

Santa Cruz County Probation Department Updated Jan 2025

POLICY: ~~Pilot~~ TASER-Conducted Electrical Weapon System

PERSONS AFFECTED: Primary-Sworn Staff in the Pretrial Division, Adult Division and Juvenile Division
~~Secondary-Sworn Staff in the Juvenile Division~~

Effective Date: March 1, 2020; Amended 11/18/2021

Policy Approved By: Fernando Giraldo, Chief Probation Officer

Signature

PURPOSE: The ~~Pilot~~ issuance of TASERS in the Pretrial Division, Adult Division and Juvenile Division is intended to provide sworn staff in the Division Department with an intermediate level of intervention to prevent physical harm to sworn staff and/or to suppress resistance to arrests. This policy provides guidelines for the issuance and use of the Conducted Electrical Weapon (CEW) System TASER device.

The TASER device is used to control a violent or potentially violent individual. The appropriate use of such a device should result in fewer serious injuries to staff and suspects.

This Intermediate Level Intervention shall only be deployed where there is an *immediate* risk of safety to sworn staff or the public which is objectively reasonable under the totality of the circumstances. TASERS shall not to be employed with pretrial or probation clientele who are not posing a physical harm to others while resisting arrest, running, or moving away from sworn staff.

PILOT DURATION AND SCOPE: ~~The duration of the Pilot TASER Implementation has been set by the Chief Probation Officer for a period of 2 years. At any time, the Chief Probation Officer may choose to increase the scale of the TASER Implementation. The Chief Probation Officer may at any time suspend or terminate TASER Implementation.~~

AUTHORIZATION OF TASER-CEW DEVICE: Only sworn staff who have successfully completed the Department approved training may be issued and carry the TASER device. The Chief Probation Officer may at any time suspend or terminate TASER Implementation.

~~The Chief Probation Officer (CPO) or designee will determine which staff will be required to train in the use of and carry the TASER device. Sworn staff in identified assignments who regularly conduct duties where adult probation clientele contact is made in the community will be trained in the use of the TASER device.~~

The TASER device may be carried any time when sworn staff expects to have contact with individuals under the jurisdiction of the Probation Department in the community who are 18

years of age or more (with the exception of young people on SB 823 status that are under the age of 18), or with other criminal justice involved adults in the community during approved collaborations with Law Enforcement. Examples of such duties generally include, but are not limited to, Pretrial and Adult Divisions field supervision with those on Pretrial Release, Formal Probation, AB109 Supervision (PRCS/1170)), and transportation thereof. Regarding individuals aged 18 and over who are still under the jurisdiction of the Juvenile Court, only those individuals ~~who are ALSO~~ released on Pretrial Monitoring for a Criminal Court case (charged as an adult), young people assigned to SB 823 or any young person on juvenile supervision who resides in a home with an adult on probation/pretrial supervision may be subject to field supervision by sworn staff in the Adult Division, Pretrial Division and Juvenile Division who are authorized ~~for and may~~ to carry TASERS.

Sworn staff may carry a TASER when they anticipate contact in the community with:

1. Individuals 18 years or older under the jurisdiction of the Probation Department (with the exception of young people under 18 assigned to SB 823).
2. Youth adjudicated for 707b offenses and who are assessed as High Risk and High Level of supervision with up-to-date Risk re-assessments and management approval. For cases with static risk factors that inhibit decreased risk levels, the supervision level shall inform the decision to carry a taser with management approval.
- 2.3. Adults involved in the criminal justice system during approved collaborations with law enforcement.

Examples of such duties include Pretrial and Adult Divisions field supervision for individuals on Pretrial Release, Formal Probation, AB 109 Supervision (PRCS/1170), or during transportation.

For individuals aged 18 and older still under Juvenile Court jurisdiction, TASERs may only be carried when:

- The individual is also on Pretrial Monitoring for a Criminal Court case (charged as an adult).
- They are assigned to SB 823.
- They are on juvenile supervision and live with an adult on probation or pretrial supervision.

This ensures TASER use is aligned with specific roles and responsibilities.

Santa Cruz County Probation Department sworn staff members ~~who have been employed with the Probation Department in a peace officer classification since January 2019~~ may declare a choice not to carry a TASER device. ~~and may remain in or move to any assignment even if that assignment has regular probation clientele contact in the community. Such a~~

~~declaration may be rescinded at any time but may not necessarily prompt immediate placement in a Unit that is assigned TASER devices. Sworn staff who have been trained in the use of a TASER device may not opt out of future TASER training. EXCEPTION: Sworn staff who are within their probationary period as a DPO I may receive TASER training but may not carry a TASER until they have successfully completed their probation period. Authorization to carry a TASER device may be temporarily suspended by a Supervising DPO, Assistant Division Director or Division Director. The Assistant Chief or Chief Probation Officer may suspend or terminate authorization to carry a TASER device for improper or negligent use.~~

REVIEW HISTORY: Reviewed by the Assistant Chief Probation Officer; Chief Probation Officer, Division Directors; Assistant Division Directors; and Probation Officers Association

CONTACT: Assistant Chief Probation Officer

ISSUANCE AND CARRYING TASER DEVICES: TASER devices are voluntarily issued for use during a current assignment in the Pretrial Division, Adult Division and Juvenile Division. ~~Those leaving a particular assignment, which requires the issuance of a TASER, [Adult Division] may be required to return the device to the department inventory.~~

Sworn staff shall only use the TASER device and cartridges that have been issued by the Department. Sworn staff who have been issued a TASER device shall carry the device in an approved manner. The approved method of carrying a TASER device is on a duty belt with a TASER holster.

Sworn staff carrying the TASER device should perform a spark test prior to taking the device out for field work.

- a) All TASER devices shall be clearly and distinctly marked to differentiate them from any other device (e.g., QC Spray) or equipment.
- b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device.
- c) Sworn staff shall be responsible for ensuring that the issued TASER device is properly maintained and in good working order.

VERBAL AND VISUAL WARNINGS: Officers shall give an individual a verbal warning of the intended use of the TASER device prior to its application unless it would otherwise endanger the safety of sworn staff 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 sworn staff, law enforcement partners and individuals with a warning that the TASER device may be deployed. This is done by loudly announcing **"TASER, TASER, TASER."**

If, after a verbal warning, an individual fails to voluntarily comply with a sworn staff's lawful orders and it appears both reasonable and feasible under the circumstances, the sworn staff may, but is not required to, display the electrical arc or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should not be intentionally directed into anyone's eyes.

Warnings may also include the display of TASER device, display of the electrical arc/laser or any combination of the two.

As discussed below, each deployment of a TASER device shall be documented in a related report (i.e., Incident report, TASER device report form) and should clearly address whether a verbal or other type of warning was given, or the reasons why a warning was not given.

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

DEPLOYMENT OF THE TASER DEVICE: The TASER device may be used in any of the following circumstances when the circumstances perceived by the sworn staff at the time indicate that such application needs to be immediate and is reasonably necessary to control a person:

- a) Who is violent or is physically resisting.
- b) Who has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present potential harm to officers, self, or others.

This is inclusive of use in the Probation Offices when a call is made for Law Enforcement response. Sworn staff who have been trained and authorized to carry a TASER may retrieve a TASER to control a violent or potentially violent individual and/or prevent harm to others.

Mere flight, without other known circumstances or factors, is not good cause for using the TASER device.

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

SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER device on certain individuals should be avoided unless the totality of the circumstances indicates that: 1) other options reasonably appear

ineffective or would present a greater danger to the sworn staff, the subject, or others, and 2) the sworn staff reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- a) Individuals known to be pregnant.
- b) Elderly individual or obvious children.
- c) Individuals with obviously low body mass.
- d) Individuals 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 a height, operating vehicles).
- g) Individuals with known medical and/or mental health illness.
- h) Individuals who have already received multiple discharges from a TASER in the same incident.

Because the application of the TASER device in the "drive-stun" mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode should be limited to supplementing the probe-mode to complete the circuit or as a distraction technique to consider force options or actions.

TARGET CONSIDERATIONS

The preferred targeting areas include the individual's back or front lower-center mass. The head, neck, chest, and groin should be avoided when reasonably practicable. If the dynamics of a situation or safety of sworn staff do not permit the sworn staff to limit the application of the TASER device probes to a precise target area, the sworn staff 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.

MULTIPLE APPLICATIONS OF THE TASER DEVICE: Sworn staff should deploy the TASER device for only one standard cycle which is a 5 second discharge and then evaluate the situation before applying any subsequent cycle. Multiple sworn staff should not intentionally deploy more than one TASER device at a time against a single individual. Sworn staff shall not apply the TASER on any one individual more than 2 times.

If the first application of the TASER device appears to be ineffective in gaining control of an individual, the sworn staff should evaluate the situation and consider certain factors before additional application of the TASER device, including:

- a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications
- b) Whether the probes are making proper contact.
- c) Whether the individual has the ability and has been given a reasonable opportunity to

comply.

- d) Where verbal commands or other options or tactics may be more effective.

ACTIONS FOLLOWING DEPLOYMENTS and DOCUMENTATION: Sworn staff should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the TASER device. As soon as practicable, sworn staff shall notify a supervisor any time the TASER device has been discharged.

EVIDENCE DOCUMENTATION: If possible, a sample of confetti/AFID tags should be collected and 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 form. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin and were able to be collected from medical staff. Justification for not collecting post deployment evidence shall be documented in any related reports.

DOCUMENTATION: Sworn staff shall document all TASER device discharges in the appropriate report and the TASER device report forms. This includes reporting any occurrence of the removal of the TASER from the holster whether it is discharged or not. Notification shall also be made to a supervisor in compliance with the Use of Force Policy.

Unintentional discharges, pointing the device at a person, laser activation, and arcing the device, other than for testing purposes, will also be documented in the report.

For unintentional discharges: After review of the report, the Supervisor may, after consultation with a Manager refer the Sworn staff for remediation TASER training and to the Field Training Officer(s) (FTO) program for TASER use review. The TASER training staff and FTO program staff will document the remediation review. The Sworn staff shall not resume use of the TASER until remediation activities have been completed and documented.

TASER DEVICE REPORT FORM: Items that shall be included in the TASER device report form are:

- a) The type and brand of TASER device 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 TASER device 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 TASER device was used.
- f) The type of mode used (probe or drive-stun).
- g) Location of any probe impact.

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- 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 suffered any injuries.
- l) Whether any sworn staff suffered any

injuries. Sworn staff shall also include the following in their report:

- a) Identification of all personnel firing TASER devices
- b) Identification of all witnesses
- c) Medical care provided to the subject
- d) Observations of the subject's physical and physiological actions
- e) Any known or suspected drug use, intoxication, or other medical problems

Management and members of the FTO program should periodically analyze the report forms to identify trends, including deterrence and effectiveness. Management should also conduct audits of data downloads and reconcile TASER device report forms with recorded activations.

MEDICAL TREATMENT: Absent extenuating circumstances, only appropriate medical personnel should remove TASER device probes from a person's body. Used TASER device probes shall be treated as a sharp biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by TASER devices probes or who have been subjected to the electric discharge of the device or who experienced direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories shall 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 TASER device 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 sworn staff 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 sworn staff shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER device.

SUPERVISOR RESPONSIBILITIES: When possible, supervisors should accompany subordinate sworn staff in field enforcement when they reasonably believe there is a likelihood the TASER device may be used. A supervisor and a manager should respond to all incidents where the TASER device was activated.

A supervisor and manager shall review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by a manager/supervisor and saved with the related report. Photographs of probe sites should be taken, and witnesses interviewed.

DANGEROUS ANIMALS: The TASER device 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 likely would be ineffective.

In the event the TASER is applied to an animal, in addition to the required notification and documentation outlined in this policy; sworn staff must also notify the owner (if possible) and contact Animal Control.

OFF-DUTY CONSIDERATIONS: Sworn staff are **not** authorized to carry department TASER devices while off-duty.

TASER devices shall only be stored in Probation offices in designated equipment cabinets and are not to be stored in any other off-site location or in the homes, vehicles, or any other personal bag/effects of department staff. Secure storage will be provided in the Watsonville, Santa Cruz, and Aptos offices for storage at the end of staff's workday.

TRAINING: All Sworn staff shall be trained annually in the use of the TASER. Sworn staff who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial department-approved training. Any sworn staff who have not carried the TASER device as part of their assignments for a period of six months or more shall be recertified by a qualified TASER device instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued TASER devices should occur every year. A reassessment of sworn staff knowledge and/or practical skills may be required at any time, if deemed appropriate, by Management and the Training Officer (Person trained in the "Train-the-Trainer" CEW training). All training and proficiency for TASER devices will be documented in sworn staffs training files.

The Chief Probation Officer and selected managers and supervisors should receive TASER device training as appropriate for the investigations they conduct and review.

Sworn staff who do not carry TASER devices ~~should~~ shall receive annual training that ~~is sufficient to familiarize them~~ maintain working knowledge with the device ~~and with working to work~~ with sworn staff who use the device.

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

Application of TASER devices during training could result in injuries and is not authorized for training. The Training Officer should ensure that all training includes:

- a) A review of this policy.
- b) A review of the Use of Force Policy.
- c) Target area considerations, to include techniques or options to reduce the unintentional application probes near the head, neck, chest, and groin.
- d) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
- e) De-escalation techniques.
- f) Restraint techniques that do not impair respiration after applying the TASER device.

STOLEN OR LOST TASER: If the sworn staff believes his/her assigned/checked out device has been lost or stolen, they shall:

- a) File a report immediately with the local law enforcement agency upon discovery that his/her device is missing or stolen.
- b) Immediately report a lost/stolen device to his/her supervisor, who will notify the Division manager, assistant chief and chief.
- c) The sworn staff will complete an incident report and submit to his/her supervisor by the end of the day of occurrence.

Evidence of intentional misuse, disregard of policy, etc., may result in disciplinary proceedings. **CROSS REFERENCES:**

Use of Force Policy

Arrest and Transport

Policy Search and

Seizure Policy Incident

JH

Report

Radio Policy

Identifiable

Clothing Policy

DEFINITIONS:

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

Conducted Electrical Weapon System (CEW): TASER device

Intermediate Level of Intervention: The non-lethal amount of force used to prevent physical harm to sworn staff, the community, and the probation client and/or to suppress resistance to arrests that includes the use of the CEW.

Drive Stun: The electronic charge delivered from the TASER against a target area and with enough

force to maintain solid contact, with or without the probes deployed.

Probe: A dart propelled forward out of the cartridge when the TASER is deployed and must make contact with the skin to deliver an electronic charge.

Spark Test: A non-contact function test completed with the TASER prior to the start of a shift by the sworn staff who will carry the device.

TASER: The term TASER as used in this Policy refers to the CEW manufactured by the TASER company and issued by the Department.

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