

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 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 ,

cutting himself and flinging blood all over the location. This was a suspect who was believed to have been responsible for a burglary the previous evening. When the officers arrived, the suspect did not comply with verbal commands and continued to resist arrest. Officers were forced to go hands on with the suspect, potentially exposing them to HIV and causing them to go through the testing and prophylactic process to ensure they were not exposed. In another situation, officers responded to a call of a man who had become combative with medical workers and who was threatening to commit suicide. After a period of trying to verbally calm down the subject, he picked up a metal cane and began advancing on the officers. Fortunately, in this situation there was time for the less-lethal Sage gun to be obtained from a supervisor's car and this less-lethal weapon was used to subdue the subject. In many other situations like this however, there is not the time for officers to gain access to the Sage less-lethal weapon. The third incident involved a very intoxicated individual who kept calling 9-1-1 because he had been forced to leave a downtown establishment due to his condition. He was very belligerent and clearly unable to care for himself and refused to get out of the middle of the street even though officers directed him to do so. He would not comply with the officers and they were forced to go hands on with him. The suspect sustained an injury as a result and had to be taken to the hospital for medical clearance. In each of these situations, officers would have been justified in using a taser.

It is also important to remember that suspects can and do increase levels of resistance within a very rapid time frame. Situations that start off fairly calm can quickly and dangerously escalate based upon the suspect's behavior and level of resistance. Therefore, in those situations when an officer must make the immediate decision between the use of taser and the use of a gun, that decision may end up causing the officer to lose his/her life.

Many officers across the country have been killed by suspects who have initially complied with officer's commands, only to pull a weapon that is used on an officer. Between January and August, 2007, 41 police officers were killed due to criminal actions across the country. This is an increase of 11 over the same time period in 2006. These officers were killed while performing traffic stops, answering disturbance calls, investigating suspicious persons or circumstances, attempting arrests, responding to robbery calls and handling prisoners.

As a result, staff has finalized the policy according to the models of the International Chiefs of Police, the Police Executive Research Forum, the California Police Chiefs' Association and case law. Staff believes that the policy, in addition to the 16 hours of initial training given officers that includes scenario practical's, crisis intervention and dealing with people who exhibit symptoms of excited delirium will provide clear and understandable direction in the use of tasers. The Palo Alto Police Auditor and City Attorney have reviewed the policy and concur.

ATTACHMENTS

Palo Alto General Order 3.08 Use of Force

PREPARED BY: Lynne Johnson, Police Chief

DEPARTMENT HEAD: _____
LYNNE JOHNSON
Police Chief

CITY MANAGER APPROVAL: _____
EMILY HARRISON
Assistant City Manager

**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.

308.4 USE OF FORCE TO AFFECT AN ARREST

Any peace officer that has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to affect the arrest, 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 of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to affect the arrest or to prevent escape or to overcome resistance (California Penal Code Section 835(a)).

308.5 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be very effective in controlling a passive or actively resisting individual. Officers may only apply those pain compliance techniques for which the officer has received Departmentally-approved training and only when the officer reasonably believes that the use of such a technique appears necessary to further a legitimate law enforcement purpose. Pain compliance techniques include control holds, pressure points, and distraction techniques. The application of any pain compliance technique shall be discontinued once the officer determines that full compliance has been achieved.

308.6 BATON/ASP GUIDELINES

The police baton/ASP is authorized for use when, based upon the circumstances perceived by the officer, lesser force would not reasonably appear to result in the safe control of the suspect. Each use of a baton shall be documented.

308.7 TEAR GAS GUIDELINES

The use of tear gas for crowd control/dispersal or against barricaded suspects shall be based on the circumstances. The Watch Commander, incident commander, or Special Weapons and Tactics team (SWAT) commander may authorize the delivery and use of tear gas, evaluating all conditions known at the time and determining that lesser force would not reasonably appear to result in the safe control of the suspect(s). Where practical, Fire Department personnel should be alerted or summoned to the scene to control any fires and to assist in providing medical aid or gas evacuation when the scene is safe. Only officers or supervisors trained in the use of tear gas weapons should discharge such devices at the scene.

308.8 CHEMICAL AGENTS SPRAY GUIDELINES

Only authorized personnel may possess and maintain Department-issued oleoresin capsicum (O.C.) spray. Chemical agents are weapons used to minimize the potential for injury to officers, citizens or offenders. They should be used only in situations where such force reasonably appears justified and necessary.

308.81 REQUIRED INSTRUCTION FOR USE

All personnel authorized to carry O.C. spray, shall complete the required course of instruction prior to possessing and using the oleoresin capsicum spray.

308.82 CARRYING OF O.C. SPRAY

Uniformed field personnel who carry the oleoresin capsicum spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry the oleoresin capsicum spray as authorized, consistent with the needs of their assignment or at the direction of their supervisor.

Canisters involved in any type of malfunction or damage shall be turned into the Field Services Staff Assistant for exchange.

308.83 PEPPERBALL SYSTEMS

PepperBall Projectiles are plastic spheres that are filled with oleoresin capsicum powder. A high-pressure air launcher delivers the projectiles with enough force to burst the projectiles on impact, releasing the O.C. powder. Although classified as a less-lethal

device, the potential exists for the projectiles to inflict injury when they strike the face, eyes, neck, and groin. Therefore, personnel deploying the PepperBall System shall avoid intentionally striking those body areas unless a life-threatening situation exists. The use of the PepperBall System is subject to the following requirements:

- (a) Officers encountering a situation that requires the use of the PepperBall System shall notify a supervisor as soon as practical. The supervisor shall respond to all PepperBall System deployments where the suspect has been hit. The field sergeant shall make all notifications and reports as required by the Department's Use of Force reporting policy.
- (b) Only qualified, Department-trained personnel shall be allowed to deploy and use the PepperBall System.
- (c) Each use of the PepperBall System shall be documented. Only non-incident deployments are exempt from the reporting requirement (e.g., training, or product demonstrations).

308.84 TREATMENT FOR O.C. SPRAY

Persons who have been affected by the use of chemical agents should be promptly provided with water to cleanse the affected areas. Paramedics shall be requested immediately to treat the exposure and the subject shall be transported to the emergency room for medical clearance.

308.85 REPORT OF USE

All uses of chemical agents shall be documented per Policy Manual Section 309.

308.9 FACTORS USED TO DETERMINE USE OF THE NEURO MUSCULAR DEVICE (NMD)

When determining whether or not to activate the NMD and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors may include, but are not limited to:

- a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time);
- b) Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects);
- c) Influence of drugs/alcohol (mental capacity);
- d) Proximity of weapons;
- e) Time and circumstances permitting, the availability of other options (What resources are reasonably available to the officer under the circumstances);
- f) Seriousness of the suspected offense or reason for contact with the individual;
- g) Training and experience of the officer;
- h) Potential for injury to citizens, officers and suspects;
- i) Risk of escape;
- j) Other exigent circumstance.

It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may impact his/her decision.

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.

308.94 TASER USAGE

Absent exigent circumstances,¹ the TASER X26 should only be used against persons who are actively resisting² or exhibiting active aggression³ to prevent harm to

¹ Circumstances that would cause a reasonable officer to believe that prompt action is necessary to prevent physical harm to civilians and/or officers or in order to overcome active aggression from subjects whom the officer reasonably believes is an immediate, credible and articulate threat to their safety or the safety of others.

² Physically evasive movements to defeat an officer's attempt to control, including bracing, tensing, pushing, verbally threatening, or signaling an intention to avoid or prevent being taken into or retained into custody.

³ A threat or overt act of an assault (through verbal or physical means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.

themselves or others. Generally, a subject fleeing should not be the sole justification for use of an NMD. Severity of the offenses and other circumstances should be considered before officers' use of an NMD on a fleeing subject. Tasers will not be used on subjects who are passively resisting. Passive resistance is defined as physical actions that do not prevent an officer's attempt to control a subject. Persons who remain limp, in a prone position, demonstrators that are seated or who are just not complying with verbal commands are examples of passive resisting.

Additionally, absent the exigent conditions described above, an officer should not use the TASER X26 on:

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.

308.95 TACTICAL CONSIDERATIONS

1. Officers deploying the TASER X26, whenever possible, will have another officer present as a cover officer capable of providing immediate assistance.
2. The TASER X26 shall be carried in an authorized holster and be placed on the non-weapon side of the duty belt.
3. Plain-clothes officers may carry the TASER X26 when appropriate (search warrants, arrest warrants, in progress calls for service) and in conformance with this policy.
4. An officer shall not simultaneously draw the TASER X26 and their duty firearm.
5. Absent exigent circumstances, an officer will provide a verbal and visual warning to the individual as well as other officers that a TASER X26 is being deployed. The individual must be given an opportunity to voluntarily comply. Absent circumstances, the officer will call out, "TASER, TASER, TASER" prior to discharging the device.
6. Additionally, the officer should encourage compliance by using the laser sight and/or sparking the taser.
7. In an extreme case where an individual is detained and handcuffed in the back of a patrol car and the subject is violently harming themselves, the NMD in a direct stun mode may be used to prevent further injury and to extract the person from the vehicle.
8. When necessary, an officer may use the TASER X26 against an aggressive animal to protect themselves, other officers, or members of the public from an attack.

308.96 ACCIDENTIAL DISCHARGE OF TASER

Any accidental discharge of an NMD air cartridge will be investigated by the next level in the chain of command. The incident will be documented in a Department memorandum and addressed to the Police Chief. The memorandum report shall contain the appropriate content for an administrative investigation. As defined for this section, Accidental Discharge is the accidental firing of the Taser's air cartridge.

308.97 MEDICAL PROTOCOL

Palo Alto Fire Paramedics will be requested to respond to the scene of a person who has been subjected to the electronic discharge of an NMD and/or struck with NMD darts. Only qualified medical or police personnel shall remove the NMD darts from a person's body. Used NMD darts shall be considered a sharp biohazard and disposed of accordingly. Photographs shall be taken of all injuries and the area of the probe contact points. If possible, photographs of the subject's body, and any other area where injuries may occur. All photographs shall be booked into evidence.

Department members will obtain a medical clearance from Valley Medical Center or Stanford Hospital for an arrestee who has been subjected to the discharge of an NMD. Another hospital emergency room may be used if, based on the available information, it appears to be necessary to provide immediate emergency medical treatment for the arrestee.

Officers shall attempt to obtain an "Authorization for Release of Medical Information and Records" form from the subject prior to release or transfer to a custodial facility. The officer shall document the subject's authorization or denial in their incident report.

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:

- Downloading digital video and deployment data from the Taser, as well as any deployed Taser, onto CD at one of the download stations in the Report Writing Room and booking the CD into evidence
- Downloading all digital photo evidence pursuant to Departmental policy
- Securing and booking the Taser barbs and wires into evidence
- Completion of all property reports and documentation of the evidence gathering process in a supplemental report.

Officers may review digital video evidence prior to completion of reports to assure accurate recollection of the events surrounding the activation of the Taser. Video or digital data retrieved from any Taser may not be removed from the Police Department in any manner, including copied CD's and electronic file transfer, without authorization from the Police Chief.

308.99A WATCH COMMANDER RESPONSIBILITIES

The Watch Commander shall respond to the scene of any NMD activation and ensure that a thorough investigation, as required by this policy, is conducted. Information shall be maintained as part of the permanent record.

The Watch Commander shall review all MAV recordings and reports documenting the incident for completeness and accuracy. If the Watch Commander goes off duty prior to all reports being completed, the oncoming Watch Commander shall be briefed about the incident to facilitate the report review outlined above.

308.99B ADMINISTRATIVE NOTIFICATION AND RESPONSIBILITIES

In any incident wherein a subject received severe injuries as a result of an NMD activation, the Watch Commander shall notify the Patrol Captain as soon as possible.

The Department shall periodically conduct random audits of NMD data downloads and reconcile with reported activations.

308.100 KINETIC ENERGY PROJECTILES

This Department is committed to reducing the potential for violent confrontations with the suspects we encounter. Kinetic Energy Projectiles are items which when used properly, are less likely to result in death or serious physical injury.

Kinetic energy projectiles are approved by the Department and are fired from 37mm launchers. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

308.101 DEPLOYMENT

Approved munitions are justified and may be used to compel an individual to cease his or her actions when such munitions present a reasonable option for resolving the situation at hand.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer(s) determine that deployment of these munitions cannot be done safely. The safety of hostages, innocent third party citizens, and officers, takes priority over the safety of subjects engaged in criminal or suicidal behavior.

308.102 EXAMPLES OF CIRCUMSTANCES APPROPRIATE FOR DEPLOYMENT

Examples include, but are not limited to, the following types of situations where the subject:

- (a) Is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions;

- (b) Has made threats to harm himself or others;
- (c) Is engaged in riotous behavior or is throwing rocks, bottles, or other dangerous projectiles at citizens and/or officers.

308.103 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider the following factors:

- (a) Severity of the crime or incident;
- (b) Subject's capability to pose an immediate threat to the safety of officers or others;
- (c) If the subject is actively resisting arrest or attempting to evade arrest by flight;
- (d) The credibility of the subject's threat as evaluated by the officers present and physical capacity/capability;
- (e) The proximity of weapons available to the subject;
- (f) The officer's versus the subject's physical factors (i.e., age, size relative strength, skill level, injury/exhaustion, the number of officer(s) versus subject(s));
- (g) The availability of other force options and their possible effectiveness;
- (h) Distance and angle to target;
- (i) Type of munitions employed;
- (j) Type and thickness of subject's clothing;
- (k) The subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

308.104 DEPLOYMENT DISTANCES

Officers will keep in mind the manufacturer's recommendations regarding deployment when using control devices, but are not solely restricted to use according to these manufacturer recommendations. Each tactical situation must be evaluated on the totality of circumstances at the time of deployment.

Ten yards is the manufacturer's minimum recommended distance for application to prevent death or serious physical injury. In cases where the use of deadly force is justified or immediate incapacitation must be accomplished to prevent death or serious injury, officers are authorized to consider close range.

308.105 SHOT PLACEMENT

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury of death.

The most effective shot placement is generally in the upper torso. Shots fired to the extremities, lower abdomen, and buttocks carry a low risk of serious injury (with a low

potential for immediate incapacitation). Officers shall avoid the head to all extent possible.

308.106 TRANSITIONAL LOADING PROCEDURES

Absent compelling circumstances, officer's transitioning from conventional ammunition will employ the "two person rule" for loading. The "two person rule" is a safety measure obtained by having a second officer watch the loading process. This is to ensure that the weapon is completely emptied of conventional ammunition. This is to ensure that conventional munitions are not loaded by mistake.

308.107 TRAINING REQUIRED FOR USE

Personnel who have successfully completed an approved Departmental training course shall be authorized to use kinetic energy projectiles. Officers deploying kinetic energy projectiles will complete an annual recertification course.

Officers assigned to the SWAT team, and other authorized personnel who have completed a Department training course, may carry and employ 12 gauge or 37mm projectiles while on duty or while performing Special Weapons and Tactics missions. All uses of kinetic energy projectiles shall be documented.

308.200 CAROTID RESTRAINT

The proper application of the carotid restraint hold by a trained officer may be effective in quickly restraining a violent individual. However, due to the potential for injury, the carotid restraint hold may only be applied under the following conditions:

- (a) The officer shall have received Departmentally-approved training in the use and application of the carotid restraint;
- (b) The carotid restraint may only be used when the officer reasonably believes that such a hold appears necessary to prevent serious injury or death to an officer or other person(s);
- (c) Any individual who has been rendered unconscious by the use of the carotid restraint shall be promptly examined by paramedics and transported to the emergency room for medical clearance;
- (d) Any officer applying the carotid restraint shall promptly notify a supervisor of the use of attempted use of such hold;
- (e) The use or attempted use of the carotid restraint shall be thoroughly documented by the officer in any related reports.

308.201 RESPONSIBILITIES

308.201A WATCH COMMANDER'S RESPONSIBILITIES

The on-duty Watch Commander shall evaluate the use of control devices in the same manner as all other use of force incidents.

- (a) The Watch Commander may authorize the use of a control device by selected personnel or members of specialized units provided the person(s) authorized

has/have the required training. The request for a control device should be made through the on-duty Watch Commander.

- (b) The on-duty Watch Commander shall review each use of control devices by any personnel within his or her command.
- (c) The on-duty Watch Commander shall ensure briefing training on the use of control devices is provided as needed.

308.201B RANGEMASTER RESPONSIBILITIES

The Rangemaster has the responsibility of training and ensuring that authorized personnel are competent in the deployment of kinetic energy projectile devices.

308.201C DEFENSIVE TACTICS INSTRUCTORS

The Defensive Tactics Instructors have the responsibility of training and ensuring that authorized personnel are competent in the use of the following:

- (a) Pain compliance techniques;
- (b) Handcuffing;
- (c) ASP/baton/OC;
- (d) Taser;
- (e) Tactical communication;
- (f) General officer safety tactics.

308.201D MAINTENANCE RESPONSIBILITY

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

308.201E REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device and/or technique listed within this section shall be documented pursuant to Policy Manual Section 309.

308.201F DISPOSITION OF CONTROL DEVICES

All damaged, inoperative and/or expended control devices shall be returned to the Rangemaster or Defensive Tactics Instructor for disposition, repair or replacement.

