

For Immediate Release

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Folsom Police Face Civil Rights Lawsuit Charging Excessive Use of Force in Use of Taser

Sacramento, March 17, 2010 – A year after a night out in Historic Folsom on St. Patrick’s Day ended in the emergency room, a local resident has filed a civil rights suit charging that a Folsom police officer caused serious nerve damage when she unlawfully tasered him. In a complaint filed in federal court in Sacramento today, Orangevale resident Micheal Daniels relates how the Folsom officer tasered him without warning as he was walking to his designated driver’s car, leading to the loss of full use of his left arm and preventing him from returning to work in the year following the incident.

The complaint charges the Folsom police department with excessive force, failure to properly train officers in the use of force, including the use of electronic weapons such as the Taser, and condoning the use of Tasers on suspects who do not pose any danger or threat. According to the federal complaint, the department presents the Taser as a non-deadly control device when they should have known that Taser guns have been implicated in more than 346 deaths nationwide since 2001, including nine in Sacramento County alone.

On March 17, 2009, Daniels and four friends, two men and two women, celebrated St. Patrick’s Day in the Historic district of downtown Folsom, California. As the restaurants / bars were about to close, Mr. Daniels and his companions walked into the main parking lot that serves Historic Folsom’s Sutter Street area, to go to their designated driver’s car. On their way to the car, they heard yelling from a group of four or five men in the parking lot. Before Daniels and his companions could reach their car, a Folsom police sergeant drove into the lot, got out of her car and, without provocation or warning, shot Daniels with a taser gun.

The shot from the Taser completely debilitated Mr. Daniels, freezing his body with an electrical shock and causing him to plummet to the ground. He suffered a head injury from the fall. One of the Taser prongs became deeply embedded into a nerve in his arm, causing extreme pain. The prong severed a nerve and had to be surgically removed. Mr. Daniels has lost the full use

of his left arm and has been unable to return to work. He was previously employed as a home alarm system installer.

“The Folsom officer’s use of the Taser in this situation, which happened very quickly after her arrival on the scene, was clearly inappropriate and resulted in a disabling injury and ongoing financial hardship for Micheal, who posed absolutely no threat to the officer and was walking to his friend’s car at the time,” said Mr. Daniels’ attorney, Ernest Galvan of the law firm Rosen, Bien & Galvan.

Co-counsel Geri Lynn Green of the Law Offices of Geri Lynn Green in San Francisco added, “The lawsuit seeks to compensate Mr. Daniels for his injuries while shining a light on the Folsom police department’s failure to properly train their officers in the use of what can be a deadly weapon. Folsom police have been involved in several high-profile incidents involving Tasers over the past year and it’s time for the City to take a close look at how police officers are using Tasers and take steps to prevent incidents like this one from happening again.”

The case is *Daniels v. City of Folsom*, U.S. District Court for the Eastern District of California, Temporary Case No. 2:10-at-00323.

More on Tasers

According to a 2008 report by Amnesty International, ‘Less than lethal’? - The use of stun weapons in law enforcement’, “Thousands of US law enforcement agencies use Tasers: dart-firing electro-shock projectile weapons which can also be used close-up as stun guns. Tasers are among a class of weapon commonly described as “conducted energy devices” (CEDs). They work by delivering a high voltage, low current, electrical charge designed to disrupt the central nervous system and cause uncontrolled muscle contractions, temporarily incapacitating the subject.”

The report concluded that “the use of electro-shock weapons against individuals who do not pose an immediate threat of death or serious injury to themselves or others is a disproportionate use of force which can constitute ill-treatment. As the organization has noted in previous reports, measures such as stricter controls and training in the use of force and firearms, and in dealing with the mentally disturbed, have been found to be effective in reducing unnecessary deaths and injuries.”

In statistics compiled for the 2008 report, Sacramento County was tied for second nationwide (with Los Angeles County) with seven deaths associated with the use of Tasers. Only Maricopa County in Arizona had more deaths. Earlier this month, the San Francisco Police Commission voted down a proposal to consider the use of Tasers in San Francisco.

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