

**SONOMA COUNTY SHERIFF'S OFFICE  
OFFICE -WIDE POLICY AND PROCEDURE MANUAL**

## **TASER USE**

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### **1.0 PURPOSE AND SCOPE**

When properly applied in accordance with this policy, the Taser device is considered a less lethal conducted electrical weapon that is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. It is anticipated that the appropriate use of such a device will result in fewer injuries to officers and suspects.

### **2.0 POLICY**

Personnel who have completed an Office-approved training course shall be authorized to carry a Taser. The instructor shall issue a certificate to the Deputy. The instructor shall send a copy of the certificate to the Training Unit to be filed in the Deputy's training file.

Deputies shall only use the Taser and cartridges that have been issued by the Sheriff's Office. The device may be carried either as part of a uniformed Deputy's equipment in an approved holster or secured in the driver's compartment of the Deputy's vehicle so that it is readily accessible at all times.

- A. When the Taser is carried as part of a uniformed Law Enforcement Deputy's equipment, the Taser shall be carried on the side opposite the duty weapon.

When the Taser is carried as part of a uniformed Correctional Deputy's equipment, the Taser shall be carried on the strong hand side.

- B. All Tasers shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- C. In preparation for deployment, Deputies should consider carrying a total of two or more Taser cartridges on their person when carrying a Taser. Care should be taken to avoid exposing the spare cartridge to static electricity which could cause an unintended deployment of the spare cartridge.

- D. Deputies shall be responsible for insuring that their issued Taser is properly maintained and in good working order at all times. Deputies shall download and save the firing data from their assigned Taser once each quarter. In the Detention Division, a designated Taser instructor shall be responsible for ensuring that all Tasers are downloaded once each quarter.
- E. Deputies should never hold both a firearm and the Taser at the same time unless lethal force is justified.

### **3.0 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 Deputies or when it is not practicable due to the circumstances. The purpose of the warning is for the following:

- A. Provide the individual with a reasonable opportunity to voluntarily comply.
- B. Provide other Deputies and individuals with a warning that a Taser may be deployed.

If, after a verbal warning, and individual is unwilling to voluntarily comply with a Deputy's lawful orders and it appears both reasonable and practical under the circumstances, the Deputy may, but is not required to, display 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 and/or other warning was given or the reasons it was not given shall be documented by the Deputy deploying the Taser in the related report.

### **4.0 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 its operator can safely approach the subject within the operational range of the Taser. Although the Taser is generally effective in controlling most individuals, Deputies should be alert to the potential for failure and be prepared with other options.

#### **4.1 FACTORS TO DETERMINE REASONABLENESS OF FORCE**

The application of the Taser is likely to cause intense, but momentary pain. As such, Deputies should carefully consider and balance the totality of circumstances available 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 Deputy at the time).

- B. Deputy/subject factors (i.e., age, size, relative strength, skill level, injury/exhaustion, number of Deputies vs. subject(s)).
- 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 Deputy under the circumstances).
- G. Seriousness of the suspected offense or the reason for contact with the individual.
- H. Training and experiences of the Deputy.
- I. Potential for injury to citizens, Deputies and suspect(s).
- J. Risk of escape.
- K. Other exigent circumstances.

## **4.2 APPLICATION OF THE TASER**

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

- A. The subject is violent or physically resisting.
- B. Within factors listed in 4.1, a subject who is fleeing in order to avoid arrest, in circumstances where Deputies would pursue on foot and physically affect the arrest.
- C. A subject who by words or action has demonstrated an intention to be violent or to physically resist and who reasonably appears to present the potential to harm Deputies, him/herself, or others.
  1. When practicable, the Deputy should give a verbal warning of the intended use of the Taser followed by a reasonable opportunity to voluntarily comply.

## **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 Deputy, the subject or others, and the Deputy reasonably believes that the need to control the individual outweighs the risk of using the Taser:

- A. Pregnant females.
- B. Elderly individuals or obvious juveniles.
- 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. Passively resisting subjects.
- F. Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).
- G. Use of Taser on animals.
  - 1. Using a Taser against animals may reduce the need for greater, more injurious force against such animals.
  - 2. A Taser may be deployed on an animal when the animal is threatening or attacking a person (including Deputies), another animal(s), property, or poses an active threat to Deputies in their efforts to perform their duty.
  - 3. The animal is causing a continuing public nuisance and the animal needs to be captured for reason of public peace or safety, preservation of property, or other legitimate purpose.

Because the application of the Taser 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 and the minimum number of cycles in which pain compliance would reasonably appear necessary to achieve control.

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

#### **4.4 TARGETING CONSIDERATIONS**

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

#### **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 Deputy should consider the following before additional applications of the Taser:

- A. Whether the probes are making proper contact.
- B. Whether the use of the Taser is limiting 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 Deputy from deploying multiple, reasonable applications of the Taser on an individual.

#### **4.6 REPORT OF USE**

All Taser discharges shall be documented in the related report and notification made to a supervisor in compliance with the Office-Wide Use of Force Policy. Accidental discharges of a Taser cartridge will also be documented via a memo to the deploying individual's supervisor. Any report documenting the discharge of a Taser cartridge will include the cartridge serial number and an explanation of the circumstances surrounding the discharge.

#### **4.7 EVIDENCE COLLECTION (DOES NOT APPLY TO IN-SERVICE TRAINING)**

1. Photographs shall be taken of the person who has been subjected to the discharge of the Taser (probes or direct contact). The photographs shall include the area struck by the projectile and any area alleged by the person to be injured. The photographs shall be booked into evidence. In the Detention Division the photographs shall be attached to the incident report.
2. Used Taser probes shall be considered a sharp biohazard, similar to a used hypodermic needle, and disposed of accordingly.
3. Discharged Taser cartridges, as well as the insulated wire from the cartridges, shall be collected and booked into evidence.
4. Taser Downloads: Firing data shall be downloaded after each use. Downloaded data will be saved to a secure area on the "S" Drive.
5. Downloaded data such as the date, time and duration of firing shall be referenced in the associated report. Do not attach a printout of this data to the crime report, incident report or the Use of Force report.

#### **4.8 TASER CAM®**

If the issued Taser is equipped with the TASER CAM, which is an audio-video recording device

integrated into the power supply, the TASER CAM is activated any time the safety is in the off position. The safety should not be in the off position unless the Deputy intends to use the device and the guidelines established in §§ 311.3 and 311.4 are met. Any time the TASER CAM is activated in a non-training deployment, the video and audio data should be downloaded in accordance with Sheriff's Office evidence procedures and referenced in the related case report.

#### **4.9 TASER INSPECTION PRIOR TO SHIFT**

Prior to each shift, Deputies carrying Tasers shall remove the cartridge from the Taser and briefly test arc (to observe the current battery condition and proper function) the Taser in a safe manner. Deputies shall also visually inspect the Taser and the cartridges for noticeable wear or damage.

#### **4.10 QUARTERLY DOWNLOAD OF DATA**

Once a quarter (calendar year), Deputies shall download the data and synchronize the internal clock with the (networked) computer in their assigned Taser. In the Detention Division quarterly downloads will be completed by a designated Taser instructor for all Tasers once each quarter.

#### **4.11 REPAIR OF TASER**

Only a designated Taser Armorer or instructor may send a Taser for repair. If a Taser malfunctions, it shall be delivered to the Taser Armorer with an explanation of the problem. The Taser Armorer shall inspect the device and download the data prior to it being sent for repair.

#### **5.0 CUSTODIAN OF TASER RECORDS**

The designated Taser Armorer maintains Taser records. The Administration Division Captain is the Custodian of Taser Records and all requests for Taser download information shall be directed to this person.

#### **6.0 MEDICAL TREATMENT**

Absent extenuating circumstances or unavailability, only qualified personnel, including certified paramedics, should carefully remove Taser probes from a person's body. Used Taser probes shall be considered a sharp biohazard, similar to a used hypodermic needle, and disposed of in an approved Sharps container. Universal precautions should be taken accordingly.

Detention Division medical staff will normally remove Taser probes from a subject, but the probes may be removed by a certified Taser operator. However, Detention Division medical staff and certified Taser operators will not remove any Taser probe embedded in the face, neck, groin or female breast area. Probes in those areas will require the subject be transported to the hospital for Taser barb removal and a hospital clearance.

All persons who have been struck by Taser probes or who have been subjected to the electric discharge

of the device shall be medically assessed during or 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, near the eyes).
- E. The person requests medical treatment.

Persons who exhibit 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 Deputies to be brought under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

If any individual refuses medical attention, such a refusal shall be fully documented in related reports.

If an audio recording is made of the contact or an interview with the individual, and refusal should be included, if possible.

The transporting Deputy shall inform any person receiving custody or any person placed in a position of providing care that the individual has been subjected to the application of the Taser.

## **7.0 TRAINING**

In addition to the initial Sheriff’s Office approved training required to carry and use a Taser, any personnel who have not carried a Taser as a part of their assignment for a period of six months or more shall be re-certified by an Office approved Taser instructor prior to again carrying or using the device. A reassessment of knowledge and/or practical skill may be required at any time if deemed appropriate by the Taser instructor or any other supervisor.

The Taser instructor should ensure that all training includes the following:

- A. A review of this policy.
- B. A review of the Office-Wide Use of Force Policy.
- C. Target area considerations, to include techniques or options to reduce the intentional application of probes near the head, neck, chest and groin.
- D. De-escalation techniques.

## **REVISION HISTORY**

11/24/2010

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## **HISTORY**

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