

308.98 REPORTING

Once the subject is in custody, the officer using a NMD to subdue a subject shall notify the Supervisor or Watch Commander of the activation.

All NMD uses, activations, change activations to "applications" will be documented in a police incident report. Threatened use shall be documented via CAD and additionally noted in the police incident report, if the situation required that a report be made. Officers shall articulate in their police report the specific justification for the initial application and any subsequent application(s), if applied. The downloaded NMD activation report will be included with the original police report.

Incident reports documenting Taser activations shall include the following:

- The date, time, location and type of call,
- Time of arrival
- Observations of subject's actions and circumstances justifying activation of the NMD, including weapons possessed, level of aggression, subject statements, distances between the subject and threatened officers or citizens, etc.
- Documentation of warnings given prior to NMD activation, or reasons that warnings were not given
- Documentation of the use of laser dot
- Officer's justification of reasonableness for force used
- Method of use of the NMD (probe or drive stun), range at which NMD activated, and number of activations
- Serial number and model of the Taser and serial number of any cartridge(s) used in the incident
- Location and description of application sites
- Type of clothing worn by the subject
- Response of the suspect to the Taser activation (i.e., reactions such as "stiffened and fell backwards"
- All photographs taken of the scene, subject, injuries, etc.
- Injuries sustained by the subject, officer(s) or citizens
- Type of medical aid provided, including treating medical personnel names
- Suspect transport for medical clearance and doctor's name
- Whether or not an "Authorization for Release of Medical Information and Records" was completed
- Suspect booking information and custodial staff advisement of Taser application

308.99 EVIDENCE PROCEDURES

The Supervisor or Watch Commander is responsible for gathering and processing of the following evidence related to any case involving the activation of a Taser:

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1. Obviously pregnant women.
2. Elderly, frail, or obviously infirm persons.
3. Children obviously under 14 years of age.
4. Individuals who are handcuffed.
5. Individuals who are engaged in passive resistance type behavior.
6. Individuals who could fall from a height that would cause substantial injury or death.
7. Individuals who are in a body of water, or who could fall into a body of water.
8. Individuals who are in control of a moving vehicle (or vehicles that could begin moving if the TASER is activated). Moving vehicles include autos, trucks, motorcycle, and or bicycles.
9. Individuals who are near any combustible material.

Officers should avoid firing the TASER X26 darts at an individual's head, neck, and/or genitalia. Additionally, the taser should not intentionally be aimed at the subject's eyes.

In general, the TASER X26 should be deployed for the shortest period possible to take the individual safely into custody. After each 5-second cycle of the TASER X26, an officer should weigh the circumstances involved to determine whether additional TASER X26 discharges would be effective in safely taking the individual into custody or whether another force option should be considered. The TASER X26 normally should not be activated more than three 5-second cycles absent exigent circumstances.

Officers shall not activate multiple TASER X26 devices against a single subject at the same time.

Officers shall not take a department issued TASER out of the police building while off-duty, unless they are transporting the device to a Department-sponsored off-site training location, or later planned police mission.

It is the officer's duty to ensure their issued TASER X26 is properly maintained and in good working order. If an officer's TASER X26 is not functioning properly, the officer will not carry the device and will report the incident immediately to their Supervisor as well as the Defensive Tactics Supervisor.

The audio/video function on the tasers shall be activated even when officers just draw the taser from his/her holster.

Following NMD activation, officers shall not use any restraint technique that impairs respiration.

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TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER DEPARTMENT: POLICE

DATE: SEPTEMBER 24, 2007 CMR:368:07

SUBJECT: POLICE DEPARTMENT'S USE OF FORCE POLICY INCLUDING TASER USE

This is an informational report and no Council action is required.

DISCUSSION

On May 7, 2007 the City Council approved the expenditure of Citizens Options for Public Safety (COPS) funds for the purchase of electronic control devices (tasers), supplies and training in accordance with the Taser Task Force study. At that time, a draft of the policy for taser use was provided to the Council. While the Council indicated that was no need for staff to bring the policy back, Council did direct staff to define that the use of tasers would be limited to those situations in which a gun may be drawn. While staff has revised the policy (attached) and included taser use into the Department's complete use of force policy to clarify the use of tasers in the context of the Department's overall use of force policies, staff believes that the defining factor directed by the Council for the use of tasers is much too liberal, which is contrary to Council's stated intent. Therefore, staff attempted to incorporate Council's intent – to make the policy restrictive, without limiting taser use to deadly force situations.

As an example of why staff was unable to incorporate the suggested language, officers are trained to

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DISCUSSION

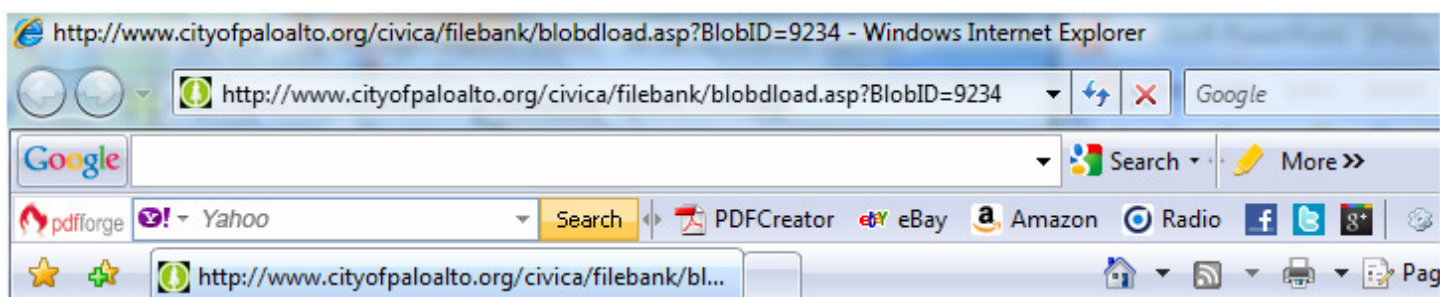
On May 7, 2007 the City Council approved the expenditure of Citizens Options for Public Safety (COPS) funds for the purchase of electronic control devices (tasers), supplies and training in accordance with the Taser Task Force study. At that time, a draft of the policy for taser use was provided to the Council. While the Council indicated that was no need for staff to bring the policy back, Council did direct staff to define that the use of tasers would be limited to those situations in which a gun may be drawn. While staff has revised the policy (attached) and included taser use into the Department's complete use of force policy to clarify the use of tasers in the context of the Department's overall use of force policies, staff believes that the defining factor directed by the Council for the use of tasers is much too liberal, which is contrary to Council's stated intent. Therefore, staff attempted to incorporate Council's intent – to make the policy restrictive, without limiting taser use to deadly force situations.

As an example of why staff was unable to incorporate the suggested language, officers are trained to draw their weapons on felony car stops, prowler calls, and other felonies in progress when there is likelihood that the suspect may be armed. In many of those cases, suspects comply with the officers' verbal commands and as a result, there would be no need to use a taser and it would be a violation of the use of force policy and a violation of the law. If the policy included the allowance of use as directed by the Council, there would be no violation of policy and in fact, the number of times a taser would be allowed by policy would increase significantly.

There was also discussion at the Council meeting about defining the use of tasers only in those circumstances under which lethal force or the use of a gun would be permitted. There are numerous situations that officers encounter when deadly force may be permitted but would not be necessary when a taser is used and/or in situations when deadly force would not be permitted, but the use of taser would prevent injury to suspects and/or officer several examples recently occurred in Palo Alto. In one situation, officers responded to call of a suspect who had gone on a rampage, was out of control ,

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Palo Alto Police Department Policy 308

Control Devices and Techniques

308.1 PURPOSE AND SCOPE

This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide officers of this Department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial, and safe manner.

308.2 PHILOSOPHY

The use of force by law enforcement personnel is a matter of civil concern both to the public and law enforcement community. Officers are involved on a daily basis in numerous and varied human encounters and, when warranted, may use force in carrying out their duties.

Officers must have an understanding of, and a true appreciation for, the limitations of their authority. This is especially true with respect to officers overcoming resistance while engaged in the performance of their duties.

This Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

308.3 POLICY

It is the policy of this Department that officers shall use only that force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of "reasonableness" must allow for the fact that officers are often forced to make split-second decisions in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation. The use of less lethal control devices, including the Neuro Muscular Device (NMD), will be deployed in a manner that maximizes the safety of all individuals involved in an incident within the guidelines of this policy.

While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

308.91 NEURO MUSCULAR DEVICE (NMD) DESCRIPTION

The TASER X26 is the only NMD authorized for use by Palo Alto Police Department. Palo Alto Police sworn personnel shall utilize the TASER X26 in accordance with this policy. The TASER X26 is a conducted energy weapon that uses nitrogen to shoot two probes attached to insulated wires to deliver an electrical current to the resisting individual. The TASER X26 can also be used by directly contacting the skin (direct stun). The TASER X26 is a less lethal weapon used to temporarily incapacitate violent or potentially violent individuals by discharging an electric current, via the probes or direct contact that causes neuro-muscular incapacitation.

The Department is committed to reducing the potential for violent confrontations between officers and suspects as well as reducing the risk of serious injury to all involved. To accomplish this, the Department authorizes the use of less-lethal tools. Although designed to lower the risk to officers and suspects, the Department recognizes that any less-lethal weapon has the potential to cause serious injury or death.

308.92 PROCEDURE

Only qualified and sworn personnel who have successfully completed the Palo Alto Police Department NMD Training Program and the Department's Crisis Intervention Training (CIT) shall be authorized to carry the TASER X26. The use of the TASER X26 shall be subject to this policy and the Palo Alto Police Department Policy 309 pertaining to the Use of Force Reporting.

308.93 BASIC AND CONTINUED PROFESSIONAL TRAINING

All sworn Palo Alto Police Department employees must successfully complete a 16-hour training program prior to being issued a TASER X26. All sworn employees will attend, and successfully complete, an annual training course prior to continuing to carry and deploy the TASER X26.

All basic and continued training will be developed by the Defensive Tactics Team. The training curriculum will include all contemporary training materials, legal updates, case studies, manufacturer's updates, in-custody death awareness, with crisis intervention techniques and reality-based scenario training.