

Conducted Energy Weapon

304.1 PURPOSE AND SCOPE

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

304.2 POLICY

The TASER is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. It is anticipated the appropriate use of the TASER will result in fewer serious injuries to officers and suspects. Use of a TASER by sworn officers shall be in accordance with the guidelines in this policy and the Use of Force Policy.

Civilian members issued a TASER shall adhere to the guidelines set forth in this policy and the Use of Force policy.

304.3 ISSUANCE AND CARRYING TASERS

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

Members leaving a particular assignment may be required to return the TASER to the Department's inventory.

Members shall only use the TASER and cartridges that have been issued by the Department. Uniformed members who have been issued the TASER shall wear the weapon in an approved holster on their person or on their load bearing vest. Non-uniformed sworn officers may secure the TASER in the driver's compartment of their vehicle.

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

304.4 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.

Conducted Energy Weapon

304.5 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER should precede its application, unless it would otherwise endanger the safety of the Department member(s) or when it is not feasible due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply with an officer's lawful order.
- (b) Provide a Department member with an opportunity to potentially de-escalate a violent confrontation.
- (c) Provide other officers and individuals with a warning that the TASER may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with a sworn 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 to attempt to gain compliance prior to the application of the TASER. Officers trained on the TASER 7 do not need to remove the cartridge to display an electrical arc, but officers carrying the TASER X26P will need to ensure a cartridge has not been loaded into the weapon before displaying an electrical arc.

The laser on the TASER may also be used in a further attempt to gain compliance prior to the application of the TASER. 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 warning was given or the reasons it was not given shall be documented by the member deploying the TASER in the related report. Regardless of whether a member deploys the TASER or not, when a member points the laser of the TASER at a person or uses an electrical arc warning, then the member shall document the display of force in the related report consistent with the Use of Force policy.

304.6 USE OF THE TASER

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

304.6.1 DEFINITIONS

Actively Aggressive- A person presents an overt threat of assault through physical or verbal means, coupled with present ability, opportunity, and apparent intent to immediately cause injury to the officer(s) or another person(s).

Actively Resisting – A person undertakes physically evasive movements 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.

Santa Monica Police Department

Santa Monica Police Department Policy Manual

Conducted Energy Weapon

Passive Resistance - A person whose physical actions prevent an officer's attempt to control them; for example, a person who goes limp, is in a prone position, or who is engaged in passive demonstration.

304.6.2 APPLICATION OF THE TASER- SWORN OFFICERS

The TASER may be used in any of the following circumstances, when the circumstances perceived by the sworn 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 has, by words or actions, demonstrated an intention to be violent or to physically resist, and reasonably appears to pose an immediate threat to the safety of officer(s) or others.
 - (a) When practical, the officer should give a verbal warning of the intended use of the TASER followed by giving the persona a reasonable opportunity to voluntarily comply.
 - (b) 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 TASER device to apprehend an individual.
- (d) Additionally, the TASER 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) Members shall continue to reassess the totality of the circumstances to determine whether the application of the TASER is reasonable, necessary, and proportional to the suspected offense or the reasonably perceived level of actual or threatened resistance (refer to policy 304.6.3 Factors to Determine the Reasonableness of Force).
- (f) When applicable and when there is no compromise of safety for the officers or others, force de-escalation techniques are to be utilized.

304.6.3 APPLICATION OF THE TASER- CIVILIAN MEMBERS

In accordance with existing law, a civilian member of the Department may use force as reasonably appears necessary to defend himself/herself or others against an apparent threat of unlawful and immediate violence from another. In such circumstances, the person must reasonably believe that their use of force was necessary to prevent immediate, unlawful physical harm to himself/herself or others.

Santa Monica Police Department

Santa Monica Police Department Policy Manual

Conducted Energy Weapon

304.6.4 FACTORS TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a sworn officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit (Government Code § 7286(b)). These factors include but are not limited to:

- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, bystanders, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

304.6.5 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would

Santa Monica Police Department

Santa Monica Police Department Policy Manual

Conducted Energy Weapon

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 weapon. These special considerations include:

- (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 capicum (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).

Because the application of the TASER in the drive-stun mode (i.e. direct contact without probes) requires close proximity to the subject, additional caution should be exercised. The application in drive-stun mode should be limited to:

- When an officer has deployed the TASER on a person and assesses that drive-stun mode is necessary to complete the circuit to make the TASER deployment effective (see policy 304.6.6 Multiple Applications of the TASER).
- Brief applications where this deployment mode is reasonably necessary to subdue a violent person who is actively aggressive and who poses an immediate threat to the safety of officers or others.

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

304.6.6 TARGETING CONSIDERATIONS

While manufacturers generally recommend that reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin, and while officers should comply with this recommendation, it is recognized the dynamics of a situation or officer safety may not permit the officer to limit the application of the TASER 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.

304.6.7 MULTIPLE APPLICATIONS OF THE TASER

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

Santa Monica Police Department

Santa Monica Police Department Policy Manual

Conducted Energy Weapon

- (d) Officers should avoid applying more than one TASER at a time against a single person, unless the officer reasonable believes the TASER is ineffective for the following, but not limited to:
 - 1. TASER malfunction
 - 2. The probes have not made proper contact
 - 3. The spread is too narrow
 - 4. The person breaks the TASER wires
- (e) Officers should generally not apply the TASER beyond three standard (five-second) cycles (a total of 15 seconds of total exposure). This, however, shall not preclude any officer from deploying multiple, reasonable applications of the TASER on a person in accordance with policy 304.6.3 Factors to Determine Reasonableness.

304.6.8 DANGEROUS ANIMALS

The TASER 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.

304.7 MEDICAL TREATMENT

All persons who have been struck by TASER probes or who have been subjected to the electric discharge of the weapon 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.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The TASER probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.
- (f) The person 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 requires 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 shall remove TASER probes from a person's body. Used TASER probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

If while at the hospital the individual refused medical treatment, the refusal should be witnessed by another officer and qualified medical personnel from the hospital, and shall be fully documented

Santa Monica Police Department

Santa Monica Police Department Policy Manual

Conducted Energy Weapon

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.

304.8 DANGEROUS ANIMALS

The TASER 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.

304.9 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.

A supervisor shall be notified of a direct display of force involving the TASER. Appropriate report and/or forms shall be completed. Refer to § 300 - Use of Force.

304.9.1 PROTOCOL

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

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 inches.
- (c) Photographs of injuries to suspects and officers. Lack of injuries shall also be documented in photographs.

Evidence Recovery:

- (a) Before transporting the subject, separate the wire from the darts, leaving three feet of wire. Wires are not to be wound around any object. Place the darts and loose wires into the adjustable syringe vial.
- (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) If a TASER X26P is deployed, the member will gather 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. TASER 7 uses digital AFIDS, so physical collection is not necessary.

Santa Monica Police Department

Santa Monica Police Department Policy Manual

Conducted Energy Weapon

- (d) When a TASER X26P is deployed, it is to be downloaded by the Rangemaster prior to being placed back into service. If a TASER 7 is deployed, the user shall remove and dock the battery for the data download in accordance with the manufacturer's instructions and Department training.
- (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 onboard TASER X26P memory will be downloaded through the data port by the Rangemaster or their designee and maintained by the Rangemaster. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

304.9.2 REPORT DISTRIBUTION

The member who deployed the TASER shall complete the Santa Monica Police Department TASER Deployment Report form. The involved member's sworn supervisor shall complete the Blue Team entry in accordance with policy 300.15 Supervisor Responsibility. The reports will be distributed as follows:

- (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.

304.10 STORAGE

When a Department-issued TASER is not on the member's equipment belt or load bearing vest or otherwise secured in the member's locker, Department-assigned locker, or the trunk of a Department-assigned vehicle, it shall not be left unattended. TASERs shall not be taken home, nor transported in the personal vehicles of employees unless in transit to a Department-approved training locations.

Those Officers who regularly work off-site because of his/her current assignment (i.e., narcotics, FBI task force) or who are issued a Department vehicle because his/her current assignment requires them to be on-call, shall ensure that their TASER is secured while in their homes, vehicles or any other area under control in a manner that will keep the weapon inaccessible to others.

304.11 TRAINING

Personnel who are authorized to carry the TASER shall be permitted to do so only after successfully completing the initial Department-approved training. Any personnel who have not carried the TASER as a part of their assignment for a period of six months or more shall be recertified by a Department-approved TASER instructor prior to again carrying or using the weapon.

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

Santa Monica Police Department

Santa Monica Police Department Policy Manual

Conducted Energy Weapon

The Rangemaster is responsible for ensuring that all members who carry TASERs have received initial and annual proficiency training. Periodic audits shall be used for verification.

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