

Conducted Energy Device

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER devices.

302.2 POLICY

The TASER® device 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.

302.3 ISSUANCE AND CARRYING

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

TASER devices 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 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.

Members carrying the TASER device should perform a functional test on the device prior to every shift.

When carried while in uniform officers shall carry the TASER device in a support-side holster (on the side opposite the duty weapon).

- (a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Officers should normally have their issued "Close Quarters" cartridges inserted in the TASER device and have their issued "Stand-Off" cartridges readily available for use while on-duty.
- (c) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order. This includes docking assigned device battery packs every 30 days in order to ensure the rechargeable battery is recharged/conditioned and device firmware/data is properly transferred and updated.
- (d) Officers should not hold both a firearm and the TASER device at the same time.

302.3.1 HANDLING AND CARE OF THE TASER

Officers are expected to exercise appropriate care and caution at all times when handling, displaying, or using the TASER whether the officer is on or off duty.

The TASER is a weapon and shall be treated as such with the same respect given to firearm safety. Reckless, inappropriate or unprofessional use of the TASER of any type is forbidden. Violations of

Fresno State Police Department

POLICY MANUAL

Conducted Energy Device

this policy will be considered serious infractions, which will result in disciplinary actions, including the possibility of termination or criminal prosecution if the situation warrants.

The TASER shall be carried in an approved holster in a safe manner. Officers shall not carry the TASER or its cartridges loosely in a pocket due to the risk of accidental deployment caused by static electricity.

Officers should protect the TASER from being exposed to water. If the TASER is completely submerged in water or exposed to a significant amount of moisture it shall be removed from service and submitted to an agency TASER instructor for inspection:

- (a) Secure the TASER in the holster and remove the battery pack as soon as possible,
- (b) Ensure that the safety switch is in the SAFE position, remove the inserted cartridges from the device,
- (c) Submit TASER and cartridges to TASER instructor for inspection and further action pursuant to Axon recommendations.

302.4 VERBAL AND VISUAL WARNINGS

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, or the aiming lasers in a further attempt to gain compliance prior to the application of the TASER device. The aiming lasers 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.

302.5 USE OF THE TASER

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/inserted cartridges. Although the TASER device 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.

Fresno State Police Department

POLICY MANUAL

Conducted Energy Device

302.5.1 APPLICATION OF THE TASER

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 or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER device to apprehend an individual.

302.5.2 DUTY HOLSTERS

Officers may carry the TASER in either an support hand draw or cross draw position.

Officers shall not carry the TASER in a strong side draw position.

Officers shall not carry the TASER in a pocket. Static electricity can build up in the pocket and cause the TASER to discharge. This phenomenon is exacerbated when moisture is introduced.

Officers shall utilize Department authorized holsters.

If an officer can demonstrate that they are unable to carry the TASER on the duty belt, the Patrol Operations Lieutenant may authorize the use of a thigh holster approved by the Chief of Police. Officers requesting the use of a thigh holster shall do so in writing to the Patrol Operations Lieutenant explaining in detail why they are unable to carry the TASER in a less obtrusive manner. Officers are strongly advised to complete this process before purchasing a thigh holster.

A thigh holster shall only be worn opposite of the officer's duty firearm.

Other holsters may be approved on an individual basis. The officer must submit, in writing, to the department TASER instructors for an exception. The department TASER instructor's function is to evaluate the holster and to determine if it is a quality piece of equipment, if it will serve the officer's needs, and if it conflicts with any provisions of any policy of this agency. Once the department TASER instructor approves or disapproves the request, he/she then submits the request to the Patrol Operations Lieutenant for approval or disapproval. The officer will be informed of the decision and the form will be placed in the officer's file within a reasonable amount of time. Officers are strongly advised to complete this process before purchasing a holster not listed in this policy as approved.

Officers may utilize approved pouches/holders to carry spare cartridges on the duty belt.

302.5.3 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:

Fresno State Police Department

POLICY MANUAL

Conducted Energy Device

- (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, operating vehicles).

Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

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

302.5.4 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER device probes to a precise target area, 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 or other medical personnel.

302.5.5 MULTIPLE APPLICATIONS OF THE TASER

Officers should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

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 individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one TASER device at a time against a single subject.

Fresno State Police Department

POLICY MANUAL

Conducted Energy Device

302.5.6 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all TASER device discharges. Any expended cartridges, along with both probes and wires, should be collected and submitted into evidence. The cartridge serial number should be noted and documented in the evidence portion of RiMS. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

302.5.7 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.

302.5.8 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department TASER devices while off-duty.

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.

302.6 DOCUMENTATION

Officers shall document all TASER device discharges in the related arrest/crime report pursuant to the Use of Force policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device shall also be documented in a RiMS report. Notification shall be made to a supervisor in compliance with the Use of Force Policy. Device activation and electrical arcing during approved functional tests or use/discharge during department training do not require documentation or supervisor notification.

302.6.1 REPORTS

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

- (a) Identification of all personnel firing TASER devices
- (b) Identification of all witnesses
- (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

302.6.2 SUPERVISOR REVIEW

While completing a Use of Force (TASER) review, Supervisors shall ensure the following items are included in the RiMS report/Use of Force section:

- (a) The type and brand of TASER device and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of TASER device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

Conducted Energy Device

- (e) The range at which the TASER device was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The Training Sergeant should periodically analyze the TASER device reports to identify trends, including deterrence and effectiveness. The Training Sergeant should also conduct audits of data downloads and reconcile TASER device reports with recorded activations. TASER device information and statistics, with identifying information removed, should be made available to the public upon request.

302.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate 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.

All persons who have been struck by TASER device probes or who have been subjected to the electric discharge of the device shall be 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 device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. 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.

Conducted Energy Device

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.

302.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER device may be used. A supervisor should respond to all incidents where the TASER device was activated.

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory shall be uploaded and a supervisor or Rangemaster/Armorer shall ensure a copy of the device log is included with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

302.9 TRAINING

Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial department-approved training by a certified instructor. 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.

Proficiency training for personnel who have been issued TASER devices should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Sergeant. All training and proficiency for TASER devices will be documented in the officer's training file.

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

Officers who do not carry TASER devices should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

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 should not be mandatory for certification.

The Training Sergeant should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.

Fresno State Police Department

POLICY MANUAL

Conducted Energy Device

- (e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER device.