

## LEGAL RESEARCH MEMORANUM

To: Keenan Anderson's Legal Team, and To Whom It May Concern

From: Jaron Brignac, Legal Researcher

Dated: January 16, 2023

### **First Cause of Action: Excessive Force**

#### **Issue:**

One must ask, was the force excessive when the arresting officer tased Keenan for 10 to 20 second durations for 6 to 7 times, while he was pinned down by more than a handful of officers and with a forearm to his throat that deprived him of oxygen?

#### **Rule:**

In 2022, The ninth circuit court of appeals has already enunciated the ground rules for the use of force by taser. In a case known as *Hyde v. City of Wilcox*, 23 F.4th 863, the ninth circuit stated: "Use of force during pretrial detention is unconstitutionally excessive if it is "objectively unreasonable." The ninth circuit reference a former case law known as *Kingsley v. Hendrickson*, 576 U.S. 389, 397, 135 S.Ct. 2466, 192 L.Ed.2d 416 (2015).

Objective reasonableness turns on the "facts and circumstances of each particular case." *Id.* (quoting *Graham v. Connor*, 490 U.S. 386, 396, 109 S.Ct. 1865, 104 L.Ed.2d 443 (1989)). "A court must make this determination from the perspective of a reasonable officer on the scene, including what the officer knew at the time, not with the 20/20 vision of hindsight." *Id.* (citing *Graham*, 490 U.S. at 396, 109 S.Ct. 1865). Thus, a court must consider the "legitimate interests that stem from the government's need to manage the facility in which the individual is detained," appropriately deferring to 'policies and practices that in the judgment' of jail officials 'are needed to preserve internal order and discipline and to maintain institutional security.'" *Id.* (quoting *Bell v. Wolfish*, 441 U.S. 520, 540, 547, 99 S.Ct. 1861, 60 L.Ed.2d 447 (1979)). See *Hyde v. City of Willcox*, 23 F.4th 863, 869–70 (9th Cir. 2022)

"We must consider Hyde's mental health issues in assessing the officers' use of force. In *Deorle*, we concluded that "where it is or should be apparent to the officers that the individual involved is emotionally disturbed, that is a factor that must be considered in determining ... the reasonableness of the force employed.

"the need for more force waned as circumstances changed. By 8:03 a.m., Hyde had his hands handcuffed behind his back and his legs shackled. Hyde appeared "fatigued," remained on his knees, and seven officers surrounded him. Yet two minutes later, Pralgo used his Taser on Hyde's thigh again for about five seconds and Callahan-English used her arms to force Hyde's head into a restraint hold, while four other officers fastened Hyde into the restraint chair. This continued use of force by Pralgo and Callahan-English was unreasonable.

*By 8:03 a.m., it was no longer a frantic and fast-evolving situation requiring officers to make split-second decisions. Two minutes had elapsed between Hyde being handcuffed and shackled and Pralgo and Callahan-English using more intermediate force. For two minutes, Pralgo and Callahan-English saw an exhausted Hyde on his knees with both his hands and feet restrained. They should have recognized that Hyde had effectively stopped resisting and posed no threat to the officers surrounding him. They thus had enough time to reassess their use of force and understand that they no longer needed to use a Taser or a head restraint.”*

## **LAPD Electronic Weapons Expanded Course Online “Taser” (EXHIBIT A)**

A. Under item # VI 4(a)-(c) Medical Aspects:

- a. To reduce cardiac risks (when practicable)
- b.
- c. Avoid prolonged and repeated exposures

B. Physiological Effects

3. Reasonable efforts should be made to minimize the number and durations of TASER exposures and potential resulting physiologic and metabolic effects.

C. TASERs, like other force options, have not been laboratory tested. Generally, the TASER is not recommended to be used on:

Excited Delirium

Bizarre, violent, and/or irrational behavior towards persons or objects

- b. Possibly unresponsive
- c. Hallucinations
- d. High tolerance for pain

## **The LAPD has a training Bulletin of symptoms of Excited Delirium (EXHIBIT B)**

Officers are not trained to diagnose medical conditions but should become familiar with the signs, symptoms, and behaviors of a person in a state of Excited Delirium. The state of Excited Delirium is recognized as a medical emergency and a rescue ambulance (RA) shall be requested as soon as practicable.

### **Police Response**

An individual acting in a violent and/or strange manner often results in police response. If the individual is exhibiting signs and symptoms of Excited Delirium, an RA shall be requested as soon as practicable.

Any officer faced with an individual who appears to be in a state of Excited Delirium should, if feasible, develop a tactical plan prior to taking action.

### **Application:**

After considering the case law for excessive force, and after considering the LAPD Electronic Weapons Course, and the LAPD training Bulletin of Excited Delirium, we must ask:

- a. When Keenan had the chance to gasp for air after the officer released his elbow from Keenan neck as Keenan said” they are trying to George Floyd me”, was Keenan posing a threat to safety of others then? Obviously. More than a handful of officers had Keenan pinned down before the taser was used.
- b. Did Keenan’s mental state at the time the responding officer observed him exhibit any signs of a potential mental issue or emotionally disturbed issue should have been assessed first before detaining him? Was this part of the training exercised?
- c. Was an RA called to the scene?
- d. Was the Taser used for a prolonged period of time? We counted 6-7 times each time used for a duration of 10-20 seconds.

### **Second Cause of Action: Negligence**

Was the use of the taser against Keenan an act of negligence?

The State Law in regards to negligence is: "(a) a legal duty to use due care; (b) a breach of such legal duty; [and] (c) the breach as the proximate or legal cause of the resulting injury."(Ladd v. County of San Mateo (1996) 12 Cal.4th 913, 917.)

The training course for the use of a taser is outlined above and also attached as an exhibit herein. The video footage in conjunction with the LAPD taser training online screams NEGLIGENCE!

### **List of Taser Related Death Cases:**

This is not the first time a taser related death was by cardiac arrest. Unfortunately, disturbing research reveals death by the use of Taser for decades now, this is not the first time the justice department in the United States has been presented with this issue. The following cases are taser related deaths:

#### **Los Angeles County Taser Related Death**

In March of 2007, David Mendoza, 42, died by taser by of asphyxiation, while in police custody in the emergency room of Citrus Valley Medical Center, after he was first repeatedly tasered and punched by West Covina police officer. See Mendoza v. City of W. Covina, 206 Cal. App. 4th 702, 705–06, 141 Cal. Rptr. 3d 553, 557 (2012)

#### **Phoenix Arizona Taser Related Death**

In 2007 Marquez, of the Marquez’s Family-- killed by an Officer utilizing a taser resulting in cardiac arrest. See Marquez v. City of Phoenix, 693 F.3d 1167 (9th Cir. 2012), as amended on denial of reh'g (Oct. 4, 2012)

#### **Riverside County Taser Related Death**

In August 2008, Lawrence Rosenthal killed by an Officer utilizing a taser resulting in cardiac arrest. See Green v. County of Riverside, 238 Cal. App. 4th 1363

# **EXHIBIT      A**

**LOS ANGELES POLICE DEPARTMENT**  
**Electronic Weapons 23090 (4 Hour)**  
**Expanded Course Outline**

**Instruction Goal:** To provide students with the theory and practical training necessary to effectively and safely operate Electronic Control Devices (ECD), generically referred to as TASERs, deployed by the Department

**Performance Objectives:** Using lecture, group discussion and learning activities, the student will:

- Knowledge of the components of the TASER
- Properly manipulate the TASER
- Understand the Department's policy and procedures with respect to TASER usage
- Properly deploy cartridges from the TASER
- Pass a written test with a passing score of 80% or higher
- Demonstrate an understanding of how our Department's guiding value of Reverence for Human Life is the moral and ethical foundation of de-escalation, tactics, reasonable force, and officer safety.
- By the conclusion of the training, students will understand how the application of this training is in keeping with our Department's UOF policy, philosophy and tactical planning.

**References:** Instructors, facilitators and training supervisors shall ensure that the most current references are utilized. This course complies with the legislative contents and mandates of PC 835a

**I. INTRODUCTION**

**0700-0705 (5 min)**

Introduction of instructor(s)

1. Name, assignment
2. Experience

**B. Expectations**

1. Must complete entire course
2. Pass written test with a passing score of 80% or higher

**C. Safety**

1. No live firearms, ammo, OC, less lethal devices or impact weapons in training area (except for the safety officer)
2. Instructors shall conduct a "weapons check" of all participants
3. Instructor to student ratio is 1:5 during the practical application, except during live fire which is 1:1
4. Instructors shall inspect the training area for any security risks, safety concerns or hazards
5. Every participant is a safety officer and may "STOP" the training if it becomes unsafe
6. Safety switches on the TASER will remain in the down (Safe) position unless the instructor directs students to arm the TASER or when it is appropriate to do so during a training drill or scenario
7. TASERs must not be pointed at any person or body part unless the instructor directs students to do so as part of a training exercise or when it is appropriate to do so during a training scenario
8. A TASER with a live cartridge shall not be pointed at another person or body part
9. LASERs must not be pointed at eyes

**LOS ANGELES POLICE DEPARTMENT**  
**Electronic Weapons 23090 (4 Hour)**  
**Expanded Course Outline**

10. Eye protection must be worn anytime a live TASER is handled by the instructor or students

**II. HISTORY AND DEFINITIONS**

**0705-0715 (10 min)**

**A. Definitions<sup>1</sup>**

1. Electronic Weapons (EW) are designed to use propelled wires or direct contact to conduct electrical charge to primarily affect motor functions and/or the sensory nervous system
  - a. Various Departments, Manufacturers and other professional organizations may use other terms such as Electronic Control Device (ECD), Conducted Electrical Weapons (CEW), Conducted Energy Device (CED), etc. to describe the same technology. This course will reference it generically as a TASER
2. Probe Mode: Utilizes the TASER cartridge while attached to the TASER unit. Firing the two probes attached to wires making contact with the suspect which could cause neuro-muscular incapacitation. This is the most effective way to use the TASER
3. Drive Stun: Two contacts on the cartridge or the TASER unit that conduct energy to affect the suspect's sensory nerves causing localized pain. This feature may be used with or without a cartridge in place. If a cartridge is in place, the probes will fire when the trigger is pressed
4. Optimal Range: Discuss the most effective spread of the probes to accomplish neuro-muscular incapacitation (NMI)
5. Optimal Target Areas: Splitting the beltline area for probes. Forearm, outside of thigh, calf muscle for drive stun. Avoid targeting the head, face, throat, groin and chest

**B. History**

1. Invention
  - a. Inventor: Jack Cover, NASA Scientist
  - b. TASER Acronym: Thomas A Swift Electric Rifle
  - c. The M26, X26, X26P and TASER 7 are brand names associated with specific conducted electrical weapons manufactured by Axon (Formerly TASER International)
2. Development<sup>2</sup>
  - a. Stun Systems (Pre 1999)
    - 1) 1<sup>st</sup> and 2<sup>nd</sup> generation TASERs jams the central nervous system with electrical noise
    - 2) Only affected the sensory nervous system
    - 3) Operated between 7-11 watts depending on model
  - b. Advanced Taser -M26 (1999)
    - 1) 3<sup>rd</sup> and 4<sup>th</sup> generation TASERs use electrical impulses similar to those in the body's nervous system to cause stimulation of the sensory and motor nerves
    - 2) Neuro-Muscular Incapacitation (NMI) occurs when a TASER is able to cause involuntary stimulation of both the sensory and the motor nerves
    - 3) It is not dependent on pain and can be effective on subjects with a high level of pain tolerance

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<sup>1</sup> Los Angeles Police Department Use of Force - Tactics Directive No. 4.5, Electronic Control Device, TASER

<sup>2</sup> AXON (Formerly TASER International) Version 7.1, 2000

**LOS ANGELES POLICE DEPARTMENT**  
**Electronic Weapons 23090 (4 Hour)**  
**Expanded Course Outline**

- 4) Utilized a “blunt” pulse to deliver the electrical energy. Resulting in a 90% delivery loss as it passed through the barriers of the skin and clothing. To offset this the strength was increased 26 watts
  - c. Shaped Pulse (2003)
    - 1) Uses a two-phase energy pulse that concentrates a small portion of energy to first penetrate the barrier, while the majority of electrical charge is held in reserve, which flows freely through the barrier once penetrated
      - a) “Arc phase”
        - (1) A very high voltage, short duration pulse that can arc through up to 2 inches of clothing or barriers
      - b) “Stim phase”
        - (1) Allows the energy to flow across the highly conductive connection previously established in the arc phase.
        - (2) With less energy lost, less wattage is required from the X26 to cause the NMI effect
  - d. Charge Metering (2011)
    - 1) The X26P, X2 and TASER 7 constantly measures its output, pulse-by-pulse, which optimizes the delivered charge and increase the likelihood of NMI
3. Los Angeles Police Department TASER History
- a. 1980, LAPD became the first major law enforcement agency in the nation to deploy TASER devices due to an increase of street and jail confrontations. The Department purchased 700 TASER devices (Model TF-76).
    - 1) In 1986, the TF-76 was deployed more than 600 times
  - b. 2008, the M26 is replaced by the X26 TASER
    - 1) In 2010, the TASER is used 313 times, more than OC spray (154), Baton (82), and Bean Bag Shotgun (31) combined.<sup>3</sup>
  - c. 2014, the X26 is replaced by the X26P
    - 1) In 2018, TASER use was down 46% over 2017 and 40% below the average from 2014 to 2017. Lowest number of TASER uses in the past four years<sup>4</sup>
  - d. 2019, the Department began the process of transitioning to the TASER 7 ECD

**III. ELECTRONIC WEAPONS TECHNOLOGY**

**0715-0725 (10 min)**

**A. Technology<sup>5</sup>**

- 1. Electricity is the flow of electrons through a conductor
  - a. Voltage is the pressure behind the flow of electrons
    - 1) Van de Graff generator that many children have experienced in science classes or museums can generate up to 25,000,000 V
    - 2) A strong static electricity shock can be in excess of 30,000 V
    - 3) ECDs generate a peak of up to 50,000 V, which allows it to penetrate up to 2 inches of clothing
    - 4) The peak voltage delivered to the body is about 1,900 V
- 2. Basic TASER Operating Principles
  - a. NMI technology in TASERs doesn't rely solely on pain for incapacitation

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<sup>3</sup> Use of Force Review Division, 2010 Use of Force Annual Report

<sup>4</sup> Critical Incident Review Division, 2018 Use of Force Year-End Report

<sup>5</sup> Smith, R and Brave, M, Brief Introduction to TASER Electronic Control Devices, History, Electricity, Electrical Stimulation, Electrical Measurements, and the Human Body, July 14, 2012

**LOS ANGELES POLICE DEPARTMENT**  
**Electronic Weapons 23090 (4 Hour)**  
**Expanded Course Outline**

- b. In probe mode, the TASER is designed to use short-duration, pulsed, low-energy electrical stimuli to interfere with the signals sent by the command and control systems of the body, at the peripheral and motor nervous system levels, to impair the subject's ability to temporarily voluntarily control his own body
- c. Motor (muscle) and sensory neurons are responsible for movement and sensation
- d. The human nervous system is the command and control system of the human and has three primary elements
  - 1) Central Nervous System (CNS)
    - a) Includes the brain and spinal chord
    - b) Command center where all decision-make processes occur
    - c) From the CNS, there is "wiring" composed of nerve cells, or "neurons" that carry information in the form of electrical impulses to and from the brain
  - 2) Motor Nervous System
    - a) Includes the nerves that carry commands from the brain out to the body
    - b) These nerves are primarily involved in muscular control
    - c) Commands from the brain are transmitted as patterns of electrical impulses through the motor nerves into the muscles, causing the muscles to move in certain patterns caused by the pattern of stimulation from the brain
  - 3) Sensory Nervous System
    - a) Includes the nerves that carry information to the brain about the state of the body and its environment
    - b) Sensory nerves in the skin communicate heat, cold, touch, pressure, pain, and other sensations
    - c) Nerves carry visual data from the eyes, auditory data from the ears, and olfactory data from the nose
    - d) Data is transmitted in the form of electrical impulses along the neurons into the brain
- e. TASERs are designed to use very short duration low energy electrical pulses that are somewhat similar to the pulses used by neurons to communicate
- f. TASERs take control of, or interfere with, the communication patterns between the brain and the body
- g. Early TASERs (stun systems) only delivered sufficient electrical charge in each pulse to stimulate the sensory nerves close to the skin
  - 1) Very little motor nerve stimulation occurred
  - 2) Resulted in relatively low effectiveness against focused, motivated, or pain-resistant subjects
- h. Current TASERs deliver more electrical charge in each pulse
  - 1) This higher delivered electrical charge results in the motor nerves being stimulated
  - 2) Effects of repeated pulses on muscle tension
  - 3) Single muscle twitches will fuse together with sufficient repeated stimulus pulses producing increased muscle tension
- i. Drive stun
  - 1) The electrical path of the TASER is between the two fixed electrodes on the front of the TASER or an expended cartridge
  - 2) In drive stun mode when the TASER comes into contact with the suspect/subject the delivered charge is pain compliance only



**LOS ANGELES POLICE DEPARTMENT**  
**Electronic Weapons 23090 (4 Hour)**  
**Expanded Course Outline**

**IV. NOMENCLATURE**

**0725-0740 (15 min)**

- A. TASER (Model Specific)
  - 1. Front and rear sights.
  - 2. Cartridge bays
  - 3. Cartridge release button
  - 4. Safety switch
    - a. Ambidextrous safety
    - b. Safety switch down- Safe
    - c. Safety switch up- Armed
    - d. Activates CID, Laser, and illumination
    - e. Begins events in the Event Log
    - f. Safety switches do not operate independent of each other
  - 5. Built-in laser(s)
    - a. The lasers of the Taser indicate the relative point of aim of the top probe and bottom probe (for the Taser 7)
  - 6. Flashlight
  - 7. Trigger
  - 8. ARC Switch
  - 9. Ambidextrous Safety
    - a. Safety Switch down (SAFE)
    - b. Safety Switch up (ARMED)
    - c. Activates the Central Information Display (CID) and selected illumination
    - d. The ambidextrous safety switches do not operate independently of each other
    - e. Do not block the safety switch on one side of the TASER while attempting to move it on the other side
      - 1) This can break the safety switch and disable the TASER
      - 2) TASERS with a broken safety switch must be returned to Training Division
  - 10. Central Information Display (CID)
    - a. Battery
    - b. Error Messages
    - c. Countdown/up
    - d. Cartridge Status
    - e. Software version
  - 11. Illumination Button
  - 12. Battery release
  - 13. Battery
    - a. Automatically stops the electrical cycle after 5-seconds even if the trigger is held down past the cycle
    - b. An audible tone will sound at 4-seconds to warn the operator the cycle is about to end
    - c. The audible alarm will continue to sound if the operator continues to press the trigger beyond the five-second cycle even though the electrical energy is no longer being delivered
    - d. Recharging/replacing
- B. Approved Holsters
  - 1. Holster shall be worn on the duty belt on the support side
  - 2. Should be carried in cross draw or support side draw
  - 3. The Taser should be carried loaded with cartridge(s)

**LOS ANGELES POLICE DEPARTMENT**  
**Electronic Weapons 23090 (4 Hour)**  
**Expanded Course Outline**

4. The Taser shall be stored in an approved holster

**C. TASER Cartridges**

1. All cartridges have a 5-year expiration from the date of manufacture
2. Nomenclature of the cartridge
3. All cartridges are color-coded which indicate deployment distance/spread
4. Cartridge Inspection
  - a. Blast doors attached and not cracked
  - b. Expiration date (cartridges have a 5-year life)
5. Probe Wires
  - a. Copper Clad Steel with insulated coating
  - b. Easy to break if stepped on or pulled
  - c. Inadvertent contact with wires or probe during discharge may result in electrical shock
6. Cartridge Probe Spread
7. Wires
  - a. Steel with insulated coating
  - b. Can break easily if stepped on or pulled
  - c. Inadvertent contact with wires or the probe during discharge can result in electrical shock
    - 1) The effect of contact with a wire or probe while taking a suspect into custody is relatively minor and will likely not cause NMI to the officer
    - 2) The TASER officer should advise other officers to avoid wires during restraint
  - d. Crossing the wires from multiple cartridges during discharge may cause the circuits to short out and reduce or eliminate the delivered charge to the suspect

**V. MAINTENANCE AND CARE**

**0740-0745 (5 min)**

**A. Battery**

1. Prior to start of each shift, ensure sufficient battery charge

**B. Firmware Updates**

**C. TASER cartridges expire five-years from date of manufacture**

1. Check expiration date
2. Check cartridge for cracks
3. Check cartridge blast doors
4. Check locking tabs to ensure they are not compressed

**D. Secure in protective holster, when not in use**

1. Do not store in pockets without holster

**E. Wet TASERs**

1. Do not let the Taser get excessively wet
2. Occasionally inspect and wipe out the firing bay with dry cloth.
3. Submerged Taser
  - a. Remove cartridges and battery
  - b. Let the TASER dry out
  - c. Safety switch down on safe and return to Training Division-Taser Armory immediately

**LOS ANGELES POLICE DEPARTMENT**  
**Electronic Weapons 23090 (4 Hour)**  
**Expanded Course Outline**

- F. Dropped TASERs
  - 1. Inspect for physical and/or functional damage. If malfunctioning, return to Training Division-Taser Armory immediately
  
- G. Attaching internal inventory control numbers to TASERs
  - 1. Do not use metal tags
  - 2. Do not use a vibrating etching machine
  - 3. Use only paper or plastic labels or permanent ink
  
- H. Troubleshooting
  - 1. CID shows critical fault icons or fails function (“spark”) test
    - a. Do not use
    - b. Swap battery
      - 1) If no resolution, remove from service
      - 2) Return to Training Division-Taser Armory
  - 2. No ARC
    - a. Replace battery
    - b. Conduct function test
    - c. Return to Training Division-Taser Armory if TASER still does not arc
  - 3. Flashlight/Laser inoperable
    - a. If unable to resolve, return to Training Division-Taser Armory
  - 4. Battery is draining quickly
    - a. Replace Battery
    - b. Confirm Taser is stored in an approved holster
    - c. Ensure Taser is stored with safety switch in OFF position
  - 5. Cartridges
    - a. If cartridge is damaged, return to Training Division-Taser Armory
    - b. Attempt to return with probes and wires in place
    - c. Place shipping cover on returned cartridges

**VI. MEDICAL ASPECTS<sup>6</sup>**

**0745-0805 (20 min)**

- A. Cardiac
  - 1. TASER cardiac risks are not zero
  - 2. TASER cardiac risks are sufficiently remote. Therefore, making accurate risk or probability estimates is difficult
  - 3. Experts have identified the following key factors related to TASER cardiac risks:<sup>7</sup>
    - a. Dart-to-heart (“DTH”) distances
    - b. Amount delivered electrical charge
    - c. The further a TASER dart is away from the heart and the lower the delivered electrical charge, the lower the risk of the TASER affecting the heart
  - 4. **To reduce cardiac risks (when practicable):**
    - a. **Target the back**

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<sup>6</sup> AXON, Instructor Certification Course, Version 22, Released June 2020

<sup>7</sup> Sun H, Haemmerich D, Rahko PS, Webster JG. Estimating the probability that the Taser directly causes human ventricular fibrillation. *J Med Eng Technol.* Apr 2010; 34(3): 178-191

JE. Cardiac safety of neuromuscular incapacitating defensive devices. *Pacing Clin Electrophysiol.* 2005 Jan; 28 Suppl 1:S284-7

**LOS ANGELES POLICE DEPARTMENT**  
**Electronic Weapons 23090 (4 Hour)**  
**Expanded Course Outline**

- b. Avoid targeting the chest
- c. Avoid prolonged and repeated exposures

**B. Physiologic/Metabolic Effects**

- 1. TASERs produces physiologic or metabolic effects
- 2. The longer the ECD exposure the greater the potential effects
  - a. Just like running up two flights of stairs will have a greater effect than running up one flight of stairs, or
  - b. Fighting, wrestling, or grappling for 60 seconds has a great effect than 30 seconds, or 10 seconds
- 3. Reasonable efforts should be made to minimize the number and durations of TASER exposures and potential resulting physiologic and metabolic effects
- 4. Studies show TASER effects are usually comparable or less than fighting or fleeing

**C. Possible Higher Risk Populations**

- 1. TASERs, like other force options, have not been laboratory tested. Generally, the TASER is not recommended to be used on:
  - a. Pregnant women
  - b. Elderly
  - c. Small children
  - d. Low body-mass index (BMI) persons
- 2. Although TASERs have been used in the field on members of each of these high-risk populations, often without injury, it is unknown if these individuals are at a higher risk of injury or death due to a lack of scientific research

**D. Excited Delirium<sup>8</sup>**

- 1. Behaviors characteristic with Excited Delirium
  - a. Bizarre, violent, and/or irrational behavior towards persons or objects
  - b. Possibly unresponsive
  - c. Hallucinations
  - d. High tolerance for pain
- 2. Potential causes for Excited Delirium
  - a. Under the influence of alcohol and/or controlled substances; or
  - b. Suffering from mental illness

**E. Medical Treatment**

- 1. Depending on circumstances, consider having a Rescue Ambulance (RA) on standby prior to suspect/subject contact
- 2. Rendering Aid
  - a. After any use of force, officers shall immediately request a RA for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, subjects, suspects, persons in custody, subjects of a use of force and fellow officers:
    - 1) To the extent of the officer's training and experience in first aid/CPR/AED; and
    - 2) To the level of equipment available to an officer at the time assistance is needed
- 3. Regarding medical treatment, manual section 4/648.11 states

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<sup>8</sup> LAPD Training Bulletin, Volume XLVIII, Issue 3, Excited Delirium

**LOS ANGELES POLICE DEPARTMENT**  
**Electronic Weapons 23090 (4 Hour)**  
**Expanded Course Outline**

- a. "Whenever the TASER control device is used to control a suspect in custody, or being taken into custody, and the TASER darts make contact with that suspect's clothing or skin, the suspect shall be immediately examined by medical personnel"
  - b. "If the suspect loses consciousness, officers shall immediately request an ambulance"
  - c. "Medical personnel shall include a doctor or a nurse at a contract hospital or jail dispensary, or a paramedic"
4. **Removal of Taser Probes shall only be conducted by approved medical personnel**
- F. Supervisor responsibility
1. Ensure sufficient officers are on scene or have been requested
  2. Communicate a tactical plan to all involved officers
  3. Ensure a RA is requested when an individual has exhibited signs of medical distress

**VII. LEGAL/ETHICAL CONSIDERATIONS**

**0805-0825 (20 min)**

- A. Use of Force Policy<sup>9</sup>
1. Reverence for Human Life
    - a. Reverence for human life is a guiding principle of our Department
  2. California Penal Code 835(a) states that force may be used only to:<sup>10</sup>
    - a. Effect an arrest
    - b. Prevent escape
    - c. Overcome resistance
  3. De-escalation is an ever-present guiding principle that encourages officers to make decisions and act in a manner that will increase the likelihood of safely and successfully resolving a situation while at the same time demonstrating the Department's commitment to Reverence for Human Life
    - a. Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation
    - b. Elements of De-escalation (PATROL)
      - 1) Planning
      - 2) Assessment
      - 3) Time
      - 4) Redeployment and/or Containment
      - 5) Other Resources
      - 6) Lines of Communication
    - c. Note: Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so
  4. Proportionality
    - a. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance
  5. Fair and Unbiased Policing

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<sup>9</sup> Department Manual, 1/556.10, Policy on Use of Force

<sup>10</sup> California Penal Code Section 835(a) PC, Effecting Arrest; Resistance

**LOS ANGELES POLICE DEPARTMENT**  
**Electronic Weapons 23090 (4 Hour)**  
**Expanded Course Outline**

- a. Officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. Discriminatory conduct on the basis of race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, housing status, or disability while performing any law enforcement activity is prohibited
  6. Only personnel trained on the Taser 7 shall be authorized to deploy that weapon system(s)
  7. Deployment of the TASER including minimum and maximum standoff distances, carrying, target location, care, cleaning, and maintenance shall be conducted in accordance with approved Training Division lesson plans and guidelines and Department Directives
  8. The TASER may be used on suspects who are violent, or who pose an immediate threat to themselves or others, when an officer believes
    - a. **That a suspect or subject is violently resisting arrest**
    - b. **or poses an immediate threat of violence or physical harm**
  9. **Verbal threats of violence by a suspect do not alone justify the use of the Taser.** Any threat must be a credible one
  10. The TASER shall not be used for suspect(s)/ subject(s) who are passively resisting or merely failing to comply with commands
  11. Officers should not utilize a TASER on a suspect who is merely fleeing from officers. Officers should consider the totality of the circumstances including the severity of the crime versus the governmental interest in the seizure, the threat level posed by the suspect to others, and the threat of potential serious injury to the suspect.
  12. Requirement to Report Potential Excessive Force
    - a. An officer who is present and observes another officer using force that the present and observing officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer, shall report such force to a superior officer
  13. Requirement to Intercede When Excessive Force is Observed
    - a. An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, considering the possibility that other officers may have additional information regarding the threat posed by a subject
- B. Legal Considerations
1. Graham v. Connor<sup>11</sup>
    - a. Objectively Reasonable: Graham states in part, “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight”
    - b. “The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments- in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation”
    - c. The force must be reasonable under the circumstances known to the officer at the time the force was used

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<sup>11</sup> US Supreme Court, *Graham v Connor* 490U.S 386(1989)

**LOS ANGELES POLICE DEPARTMENT**  
**Electronic Weapons 23090 (4 Hour)**  
**Expanded Course Outline**

- d. Factors used to determine reasonableness: Department examines reasonableness using Graham and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances
- e. Factors may include, but are not limited to
  - 1) The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force
  - 2) The seriousness of the crime or suspected offense
  - 3) The level of threat or resistance presented by the subject
  - 4) Whether the subject was posing an imminent threat to officers or a danger to the community
  - 5) The potential for injury to citizens, officers or subjects
  - 6) The risk or apparent attempt by the subject to escape
  - 7) The conduct of the subject being confronted (as reasonably perceived by the officer at the time)
  - 8) The time available to an officer to make a decision
  - 9) The availability of other resources
  - 10) The training and experience of the officer
  - 11) The proximity or access of weapons to the subject
  - 12) Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and
  - 13) The environment factors and/or other exigent circumstances
  - 14) Whether a person is a member of a vulnerable population
    - a) Vulnerable populations include, but are not limited to, children, elderly persons, people who are pregnant, and people with physical, mental and developmental disabilities
- 2. *Bryan v. McPherson*<sup>12</sup>
  - a. "The X26 and similar devices constitute an intermediate, significant level of force that must be justified by "a strong government interest [that] compels employment of such force"
  - b. Does the suspect pose an "immediate threat to the safety of officers or others?"
  - c. "A simple statement by an officer that he fears for his safety or the safety of others is not enough; there must be objective factors to justify such a concern"
- 3. *Beaver v. City of Federal Way*<sup>13</sup>
  - a. The court concluded
    - 1) The use of an ECD involves the application of force
    - 2) Each additional ECD application involves an additional use of force
    - 3) Multiple ECD applications cannot be justified solely on the grounds that a suspect fails to comply with a command, absent other indications that the suspect is an immediate threat or about to flee from a serious crime
  - b. Any decision to apply multiple ECD applications must take into consideration whether a suspect is capable of complying with officer's commands
- 4. Verbal Warning Requirement<sup>14</sup> (*Deorle vs Rutherford*)
  - a. Where feasible, a peace officer shall, prior to the use of any force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used,

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<sup>12</sup> *Bryan v. McPherson*, (9<sup>th</sup> Cir. (Cal)

<sup>13</sup> *Beaver v. City of Federal Way*, (W.D. Wash. 2007)

<sup>14</sup> LAPD Use of Force- Tactics Directive No. 4.5, Electronic Control Device, TASER

**LOS ANGELES POLICE DEPARTMENT**  
**Electronic Weapons 23090 (4 Hour)**  
**Expanded Course Outline**

unless the officer has objectively reasonable grounds to believe that the person is aware of those facts

- b. The warning is not required when an officer is attacked and must respond to the suspect's actions. Additionally, if a tactical plan requires the element of surprise in order to stabilize the situation a warning is not necessary
  - c. The verbal warning should include a command and warning of potential consequences of the use of force
    - 1) Example of the warning can be:  
"Drop the weapon" or "stop what you are doing" followed by "or we may use the Taser, and that may cause you serious injury"
  - d. The use of force warning or why it was not given must be documented. The officer giving the warning and what was said shall be documented in the Non-Categorical Use of Force Report, under the Use of Force Summary heading
    - 1) If no warning was given, an explanation shall be documented with an appropriate justification
    - 2) The explanation must clearly articulate the reason why the element of surprise, officer safety consideration or any other appropriate reason cause the officer(s) not to provide the warning
    - 3) The giving of a warning, or the reasons for the failure to do so, will be one factor in determining whether the use of force is objectively reasonable
- C. Duration of field applications
- 1. The application of the TASER is a physically stressful event
  - 2. Although there is no predetermined limit to the number of cycles that can be administered to the suspect, officers should only apply the number of cycles reasonably necessary to allow them to safely approach and restrain the suspect
  - 3. Especially when dealing with a person in a health crisis such as excited delirium, it is advisable to minimize the physical and psychological stress to the suspect to the greatest degree possible
- D. Officers should avoid using the Taser when the suspect is:
- 1. Operating/riding any mode of transportation
  - 2. In an Elevated Position - Suspect is in danger of falling, which could cause death or serious bodily injury (SBI)
  - 3. In environments containing flammable or combustible fumes
  - 4. Near a pool, lake, or similar body of water to avoid drowning
  - 5. Known to have pacemakers
  - 6. Known to be pregnant
  - 7. Under 12 years of age
  - 8. Elderly or visibly frail
- E. Use of Deadly Force by Officers in response to suspects/subjects using a Taser
- 1. TASERs are target specific weapons
  - 2. Even though TASERs are not considered lethal, they can incapacitate an officer if used against the officer
  - 3. If a TASER were to be used against an officer with a partner officer present, the use of deadly force would generally not be authorized
    - a. Since one officer may be temporarily incapacitated, the partner officer could resort to other less-lethal tactics and options available to de-escalate the situation



**LOS ANGELES POLICE DEPARTMENT**  
**Electronic Weapons 23090 (4 Hour)**  
**Expanded Course Outline**

4. If the TASER were to be used against an officer working alone, the officer may be authorized to use deadly force (Deadly force can only be used when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary)
  - a. Totality of circumstances means all facts known to the officer at the time, including the conduct of the officer and the subject leading up to the deadly force.
    - 1) Officers should consider distance and cover as their first defense against a suspect armed with an TASER
    - 2) If the officer reasonably believes that if the TASER were to incapacitate the officer as designed, the suspect could cause the officer serious bodily injury or death with another weapon, possibly the officer's own weapon
- F. Pointing/display of electrical ARC (Model Specific)
  1. The TASER should only be pointed at a person when
    - a. The officer reasonably believes that discharge, if it proves necessary, will be justified under the circumstances, and
    - b. The officer reasonably believes that the existing circumstances will require discharge of the device unless those circumstances change prior to actual discharge such as voluntary compliance of the suspect, or by the intervention of another means of restraint
  2. In a number of cases, pointing the laser and/or displaying the electrical ARC has successfully convinced suspects that they should submit to officer directions and commands rather than resist. However, in some cases, suspects have immediately attacked officers or turned and ran away
  3. If officers have obtained compliance from the suspect through the pointing of the laser and/or the display of the electrical ARC and no other force was used, then the display of the laser/electrical ARC is not considered a use of force incident

**VIII. DEPLOYMENT AND DOCUMENTATION**

**0825-0850 (25 min)**

- A. Pre-shift function ("spark") test
  1. A full 5-second function test SHALL be conducted prior to the start of a shift
  2. Check the CID for battery level and for potential fault icons
  3. Reasons for function testing
    - a. To check that the TASER is sparking
    - b. To check the battery status
    - c. To check for any error messages
  4. Ensure Taser is returned back into field-ready condition upon completion of the function test
- B. Pre-planning
  1. If needed, to request a TASER, unit must broadcast a "**Code-Tom**"
  2. Utilize cover and distance tactics. Officers should attempt to obtain sufficient back-up personnel to contain and control the suspect prior to using the TASER. Proper pre-planning will help in bringing a successful outcome to the situation, with a reduction of injuries to suspects and officers
  3. Whenever possible, have a back-up TASER on-scene in case the primary TASER fails
    - a. Have reasonable and appropriate force options available when practical
    - b. Avoid TASER over-dependence

**LOS ANGELES POLICE DEPARTMENT**  
**Electronic Weapons 23090 (4 Hour)**  
**Expanded Course Outline**

4. Request a supervisor to the scene, however a supervisor need not be present for the officers to deploy a TASER
  5. Isolate the suspect as much as possible
  6. Form an arrest team
  7. Communicate with other officers at scene the tactical plan including a back-up plan in the event the TASER is ineffective
    - a. TASERs may have limited or no effect
    - b. Be prepared to transition to other force options
- C. Arrest Team
1. Can be accomplished with two officers
  2. Ideally a five-member team assembled to deploy the TASER
    - a. Team Leader
      - 1) Responsible for Command and Control of the scene absent another Supervisor/Senior Officer assuming control
      - 2) Supervisor or senior officer at scene
      - 3) Gives direction and commands to the officers
      - 4) Controls arrest team's movements and deployment
      - 5) Responsible for decision making regarding the tactical plan and the implementation of the tactical plan including the TASER deployment
    - b. Arrest Team (two officers)
      - 1) Responsible for the physical control of the suspect
      - 2) Handcuffs and if necessary applies the hobble restraint device on the suspect
        - a) Places the suspect in the upright seated position and monitors the suspect for signs of distress
        - b) Can also be deployed as the "cover officer"
    - c. Less-Lethal Officer
      - 1) Must be trained and authorized to use the less-lethal weapon
      - 2) Deploys the less-lethal weapon within established Department guidelines
    - d. Contact Officer
      - 1) Verbalizes to the suspect in a constant effort to de-escalate the situation before, during and after
      - 2) Orders suspect into a position that is advantageous to the officers
- D. Engagement Tactics upon contact with suspect/subject
1. Team Leader advises the team to deploy
  2. Team members should avoid standing within range of the TASER
  3. Position the TASER officer within deployment range of the suspect/subject
    - a. Probe Placement
      - 1) Keep TASER in line with target
      - 2) Get both probes on the target
      - 3) May need to angle so bottom probe hits the leg
      - 4) May need to turn the TASER sideways if subject is laying down
      - 5) Greater probe spread generally increases effectiveness
        - a) "Incapacitation by all measures was found to be a function of spread; generally increasing in effectiveness up to spreads between 9 and 12 in. There were notable differences between front and back exposures, with front

**LOS ANGELES POLICE DEPARTMENT**  
**Electronic Weapons 23090 (4 Hour)**  
**Expanded Course Outline**

exposures not leading to full incapacitation of the upper extremities regardless of probe spread<sup>15</sup>

- b) If practical, minimum four-inch spread to have some effect
  - c) Narrow probe spreads typically are more effective if one probe is above the belt and the other probe is below the belt
  - d) Electrical arc can penetrate some soft body armor and may jump through clothing up to approximately 1.5 - 2 inches total or approximately 0.75 – 1 inch per probe
- b. Deployment Distance Considerations
- 1) Deployment range from 0 to 22 feet
  - 2) Optimal range is dependent on the cartridge being used.
    - a) Cartridge selection and deployment distance may vary based on the tactical situation
  - 3) Other distance considerations
    - a) High hit probability when deployed at a closer proximity vs. officer safety (distance)
    - b) Avoid probes near the heart or in the chest due to low probability of NMI and to increase the DTH safety distance
    - c) Good probe spread resulting in a good amount of muscles being affected
- c. Targeting
- 1) Whenever possible, avoid intentionally aiming the TASER at sensitive areas of the body
    - a) Head
    - b) Throat
    - c) Face
    - d) Breast
    - e) Chest or area of heart
    - f) Genitals
  - 2) Preferred Target Zones
    - a) The back is always the preferred target area when reasonably practicable under the totality of the circumstances of the incident
    - b) To the rear of the suspect: below the neck
      - (1) Stronger muscles
      - (2) Clothes tend to fit tighter
      - (3) Surprise factor
    - c) To the front of the suspect: split the belt line
      - (1) More effective when one probe is above the belt line and one is below since it involves larger muscles
      - (2) Reduces the risk of hitting sensitive body areas
      - (3) Increases dart-to-heart (DTH) safety margin distances
      - (4) Do not intentionally target the genitals

**E. Deployment**

- 1. The team leader or TASER operator should advise other officers of the intentions to deploy the TASER by the use of prearranged visual or audible signal
- 2. When feasible, a warning shall be given to the suspect regarding the use of the TASER, as per policy

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<sup>15</sup> Ho J, Dawes d, Miner J, Kunz S, Nelson R, Sweeney J. Conducted electrical weapon incapacitation during a goal-directed task as a function of probe spread. *Forensic Sci Med Pathol.* Apr 2012.

**LOS ANGELES POLICE DEPARTMENT**  
**Electronic Weapons 23090 (4 Hour)**  
**Expanded Course Outline**

3. The TASER officer should allow the TASER to run through its preset 5-second cycle
  - a. A full 5-second cycle deployment should be applied without interruption (unless circumstances dictate otherwise)
  - b. Each 5-second cycle is a “window of opportunity” for the officers to approach the suspect to control
  - c. The suspect is only incapacitated during the 5-second cycle. The suspect can recover immediately
  - d. Officers are encouraged to subdue and cuff the suspect if possible during the 5-second cycle
    - 1) Do not place hands within two inches of probes
    - 2) Do not place any body parts between the probes
4. Look and listen when evaluating the effectiveness of the TASER deployment
  - a. Watch the subject’s reaction and look for a change in their behavior
  - b. Listen to the sound of the TASER
  - c. Quiet pulsing typically indicates a good connection
  - d. Arcing electricity is noticeably louder when electrical charge is not being delivered to a subject
  - e. No change in subject behavior plus a loud arc is a bad connection or the TASER use is ineffective
  - f. Intermittent connection
5. No change in behavior
  - a. Evaluate reason for ineffectiveness i.e. probe miss, clothing, disconnect
  - b. Consider re-energizing cartridge or secondary cartridge deployment
  - c. Keep expended cartridge in place and apply a three-point drive stun follow up
  - d. Employ other force options if necessary
6. Avoid extended, repeated, or prolonged TASER applications when practicable
  - a. Each reactivation and/or cycle must be legally justified
  - b. The application of the TASER is a physically stressful event. Attempt to minimize the physical and psychological stress to the subject
  - c. *Constantly evaluate the TASER application to determine if progress is being made towards the goal of controlling the subject. If progress isn’t being made, evaluate the location of the application or transition to another force option if necessary*
  - d. Only apply the number of 5-second cycles reasonably necessary to capture, control or restrain the subject
  - e. If circumstances require repeated discharges, the operator should carefully observe the subject and provide breaks in TASER stimulation when practicable
7. Neuro-Muscular Incapacitation (NMI)
  - a. There are different levels of NMI ranging from limited area effects to significant body lockup
  - b. The greater the spread, the higher likelihood of NMI
  - c. TASERs may not achieve total NMI incapacitation
  - d. A subject may maintain muscle control, particularly in arms and legs (depending on many factors, including probe locations)
  - e. Be prepared with other force options including a drive-stun follow up to spread NMI over a wider area if necessary and reasonably appropriate
  - f. Drive stun alone usually will not achieve NMI, only localized pain
8. Stopping the TASER
  - a. Once the suspect is in custody (handcuffed), the TASER operator should turn off the TASER by placing the safety down (Unarmed/Safe), as soon as practicable

**LOS ANGELES POLICE DEPARTMENT**  
**Electronic Weapons 23090 (4 Hour)**  
**Expanded Course Outline**

F. TASER Ineffectiveness

1. Miss or single dart hit
2. Incomplete, broken, or intermittent circuit
3. Loose or thick clothing
4. Low nerve or muscle mass
5. Obese subject
6. Limited probe spread
7. Wires break
8. Operator error
9. Subject under the influence or experiencing a psychotic episode

G. Drive Stun

1. **Probe deployments are usually more desirable/effective than drive stuns** (that are not three-point deployments)
  - a. NMI vs. pain compliance
  - b. Probe deployments can be applied from a safer distance
  - c. Usually requires fewer cycles
  - d. Usually result in lesser skin and tissue damage than a drive stun
  - e. Close probe spread will likely not have significant effect or NMI
2. Recommended drive stun target locations
  - a. Radial (forearm)
  - b. Common peroneal (outside of thigh)
  - c. Tibial (Calf muscle)
  - d. Note: If not effective, evaluate the location of the drive stun, consider an additional cycle to a different approved area or consider an alternative force option. Drive stun locations to avoid:
    - 1) Face/Neck
    - 2) Groin
    - 3) Chest
3. If loaded with previously fired cartridges, it will still have Drive Stun capabilities.
  - a. A drive stun may be used without removing or deploying the cartridges
  - b. Probes can help maintain contact with a violent suspect
4. Three-point drive stun
  - a. Leave deployed cartridge in place and apply (three-point) drive stun away from probe impact sites
    - 1) If only one probe impacts the subject, or if the probe spread is close or ineffective, a drive stun with the cartridge still attached can act as the second probe and complete the circuit, thus may cause NMI
    - 2) You can then apply a drive stun away from probes to achieve NMI for 3 to 4 points of contact

H. Animals

1. Most animals have been incapacitated or stunned when the TASER was applied
2. Animals typically recover instantly once the TASER cycle is over
3. Most animals have quickly left the scene and broke the wires
4. Some dogs, have not run away and became aggressive
5. The TASER needs to be canted when deployed on animals to ensure the bottom probe will impact the animal's body
6. If an animal is stunned, consider having animal control standing by to apply a restraint

**LOS ANGELES POLICE DEPARTMENT**  
**Electronic Weapons 23090 (4 Hour)**  
**Expanded Course Outline**

7. ECDs intended for human use may be dangerous to smaller animals and may result in a lethal outcome to the animal unintentionally
- I. Flammability
    1. TASERs can ignite explosive materials, liquids, fumes, gases, vapors, or other flammable substances, gels, and materials such as
      - a. Gasoline, sewer gases, meth labs, flammable personal defense sprays, hair gels, butane lighters, etc.
    2. Personal defense sprays
      - a. Some propulsion agents (carriers) are flammable
      - b. Some carriers are alcohol and oil based
  - J. Civilian TASERs
    1. There are a number of Civilian TASER models on the market and a variety of laws that govern their possession and use
      - a. Generally, Civilian TASER models are designed with a longer activation cycle so that the victim can drop the taser and run away(escape) while the suspect is still under the influence/control of the TASER cycle
  - K. Reporting Procedures<sup>16 17</sup>
    1. The use of a TASER is a reportable use of force when one or more of the probes and/or electrodes make contact with the suspect's clothing or skin
    2. An officer using a TASER shall notify a supervisor without delay
    3. The full account of the Use of Force will be documented in the related Department crime, arrest, or Employee's Report, Form 15.7
    4. Supervisors will conduct an investigation of the incident and report their findings on a Use of Force Report
    5. Supervisors shall photograph all visible as well as complained of injuries, even when evidence of injury is not present
    6. If no contact is made, the circumstances shall be documented in the appropriate report such as a crime, arrest or Employee's Report, Form 15.7
    7. Use of the laser sight or ARCing (sparking) of the TASER for purposes of gaining compliance is not considered a Use of Force. No report is required as long as no other reportable force was used before, during or after
      - a. Use of this tactic is not required before the deployment of the TASER
      - b. Suspect's actions must be to the level where the TASER may be deployed in probe or drive stun modes
  - L. Downloads
    1. Policy
      - a. Supervisors shall ensure that the data from the TASER is properly downloaded (model specific) after a reportable Use of Force incident. Supervisors are required to ensure the TASER data is printed, scanned and electronically attached to the Use of Force Report.<sup>18</sup>
      - b. The TASER should be removed from service prior to downloading

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<sup>16</sup> Department Manual Section 4/246.10, TASER Guidelines

<sup>17</sup> LAPD Use of Force- Tactics Directive No. 4.5, Electronic Control Device, TASER

<sup>18</sup> LAPD Use of Force- Tactics Directive No. 4.5, Electronic Control Device, TASER

**LOS ANGELES POLICE DEPARTMENT**  
**Electronic Weapons 23090 (4 Hour)**  
**Expanded Course Outline**

- c. Officers should be permitted to review the download prior to preparing their reports if possible
- d. Upon download, the TASER may be returned to service

**IX. PRE-DRILL SAFETY**

**0850-0900 (10 min)**

A. Basic Safety Rules

- 1. All participants during scenario-based training must wear eye protection
- 2. Instructors shall conduct a “weapons check” of all participants
- 3. No live firearms (**loaded or unloaded**) or ammo shall be permitted in the Training Area (**Visually Check**) with the exception of a designated Safety Officer.
- 4. During scenario training inert items such as OC, less lethal devices and impact weapons should be used
- 5. Instructor to student ratio is 1:5 during the practical application, except during live fire when the ratio is 1:1
- 6. Keep live cartridges out of the training area during manipulations and scenario based training. Live cartridges should only be brought into the training area during live deployment drills.
- 7. Treat all TASER systems as if they are loaded
- 8. Keep your finger outside of the trigger guard until you are on target and ready to fire
- 9. Always point the TASER in a safe direction
- 10. Know your target area and background and what may be within the deployment distance
- 11. Except during scenario training, never point or deploy a TASER towards another person even if they are well beyond the maximum range of your cartridge
- 12. LASERS must not be pointed at eyes
- 13. Unsafe behavior of any type will not be tolerated
- 14. Students must advise the instructor if they have any injury or pre-existing health condition that would preclude their participation in any training exercise
- 15. Report any injuries immediately to the instructor
- 16. A pre-designated auditory command of “**STOP**” will be used anytime a situation is deemed hazardous.
  - a. The command may be given by ANY of the instructors, participants or observers
  - b. When given, every participant will cease all activity and point their TASERS in a safe direction and put the safety switch in the down (SAFE) position
  - c. An instructor will advise when it is clear and resume the drill or scenario

**X. MANIPULATIONS/TRAINING DRILLS<sup>19</sup>**

**0900-1045 (105 min)**

A. Objectives

- 1. Administrative Taser Manipulations
  - a. are used to provide a safe arena for the student to obtain hands-on training on basic operation of the TASER
- 2. Training Drills
  - a. Drills are utilized to familiarize students with the basic operation of the TASER

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<sup>19</sup> AXON, Instructor Certification Course, Version 22

**LOS ANGELES POLICE DEPARTMENT**  
**Electronic Weapons 23090 (4 Hour)**  
**Expanded Course Outline**

- b. Additionally, drills provide students with the practical experience to reasonably safely and effectively operate the TASER
  - 3. Scenario Based Training is used to apply the skills learned in the course to actual situations
- B. Administrative Taser Manipulations
- 1. Pre-shift function (“spark”) test
    - a. A full 5-second function (“spark”) test SHALL be conducted prior to the start of a shift
    - b. Check the CID for battery level and for potential fault icons
    - c. Reason for the function test
      - 1) To check that the TASER is sparking
      - 2) To check the battery status
      - 3) To check for any error messages
    - d. Ensure Taser is returned back into field-ready condition upon completion of function test
  - 2. Cartridge Loading/Unloading
    - a. General safety considerations
      - 1) Keep all body parts away from the front
      - 2) Ensure the safety switch is down
      - 3) Point the Taser in a safe direction or inadvertently point cartridges at yourself or at anyone else
      - 4) Insert cartridge into the deployment bay until it is seated
    - b. Loading TASER Cartridges
      - 1) Point the TASER in a safe direction
      - 2) Ensure the safety switch is in the down (SAFE) position and your finger is not on the trigger or arc switch
      - 3) Keeping your hand away from the blast doors, gently push the cartridge into the cartridge bay until an audible click is heard
      - 4) Verify that the cartridge is secure by pulling on the sides of the cartridge
- C. Inert Cartridge - Drills and Scenarios
- 1. **Drill No. 1: Safety Switch and Loading/Unloading with Inert Cartridges**
    - a. Objective: To provide each student the practical training to safely and properly operate the safety switch and Loading/Unloading a cartridge in the TASER
    - b. Equipment and Configuration
      - 1) Taser with Battery
      - 2) Holster
      - 3) Inert Taser cartridge(s) [Model Specific]
    - c. Instructor Notes
      - 1) Divide the class into small groups, dependent on instructor/student ratios
      - 2) Ensure that each student monitors their partner(s) while performing the drills
      - 3) If applicable, have the student place a spare Inert cartridge in the magazine pouch of the TASER holster
      - 4) Exercise A: Safety Switch Manipulation
        - a) This drill will also show how to stop the TASER cycle on command in the event of an accidental firing, missed shot, etc.
          - (1) Issue one TASER to each student with an inert Taser cartridge
          - (2) Point in safe direction and place safety switch in the up (ARMED) position



**LOS ANGELES POLICE DEPARTMENT**  
**Electronic Weapons 23090 (4 Hour)**  
**Expanded Course Outline**

- (3) Verify CID display
  - (4) Verify Laser
  - b) Place the safety switch down (SAFE) position
  - c) Have each group perform the drill until everyone shows proficiency manipulating the Safety Switch
  - 5) Exercise B: Loading/Unloading of cartridges
    - a) Ensure that students monitor their partner when performing the loading/unloading drill
    - b) Each student must demonstrate how to perform a safe and proper loading/unloading of the TASER cartridge(s)
    - c) The instructor needs to ensure that the safety switch on the TASER remains in the down (SAFE) position
      - (1) Issue one TASER and inert cartridge(s) to each student
      - (2) Have students practice loading and unloading the Taser cartridge
        - (a) The drill should be performed with the TASER just below eye level, so the student keeps his/her head up to monitor the threat while they are reloading
  - 6) Key Observations
    - (a) Point TASER in a safe direction
    - (b) Proper hand placement to manipulate the cartridge release button
    - (c) Proper hand placement away from the front of the TASER
2. **Drill No. 2: Function Test Drill with Inert Cartridges**
- a. Objective: To provide each student the opportunity to practice how to properly conduct a pre-shift Function Test on the TASER
  - b. Equipment and Configuration
    - 1) Taser with Battery
    - 2) Holster
    - 3) Inert Taser cartridge(s) [Model Specific]
  - c. Instructor Notes
    - 1) Divide the class into small groups, dependent on instructor/student ratios
    - 2) Ensure that students monitor their partner(s) when performing the Function Test drill
    - 3) Each student must demonstrate how to perform a safe and proper Function (“spark”) Test
  - d. Exercise
    - a) Conduct Function Test
      - (1) Start with the safety is in the down (SAFE) position
      - (2) Do NOT press the trigger
      - (3) Simultaneously press both ARC Switches
      - (4) CID will display the battery percentage and current firmware for the TASER
      - (5) Immediately (before the CID goes dark) move the Safety to the up (Armed) position
      - (6) Do NOT press the trigger
      - (7) Press either ARC Switch
      - (8) Place the safety switch down (SAFE) position
      - (9) Have each group perform the drill until everyone shows proficiency conducting a Function Test
  - e. Key Observations

**LOS ANGELES POLICE DEPARTMENT**  
**Electronic Weapons 23090 (4 Hour)**  
**Expanded Course Outline**

- a) Point TASER in a safe direction
  - b) Use of ARC Switch vs Trigger press
    - (1) Proper hand placement to manipulate the ARC Switch
    - (2) Proper placement of hand so as not to press the trigger
3. **Drill No. 3: Arc Warning with Inert Cartridges**
- a. Objective: To familiarize the student with the proper Arc Warning techniques
  - b. Equipment and Configuration
    - 1) Taser with battery
    - 2) Inert cartridge(s)
  - c. Instructor Notes
    - 1) Ensure student is equipped with inert cartridges only
    - 2) Divide the class into small groups
    - 3) Have student conduct a proper Arc Warning while ensuring the Taser is pointed in a safe direction
  - d. Exercise
    - 1) Point Taser in a safe direction
    - 2) Verbalize with the suspect/subject (verbal warning)
    - 3) Conduct Arc Warning
    - 4) Ensure safety switch in the down (SAFE) position
  - e. Repeat as necessary
4. **Drill No. 4: Aiming/Holster Drill with Inert Cartridge**
- a. Objective: To properly unholster, aim/acquire target and re-holster
  - b. Equipment and Configuration
    - 1) Taser with battery
    - 2) Holster
    - 3) Inert Taser cartridge(s)
    - 4) Target
  - c. Instructor Notes
    - 1) Ensure student is equipped with inert cartridges only
    - 2) Divide the class into small groups
    - 3) Identify firing line/distance for drill
    - 4) Assign another student as Safety Officer (Movement Drills only)
  - d. Exercise A – Static Distance
    - 1) Position student at a predetermined distance from target
    - 2) Direct student to unholster Taser, place safety switch in up (ARMED) position, aim LASER at preferred target zone
    - 3) Verbalize with the suspect/subject (verbal warning)
    - 4) Advise student that suspect/subject complies to commands
    - 5) Place Safety Switch in down (SAFE) position
    - 6) Advise student to holster
    - 7) Repeat as needed, at the various predetermined distances (Cartridge Specific)
  - e. Exercise B – Variable Distance(s)
    - 1) Position student at a predetermined distance from target out of deployment range
    - 2) Advise student to move up to deployment range (guided by Safety Officer)
    - 3) Direct student to unholster Taser, place safety switch in up (ARMED) position, aim LASER at preferred target zone
    - 4) Verbalize with the suspect/subject (verbal warning)

**LOS ANGELES POLICE DEPARTMENT**  
**Electronic Weapons 23090 (4 Hour)**  
**Expanded Course Outline**

- 5) Advise student that suspect/subject complies to commands
  - 6) Place safety switch in down (SAFE) position
  - 7) Advise student to holster
  - f. Repeat as necessary
  - g. Key Observations
    - 1) Verbal commands (verbal warning)
    - 2) Aiming at preferred target zone
    - 3) Determining deployment range based on cartridge selection (Model Specific)
    - 4) Probe spread (Model Specific)
    - 5) Safety Switch in the down (SAFE) position prior to holstering
2. **Scenario #1 – Shall be conducted with inert/training taser cartridges**
- a. Objective: To allow the student to gain compliance from the suspect using verbal commands and de-escalation
  - b. Equipment and configuration
    - 1) Taser 7 with battery
    - 2) Inert cartridges
    - 3) Inert OC, Baton, gun
    - 4) Role Players
  - c. Instructor notes
    - 1) Ensure student is equipped with or has access to all inert force options
3. **Scenario #2 – Shall be conducted with inert/training cartridges**
- a. Objective: To allow student to gain compliance from the suspect using an ARC warning along with de-escalation techniques
  - b. Equipment and configuration
    - 1) Taser 7
    - 2) Inert Taser cartridges
    - 3) Inert OC, baton, gun
    - 4) Role players
  - c. Instructor notes
    - 1) Ensure student is equipped with or has access to all inert force options
4. **Scenario #3 – Shall be conducted with all inert/training Cartridges**
- a. Objective: To allow the student to properly and safely deploy the Taser 7 on a suspect who meets the Department's Less Lethal Deployment Criteria
  - b. Equipment and configuration
    - 1) Taser 7
    - 2) Inert cartridges
    - 3) Inert OC, baton, gun
    - 4) Role players
  - c. Instructor notes
    - 1) Ensure student is equipped with and/or had access to inert force options
5. **Scenario #4 – Shall be conducted with inert/training taser cartridges**
- a. Objective: To allow the student to transition from the Taser 7 to another force option safely and efficiently
  - b. Equipment and configuration
    - 1) Taser 7
    - 2) Inert taser cartridges

**LOS ANGELES POLICE DEPARTMENT**  
**Electronic Weapons 23090 (4 Hour)**  
**Expanded Course Outline**

- 3) Inert OC, baton, gun
- 4) Roll players
- c. Instructor notes
  - 1) Ensure student is equipped with and/or has access to inert force options

**E. Live Cartridge Drills**

**1. Drill No. 5: LIVE CARTRIDGE DEPLOYMENT**

- a. Objective: To properly deploy a CQ live cartridge
- b. Equipment and Configuration
  - 1) Taser
  - 2) Holster
  - 3) Live Taser cartridge(s)
  - 4) Inert Taser cartridge(s)
  - 5) Target
- c. Instructor Notes
  - 1) Ratios are 1:1
  - 2) Ensure student is equipped with 1 CQ live cartridge and 1 CQ Inert cartridge
  - 3) Have student set up the inert and live CQ cartridges into a pair (for training purposes only) so that the inert cartridge is in bay 1 and the live cartridge is in bay 2 when the pair is loaded into the taser
  - 4) Divide the class into small groups
  - 5) Identify firing line/distance for drill and ensure no students/instructors are downrange
  - 6) Assign another student as Safety Officer
- d. Exercise A – Live Cartridge Deployment (Static)- CQ
  - 1) Position student at a predetermined distance from target
  - 2) Direct student to:
    - a) Unholster
    - b) Arm
    - c) Aim
    - d) Verbalize (verbal warning)
    - e) Deploy
    - f) Assess (student will deploy the second cartridge once they recognize that the first deployment was ineffective)
    - g) Assess
    - h) Render safe
    - i) Reload
    - j) Holster
- e. Exercise B – Live Cartridge Deployment (Variable Distance)- SO
  - 1) Have student load taser with a single SO cartridge in bay 1 of the taser
  - 2) Position student at a predetermined distance from target out of deployment range for the SO cartridge
  - 3) Direct student to:
    - a) Move to cartridge appropriate distance for the SO cartridge
    - b) Unholster
    - c) Arm
    - d) Aim
    - e) Verbalize (verbal warning)
    - f) Deploy

**LOS ANGELES POLICE DEPARTMENT**  
**Electronic Weapons 23090 (4 Hour)**  
**Expanded Course Outline**

- g) Assess
- h) Re-energize (after prompted by instructor that a second five cycle deployment is needed due to suspect's actions)
- i) Assess
- j) Render safe
- k) Unload
- l) Holster

**F. Overall Key Observations**

- 1. Optimum deployment distance
- 2. Verbal commands (verbal warning)
- 3. Aiming at preferred target zones
- 4. Identifying through sight and sound the TASERs effectiveness
- 5. Proper reloading position. Safety down (SAFE) and TASER held just below eye level so the student keeps his/her head up to monitor the threat while they are reloading
  - a. Proper hand position to access Cartridge Release button
  - b. Proper positioning of hand on cartridge while reloading
  - c. Not covering hand with TASER
- 6. Use of the ARC switch vs Trigger

**XI. TEST/CERTIFICATION**

**1045-1100 (15 min)**

- A. Distribute test
- B. Students will complete the test
- C. Instructors will score the test
- D. 80% required for passing

**EXHIBIT      B**



# TRAINING BULLETIN

Los Angeles Police Department

Michel R. Moore, Chief of Police

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## EXCITED DELIRIUM

Excited Delirium, also referred to as Agitated Delirium, is a medical emergency characterized by an acute onset of extreme agitation and bizarre and/or combative behavior. This medical emergency is often associated with a number of underlying factors such as controlled substances, or mental illness. A person in a state of Excited Delirium is at an increased risk of sudden death.

Persons in a state of Excited Delirium may present a serious threat to the public, to officers, and to themselves. Officers should be familiar with signs and symptoms of this condition when determining the best tactical response. This Bulletin provides guidelines for addressing these challenges as part of the Department's overarching principle of reverence for human life.

### Recognition of Signs/Symptoms

Officers are not trained to diagnose medical conditions but should become familiar with the signs, symptoms, and behaviors of a person in a state of Excited Delirium. The state of Excited Delirium is recognized as a medical emergency and a rescue ambulance (RA) shall be requested as soon as practicable.

Individuals in a state of Excited Delirium may exhibit extreme agitation and a combination of the following signs, symptoms, and behaviors:

- Extremely violent/aggressive behavior
- Unresponsiveness to police presence
- Excessive strength (out of proportion)
- High tolerance to pain
- Constant or near constant physical activity
- Attracted to bright lights/loud sounds
- Attracted to/destructive of glass/reflective objects
- Rapid breathing
- Profuse sweating
- Disrobing in public
- Keening (unintelligible animal-like noises)

When an individual exhibits signs of Excited Delirium, a Los Angeles Fire Department (LAFD) RA shall be requested as soon as practicable, so paramedic personnel can assess the individual and provide the needed emergency medical treatment.

## Police Response

An individual acting in a violent and/or strange manner often results in police response. If the individual is exhibiting signs and symptoms of Excited Delirium, an RA shall be requested as soon as practicable.

Any officer faced with an individual who appears to be in a state of Excited Delirium should, if feasible, develop a tactical plan prior to taking action. The tactical plan should include a single contact officer, sufficient resources, and less lethal options.

If the individual is contained and does not pose an immediate threat to officers, the public, or himself/herself, de-escalation techniques may allow officers the opportunity to communicate with the individual, refine tactical plans, and contact other resources as needed. When time permits, officers should obtain as much information as possible regarding the individual's past drug or alcohol use and mental health history before initiating action. Contact the Mental Evaluation Unit (MEU) if the person is suspected of suffering from a mental illness.

When attempting to verbalize with an individual who is in a state of Excited Delirium, minimize and/or remove lights, sirens, radios, and other distractions. Officers should utilize the "Contact and Cover Officer" concept. One officer should give clear and concise commands in a calm and non-confrontational manner. If the individual does not respond, officers should consider switching their contact and cover roles.

If the individual does not respond to tactical de-escalation techniques, officers should be prepared to use tactics to rapidly gain physical control. This will allow the individual to receive the needed emergency medical treatment.

Upon taking the individual into custody, officers should secure the individual's legs with a Hobble Restraint Device (hobble). Once the hobble is secure, officers shall place the individual in an upright, seated position or on his/her left side (left lateral recumbent position) as soon as tactically feasible. If this is not possible due to medical, tactical, or environmental issues, then the right side is an acceptable substitute.

### Tactical De-Escalation Techniques

- Planning
- Assessment
- Time
- Redeployment and/or Containment
- Other Resources
- Lines of Communication

### Tactical Considerations

- Tactical de-escalation techniques
- Individuals in a state of Excited Delirium present a serious officer safety risk
- If feasible, avoid contact without additional resources present
- Have a tactical plan
- Consider less lethal options
- Avoid unnecessarily over-stimulating the individual
- Use a hobble to secure the legs
- Call an RA when Excited Delirium is suspected



If the individual continues to act violently or aggressively towards the officers, at least one officer should hold the person in an approved position while another officer maintains control of the hobble's strap. The hobble **shall not** be used to bind the individual's hands and feet together in any manner.

### **Medical Treatment**

Excited Delirium is considered a medical crisis. When an individual exhibits signs, symptoms, and behaviors indicative of being in a state of Excited Delirium, an RA shall be requested as soon as practicable, so paramedic personnel can assess and treat the individual. In the request for the RA, include the signs, symptoms, and behaviors observed. Los Angeles Fire Department personnel have been trained in assessing individuals to determine whether a medical emergency exists and provide the needed emergency medical treatment.

### **CONCLUSION**

Individuals who exhibit signs, symptoms, and behaviors indicative of being in a state of Excited Delirium may present a serious threat to the public, to officers, and to themselves. They are at risk for sudden death and need medical intervention. Officers should gather information and request sufficient resources as part of a tactical plan before contacting the individual.

Field Training Services Unit  
Police Training and Education

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