

Appendix #9 / Additional questions that DA Rautsch refused to answer

1) The taser is a firearm as defined in Title 18, U.S.C., Section 921(a)(3) and is subject to the provisions of Title 18, U.S.C., Chapter 44 and Title 27, Code of Federal Regulations, Part 178. In addition, the taser carries a manufacturer's product warning stating that the firearm "Can cause death or serious injury." Also, two extensive reports by Stanford University Criminology Lab for two cities (Berkeley and Mountain View) conclude that tasers should only be used under circumstances where the legal use of deadly force would be allowed. Do you believe it is appropriate for Public Officers to use the taser firearm to overcome unarmed resistance from a person who is not a known fugitive felon?

2) During their interaction with Branch, did either of the officers appear agitated? If so, what words and actions by the officer(s) indicate that agitation?

3) During their interaction with Branch, what words and actions indicate that the officers are proceeding with due caution and circumspection?

4) As you know, for homicide by a Public Officer to be justifiable under California law, the Public Officer must have probable cause to believe that the decedent posed a threat of death or great bodily injury. During the initial interview of the two responding officers by investigators, what words and actions did the officers use to indicate their belief that Branch posed an immediate threat of death or great bodily injury?

5) During the initial interviews of the two responding officers by investigators, what reason did the officer's give for disregarding Branch's report that he was in medical distress as a result of an unknown poison?

6) Do you support passage of AB 931?

7) Do you support passage of SB 1421?