

Stanislaus County Sheriff's Department
Adult Detention Division/Policy and Procedures
TASER
Civil Grand Jury Case No. 10-17C
2009 - 2010

SUMMARY

The 2009-2010 Stanislaus County Civil Grand Jury received a complaint requesting examination of the use of TASER guns (hereafter "TASER" or "TASERS") by the Stanislaus County Sheriff's Department. The complaint alleged that either the TASER policy or the training provided prior to the issuance of TASERS is inadequate in light of the number of deaths that have occurred during or after the deployment of a TASER.

The Stanislaus County Civil Grand Jury determined that a limited investigation would be initiated.

BACKGROUND

TASERS are a less-lethal alternative to traditional guns, and are often used in an attempt to save lives while providing safety to people that might be in the surrounding area, and to reduce the injuries received by law enforcement personnel. TASERS render their targets temporarily unable to function by transmitting an electro-muscular disruption through either the darts that are projected from the gun and puncture the target's skin, or through the TASER coming in direct contact with the target's skin. TASERS essentially paralyze the target briefly, allowing law enforcement officers time to safely secure the target and, potentially, avoid injury to any bystanders.

Although TASERS are less-lethal than traditional guns, occasionally death may occur during or after use of the TASER. Deaths as a result of TASER usage are most often not caused simply by TASER deployment, but rather are caused by a combination of TASER deployment and underlying medical or other pre-existing conditions in the body of the subject. It is important to note that deaths occurring during or after TASER deployment are few in comparison to the vast number of times TASERS are deployed.

APPROACH

- The Civil Grand Jury reviewed the policy of the Stanislaus County Sheriff's Department regarding TASERS.
- The Civil Grand Jury interviewed the person in charge of the initial training and annual follow-up training that is required prior to certification to use TASERS.
- The Civil Grand Jury received a live demonstration of the use of TASERS.

- The Civil Grand Jury reviewed the log containing a description of each incident in which a weapon of any type, including TASERs, is deployed.

FURTHER INFORMATION

Set forth below in full is the Stanislaus County Sheriff's Department policy on the use of TASERs.

**STANISLAUS COUNTY SHERIFF'S DEPARTMENT
GENERAL ORDERS
TASER NUMBER 13.03
ISSUED March 1, 2005, Revised October 27, 2009**

PURPOSE:

The purpose of this General Order is to establish guidelines for the deployment, training and use of the TASER energy conducted weapon.

POLICY:

It is the policy of this department to authorize the use of the TASER as a use of force option. The TASER is considered a less-lethal use of force.

DEFINITIONS:

TASER- *An electro-muscular disruption weapon that disrupts the body's ability to communicate messages from the brain to the muscles causing temporary motor skill dysfunction to a subject.*

Drive Stun- *An alternate function of the TASER is to stun a subject by making direct contact with the body after the air cartridge has been expended or removed.*

Air Cartridge- *A replaceable cartridge for the TASER, which uses compressed nitrogen to fire two barbed probes on thin connecting wires sending a high voltage/low current signal into a subject.*

PROCEDURE:

Department members are not authorized to draw or display the TASER, except for training, unless the circumstances create reasonable belief that it may be necessary to use it. Operations personnel are authorized to carry the TASER into Adult Detention facilities in the course and scope of their duties. Adult Detention staff are authorized to carry the TASER inside detention facilities as authorized by a supervisor.

There are three separate types of reportable TASER applications:

1. *Spark Display - A non-contact demonstration of the TASER's ability to discharge electricity. This is conducted only when the cartridge has been removed from the weapon. The purpose of this display is to convince the subject to comply with a lawful order and avoid the TASER being deployed in the Drive Stun or Probe Mode.*
2. *Drive Stun - Contact is made by pressing the front of the TASER (cartridge removed) into the body of a subject resisting lawful orders, and activating the TASER. The drive Stun causes significant localized pain in the area touched by the TASER, but does not have a significant effect on the central nervous system. The Drive Stun does not incapacitate a subject, but may assist in taking a subject into custody. If a TASER is fired using the cartridge, at a distance of less than three feet, the effect will be very similar to a Drive Stun.*
3. *Probe - The TASER is most effective when the cartridge is fired and the probes/darts make direct contact with the subject. Proper applications will result in temporary immobilization of the subject and provide the deputy a "window of opportunity" in which to take the subject safely into custody.*

Optimum range for probe deployment is 7 to 15 feet with a 21-foot maximum distance. Deployment of the TASER cartridge at distances of less than three feet will not result in temporary immobilization or central nervous system disruption.

The TASER is one of the options available to deputies. The TASER, like the baton, OC spray or empty hand techniques may not be effective in every situation. Deputies must assess the effectiveness of each application and determine whether further applications are warranted or a different tactic should be employed. The decision to use the TASER will be dependent upon the actions of the subject, the threat facing the deputy, and the totality of circumstances surrounding the incident. The TASER may be used when a subject is displaying active, aggressive or aggravated aggressive resistance to a deputy attempting to conduct legal law enforcement activities.

While manufacturers have generally recommended that reasonable efforts should be made to target 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 the deputy to limit the application of the TASER darts 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 darts strikes the head, neck, chest or groin.

The TASER will not be used:

1. *When the Deputy knows a subject has come in contact with flammable liquids or is in a flammable atmosphere;*
2. *When the subject is in a position where a fall may cause substantial injury or death;*
3. *Punitively for purposes of coercion, or in an unjustified manner;*
4. *When a prisoner is handcuffed, unless the prisoner is physically resisting and causing an immediate threat to staff members and the prisoner cannot be safely controlled using other restraint devices;*

5. *To escort or jab individuals;*
6. *To awaken unconscious or intoxicated individuals; or*
7. *When the subject is visibly pregnant, unless deadly force is the only other option.*

The TASER should not be used in the following circumstances (unless there are compelling reasons to do so which can be clearly articulated):

1. *When the subject is operating a motor vehicle;*
2. *When the subject is holding a firearm;*
3. *When the subject is at the extremes of age or physically disabled; or*
4. *In a situation where deadly force is clearly justifiable unless another deputy is present and capable of providing deadly force to protect deputies and/or civilians as necessary.*

TRAINING AND CERTIFICATION:

Personnel who have been certified as TASER instructors will be the only authorized persons to instruct on the TASER. Training will be conducted in accordance with department protocols. Deputies authorized to use a TASER must successfully complete an initial certification-training course, to include written and practical tests. Once certified, deputies must attend annual recertification training. All Patrol Division deputies who have been certified must carry the TASER, if available, when on duty and in uniform.

EQUIPMENT CARE AND HANDLING:

Deputies will use only authorized TASER equipment issued by the Stanislaus County Sheriff's Department. The TASER will be inspected for damage and cleanliness, and cartridges replaced when required by the deputy. The battery display will be checked on the Central Information Display at the beginning of each shift. A reading of 20% or less will require the DPM/battery pack be changed. The DPM/battery pack will not be removed from the TASERs except when the reading is 20% or less or to conduct a data download. Only authorized personnel will remove batteries from the TASER unit. The TASER will never be stored more than 48 hours without the DPM/battery pack attached.

TASERS must be stored and secured in the Armory when not in use. At the beginning and end of shift, the deputy must sign the TASER out on the Equipment Log Sheet. Before leaving at the end of shift, deputies must ensure the TASER has been returned to the Armory. Deputies must conduct a spark check at the beginning of shift to ensure the TASER will function properly. A spark check is an equipment check conducted outside of public view to ensure the TASER is operable. It is conducted by removing the cartridge, test firing the weapon and observing the electrical arc. This spark check does not require completion of a use of force report.

Uniformed deputies will carry the TASER in a department issued holster. The holster will be carried on the opposite side of the duty firearm, cross-draw position. Non-Uniformed deputies will carry the TASER in an approved holster on the side opposite the duty firearm. Deputies have

the option of carrying the standard DPM or the X-DPM, which is an extended version, capable of carrying a spare TASER Cartridge.

PATROL DIVISION DEPLOYMENT PROCEDURE:

Deputy Sheriff-Coroner Personnel:

- 1. Gives a warning, when practical, to the subject and other deputies before firing the TASER at the subject.*
- 2. Consider target options to reduce the intentional application of probes near the chest, groin, neck and head.*
- 3. When encountering subjects wearing heavy or loose clothing on the upper body, the legs should be considered as a target.*
- 4. Attempts to avoid hitting the subject in sensitive tissue areas such as head, face, neck, groin, or chest area, however probes penetrating these areas will be removed by medical personnel at a medical facility.*
- 5. Insures the probes are removed from the subject's skin by a TASER certified deputy.*
- 6. Use of the "Drive Stun" is discouraged except in situations where the "probe" deployment is not possible and the immediate application of the "Drive Stun" will bring a subject displaying active, aggressive or aggravated aggressive resistance safely under control. Multiple "Drive Stuns" are discouraged and must be justified and articulated on the TASER Use of Force form. If initial application is ineffective, deputies will reassess situation and consider other available options.*
- 7. Notifies detention medical personnel, at the time of booking, that the subject has been struck with TASER probes or received a drive stun. An examination will be conducted by detention medical personnel to determine whether the individual has suffered any injury, either directly from the TASER discharge or indirectly, such as by falling after incapacitation.*
- 8. Makes notification to immediate supervisor whenever the TASER has been used.*

Immediate Supervisor:

- 1. Responds to the scene when a TASER has been used, if possible.*
- 2. Notifies the area lieutenant and/or watch commander when a TASER has been used.*
- 3. Insures photographs are taken of the site of the probe impacts and any related injuries and attach to the TASER Use of Force Report.*

Lieutenant/Watch Commander:

- 1. Responds to the scene if serious bodily injury resulted from the use of the TASER, or other circumstances dictate.*

ADULT DETENTION DIVISION DEPLOYMENT PROCEDURE

Adult Detention Personnel:

- 1. Obtains permission from the shift Sergeant prior to deploying the TASER, unless there are immediate exigent circumstances and the deputy is unable to contact the Sergeant prior to deployment.*
- 2. Responds to the scene with at least two cartridges.*
- 3. Considers other alternatives to resolve the incident before deploying the TASER.*
- 4. Ensures sufficient back-up deputies are present prior to use.*
- 5. Gives a warning, when practical, to the inmate and other deputies before targeting and firing the TASER at an inmate.*
- 6. Consider target options to reduce the intentional application of probes near the chest, groin, neck and head.*
- 7. When encountering subjects wearing heavy or loose clothing on the upper body, the legs should be considered as a target.*
- 8. Attempts to avoid hitting the subject in sensitive tissue areas such as head, face, neck, groin, or chest area, however probes penetrating these areas will be removed by medical personnel.*
- 9. Ensures the probes are removed from the subject's skin by a TASER certified deputy.*
- 10. Use of the "Drive Stun" is discouraged except in situations where the "Probe" deployment is not possible and the immediate application of the "Drive Stun" will bring a subject displaying active, aggressive or aggravated aggressive resistance safely under control. Multiple "Drive Stuns" are discouraged and must be justified and articulated on the TASER Use of Force Form. If initial application is ineffective, deputy will reassess situation and consider other available options.*
- 11. Notifies medical staff to respond to the scene of a TASER deployment.*
- 12. Ensures photographs are taken of the site of the probe impacts and any related injuries.*

Adult Detentions Medical Staff:

- 1. An examination will be conducted by Adult Detention medical personnel to determine whether the individual has suffered any injury, either directly from the TASER discharge or indirectly, such as by falling after incapacitation.*

POST- DEPLOYMENT

All Deputy Sheriff Personnel:

- 1. Ensures the suspect is medically cleared by medical personnel prior to booking.*
- 2. Handles the probes the same as contaminated needles and sharps in accordance with department biohazard disposal procedures. Impounds all probes removed at a medical facility.*
- 3. Completes TASER Use of Force Report whenever a TASER is fired, whether a subject is struck or not.*

4. *Completes a detailed written incident/crime report describing the TASER use.*
5. *Forwards a copy of the TASER Use of Force Report to the watch commander.*

Supervisor:

1. *Ensures the deputies complete reports and that required photographs are taken.*
2. *Verifies the probes are disposed of properly and arranges for replacement cartridges.*
3. *Ensures TASER Use of Force Report is completed.*

Watch Commander/Supervisor:

1. *Ensures TASER Use of Force report is complete, accurate, and forwarded to the TASER Program Coordinator according to department protocols. For Adult Detention personnel, TASER Use Reports shall be forwarded to BAS.*
2. *Ensures a control log is maintained for weapon/cartridge check-out and check-in, and weapon repairs.*

ADDITIONAL INFORMATION

During the live demonstration of TASERs, the Civil Grand Jury learned that prior to being issued a TASER, each person who will use a TASER has a TASER deployed against him or her. This procedure is used to teach the TASER users intimately about the effects of the TASER.

CONCLUSION

In view of the totality of circumstances, including the number of pending lawsuits which involve the use of TASERs in Stanislaus County, it is the opinion of the 2009-2010 Civil Grand Jury that it would be inappropriate to take a position on the TASER policy or make any recommendations at this time. The Civil Grand Jury is publicizing the above policy solely in an effort to increase the public's awareness.

RESPONSE

No response is required.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.