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**San Rafael Police Department**  
**Taser / Simunition Phase Training**  
**October and November 2016**

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<b>0700 - 0715</b>	<b>Sign in</b>
<b>0715 - 0730</b>	<b>Introduction to the day</b>
<b>0730 - 0815</b>	<b>Case Law / Use of Force policy &amp; De-escalation review</b>
<b>0815 - 1030</b>	<b>Taser X26P Power Point</b>
<b>1030 - 1100</b>	<b>Issue Taser X26P and inventory X26 / Duty Belt set-Up</b>
<b>1100 - 1145</b>	<b>LUNCH</b>
<b>1145 - 1215</b>	<b>Drills: Holstering and reloading</b>
<b>1215- 1400</b>	<b>Simunition Scenarios #1/ #2/ AND #3</b>
<b>1400 - 1600</b>	<b>Simunition Scenarios #4/ #5 and #6 option</b>

**INSTRUCTOR NOTES: 2 Instructors minimum 3 preferred**

**0700-0715:**

- Have students sign in, name, POST ID#, and signature
- Safety check all officers for weapons NO GUN, KNIVES, AMMUNITION, and OC.
- X26 and BATON or ASP OKAY due to the fact students will be turning in Tasers and using batons during practical Taser scenario.

**0715-0730:**

- Explain the day's agenda (see page 1)

**0730-0815:**

**Case Law review Graham V. Connor**

**Instructor needs to cover UOF policy completely and emphasize POINTS**

**Facilitate discussion with students to cover UOF policy**

**POINTS to be covered -**

**When can force be used?**

- 1. To overcome resistance and or effect an arrest**
- 2. Only the amount of force reasonable to do so**
- 3. Factors officers should consider (refer to UOF policy),**

**Time of day**

**Number of suspects**

**Weapons**

**Intoxication**

**Mental Health**

**Officers training**

#### **4. Additional factors:**

**Elderly or juvenile**

**Pregnant**

**Mental Illness**

**Location of suspect (i.e. on a ledge, near a pool, on a balcony,, etc...)**

#### **5. De-escalation**

**Discuss techniques in dealing with people who exhibit Excited Delirium/ who are Angry/ those who are uncooperative / those "baiting you"**

- 1. Officer needs to stay calm**
- 2. Assess situation**
- 3. Assess UOF options, if necessary**
- 4. Use words that do not tend to be confrontational**

**A few examples would be: (ask class or C.I.T. grads for suggestions)**

- a. Never the less ...**
- b. I understand that but...**
- c. Regardless**
- d. Tell me more about...**
- e. Tell me your side**
- f. I can help you**
- g. I am here to listen**
- h. You are not in trouble**
- i. You are not under arrest**

- 5. Officers should stay a safe distance from the subject(s) and try not to use threatening body language (ask class for suggestions)**

- a. Slow movements (hands and body)**
- b. Normal or low voice**
- c. Avoid quick movements with arms**

- d. Try not to repeat the same command over and over if it does not work the first few times**

**0815-1030:**

**X26P Power Point presentation. 1 Instructor to facilitate and 1 instructor to move through the Power Point laptop**

**1030-1100:**

**Issue X26P to students, log serial number and officer ID**

**Have students keep their old duty Taser cartridges**

**Give students two blue training cartridges**

**Distribute X26P test and have students take test (20 questions)**

**Pass test to neighbor for correction and correct test**

**1100-1145: LUNCH (in uniform or dressed down)**

**1145-1215: (IN THE MAT ROOM)**

**X26P holstering and reloading drills, using the blue training cartridges.**

- Have Officers draw on command of "THREAT" and re-holster  
Repeat drill 20 times. (use Meseherle example of 9 times)**
- Then have Officers draw X26P, address a threat in front of them.**
  - Pull the trigger**
  - Have X26P cycle**
  - Simulate a miss-connection**
  - Officer reload X-26P. Removing old cartridge and discard**
  - Remove new cartridge from grip of weapon**

- Insert new cartridge onto the front of the X26P
- Holster
- Collect discarded training cartridge and insert into grip of X26P and repeat drill 20 times
- Stress CEW drill:
  - Officer addresses dummy as a combative threat.
  - Officer initially elects to use baton at first. Officer gives commands and strikes dummy.
  - Instructor prompts officer that strikes are not effective and moves to CEW.
  - Officer secures baton and draws CEW
  - Officer gives commands, "Taser, taser, taser" and discharges CEW into vertical cardboard target.
  - Simulate suspect falling to the ground and connection is lost.
  - Officer reloads CEW and discharges second CEW cartridge to horizontal suspect. Officer should turn CEW to account for suspects position.

**1215-1400:**

**INSTRUCTION NOTES:**

**4 Instructors minimum, 5 preferred (4 for scenarios and a safety officer)**

**4 Cadets / 5 preferred**

**NOTE to Students:** Just because role player may be in a HITMAN suit does not necessarily mean that the scenario involves a force option will be used. Suit is for role player's safety. Same goes when role player is in plain clothes, it does not imply that the



**scenario does not involve force. It will fall on Instructor to call "CEASE FIRE" if there is a safety issue during the scenario.**

**Students are well trained officers and should handle scenarios as they would on a daily basis, use radio, ask for assistance, ask for cover, request medical, etc...**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### **What the INSTRUCTORS KNOW**

**Upon officer's arrival, suspect is in apartment. He is winded and surprised to see officer. The apartment door is open. Apartment is disheveled, obvious signs of struggle, and there is no sign of RP, Betty. Male subject is uncooperative but not violent towards officer. Role player should identify himself and offer**



identification to officer if asked. Role player is agitated and refuses to answer questions about Betty's whereabouts and why he is there. Role player stays agitated with the presence of the police in the apartment. Suspect has no weapons and stops rummaging through apartment once officer arrives.

Officer needs to request cover officer and use de-escalation techniques and commands to keep distance and calm suspect. Scenario ends 1 minute after officer requests cover officer

If officer uses force, it must be articulated at conclusion of scenario.

[REDACTED]

## **Scenario #2 - 2 to 3 Instructors/ 1 cadet**

**1 Role player as the suspect in HitMan suit.**

### **D.V. SUSPECT - SNAP SHOT IN TIME – One Officer**

***What the Officer knows: The call: "(Use Officers call sign)" tell them that they just arrived to a D.V. call at 400 Canal St. #273. Two officers already arrived on scene. Upon your arrival you contacted the back-up officer who is watching the suspect (Played***

***by the Instructor). Cover officer tells you that he needs to go into the other room to assist the primary officer.***

**On the Instructors call of "turnaround" the officer turns around and assesses the situation.**

**What the INSTRUCTORS KNOW:**

[REDACTED]

### **EQUIPMENT NEEDED FOR ALL TRAINING DAYS**

- **Daily SIGN IN sheets**
- **POST roster and POST ID#'s**
- **Taser DVD**
- **Role Player clothing XXL sweat shirts and shirts**
- **HitMan and Taser suits**
- **Clothing for suits**
- **X26P's (updated and pre-issued list)1**
- **Taser Holsters**
- **Blue Taser cartridges (30 per class)**
- **Live Taser cartridges (30 per class)**
- **Cooler / Water/ and Ice**
- **First Aid kit**
- **Phase training outline**
- **Allen keys for holsters**
- **Simunition weapons Pistols (ALL), Rifles (4), shotgun**
- **Simunition gear, Masks, Throat, and Groin protection**
- **Inert O.C.**
- **Foam batons (ALL)**
- **Eye protection for Taser practical scenario**
- **Clorox wipes**
- **Flashlight holders (4)**
- **Red Guns and Red knives**

## Use of Force

### 300.1 PURPOSE AND SCOPE

This policy provides 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, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Deadly force** - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

**Force** - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

### 300.2 POLICY

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

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

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

#### 300.2.1 DUTY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

### 300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably

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appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

#### 300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use reasonable force to effect an arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance (Penal Code § 835a).

#### 300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.

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- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the officer.
- (k) Potential for injury to officers, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

#### 300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

#### 300.3.4 CAROTID CONTROL HOLD

The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is subject to the following:

- (a) The officer shall have successfully completed department-approved training in the use and application of the carotid control hold.
- (b) The carotid control hold may only be used when circumstances perceived by the officer at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:
  - 1. The subject is violent or physically resisting.
  - 2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm officers, him/herself or others.

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- (c) The application of a carotid control hold on the following individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective, or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of applying a carotid control hold:
  - 1. Females who are known to be pregnant
  - 2. Elderly individuals
  - 3. Obvious juveniles
  - 4. Individuals who appear to have Down syndrome or who appear to have obvious neck deformities or malformations, or visible neck injuries
- (d) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.
- (e) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.
- (f) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (g) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

#### **300.3.5 USE OF FORCE TO SEIZE EVIDENCE**

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the San Rafael Police Department for this specific purpose.

#### **300.4 DEADLY FORCE APPLICATIONS**

Use of deadly force is justified in the following circumstances:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably

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believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

#### **300.4.1 SHOOTING AT OR FROM MOVING VEHICLES**

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

#### **300.5 REPORTING THE USE OF FORCE**

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

##### **300.5.1 NOTIFICATION TO SUPERVISORS**

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a EMDT or control device.
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.



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- (h) An individual was struck or kicked.
- (i) An individual alleges any of the above has occurred.

**300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE**

The Support Services Supervisor or the authorized designee shall ensure that data required by the Department of Justice (DOJ) regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is collected and forwarded to the DOJ as required by Government Code § 12525.2.

**300.6 MEDICAL CONSIDERATION**

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

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 officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

**300.7 SUPERVISOR RESPONSIBILITY**

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.

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- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
  - 1. The content of the interview should not be summarized or included in any related criminal charges.
  - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
  - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
  - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

#### **300.7.1 SHIFT SUPERVISOR RESPONSIBILITY**

The Shift Supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

#### **300.8 TRAINING**

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

#### **300.9 ADMINISTRATIVE REVIEW**

The supervisor shall attach a completed "Use of Force Analysis Form" to a copy of the associated incident report and route through the chain of command for staff review and recommendations. If the incident involved the use of an EMDT device, then the supervisor shall complete and attach an "EMDT Use Form", along with the EMDT data download.

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The report is based on the initial information available at the time the incident is reviewed. Once the form has been reviewed by the Chief of Police it shall be forwarded to the Professional Standards Unit for final analysis and statistical information gathering. The completed and signed "Use of Force Analysis Form" will be retained, but the attached copy of the associated report will then be destroyed. The review of control holds or other pain compliance techniques does not require review above the rank of Lieutenant unless there are associated injuries.

The purpose of this review is to meet the stated objectives of this policy and is not intended to determine whether each application of force was within policy. This review is independent of any notification and review required under "Supervisor Responsibility" or any subsequent internal administrative investigations.

The administrative review shall be used to provide direction to command staff regarding general policy issues, identify any potential training concerns and maintain statistical information related to Use of Force incidents. The statistical information shall be maintained in a spreadsheet format and minimally include the following categories:

Date, Case Number, Type of Force Used, Overall Effectiveness, and Injuries Sustained (Officer and Subject).

The statistical information spreadsheets shall be stored in the following file location: "W:\Staff Share\Use of Force Reports"

#### **300.10 USE OF FORCE ANALYSIS**

At least annually, the Operations Bureau Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

## Conducted Energy Device

### 309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of EMDTs.

### 309.2 POLICY

The Electro-muscular-disruption-technology-device (EMDT) is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

### 309.3 ISSUANCE AND CARRYING EMDTS

Only members who have successfully completed department-approved training may be issued and carry the EMDT.

EMDTs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

Officers shall only use the EMDT and cartridges that have been issued by the Department. Uniformed officers who have been issued the EMDT shall wear the device in an approved holster on their person. Non-uniformed officers may secure the EMDT in the driver's compartment of their vehicle.

When carried while in uniform officers shall carry the EMDT in a weak-side holster on the side opposite the duty weapon.

- (a) All EMDTs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the EMDT.
- (c) Officers shall be responsible for ensuring that their issued EMDT is properly maintained and in good working order.
- (d) Officers should not hold both a firearm and the EMDT at the same time.

### 309.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the EMDT 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:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the EMDT may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but

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is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the EMDT. 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 or other warning was given or the reasons it was not given shall be documented by the officer deploying the EMDT in the related report.

#### **309.5 USE OF THE EMDT**

The EMDT has limitations and restrictions requiring consideration before its use. The EMDT should only be used when its operator can safely approach the subject within the operational range of the device. Although the EMDT is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

##### **309.5.1 APPLICATION OF THE EMDT**

The EMDT may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject 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, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the EMDT to apprehend an individual.

##### **309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the EMDT on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (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 capicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

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Because the application of the EMDT in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

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

#### 309.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the EMDT 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.

#### 309.5.4 MULTIPLE APPLICATIONS OF THE EMDT

Officers should apply the EMDT for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the EMDT against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the EMDT appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the EMDT, including:

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one EMDT at a time against a single subject.

#### 309.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all EMDT discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

#### 309.5.6 DANGEROUS ANIMALS

The EMDT may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

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#### 309.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department EMDTs while off-duty.

Officers shall ensure that EMDTs are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

#### 309.6 DOCUMENTATION

Officers shall document all EMDT discharges in the related arrest/crime report and the EMDT report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges will also be documented on the report form.

##### 309.6.1 EMDT FORM

Items that shall be included in the EMDT report form are:

- (a) The type and brand of EMDT and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of EMDT activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the EMDT was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The Training Manager should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Manager should also conduct audits of data downloads and reconcile EMDT report forms with recorded activations. EMDT information and statistics, with identifying information removed, should periodically be made available to the public.

##### 309.6.2 REPORTS

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing EMDTs
- (b) Identification of all witnesses
- (c) Medical care provided to the subject

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- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

#### **309.7 MEDICAL TREATMENT**

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove EMDT probes from a person's body. Used EMDT probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by EMDT probes or who have been subjected to the electric discharge of the device shall be medically assessed 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 EMDT probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the EMDT.

#### **309.7.1 COUNTY EMS PROTOCOL**

The medical directors of the Marin County EMS Provider Agencies adopted the following guidelines:

EMS personnel, when requested to evaluate individuals who have received an electrical shock from a Taser, or similar electroshock device, will perform an initial field evaluation and will transport to the closest appropriate medical facility for additional evaluation. Depending upon the individual's condition, he may be a BLS or ALS patient, or may even be a trauma patient if the trauma tool applies. Note that the Taser injury itself may be less significant than either the agitated condition or altered mental status which existed prior to application of the Taser, or the fall and associated blunt trauma secondary to the sudden onset of weakness secondary to Taser application.



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EMS personnel are authorized to remove the barbed electrodes from individuals, or from individuals clothing, at their discretion, if the presence of the electrodes presents a sharps risk to personnel. The barbs will be removed and placed in a Sharps container. Alternatively, if the EMS personnel feel that they cannot remove the barbs due to a patient's agitation or other safety hazard, or due to the barb being impaled in such tissues as the orbit, lip, glands or other areas that make removal problematic, then EMS personnel may provide for their own safety by covering the barb with a gauze dressing or other appropriate bandage of their judgment, and defer removal to emergency department personnel.

EMS personnel are not authorized to provide medical clearance for transport to detention centers. All individuals who have been shocked by a Taser will be transported - in custody and in the company of a law enforcement officer. These individuals may neither sign out AMA nor be released at scene.

EMS personnel in the Marin EMS Agency region will not respond solely to remove barbed electrodes and will not provide "medical clearance" for transport to detention centers.

#### **309.8 SUPERVISOR RESPONSIBILITIES**

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the EMDT may be used. A supervisor should respond to all incidents where the EMDT was activated.

A supervisor should review each incident where a person has been exposed to an activation of the EMDT. The device's onboard memory should be downloaded through the data port by a supervisor or Professional Standards Sergeant and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

#### **309.9 TRAINING**

Personnel who are authorized to carry the EMDT shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the EMDT as a part of their assignment for a period of six months or more shall be recertified by a department-approved EMDT instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued EMDTs should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Manager. All training and proficiency for EMDTs will be documented in the officer's training file.

Command staff, supervisors and investigators should receive EMDT training as appropriate for the investigations they conduct and review.

Officers who do not carry EMDTs should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Manager is responsible for ensuring that all members who carry EMDTs have received initial and annual proficiency training. Periodic audits should be used for verification.

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Application of EMDTs during training could result in injury to personnel and should not be mandatory for certification.

The Training Manager should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the EMDT and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the EMDT.

#### **309.10 TASER INSPECTION PROCEDURES**

Each Taser shall be inspected before it is deployed in the field. If the Taser is permanently assigned to you and has remained in your continuous control, then a weekly inspection (Spark Test) is sufficient.

The inspection shall be completed outdoors in the Police Department parking lot. The Taser should be pointed toward the dirt berm at the north side of the parking lot. The Taser shall not be pointed in the direction of another person.

Remove Taser from holster and check the safety and confirm it is in the "OFF" position. If the Taser is in the "ON" position and the trigger is depressed, the Taser probes will fire resulting in weapon misuse and could result in injury to self or other(s).

Point Taser at downward 45-degree angle and maintain muzzle integrity.

Do not pull trigger with the Taser cartridge attached to the firing end of the weapon.

Remove BOTH the Taser cartridges from the device (firing end and handle). Make sure you have two (2) cartridges detached from the Taser. Confirm both cartridges have gray blast doors.

Turn Taser activation switch to the "ON" position.

Depress trigger completely to activate the "drive stun", then release trigger.

Turn Taser activation switch to the "OFF" position.

Replace Taser cartridges back into the device (firing end and handle).

Make sure cartridge snaps squarely into position and fits snug.

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If you feel the Taser is not functioning properly, place it into Armory Cabinet and complete a Department equipment repair form. Advise your Sergeant/ O.I.C. of the malfunction and obtain a functioning Taser.



## Conducted Energy Device

### 309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of EMDTs.

### 309.2 POLICY

The Electro-muscular-disruption-technology-device (EMDT) is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

### 309.3 ISSUANCE AND CARRYING EMDTS

Only members who have successfully completed department-approved training may be issued and carry the EMDT.

EMDTs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

Officers shall only use the EMDT and cartridges that have been issued by the Department. Uniformed officers who have been issued the EMDT shall wear the device in an approved holster on their person. Non-uniformed officers may secure the EMDT in the driver's compartment of their vehicle.

When carried while in uniform officers shall carry the EMDT in a weak-side holster on the side opposite the duty weapon.

- (a) All EMDTs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the EMDT.
- (c) Officers shall be responsible for ensuring that their issued EMDT is properly maintained and in good working order.
- (d) Officers should not hold both a firearm and the EMDT at the same time.

### 309.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the EMDT 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:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the EMDT may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but



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is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the EMDT. 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 or other warning was given or the reasons it was not given shall be documented by the officer deploying the EMDT in the related report.

### **309.5 USE OF THE EMDT**

The EMDT has limitations and restrictions requiring consideration before its use. The EMDT should only be used when its operator can safely approach the subject within the operational range of the device. Although the EMDT is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

#### **309.5.1 APPLICATION OF THE EMDT**

The EMDT may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject 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, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the EMDT to apprehend an individual.

#### **309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the EMDT on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (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 (e.g., falls from height, operating vehicles).



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Because the application of the EMDT in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

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

#### 309.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the EMDT 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.

#### 309.5.4 MULTIPLE APPLICATIONS OF THE EMDT

Officers should apply the EMDT for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the EMDT against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the EMDT appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the EMDT, including:

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Officers should generally not intentionally apply more than one EMDT at a time against a single subject.

#### 309.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all EMDT discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

#### 309.5.6 DANGEROUS ANIMALS

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#### 309.6 DOCUMENTATION

Officers shall document all EMDT discharges in the related arrest/crime report and the EMDT report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges will also be documented on the report form.

##### 309.6.1 EMDT FORM

Items that shall be included in the EMDT report form are:

- (a) The type and brand of EMDT and cartridge and cartridge serial number.
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- (d) The number of EMDT activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the EMDT was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
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- (i) Description of where missed probes went.
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The Training Manager should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Manager should also conduct audits of data downloads and reconcile EMDT report forms with recorded activations. EMDT information and statistics, with identifying information removed, should periodically be made available to the public.

##### 309.6.2 REPORTS

The officer should include the following in the arrest/crime report:

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- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
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Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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Each Taser shall be inspected before it is deployed in the field. If the Taser is permanently assigned to you and has remained in your continuous control, then a weekly inspection (Spark Test) is sufficient.

The inspection shall be completed outdoors in the Police Department parking lot. The Taser should be pointed toward the dirt berm at the north side of the parking lot. The Taser shall not be pointed in the direction of another person.

Remove Taser from holster and check the safety and confirm it is in the "OFF" position. If the Taser is in the "ON" position and the trigger is depressed, the Taser probes will fire resulting in weapon misuse and could result in injury to self or other(s).

Point Taser at downward 45-degree angle and maintain muzzle integrity.

Do not pull trigger with the Taser cartridge attached to the firing end of the weapon.

Remove BOTH the Taser cartridges from the device (firing end and handle). Make sure you have two (2) cartridges detached from the Taser. Confirm both cartridges have gray blast doors.

Turn Taser activation switch to the "ON" position.

Depress trigger completely to activate the "drive stun", then release trigger.

Turn Taser activation switch to the "OFF" position.

Replace Taser cartridges back into the device (firing end and handle).

Make sure cartridge snaps squarely into position and fits snug.



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