

TASER/CONDUCTED ENERGY WEAPON (CEW)

- AUTHORITY:** Administrative Directive
- RESCINDS:** Procedure Manual Item 1-4-126 dated 10/20/19 (Recertified)
- FORMS:** Request for Authorization to Possess and Use Taser (F057-10077)
Conducted Energy Weapon
Taser Conducted Energy Weapon Inventory Form (F057-10079)
[Special Incident Report \(SIR\)](#)
- PURPOSE:** To establish a guideline for the issuance, training, use, and storage of the TASER/Conducted Energy Weapon (CEW). This procedure applies to all officers authorized by the Chief Probation Officer to carry a CEW.

I. GENERAL INFORMATION

- A. Department policy regulates possession and use of a TASER by deputized employees of the Orange County Probation Department while they are on duty. Such possession or use is strictly prohibited by the Department during the course and scope of employment unless specific prerequisites have been met and specific written authorization has been granted by the Chief Probation Officer (CPO). Designated armed deputized employees are authorized to possess and use a TASER during the course of their employment.
- B. The training, certification, and authorization to possess and use a TASER in the course and scope of employment is limited by Department policy and law to use as a defensive tool, either for self-defense or the defense of others against a violent/aggressive act, which occurs in the direct course of duty as a deputized employee. Staff who have a reasonable cause to believe that the person to be arrested has committed a public offense, may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance. Staff are expected to approach all dangerous situations skillfully to avoid unnecessarily provoking aggressive acts, which require a defensive response. Staff are referred to Procedure Manual Item (PMI) 1-4-105 (Use of Force [Field Services]) for further guidance.
- C. State law prohibits any person from bringing any weapon, including a TASER, into an institution or on the grounds of an institution, except where authorized by the person in charge. All Probation Department employees who possess a TASER are prohibited from bringing said "weapon" onto any institutional ground unless specific prerequisites are met. When entering a restricted building, correctional facility or juvenile institution, the deputy shall secure the weapon as prescribed by the director of each facility.

II. PROCEDURE

Designated armed deputies are authorized to carry a TASER when conducting field operation duties. Authorization for these positions and the use of a TASER on duty is granted by the CPO and may be withdrawn at any time per his/her discretion.

A. Training

In order to possess and use a TASER while on duty, armed deputized officers must complete a Peace Officer Standards and Training (P.O.S.T.) approved course. Mandated staff will be scheduled for this training as designated.

1. The Professional Standards Division (PSD) shall monitor required TASER training and qualification. All required training and qualification must be satisfactorily completed prior to approval of a deputy to carry a TASER.
2. The Probation Department's Range Master shall arrange for the required TASER training, which includes, but is not limited to: ensuring initial and annual training is conducted, ensuring TASER instructors are certified, maintaining training/proficiency records, maintain an inventory (all TASERs, cartridges, batteries, and other related equipment), and coordinate an annual inspection of all TASERs (includes ensuring the most current data download has been completed).
3. TASER instructors shall successfully complete a certified TASER instructor course, conduct initial and annual TASER training, and assist the Range Master in the development of TASER training programs.
4. Authorized officers are required to successfully complete P.O.S.T. certified training and Department provided training to be issued a TASER. Department training includes a minimum of:
 - a. Twelve (12) hour initial training.
 - b. Two (2) hours of annual training.
5. Authorized officers who have completed P.O.S.T. certified training and Department provided training shall:
 - a. Complete and submit the Request for Authorization to Possess and Use a Taser Conducted Energy Weapon Form (F057-10077) to the PSD Director, along with proof of completion of training.
 - b. The PSD Director shall forward said documents to the CPO for final authorization to possess and use a TASER.
 - c. The original Request for Authorization will be forwarded to the PSD Director, who will maintain a centralized file of all those authorized to possess and use a TASER within the scope of employment.

d. If authorization is not granted, a copy will be returned to the individual officer and the original will be sent to the PSD Director.

6. The Authorization to Possess and Use a Taser Conducted Energy Weapon form will be completed prior to delivery of the Department-issued TASER. A permanent copy will be maintained by the PSD Director.

B. Authorized TASERS, Holsters, and Methods of Carry

1. Officers shall only utilize Department issued TASER equipment.

2. Care, storage, and maintenance of the TASER, holster, cartridges, etc. are the responsibility of the officer to whom they are assigned.

3. TASERs shall be clearly marked by color to differentiate them from the duty weapon or any other device.

4. The TASER shall be carried in a Department issued holster, attached to the duty belt on the officer's support side (non-gun side).

5. The TASER shall be spark tested at a designated area within the office before each shift to ensure operability. Those officers assigned to off-site locations shall ensure their TASERs are spark tested in a safe manner in accordance with Department training.

6. The TASER shall be loaded with a cartridge when worn on duty with one additional cartridge stored in the extended performance power magazine.

C. Use of TASER (Application, Post Application and Guidelines sections combined)

The specific instructions given to the authorized officer during the P.O.S.T. training and departmental training are to serve as specific guides for performance.

1. TASERs are a moderate level of force and are to be applied in accordance with current departmental training and in compliance with existing Use of Force (Field Services) procedures.

2. When practical, a verbal announcement of the intended use of the TASER shall be given prior to the application of the TASER. No verbal announcement is required prior to the application of the TASER if it would endanger officers or others, or if an announcement is otherwise impractical. The verbal announcement serves to provide the individual with a reasonable opportunity to voluntarily comply with the officer's direction and to provide warning to everyone that a TASER may be applied.

3. Each application of the TASER (probe or drive stun) is considered a separate and distinct use of force, and the situation must be evaluated before applying any subsequent cycles.

4. If an application of the TASER is ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the TASER are applied:
 - a. Whether the probes are making contact.
 - b. Whether the individual has the ability and has been given a reasonable opportunity to comply.
 - c. Whether verbal commands or other options/tactics may be more effective.
5. Additional consideration should be given to the following criteria when considering a TASER application:
 - a. Pregnancy.
 - b. Age (elderly or children).
 - c. Individuals who have received multiple discharges from a TASER device.
 - 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 (i.e., falls from height, operating vehicles).
 - g. Individuals with known health problems.
6. The individual to whom the TASER was applied shall be restrained and taken into custody as soon as practicable.
7. After the scene is declared safe, officers shall ensure the cartridge, wires, and probes are handled in a safe manner. Probes may be collected in a sharps container or placed into the cartridge side wire pocket and booked into evidence. Probes shall be treated as a sharp biohazard and universal safety precautions should be used.
8. Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, tolerance to pain, or who require a physical encounter with multiple officers to bring under control, may be at increased risk of sudden death (Excited Delirium). Any subject displaying the above symptoms or any form of distress following a TASER application shall be examined by qualified medical personnel as soon as practicable.

9. Removal of probes imbedded in an individual's skin shall be removed as soon as practicable, by licensed medical personnel or during exigent circumstances by trained Department personnel. If a probe is embedded in a sensitive area of the body (i.e., eye, lip, neck, breast, genital area), the officer shall request immediate medical aid.
10. 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 and cleared by medical personnel at a hospital prior to booking at Juvenile Hall/Orange County Jail.
11. TASER applications shall be documented on the booking application (juvenile and adult).
12. When the TASER is applied to an animal, in addition to the required notification and documentation outlined in this procedure, officers must also notify the owner (if known) and contact OC Animal Care. Removal of probes imbedded in an animal should be removed as soon as practicable by OC Animal Care.

D. Notifications and Documentation

In all incidents involving the use of the TASER on a person or animal, the officer shall verbally report the incident to their Critical Incident Manager (CIM)/immediate supervisor as soon as possible. A Special Incident Report (SIR) shall be completed including all relevant facts related to the circumstances leading up to the incident, the officer's perceptions at the time of the incident, level of resistance, tactics attempted prior to the use of force, and why force appeared necessary.

1. An officer may consult with their union representative when writing/submitting the SIR.
2. Except as specified in D.4. below, any officer involved in a use of force shall have the opportunity to review available audio/video recordings and the taser download report prior to submitting an SIR.
3. An officer involved in a use of force incident shall submit his/her SIR to their assigned SPO or CIM promptly.
4. If circumstances delay the submission of the SIR past 48 hours, approval must be granted from the assigned SPO or CIM. The assigned SPO or CIM will consider the circumstances of the incident, injuries sustained (e.g. serious bodily injury or death), ability to review audio/video recordings, etc. when granting an extension for the submission of the report.
5. Officers shall document the TASER use on the booking application. Additional SIR requirements for TASER application include, but are not limited to:
 - a. The last time the officer spark tested their TASER.

- b. Date, time, and location of the incident.
- c. Identification of all personnel firing TASER devices.
- d. The type and brand of TASER device, cartridge, and cartridge serial number.
- e. Whether any display, laser, or arc deterred a subject and gained compliance.
- f. The number of TASER device activations, the duration of each cycle (number of 5-second cycles and/or drive stuns applied), and the duration between activations.
- g. The range at which the TASER device was used.
- h. The type of mode used (probe or drive stun).
- i. Location of any probe impact.
- j. Location of contact in drive stun mode.
- k. Description of where missed probes went (if applicable).
- l. Identification of all witnesses.
- m. Whether the subject sustained any injuries.
- n. Whether medical care was provided to the subject.
- o. Observations of the subject's physical and physiological actions.
- p. Any known or suspected drug use, intoxication, or other medical problems.
- q. Verbal warning or reasons a verbal warning was unable to be given.
- r. Individual's response (i.e., "individual immediately stiffened up and fell backwards").
- s. Date and time of TASER download after application. Attach a copy of the TASER download report to the SIR.
- t. Medical clearance documentation, if completed.
- u. Whether any officers sustained any injuries.

6. Photographs shall be taken following a TASER application and booked into evidence. Attach copies of the photographs to the SIR. Photographs of injuries and probe/stun contact points in sensitive areas shall be taken of the subject fully clothed. The following shall be photographed unless it is unsafe to do so or in a sensitive area on the body (i.e. groin, buttocks, breast area):
 - a. Full body photo.
 - b. Injuries (visible and complaints of injury).
 - c. Probe/stun contact points.
 - d. Spent cartridge and probes.
7. Officers shall document ALL discharges of the TASER outside of training via verbal notification to their supervisor, Range Master/staff, and a SIR.
8. All officers on scene at the time of a TASER application shall submit their TASER for download and attach a copy of the TASER download report to their SIR.

E. Negligent Discharges

1. Upon a negligent discharge, officers shall immediately:
 - a. Notify their immediate supervisor or acting supervisor.
 - b. Complete a SIR by end of shift, or the next business day if not on duty, unless otherwise directed by a supervisor. Supervisor shall provide a copy of the SIR to the Range Master/range staff.
 - c. Notify the Range Master or range staff and arrange to bring in the deployed cartridge in exchange for a new one by the following business day.
2. Multiple negligent discharges may result in revoking the authorization to carry a TASER at any time.

F. Security and Care of a TASER

1. TASER security is the responsibility of the officer to whom it is assigned. Officers authorized to carry a TASER are charged with the responsibility to observe and practice the following storage regulations:
 - a. While on duty, when not carrying the TASER on the officer's person, the TASER shall be stored in a Department issued/approved securable storage container (i.e., locker or gun locker).

- b. TASERs shall not be stored in a Department facility overnight, unless it is stored in a Department issued/approved securable storage container (i.e., locker or gun locker).
- c. When storing the TASER at the officer's residence, it is the responsibility of the officer to keep the TASER in a safe and secure place (i.e., gunlock box or gun safe).
- d. Officers shall store and transport the TASER in the holster.
- e. When leaving the TASER in an unattended vehicle, the TASER may be safely and temporarily stored in a locked automobile trunk. For vehicles without a trunk, the TASER shall be stored in a locked container and placed out of view or secured in a locked container that is permanently affixed to the vehicle's interior and not in plain view. Locked container, as defined in section PC 16850, means a secure container that is fully enclosed and locked by a padlock, key-lock, combination lock, or similar locking device. A locked container does not include the utility or glove compartment of a vehicle. The officer shall exercise caution so that he/she is not observed by the public when placing the TASER in the trunk.
- f. TASERs shall not be stored overnight in a County or private vehicle used on County business with the exception of the "Range and Canine Vehicle". This vehicle must be equipped with secure gun lockers, and TASERs must be stored and locked in the gun lockers.

G. Damage or Loss of a TASER

- H. Any loss of a Department-issued TASER is to be reported verbally to the immediate supervisor as soon as possible. A SIR shall be completed within forty-eight (48) hours, unless directed otherwise by a supervisor.
- 1. Officers shall immediately file a report with the appropriate law enforcement agency and provide their supervisor with a copy of the law enforcement report upon its completion.
 - 2. Any damage or other maintenance problems with a Department-issued TASER shall be reported immediately to your chain of command via SIR.
 - 3. Notify the damage/loss to range staff for a replacement TASER and provide a copy of the SIR.

I. Use of Force Review Board

Whenever a TASER is used on another person or animal during the course of employment, the Use of Force Review Board will review the incident (See PMI 1-4-108 [Use of Force Review Board]).

REFERENCES:

Procedures:	1-4-105	Use of Force (Field Services)
	1-4-108	Use of Force Review Board
	1-4-110	Threats, Harm, Danger to Employees and Others
	1-4-119	Field Officer Safety Information/Required Equipment for Field Activities
Policy:	D-1	Threats, Harm, Danger to Employees and Others
	D-2	Use of Physical Restraint/Corporal Punishment

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APPROVED BY: