, deployment of the Taser should be considered early on in the event so that the person has not reached a level of total exhaustion prior to the Taser's use.

Section 3. Use of Taser (Deployment)

- A. The intent of this agency issuing the Taser is to attempt to reduce the likelihood of injury to the officer and the offender when making an arrest. Officers should always evaluate the reasonable need to use a Taser to take a subject into custody. The Taser is not intended to take the place of the need to use deadly force, nor is it intended to take the place of the need to use empty hand control techniques or other tactics.
- B. Officers are authorized to use a Taser in response to active resistance when taking a subject into custody. The Taser may be used when the officer reasonably perceives that the resistance does not justify deadly force and when empty hand control techniques have been ineffective, or would not be effective based upon the amount of aggression and resistance displayed by the subject.
- C. The Taser shall only be used to temporarily gain control of a resisting subject and shall never be used with the intent to injure, coerce or punish a subject.
- D. Once an officer has determined to use a Taser and if other officers are present, the officer shall make all efforts to warn other officers that the Taser is being deployed. (Under stress, the shot sound of a Taser may cause another officer to think a firearm was discharged and could possibly cause another officer to discharge their firearm).
- E. When deploying the Taser, officers shall reasonably attempt to target the subject's back. If an officer is unable to obtain a back targeting zone, the officer shall target the abdomen, or consider using the Taser as a "stun-gun" or consider using other control techniques.
- F. Officers shall not target a subject's eyes, face, head, neck, groin, breast or chest area which has an increased risk of causing serious injury or death, unless the officer would be authorized to use deadly force.
- G. Once the Taser has been deployed it will deliver five seconds of electro-muscular disruptions to the subject. As long as the Taser probes are still intact in the subject, the Taser trigger can be pressed again to deliver another five seconds of electro-muscular disruptions. This may be

repeated, only as necessary to gain control of a combative or actively resisting subject.

Section 4. Use of Taser (After Deployment)

A. Removing Taser Probes

1. Once the subject is under control and secured, the officer shall visually inspect where the Taser probes entered the subject.
2. If the probes entered a sensitive area, such as the head, face, eye, neck, throat, groin, breast or blood vessel, the officer shall ensure the subject is transported to a medical facility to have the probes removed and to receive medical treatment if necessary.
3. If the probes did not enter a sensitive area, the officer shall wear rubber, latex or other protective gloves and remove the probes as instructed in the Taser certification training, or the officer can dispatch rescue to the scene to remove the probes.
4. Taser probes shall be considered Bio-Hazards and handled with extreme caution.

B. Required Medical Treatment

1. All persons who have been the subject of CEW shall be monitored for a period of time with a focus on symptoms of physical distress. A subject, who appears to be having any form of physical distress following the deployment of a Taser, shall be transported to a medical facility for a medical examination. (It should be noted that studies indicate that persons who suffer from excited delirium may not be immediately impacted and the onset of difficulty may occur a period of time after the police control event.)
2. Persons struck in a sensitive area; eyes, head, genitals, female breasts.
3. Where the probes have penetrated the skin and Officers/EMS cannot safely remove probes without causing injury.
4. Persons who do not appear to have fully recovered after a ten-minute time limit, however officers who observe unusual physical distress should immediately call for medical assistance and should not wait the ten-minute recovery period.
5. When a subject requests medical treatment.

C. Recovery of Evidence and Documentation

1. The officer shall recover, package and submit the spent or used Taser probes and cartridge as evidence.
2. Photographs of the affected area shall be taken following the removal of probes from the subject to document any injury. Where

the stun-drive method has been used, photographs are extremely important due to the increased potential for this method to cause scarring.

3. The officer shall relieve the Taser to a supervisor as soon as reasonably possible.
4. The supervisor shall download the Taser video and submit it as evidence.
5. The officer shall complete all appropriate reports, including a Response to Resistance report, before ending their shift.
6. All deployments of a Taser shall be documented, including those cases where a subject complies when warned of the use of the Taser. By documenting the non-discharge uses, an agency establishes officer judgment and control as well as the deterrent effect of this tool.

Council Member Bradshaw moved that unanimous consent of the Council be given for immediate action upon Resolution No. R-2014-3. Council Member Bunn seconded said motion and upon vote, the results were as follows:

AYES: Montgomery, Watts, Bradshaw, Graham, Bunn, Busby, Phillips

NAYS: None

Council Member Phillips moved that Resolution No. R-2014-3 be adopted. Council Member Busby seconded said motion and upon vote, the results were as follows:

AYES: Montgomery, Watts, Bradshaw, Graham, Bunn, Busby, Phillips

NAYS: None

Mayor Graham declared Resolution No. R-2014-3 adopted.

Adopted this 21st day of April, 2014.

Connie B. Payton, City Clerk

Jon G. Graham, Mayor

Mayor Graham introduced the following Resolution:

RESOLUTION NO. R-2014-4

A RESOLUTION ACCEPTING A BID FOR GRASS MOWING SERVICES FOR THE CITY OF CALERA, ALABAMA.

WHEREAS, the City of Calera has solicited sealed bids as required under the Alabama bid law; and

WHEREAS, bids were opened at Calera City Hall on April 18, 2012 at 10:00 a.m.; and

WHEREAS, bids were as follows:

Kellis Vegetation	\$34,200.00
CT Hauling	\$52,810.44
Jim Lee	\$63,375.00

- Kellis Vegetation did not meet bid specifications

WHEREAS, the Mayor and Council of the City of Calera, at the Regular Meeting on April 21, 2014 considers the recommendation of the City Engineer, Mr. Chris Pappas. The Mayor and Council will award the bid for the Grass Mowing Service in the amount of \$52,809.44 to C T Hauling.

(Copy of City Engineer, Chris Pappas letter attached to this Resolution)(Copies of Bids attached to this Resolution)

Council Member Watts moved that Resolution No. R-2014-4 be adopted. Council Member Bradshaw seconded said motion and upon vote, the results were as follows:

AYES: Montgomery, Watts, Bradshaw, Graham, Bunn, Busby, Phillips

NAYS: None

Mayor Graham declared Resolution No. R-2014-4 adopted.

Adopted this 21st day of April, 2014.

Jon G. Graham, Mayor

ATTEST:

Connie Payton, City Clerk

Guests:

Tom Vigenulle, Candidate for U.S. Congress, was present to introduce himself and share his platform with the Mayor, Council and those in attendance.

Council Member Phillips made a motion to adjourn the meeting at 6:39 p.m.

Approved this 6th day of May, 2014.

Jon G. Graham, Mayor

ATTEST:

Connie B. Payton, City Clerk