
Conducted Energy Device

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASERs.

304.2 POLICY

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

304.3 ISSUANCE AND CARRYING TASERS

Only members who have successfully completed department-approved training may be issued and carry the TASER.

TASERs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

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

Members carrying the TASER should perform a spark test prior to every shift.

Officers who carry the TASER while in uniform shall carry it in a weak-side holster on the side opposite the duty weapon (Penal Code § 13660).

- (a) All TASERs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER.
- (c) Officers shall be responsible for ensuring that the issued TASER is properly maintained and in good working order.
- (d) Officers should not hold a firearm and the TASER at the same time.

304.4 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 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 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

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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. 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 in the related report.

304.4.1 FACTORS TO DETERMINE REASONABLENESS OF FORCE

The application of the TASER™ is likely to cause intense, but momentary pain. As such, officers should carefully consider and balance the totality of circumstances available prior to using the TASER™ including, but not limited to, the following factors:

- (a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
- (b) Officer/subject factors (i.e., age, size, relative strength, skill level, injury/exhaustion, number of officers vs. subjects).
- (c) Influence of drugs/alcohol (mental capacity).
- (d) Proximity of weapons.
- (e) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (f) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances).
- (g) Seriousness of the suspected offense or the reason for contact with the individual.
- (h) Training and experience of the officer.
- (i) Potential for injury to citizens, officers and suspects.
- (j) Risk of escape.
- (k) Other exigent circumstances.

304.4.2 APPLICATION OF THE TASER

Authorized personnel may use the TASER™ when circumstances known to the officer at the time indicate that such application is reasonable to control a person in any of the following circumstances:

- (a) The subject is violent and/or physically resisting.
- (b) A subject who by actions has demonstrated an intent to be violent or to physically resist and who reasonably appears to present the potential to harm officers, himself/herself, or others.

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1. When practicable, 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 the subject presented a 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™ to apprehend an individual.

304.4.3 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER™ should generally be avoided in the following situations unless the totality of the circumstances indicate that other available options reasonably appear ineffective, impractical, 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 TASER™:

- (a) Pregnant females.
- (b) Elderly individuals.
- (c) Individuals who are handcuffed or otherwise restrained.
- (d) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any flammable material.
- (e) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the TASER™ in the drive-stun mode (i.e., direct contact without darts) 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™ shall not be used to torture, psychologically torment, elicit statements, or to punish any individual.

304.4.4 TARGETING CONSIDERATIONS

While manufacturers generally recommend that reasonable efforts should be made to target lower center mass and to avoid intentionally targeting the head, neck, and groin, it is recognized that the dynamics of each situation and officer safety may not permit the officer to limit the application of the TASER™ darts to a precise target area. As such, officers should take prompt and ongoing care to monitor the condition of the subject if one or more darts strikes the head, neck, chest or groin until he/she is released to the care of paramedics or other medical personnel.

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304.4.5 MULTIPLE APPLICATIONS OF THE TASER

If the first application of the TASER™ appears to be ineffective in gaining control of an individual and if circumstances allow, the officer should consider the following before additional applications of the TASER™:

- (a) Whether the probes or darts 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.

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

304.4.6 REPORT OF USE

All TASER™ discharges shall be documented in the related arrest/crime report. Accidental discharges of a TASER™ cartridge when a subject is contacted by the TASER™ or TASER™ darts, or property is damaged shall be documented in a report. Any report documenting the discharge of a TASER™ cartridge will include the cartridge serial number and an explanation of the circumstances surrounding the discharge.

The on-board TASER™ memory will be downloaded through the data port by a supervisor or TASER™ Instructor and saved with the related report. Photographs of probe sites should be taken, Anti-Felon Identification (AFID) tags should be collected. The cartridge serial number should be noted and documented on the evidence paperwork.

304.5 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 device. Although the TASER is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

304.6 DOCUMENTATION

Officers shall document all TASER discharges in the related arrest/crime report and the TASER report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

304.6.1 REPORTS

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing TASERs
- (b) Identification of all witnesses

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- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems