

# **DAVIS POLICE DEPARTMENT**

## **TASER/ELECTRONIC CONTROL DEVICE Policy and Procedure 3.13-A**

### **DEPARTMENT MANUAL**

**Index as:**

**Taser**

**Code-Tom**

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## **I. POLICY**

The Taser may be used to control violent or resisting persons when an officer reasonably believes the use of force is justified, subject to the provisions of PP 3.05-A, Use of Force. When properly applied in accordance with this policy, the Taser is considered a non-deadly control device which is intended to temporarily incapacitate a violent or potentially violent individual without causing death or serious bodily injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to officers and other individuals.

## **II. PROCEDURE**

### **A. Carrying the Taser**

Personnel who have completed department approved training may be issued a Taser for use during their current assignment or shift.

Officers shall only use the Tasers and cartridges that have been issued by the Department. The Taser may be carried in an approved belt holder or holster, or secured in the officer's vehicle so that it is readily accessible.

1. When carried in the holster or belt holder, the Taser shall be carried on the weak side. The Taser shall not be carried on the same side as the officer's duty weapon.
2. All Taser devices shall be clearly and distinctly marked to differentiate them from the officer's duty weapon and any other device.
3. Whenever possible, officers shall carry a total of two or more Taser cartridges on their person while carrying a Taser.
4. Officers are responsible for insuring their issued Taser is properly maintained and in good working order at all times.
5. Officers should never hold both a firearm and a Taser at the same time unless lethal force is justified.
6. An officer who has not been issued a Taser can request the device by advising dispatch of a "Code Tom." An officer who is carrying one of the devices will respond, if they are available.

### **B. Verbal and Visual Warnings**

Unless it would otherwise endanger the officer's safety or is impractical due to the present circumstances, a verbal announcement of the intended use of the Taser shall precede the application of a Taser device in order to:

1. Provide the individual with a reasonable opportunity to voluntarily comply.
2. Provide other officers and individuals with warning that a Taser device may be deployed.

If after a verbal warning an individual continues to express an unwillingness to voluntarily comply with an officer's lawful orders and it appears both reasonable and practical under the circumstances, an officer may, but is not required to, display the electrical arc (provided there is not a cartridge loaded into the Taser) in a further attempt to gain compliance prior to the application of the Taser device.

In an attempt to minimize the repeated use of the Taser needed for compliance, officers should, while deploying the Taser, reasonably direct or order the suspect to comply as the incident mandates. Such verbal commands may include, "stop resisting," "lie flat," "put your hands behind your back," etc.

The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair their vision.

The fact that a verbal and/or other warning was given or reasons it was not given shall be documented in any related reports.

### C. Use of the Taser

As with any law enforcement equipment, the Taser has limitations and restrictions requiring consideration before its use. The Taser should only be used when the operator can safely approach the individual within the operational range of the Taser. Although the Taser device rarely fails and is generally effective in subduing most individuals, officers should be aware of this potential and be prepared with other options in the unlikely event of such failure.

1. Subject to the provisions of PP 3.05-A, Use of Force, authorized personnel may use a Taser device when circumstances indicate the application of the Taser is reasonable to subdue or control:
  - a. A violent (threat or overt act of an assault, through physical or verbal means, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent) or physically resisting individual (physically evasive movements to defeat an officer's attempt at control, including bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody), or
  - b. A potentially violent or physically resisting individual if:
    1. The individual has verbally or physically demonstrated an intention to violently or physically resist; and
    2. The officer has given the individual a verbal warning of the intended use of the Taser followed by a reasonable opportunity to voluntarily comply; and
    3. Other available options reasonably appear they would be ineffective or would present a greater danger to the officer or the individual involved.
2. The Taser is capable of firing a set of darts. It is necessary for both darts in the cassette to hit some part of the individual's clothing or body in order for the Taser to be effective. The device may also be directly applied to the person and be engaged (drive-stun mode). However, the use of the Taser in drive-stun mode will not reliably or foreseeably incapacitate some individuals. Officers should not use the Taser in drive-stun mode if they reasonably believe that discomfort will not cause the individual to be compliant with the officers, e.g. Taser use in drive-stun mode on a drug induced highly pain-resistant subject.

3. **Back shots remain the preferred target area, when practical.** However, it is not always practical to target the individual's back area and in many cases the situation will call for a targeted shot to the front of the individual. While it is generally recommended that reasonable efforts should be made to target the lower center mass and avoid intentionally targeting the head, neck, groin and chest, it is recognized that the dynamics of each situation and officer safety may not permit an officer to limit the application of the darts to a precise target area. As such, officers should take prompt and ongoing care to monitor the condition of the individual if one or more darts strikes the head, neck, chest or groin.
4. Although the darts may still be sparking, they present no immediate danger to officers when restraining or handcuffing an individual. In case the individual is not incapacitated by the Taser, back-up officers, if available, should be deployed in a manner which will enable them to use other appropriate means to subdue the person.
5. The following factors, when apparent to involved officers, require elevated justification prior to the use of the Taser. Under the following conditions the risks of direct or secondary injuries are elevated, thus an officer's justification for the use of the Taser must also be elevated. These elevated risk factors can only be given consideration when the factors are reasonably perceived by the officer:
  - a. Presence of flammable liquids/fumes or explosive environments;
  - b. Target person is in an elevated position;
  - c. Target person is operating a moving vehicle or machinery;
  - d. Target person is running or fleeing (fall potential);
  - e. Pregnant female;
  - f. Swimming pool or other body of water;
  - g. Intentional Taser application to sensitive body areas (face, neck, groin, or a female's breast);
  - h. Frail or infirm individual;
  - i. Non-standard or repeated applications. Officers should transition to a different use of force option if multiple Taser deployments fail to gain compliance or continued Taser applications are not making sufficient progress toward gaining compliance.
6. The general public commonly assumes the following groups of people are generally not capable of violence or causing an imminent threat of death and/or serious bodily harm to themselves or others or that these people should be treated more sensitively and compassionately by officers. Officers understand that the realities are that individuals from each of these groups do commit violent crimes, can create an imminent threat of death and/or serious bodily harm to officers, others, and themselves, and can be so resistive that the use of the Taser may be eminently justified under the conditions of this policy. However, officers using a Taser on one of these individuals will be placed under heightened scrutiny and will likely be required to provide additional justification(s) for the use of the Taser. These groups include:
  - a. Children
  - b. Seniors
  - c. Handcuffed or restrained subjects
  - d. Passive or passively resisting subjects (physical actions that do not prevent the officer's attempt to control, for example, a person who remains in a limp, prone position, passive demonstrators, etc.).

#### D. Prohibited Use

1. The Taser shall not be used to torture, psychologically torment or inflict undue pain on any individual.
2. The Taser shall not be used punitively or to rouse unconscious, impaired, or intoxicated individuals.
3. The Taser shall not be used in drive-stun or touch-stun mode as a prod or escort device.
4. The Taser shall not be used for horse play or in any unprofessional manner.

#### E. Medical Treatment

1. A deploying officer is required to obtain appropriate medical treatment and/or evaluation for any person who has been subjected to the use of the Taser using either the darts or the drive-stun mode. Appropriate medical treatment may include calling fire and ambulance to the scene or transporting the subject to a hospital if there is any indication of medical distress. An individual in need of acute medical care should be transported by ambulance to a hospital, subject to normal EMS transport protocol.
2. Medical evaluation at a hospital will not be refused for anyone who requests it.
3. Only medical personnel may remove darts embedded in the subject's skin.
4. Used Taser darts shall be considered a sharp biohazard, similar to a used hypodermic needle, and shall be treated accordingly.

#### F. Watch Commander's Responsibilities

1. Ensure that the Taser discharge is documented in the related arrest/crime report.
2. Ensure that any report documenting the discharge of a Taser includes the serial number of the device.
3. Ensure the darts are retrieved and booked in evidence under the related crime report.
4. When lawful and appropriate to do so, photographs should be taken of a probe impact sites and any other related injuries as soon as practical.
5. The Watch Commander shall download the discharge information from the Taser dataport following the discharge of any Taser on an individual. The printed information shall be forwarded to the Division Commander overseeing the using officer.

#### G. Training

In addition to the initial department approved training required to carry and use a Taser device, any personnel who have not carried a 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 device. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the officer's Division Commander.

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