

From: Christina Shearer [<mailto:Christina.Shearer@ci.woodburn.or.us>]
Sent: Tuesday, August 21, 2012 4:36 PM
To: Jann Carson
Subject: FW: Taser Policy and Cell Phone Policy

Jan-

Here you go, as we discussed on the phone. Please let me know if you have any questions.

Regards,

Christina Shearer

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From: Doug Garrett
Sent: Tuesday, August 07, 2012 11:35 AM
To: Christina Shearer
Cc: Bob Shields; Scott Russell
Subject: Taser Policy and Cell Phone Policy

Christina,

Per your request. Please let me know if there is anything additional you need.

Doug

Woodburn Police Department

Policy Manual

TASER™ Guidelines

309.1 PURPOSE AND SCOPE

When properly applied in accordance with this policy, the TASER™ device is considered a non-deadly control device that is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to officers and suspects.

309.2 POLICY

Personnel who have completed department-approved training may be issued the TASER for use during the current assignment. Personnel leaving a particular assignment may be expected to return it to the department's inventory.

Officers shall only use the TASERs and cartridges that have been issued by the Department. The device may be carried either as part of a uniformed officer's equipment in an approved holster or secured in the driver's compartment of the officer's vehicle so that it is readily accessible at all times.

(a) If the TASER is carried as part of a uniformed officer's equipment, the TASER shall

be carried on the side opposite the officer's duty weapon.

(b) All TASERs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

(c) Whenever practical, officers should carry a total of two or more TASER cartridges on their person at all times when carrying a TASER.

(d) Officers shall be responsible for ensuring that their issued TASER is properly maintained and in good working order at all times.

(e) Officers should never hold both a firearm and the TASER at the same time unless lethal force is justified.

309.3 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER 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 for the following:

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other officers and individuals with a warning that a TASER 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 practical under the circumstances, the officer may, but is not required to, display the electrical arc (provided there is not a cartridge loaded into the TASER) or the laser in a further attempt to gain compliance prior to the application of the TASER. 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 and/or other warning was given or reasons it was not given shall be documented by the officer deploying the TASER .

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309.4 USE OF THE TASER

As with any law enforcement equipment, the TASER has limitations and restrictions requiring consideration before its use. The TASER should only be used when its operator can safely approach the subject within the operational range of the TASER. Although the TASER is generally effective in controlling most individuals, officers should be alert to the potential for failure and be prepared with other options.

309.4.1 FACTORS TO DETERMINE REASONABLENESS OF FORCE

The application of the TASER is likely to cause intense, but momentary, pain. As such, officers should carefully consider and balance the totality of circumstances available prior to using the TASER including, but not limited to, the following factors:

(a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time).

(b) Officer/subject factors (i.e., age, size, relative strength, skill level, injury/exhaustion, number of officers vs. subject(s)).

(c) Influence of drugs/alcohol (mental capacity).

(d) Proximity of weapons.

(e) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.

(f) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances).

(g) Seriousness of the suspected offense or the reason for contact with the individual.

(h) Training and experience of the officer.

(i) Potential for injury to citizens, officers and suspects.

- (j) Risk of escape.
- (k) Other exigent circumstances.

309.4.2 APPLICATION OF THE TASER

Authorized personnel may use the TASER when circumstances known to the individual officer at the time indicate that such application of the TASER is reasonable to control a person in any of the following circumstances:

- (a) The subject is violent or physically resisting.
- (b) A subject who, by words or action, has demonstrated an intention to be violent or to physically resist and who reasonably appears to present the potential to harm officers, him/herself or others.
- (c) Absent meeting the conditions set forth in (a) or (b) above, or a reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing officers shall not serve as good cause for the use of the TASER to apprehend an individual.

When practicable, the officer should give a verbal warning of the intended use of the TASER followed by a reasonable opportunity to voluntarily comply.

The officer must be able to articulate a reasonable belief that other available options appeared ineffective, impractical or would have presented a greater danger to the officer, the subject or others.

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309.4.3 TARGETING CONSIDERATIONS

While manufacturers generally recommend that reasonable efforts should be made to target lower center mass and to avoid intentionally targeting the head, neck, chest and groin, it is recognized that the dynamics of each situation and officer safety may not permit the officer to limit the application of the TASER darts to a precise target area. As such, officers should take prompt and ongoing care to monitor the condition of the subject if one or more darts strikes the head, neck, chest or groin until he/she is released to the care of paramedics or other medical personnel.

309.4.4 MULTIPLE APPLICATIONS OF THE DEVICE

If the first application of the TASER appears to be ineffective in gaining control of an individual and if circumstances allow, the officer should consider the following before additional applications of the TASER:

- (a) Whether the probes or darts are making proper contact.
- (b) Whether the application of the TASER is interfering with the ability of the individual to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

This, however, shall not preclude any officer from deploying multiple, reasonable applications of the TASER on an individual.

309.4.5 REPORT OF USE

All TASER discharges shall be documented in the related arrest/crime report, the Use of Force report form and notification made to a supervisor in compliance with Policy § 300.4.1. Accidental discharges of a TASER cartridge will also be documented on the Use of Force report form. Any report documenting the discharge of a TASER cartridge will include the cartridge serial number and an explanation of the circumstances surrounding the discharge. A copy of the narrative of the police report will be attached with the Use of Force Report. The on board TASER memory will be downloaded through the data port by a supervisor or Rangemaster and saved with the related arrest/crime report. Photographs of probe sites

should be taken, Anti-Felon Identification (AFID) tags should be collected and the expended cartridge along with both probes and wire should be submitted by the officer collecting the cartridge into evidence for future reference. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Bio hazard" if the probes penetrated the subject's skin.

309.4.6 TASER CAM®

The TASER is equipped with TASER CAM® which is an audio-video recording device integrated into the power supply. The TASER CAM is activated any time the safety is in the "off" position. The safety should not be in the "off" position unless the officer intends to use the device and the guidelines established in Policy §§ 309.3 and 309.4 are met. Any time the TASER CAM has been activated, the video and audio data should be downloaded in accordance with current department evidence procedures and referenced in the related report. All video and audio not booked as evidence will be kept for a minimum of 6 months, at which time they will be erased or destroyed.

309.5 MEDICAL TREATMENT

Absent extenuating circumstances or unavailability, only qualified personnel, including certified paramedics, should carefully remove TASER darts from a person's body. Used

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TASER darts shall be considered a sharp biohazard, similar to a used hypodermic needle. Universal precautions should be taken accordingly.

All persons who have been struck by TASER darts 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 TASER darts are lodged in a sensitive area (e.g., groin, female breast, near the eyes).
- (e) The person requests medical treatment.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, 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 and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared 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 receiving custody or any person placed in a position of providing care that the individual has been subjected to the application of the TASER.

309.6 TRAINING

In addition to the initial department-approved training required to carry and use a TASER,

any personnel who have not carried a TASER as a part of their assignment for a period of six months or more shall be recertified by a department approved TASER instructor prior to again carrying or using the device. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Sergeant. The Training Sergeant should ensure that all training includes the following:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy § 300.
- (c) Target area considerations, to include techniques or options to reduce the intentional application of probes near the head, neck, chest, and groin.
- (d) De-escalation techniques.

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Computers and Digital Evidence

814.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.

2. Disconnect the power cable from the back of the computer box (For laptops, disconnect any power cable from the case and remove the battery).

(e) Label each item with case number and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, and external drives) with care so that potential evidence is not lost.

(g) Lodge all computer items in the Evidence Room. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:

- 1. Where the computer was located and whether or not it was in operation.
- 2. Who was using it at the time.