

Santa Monica Police Department

Policy Manual

CONDUCTED ENERGY DEVICE

PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Conducted Energy Devices. The TASER® device is the Department issued Conducted Energy Device assigned to authorized personnel.

POLICY

The TASER® device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. It is anticipated the appropriate use of such a device will result in fewer serious injuries to officers and suspects.

ISSUANCE AND CARRYING TASER DEVICES

Only personnel who have successfully completed Department-approved training may be issued the TASER device for use during their current assignment.

Personnel leaving a particular assignment may be required to return the device to the Department's inventory.

Officers shall only use the TASER device and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER device shall wear the device in an approved holster on their person. Non-uniformed officers may secure the TASER device in the driver's compartment of their vehicle.

- (a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) When the Taser device is carried as part of a uniformed officer's equipment, the TASER device shall be carried on the opposite side of the duty weapon.
- (c) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.
- (d) Officers should not hold both a firearm and the TASER device at the same time.
- (e) Officers are not authorized to carry Department TASER devices while off-duty.

TASER DEPLOYMENT- JAIL

TASERs are permitted to be carried in the jail facility. If possible, a supervisor should be called to the jail prior to deployment of the TASER. If it becomes necessary to utilize the TASER and no supervisor is present, the Watch Commander shall be notified immediately after control of the arrestee is regained.

VERBAL AND VISUAL WARNINGS

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A verbal warning of the intended use of the TASER device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the TASER device may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the TASER device in the related report.

USE OF THE TASER DEVICE

The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER device is generally effective in controlling most individuals, officers should be alert to the potential for failure and be prepared with other options.

APPLICATION OF THE TASER DEVICE

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent, actively aggressive, and poses an immediate threat to the safety of officer(s) or others.
- (b) The subject, who by words or action has demonstrated an intention to be violent or to physically resist and who reasonably appears to have the potential to harm officers, him/herself or others and who poses an immediate threat to the safety of officer(s) or others.
 - 1. When practical, the officer should give a verbal warning of the intended use of the TASER followed by a reasonable opportunity to voluntarily comply.
 - 2. The officer must be able to articulate a reasonable belief that other available options appeared ineffective, impractical, or would have presented a greater danger to the officer, the subject, or others.
- (c) Absent meeting the conditions set forth in (a) or (b) above, or a reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from a pursuing officer, shall not serve as good cause for the use of the

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TASER device to apprehend an individual.

(d) Additionally, the TASER device is **not** to be deployed (darts or drive stun) for the purpose of overcoming passive resistance, to gain compliance or cooperation, or to elicit a statement.

(e) When applicable and when there is no compromise of safety for the officers or others, force de-escalation techniques are to be utilized.

DEFINITIONS:

- **Actively Aggressive:** an overt threat of an assault through physical or verbal means, coupled with the present ability to carry out the threat of assault; the threat must reasonably indicate that an assault or injury to any person is imminent.
- **Actively Resisting:** those physically evasive movements undertaken to defeat an officer's attempt at control; these movements may include bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody; these actions must pose an immediate threat to the safety of the officer(s) or others.
- **Passive Resistance:** those physical actions that do not prevent an officer's attempts(s) to control a subject; for example, a person who goes limp, is in a prone position, or who is engaged in passive demonstration, etc.

SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g. falls from height such as staircases and balconies, operating vehicles).

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Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised. The application in drive-stun mode should be limited to brief applications in which pain compliance would reasonably appear necessary to achieve control.

The TASER device shall not be used to psychologically torment, elicit statements or to punish any individual.

TARGETING CONSIDERATIONS

While manufacturers generally recommend that reasonable efforts should be made to target lower center mass and to avoid the head, neck, chest and groin, it is recognized the dynamics of a situation or officer safety may not permit the officer to limit the application of the TASER device probes to a precise target area. As such, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics and/or other medical personnel.

MULTIPLE APPLICATIONS OF THE TASER DEVICE

If the first application of the TASER device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the TASER device, including:

- (a) Whether the probes are making proper contact.
- (b) Whether the application of the TASER is interfering with the ability of the individual to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.
- (d) Officers should generally not intentionally apply more than one TASER device at a time against a single subject.

This, however, shall not preclude any officer from deploying multiple, reasonable application of the TASER on an individual.

MEDICAL TREATMENT

All persons who have been struck by TASER device probes and/or who have been subjected to the electric discharge of the device shall be transported to the hospital and medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.

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- (c) The person reasonably appears to be in need of medical attention.
- (d) The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.
- (f) The persons who exhibits extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium") or who require a protracted physical encounter with multiple officers to be brought under control.

Consistent with local medical personnel protocols and absent extenuating circumstances, only qualified medical personnel should remove TASER device probes from a person's body. Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER device.

DANGEROUS ANIMALS

The TASER device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

REPORT OF USE

All TASER discharges shall be documented in the related arrest/crime report, the TASER Deployment Report form and notification made to a supervisor in compliance with Department policy.

Unintentional discharges of a TASER cartridge will also be documented on the TASER Deployment Report form. Any report documenting the discharge of a TASER cartridge will include an explanation of the circumstances surrounding the discharge.

The onboard TASER memory will be downloaded through the data port by the Rangemaster or designee and maintained by the Rangemaster. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

The following protocol shall be followed after the deployment of the TASER:

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Photographic Evidence:

- (a) Photographs of dart placement on the suspect with visual reference of dart spread in inches
- (b) Photographs of drive stun marks on the suspect with visual reference in millimeters.
- (c) Photographs of injuries to suspects and officers

Evidence Recovery:

- (a) Cut off the darts, leaving three feet of wire, and place them into an adjustable syringe loosely. Wires are not to be wound around any object, but placed into the container loosely.
- (b) Place the cartridge and remaining wires into an evidence envelope. Do not wind the wires around an object; place the wires into the envelope loosely.
- (c) Gather a sampling of six AFIDS per each cartridge deployed and place them into a coin envelope to be included inside the same envelope as the cartridge.
- (d) The Taser used in the deployment is to be downloaded by the Range Master prior to being placed back into service.
- (e) Two Taser-X26P's will be placed in the OIS gun locker or other location to be utilized as a replacement, until the involved Taser can be downloaded.

The officer or supervisor using the TASER shall complete the Santa Monica Police Department TASER Deployment Report form.

The supervisor shall complete the Supervisor's Report of Use of Force Worksheet.

Report distribution:

- (a) The original TASER Deployment Report shall be forwarded to the Operations Division Commander for cursory review of appropriate tactics and/or any associated training issues. Any appropriate remedial action related to tactics, training issues, and/or equipment will be taken within 10 business days from the date of the incident.
- (b) Copies of the report will be forwarded to the Deputy Chief for formal review by the Incident Review Board.

OFF-DUTY CONSIDERATIONS

Officers shall ensure that TASER devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

TRAINING

Personnel who are authorized to carry the TASER device shall be permitted to do so only

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after successfully completing the initial Department-approved training. Any personnel who have not carried the TASER device as a part of their assignment for a period of six months or more shall be recertified by a Department-approved TASER device instructor prior to again carrying or using the device.

Command staff, supervisors and investigators should receive TASER device training as appropriate for the investigations they conduct and review.

The Training Sergeant is responsible for ensuring that all members who carry TASER devices have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of TASER devices during training could result in injury to personnel and shall not be mandatory for certification.