

## Taser/Conducted Electrical Device (CED)

<b>Effective Date:</b>	4/11/24
<b>Revised Date:</b>	4/11/24
<b>Issuing Authority:</b> Chief Probation Officer	

### 824.1 PURPOSE:

To provide guidelines for the issuance, carrying, use, storage, and training requirements for Tasers/CEDs.

### 824.2 DEFINITIONS:

Arc Switch: The button on the Taser which can be used to:

1. Function test when the Taser is in function test mode.
2. Activate the drive stun mode or provide a warning arc display when the Safety switch is in the up/armed position.
3. Administer another 5-second discharge across both bays and at the probe deployment sites when a cartridge has already been deployed.

Cartridge: The cartridge houses the probes and wires and attaches to the front of the Taser.

Drive Stun: When the Taser's Safety switch is in the up/armed position and the Arc switch is engaged, energy will spark across the electrodes without deploying the cartridge.

Firmware: The latest programming embedded into the Taser's hardware to operate effectively.

Probe: A dart propelled forward out of the cartridge when the trigger switch is pressed.

Function Test: A non-contact test to verify the Taser is working properly. It is performed by keeping the Safety switch in the down/safe position, pressing and releasing both Arc switches simultaneously, and then moving the Safety switch to the up/armed position within 5 seconds of pressing the Arc switches. After entering function test mode, press and release only one of the Arc switches and the Taser will cycle for five (5) seconds.

TASER®: The term Taser as used in this procedure refers to the CED manufactured by the TASER® Company and issued by the Department.

Warning Arc Display: A warning arc is an energy discharge across the front of the Taser. A warning arc can be accomplished without removing the live cartridges from the Taser by pressing and holding the Arc switch while the Safety switch is in the up/armed position.

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#### **824.3 GUIDELINES:**

- A. Any deviation from this procedure must be approved by the Chief Probation Officer, or their designee.

#### **824.4 RESPONSIBILITIES:**

- I. Authorization/Issuance:
  - A. Officers who have been approved by the Chief Probation Officer or their designee may be issued a Taser.
  - B. Officers who are issued a Taser shall successfully complete and maintain all required and related departmental training. A reassessment of an officer's knowledge and/or practical skills may be required at any time.
  - C. All officers at the rank of Supervising Probation Officer and below shall be issued a Taser if they are issued a firearm.
  - D. All officers at the rank of Division Director and above may request to be issued a Taser if they are issued a firearm.
  - E. Officers are not authorized to carry a department-issued Taser off-duty.
  - F. The Chief Probation Officer or their designee has the authority to revoke the authorization to carry a Taser at any time.
- II. Training/Records/Inventory:
  - A. Range/Force Options Supervisor shall:
    - 1. Develop a Taser training program, which includes, but is not limited to, a review of related policy/procedure, performing cross-draws to reduce the possibility of unintentionally drawing and firing a firearm, target area considerations, techniques, options, handcuffing, transitioning to other force options, de-escalation techniques, and restraint techniques that do not impair respiration after applying the Taser.
    - 2. Ensure initial and annual training is conducted.
    - 3. Ensure Taser instructors are certified.
    - 4. Maintain training/proficiency records.
    - 5. Maintain an inventory of all Tasers, cartridges, batteries, and other related equipment.
    - 6. Coordinate an annual inspection of all Tasers, to include ensuring the most current firmware has been completed.
  - B. Taser Instructors shall:
    - 1. Successfully complete a certified Taser instructor course.
    - 2. Assist in and/or conduct initial and annual Taser training.
    - 3. Assist the Range/Force Options Supervisor in the development of Taser training programs.

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#### III. The Taser:

- A. Officers shall carry the Taser in conjunction with their firearm while conducting fieldwork unless otherwise approved by the Chief Probation Officer or their designee.
- B. Officers shall only utilize department-issued Taser equipment.
- C. Care, storage, and maintenance of the Taser and its accessories are the responsibility of the officer to whom they are assigned.
- D. Tasers shall be clearly marked by color to differentiate them from the duty weapon or any other device.
- E. The Taser shall be carried in a department-issued holster, rigidly attached to the duty belt at waist level, on the officer's support side/non-gun side, in a butt-forward, cross-draw position.
- F. In order to ensure operability, officers shall perform a function test at the designated area within the office prior to leaving to conduct fieldwork or Probation Department business. Those officers assigned to offsite locations shall ensure their Tasers are function tested in a safe manner in accordance with department training. It is recommended the function test be performed daily.
- G. The Taser shall be fully loaded with a cartridge in Bay 1 and Bay 2 when worn on duty.
- H. The additional two (2) cartridges shall be stored and carried in the provided case, attached to either the front or back of the Taser holster.
- I. The Taser and its accessories (battery, cartridges, holster, etc.) are assigned per individual officer. The batteries should be labeled with the officer's employee identification number.
- J. The Taser battery shall be charged and docked a minimum of every thirty (30) days.

#### IV. Taser Storage:

- 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 (e.g., gun locker, personal equipment locker secured with a department issued lock).
- B. Tasers shall not be stored overnight in any vehicle.
- C. Tasers shall not be stored in a department facility overnight unless stored in a locked safe designed for storing firearms.
- D. 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 (e.g., lock box, gun safe).
- E. Officers shall make every attempt to store and transport the Taser in the holster.

#### V. Stolen or Lost Tasers:

- A. Officers shall upon discovery of a stolen or lost Taser:

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1. Immediately notify the supervisor. If after regular business hours, notify the On-Call Duty Officer.
  2. Immediately file a report with the appropriate law enforcement agency. If after regular business hours, the report shall be filed the next business morning.
  3. Complete an Incident Report (IR) by the end of the shift, unless otherwise directed by a supervisor.
  4. Provide the supervisor with a copy of the law enforcement report upon its completion.
- B. Supervisors shall upon notification of a stolen or lost Taser:
1. Immediately notify the Division Director and the Range/Force Options Supervisor. If after regular business hours, notify the On-Call Division Director.
  2. Ensure the officer files a report with the appropriate law enforcement agency.
  3. Review the completed incident report and all related documentation.
  4. Ensure the officer provides a copy of the law enforcement report upon its completion.
  5. Ensure a copy of the law enforcement report is sent to the Range/Force Options Supervisor or their designee upon receipt.
- VI. Application/Use of the Taser:
- A. The Taser may be used when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:
    1. Who is violent or is physically resisting.
    2. Who 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 or others.
  - B. 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:
    1. Provide the individual with a reasonable opportunity to voluntarily comply.
    2. Provide other officers and individuals with a warning that a Taser may be deployed.
  - C. If after a verbal warning, an individual fails 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 a warning arc, in order to further attempt to gain compliance prior to the application of the Taser.
  - D. A warning arc should only be performed when circumstances reasonably and feasibly allow the officer the opportunity to safely conduct the display. A warning

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arc may be used as a de-escalation tool. The auditory sound and visual stimulation may act as a deterrent to encourage compliance without having to deploy a cartridge. The warning arc may be used as a deterrent for an aggressive animal (e.g., dog).

- E. Mere flight, without other known circumstances or factors, is not good cause for using the Taser.
- F. The Taser shall not be used to psychologically torment, to elicit statements, or to punish any individual.
- G. An officer should not hold a firearm and the Taser at the same time, unless it is to transition to a firearm or other force option. The Taser should be holstered as soon as possible.
- H. The preferred target areas for CED exposure are lower center mass (below the chest or area of the heart) and legs for front exposure and below the neck area for back exposures. The head, neck, chest, and groin should be avoided when reasonably practicable. If the dynamics of the situation or officer safety do not permit the officer to limit the application of the Taser 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.
- I. The use of drive-stun mode (e.g., direct contact without probes) relies primarily on pain compliance, as such, the use of the drive-stun mode should be limited to supplementing the probe-mode to complete the circuit and/or as a distraction technique to gain separation between officers and the subject, giving the officers time and/or distance to consider other force options or actions.
- J. Officers should apply the Taser for only one standard cycle (5-second cycle) and then re-evaluate the situation before applying any subsequent cycles. The officer should consider certain factors before applying additional applications of the Taser, including but not limited to the following:
  - 1. Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
  - 2. Whether the individual has the ability and has been given a reasonable opportunity to comply.
  - 3. Whether verbal commands or other options or tactics may be more effective.
- K. If the first application of the Taser appears to be ineffective followed by a loud arcing noise and no change in subject behavior, it could mean a bad connection. Officers should consider a second application or other available options.
- L. Officers should not intentionally utilize more than one Taser at a time against a single individual.
- M. The use of the Taser on sensitive populations should be avoided unless the totality of the circumstances indicates that other options reasonably appear ineffective or would present a greater danger to the officer, the subject, or

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others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

1. Individuals known to be pregnant.
2. Elderly individuals or obvious children.
3. Individuals with obviously low body mass.
4. Individuals handcuffed or otherwise restrained.
5. 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.
6. Individuals whose position or activity may result in collateral injury (e.g., falls from a height, operating vehicles, in or next to a body of water).

- N. The Taser may be deployed against a potentially dangerous animal (e.g., dog), if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or likely would be ineffective.

#### VII. Post Application/Use of the Taser:

- A. Officers should take appropriate action to control and restrain the individual to minimize the need for longer or multiple exposures to the Taser (Controlling and cuffing under power).
- B. After the scene is declared safe, officers shall ensure the cartridge, wires, and probes are handled in a safe manner, following departmental training guidelines, and booked into evidence. Probes shall be treated as a sharp biohazard and Universal Precautions should be used.
- C. Probes imbedded in an individual's skin shall be removed as soon as practicable per departmental training guidelines, or by licensed medical personnel. If a probe is embedded in a sensitive area of the body (e.g., eye, lip, neck, breast, genital area), the officer shall request immediate medical aid to get the probes removed.
- D. Officers shall inform any person providing medical care or receiving custody of the individual that the individual has been subjected to the application of the Taser.
- E. The following individuals shall be medically evaluated by qualified medical personnel as soon as practicable and prior to booking if:
  1. The individual is exhibiting signs of distress.
  2. The individual is exposed to multiple applications (e.g., more than 15 seconds or three cycles).
  3. The individual is suspected of being under the influence of controlled substances and/or alcohol.
  4. The individual may be pregnant.
  5. The individual reasonably appears to be in need of medical attention.

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6. The individual requests medical treatment.
  7. The Taser probes are lodged in a sensitive area (e.g., eye, lip, neck, breast, genital area).
  8. The individual exhibits extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, tolerance to pain, or requires a physical encounter with multiple officers to bring them under control.
  9. The individual experienced direct exposure of the laser to the eye.
- F. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel. The refusal should be audio recorded if possible and documented in any related reports.
- G. A pre-booking medical clearance is not required to book an individual into an adult or juvenile detention facility, unless:
1. Specifically requested by the facility.
  2. Requested by the individual to whom the Taser was applied.
  3. Other existing medical conditions require a pre-booking medical clearance.
  4. The individual falls under any of the specified categories delineated above.
- H. 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 Animal Control.
- VIII. Documentation/Reporting post Taser Application/Use:
- A. Officers shall, as soon as practicable, verbally report the application of the Taser to their supervisor.
  - B. Taser application shall be documented on the booking application for both adults and juveniles.
  - C. Officers shall complete and submit an Incident Report (IR) by the end of shift, unless directed otherwise by a supervisor.
  - D. In addition to standard IR requirements, the following information shall be included in IRs following application/use of the Taser:
    1. Whether a verbal warning was given or if one was not, a description of the circumstances that made it impracticable or unreasonable to give such a warning.
    2. Whether a warning arc was used in an attempt to gain compliance or if not used, a description of the circumstances that made it impracticable or unreasonable to do so.
    3. The number of Taser activations/deployments (e.g., number of 5-second cycles and/or drive stuns applied), the type of mode used (e.g., probe

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- or drive-stun), the approximate duration between activations, and the approximate duration of each application.
4. The approximate range at which the Taser was used.
  5. The approximate location of probe impacts or contacts in drive stun mode.
  6. A description of where missed probes went.
  7. A description of the individual's physical and physiological response to the application(s) (e.g., individual immediately stiffened up and fell backward or Neuro-muscular incapacitation (NMI) achieved).
  8. Whether medical care was provided to the individual.
  9. Medical clearance documentation, if completed.
  10. Whether the individual suffered any injuries.
  11. Whether any officers suffered any injuries.
  12. If the individual refused medical attention, such refusal shall be witnessed by another officer and/or medical personnel and fully documented. If possible, an audio recording of the refusal should be obtained, documented, and attached to the IR report.
  13. Cartridge serial numbers.
  14. Date and time of the Taser download after application.
- E. Photographs shall be taken following a Taser application, included in the IR report, and booked into evidence. The following shall be photographed unless it is unsafe to do so:
1. Full body photo.
  2. Injuries (visible and complaints of injury).
  3. Probe/stun contact points. If the probe/contact points are on genitalia, buttocks, or breasts, photos of the area shall be clothed.
  4. Spent cartridge and probes.
- F. All officers on the scene at the time of a Taser application shall dock their Taser for download.
- IX. Accidental/Negligent Discharge:
- A. Officers shall immediately, or as soon as practicable, verbally report the accidental/negligent discharge to their supervisor. Supervisors are to notify the Use of Force Supervisor or designee immediately, or as soon as practicable.
  - B. If after regular business hours where there is no Supervisor on duty, and injuries have resulted from the accidental/negligent discharge, officers shall notify the On Call Officer.
  - C. Officers shall ensure the cartridge, wires, and probes are handled in a safe manner, and collected per departmental training guidelines.



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- D. Officers shall document the accidental/negligent discharge of the Taser via an interoffice memo. The memo shall include the date, time, and location of where the accidental/negligent discharge occurred, any injuries, circumstances, and what supervisor was notified. Officers shall sign the memo and submit the memo to their supervisor.
- E. Supervisors may place the memo in the employee's desk file and shall provide a copy to the appropriate Division Director, Force Options Supervisor, and the Department's Taser Coordinator.
- F. Officers shall provide a copy of their memo to the Department's Taser Coordinator or designee along with the deployed cartridge when exchanging their cartridge.
- G. The Force Options Supervisor, Department's Taser Coordinator, or designee will facilitate remediation that should consist of what to do to avoid similar situations and document the remediation training in a memo and place the memo in the officer's training file.
- H. An officer will not receive a new cartridge from the Force Options Supervisor, Department's Taser Coordinator, or designee without a completed memo.
- I. Officers should not lend, borrow, or swap Taser equipment. This includes but is not limited to cartridges, batteries, Taser handles, holsters, storage containers, etc. In the event of damaged, deployed, or used cartridges or equipment, the officer and/or immediate supervisor is to contact the Use of Force Supervisor or designee for replacement items immediately, or as soon as practicable. No fieldwork shall be conducted until the necessary equipment is replaced and remediation occurs.