

FOTU Bulletins

- **24-01 Taser Deployment**

Los Angeles County Sheriff's Department

TRAINING BULLETIN

Field Operations Training Unit



VOLUME 24 NUMBER 01

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TASER DEPLOYMENT

Policy Overview and Considerations

In any use-of-force incident, deputies must consider the totality of the circumstances and remember that any force used must be objectively reasonable, proportional, and reasonably appear to be necessary.

The Taser (also referred to as Conducted Electrical Weapon (CEW)) is a less-lethal force option that can be used when a subject poses an immediate threat of harm to any person or when a subject needs to be taken into custody or safely controlled, and the level of resistance presented by the subject is reasonably likely to cause injury to the Department member, subject, or any other person. Unless it compromises Officer Safety or is impractical due to circumstances, a verbal warning shall be issued about the intended use of the Taser.

Merely running away from a pursuing Department member without additional circumstances or factors is insufficient justification for using a CEW to apprehend a subject. Before using a Taser on a fleeing subject, Department members shall consider the severity of the offense, the level of threat posed by the subject, whether the subject can be recaptured later, and the risk of serious bodily injury to the fleeing subject.

Issue #1: "Double Wielding" (Taser in One Hand, Firearm in the Other).

Department policy prohibits personnel from simultaneously holding a Taser in one hand and a firearm in the other. This restriction is crucial in mitigating the risks associated with "slips-and-capture" errors, which are mistakes made when you think you are doing one thing, but you actually are doing another, and the result often is directly the opposite of what you intended. "Slips-and-capture" errors are often caused by urgency, time compression, narrowed focus of attention, and automatic response when responding to a perceived threat. Numerous case studies of real-life incidents have underscored the grave consequences that can arise from inadvertently discharging a firearm when the intention was to deploy a Taser.

There may be situations requiring a deputy to transition to a firearm while simultaneously holding a Taser. A recommendation would be to (1) train re-holstering the Taser while transitioning to a firearm, (2) re-grip the

Taser around the frame and lower it to the waistline, keeping the blast doors of the cartridge pointed down to the ground, and (3) designate additional personnel as lethal force back-up.

Issue #2: Deploying a Taser on a Subject Exposed to Water.

During every use-of-force incident, deputies should assess themselves, the person(s) they use force against, and their surroundings/environment.

There is a misconception that using a Taser against a wet subject is prohibited. Examples could include situations where someone who just stepped out of the shower, is exposed to rain, or was otherwise exposed to water. Using a Taser on a subject while wet with water will not increase the electrical charge that a person receives. Additionally, deputies will not feel an electrical charge by physically controlling someone wet and simultaneously being exposed to a Taser charge. Deputies should be aware that wet, slippery surfaces will decrease their ability to control a subject physically during a use-of-force incident and may expose personnel and the subject to increased risk of injury from slippery surfaces.

Department policy states that except in emergent circumstances, the Taser should not be used on a subject who is near a body of water such as a pool, lake, ocean, or any place with an increased risk of drowning because the subject may experience neuromuscular incapacitation because of the Taser. Department members should avoid using the CEW on subjects who are in standing water, mud, or a marsh, where the ability to move is restricted.

Issue #3: Tasing a Subject on a Bicycle.

Department policy states that Department members should avoid using a CEW on subjects who are fleeing or running away unless the subject is an immediate threat to themselves or others. The mere fact that a subject is fleeing does not justify the use of a Taser. You must articulate that the subject is an immediate threat to themselves or others. Personnel must also consider the risk of significant injury to a subject who is riding a bike when considering the use of a Taser, because they may fall off the bike due to neuromuscular incapacitation. Department members should continually assess the situation and consider the most appropriate tactical plan. Depending on the seriousness of the crime, the threat level, and the risk of serious injury, deputies may consider setting up a containment or pursuing (within policy) to make contact rather than use a Taser and instead use control holds to detain.

Conclusion

Every deputy-involved incident poses distinct challenges. Exercising sound judgment and making critical decisions are essential in any situation involving the use of force by deputies. Before resorting to force, when it is feasible and safe to do so, deputies should formulate a tactical plan, seek additional resources if needed, and use de-escalation techniques to mitigate the need for force. It is crucial to adhere to the guiding principle that "just because we CAN, doesn't mean we SHOULD," while exercising discretion and restraint whenever possible.

If you have additional questions or concerns or need guidance, please contact the Field Operations Force Training Unit at (562) 347-4530.

- **24-02 Backseat Encounters**

Los Angeles County Sheriff's Department

TRAINING BULLETIN

Field Operations Training Unit



VOLUME 24 NUMBER 02

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BACKSEAT ENCOUNTERS

The Department has reviewed a series of use-of-force incidents involving uncooperative subjects being detained in the backseat of patrol vehicles. In many of these cases, there were opportunities to use a different approach to help mitigate the need to use force and prevent injuries to our personnel and the subjects being detained.

It is understandable that despite our best efforts to de-escalate and avoid using force, we are sometimes left with no other alternative but to use force to control the situation. However, we should take all steps to avoid using force whenever feasible. As a reminder, Department policy states:

"Whenever feasible, Department members should endeavor to de-escalate confrontations through tactical communication, crisis intervention, advisements, warnings, verbal persuasion, and other common-sense methods (such as utilizing alternative tactics) which can prevent the need to use force or reduce the amount of force, that is required."

Below are some options to consider when dealing with difficult backseat detention incidents that could result in the use of force.

De-escalate: De-escalation is a proven and effective tactic to reduce the likelihood of using force. When feasible, Deputies should implement de-escalation, strategic communication, and utilize time, distance, or other applicable techniques to minimize the necessity for physical force when placing a subject in the rear of the patrol car. This approach also aims to de-escalate situations, reducing the likelihood of resistance, assaults on our personnel, or vehicle damage. When feasible, Deputies should make all efforts to lower the intensity of the situation with the goal of resolving it without having to resort to using force.

- **Seek Supervisor Assistance:** Whenever feasible, Deputies are advised to seek supervisor assistance if it seems probable that force will be required to place a subject in a vehicle or to manage someone already in the backseat.
- **Lock Handcuffs:** Deputies should double-lock the handcuffs on subjects prior to placing them in the backseat of a patrol car. This technique will prevent the handcuffs from ratcheting tighter, thus

minimizing the contact deputies have with the subject once they are secure in the backseat.

- **Secure with Seatbelts:** It is imperative to consistently secure detained individuals with seatbelts in the backseat of the patrol vehicle as required by policy. Deputies must be aware that the back seatbelts are equipped with a ratcheting system, which can be highly effective in preventing suspects from moving around or attempting to kick the doors/windows by lying on their backs. Additionally, a properly seat-belted subject is significantly less likely to pose a threat by assaulting a deputy.
- **Evaluate Leg Restraint:** Deputies are encouraged to evaluate the reasonable application of a leg restraint (hobble), to immobilize the legs of uncooperative or assaultive individuals before putting the person in the backseat. Using a hobble can effectively reduce the risk of subjects kicking deputies or causing damage to patrol car doors or windows. It's essential to emphasize that individuals placed in a hobble must be continually monitored. Moreover, the use of a hobble must strictly adhere to all Department policies and guidelines.
- **Develop a Plan:** Deputies should develop a plan for effectively placing an assaultive or uncooperative subject in the backseat of a patrol vehicle. Similarly, deputies must carefully consider their options for safely extracting an uncooperative or assaultive subject from the vehicle's backseat. A safe option would be to avoid a subject's feet by approaching and controlling them from behind.
- **Using OC Spray:** The use of OC spray in the backseat of a patrol vehicle is not the preferred method for handling uncooperative or assaultive subjects and is generally discouraged. Department cases suggest that deputies typically resort to OC spray in three main scenarios, namely to prevent subjects from kicking windows and doors, spitting on personnel, or kicking deputies when opening the patrol vehicle door. However, relying solely on OC spray in these situations is generally ineffective and often requires additional physical intervention by our personnel to gain control. Instead, we advocate for using alternative techniques, such as prior planning, seatbelt restraint, hobble application, spit mask usage, control holds, and other appropriate methods, which have proven to be more effective in controlling such situations. Deputies should consider these alternatives before resorting to OC spray in the backseat of a patrol vehicle.

While there may be instances where OC spray would be considered reasonable, deputies should exercise restraint and only use it sparingly. Additionally, deputies should be mindful of the need to decontaminate any affected individuals promptly. If OC spray is deployed in the backseat of a patrol vehicle, whenever feasible, the rear windows should be lowered and the vehicles air conditioner should be activated to enhance ventilation.

- **Provide Medical Assistance:** Providing access to fresh air and flushing the face with water is an appropriate immediate response and may prevent the need for additional medical assistance. It is crucial to promptly provide medical assistance if a person requests it, complains of having difficulty breathing, or appears to be in medical distress (e.g., respiratory distress, including gasping, snorting or gurgling sounds, complaint of chest pain, change in facial color, complaint of extreme heat, sudden quiet or inactivity, loss of consciousness, vomiting, etc.). In such instances, immediate medical aid should be administered, and fire personnel should be requested without delay.
- **Preventing Positional Asphyxia:** Deputies must exercise special caution to avoid, whenever feasible, positioning someone on their chest or stomach or in any other manner that could potentially impair their breathing or lead to positional asphyxia. If they are subject to the Total Appendage Restraint Procedure

(“TARP”) or otherwise secured and unable to be placed in a seated position, they should be transported via ambulance. Deputies should refer to the TARP policy for additional information and guidelines.

Furthermore, individuals restrained in the rear of a patrol vehicle should be continuously monitored to ensure their well-being and safety. Remember, all deputies bear ultimate responsibility for the care and safety of those under their control.

• 25-01 Prohibited Behavior



Los Angeles County Sheriff's Department TRAINING BULLETIN

Prohibited Behavior

BACKGROUND

Effective January 1, 2022, Assembly Bill 958 (AB 958) was enacted, introducing Penal Code section 13670:

“Lawenforcement agency” means any department or agency of the state or any local government, special district, or other political subdivision thereof, that employs any peace officer, as described in Section 830.

This section defines a “lawenforcement gang” as –

- 1. A group of peace officers within a lawenforcement agency who may identify themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos, and*
- 2. Who engage in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to:*
 - excluding, harassing, or discriminating against any individual based on a protected category under federal or state antidiscrimination laws,*
 - engaging in or promoting conduct that violates the rights of other employees or members of the public,*
 - violating agency policy,*
 - the persistent practice of unlawful detention or use of excessive force in circumstances where it is*

known to be unjustified,

- *falsifying police reports,*
- *fabricating or destroying evidence,*
- *targeting persons for enforcement based solely on protected characteristics of those persons,*
- *theft,*
- *unauthorized use of alcohol or drugs on duty,*
- *unlawful or unauthorized protection of other members from disciplinary actions, and*
- *retaliation against other officers who threaten or interfere with the activities of the group*

This definition provides guidance for investigating peace officer gangs or groups that engage in unlawful, patterned behavior and may be unified under a common name or symbol. This legislation establishes the criteria necessary to identify such patterns of behavior within specific groups in California law enforcement agencies.

PURPOSE

It is the Department's goal to enhance professional behavior in the workplace. The "everyday" work of law enforcement is often not given enough recognition. The Department recognizes the need for department members to feel a sense of meaning and purpose in the work they do. But encircling oneself with inexperienced or deficient peers can lead to short-sighted decisions, with unintended consequences immediately, or even many years in the future. To examine this topic more closely, we encourage Department members to reflect on policies and laws that, if ignored, can negatively impact our careers, our lives, and the livelihood of our families.

Department members should note policy is often written to reflect current federal, state, and local laws. Some of these policies guide workplace behavior and interaction with the public.

MPP SECTION 3-01/050.83, EMPLOYEE GROUPS WHICH VIOLATE THE RIGHTS OF OTHER EMPLOYEES OR MEMBERS OF THE PUBLIC

Which states:

"Department personnel shall not participate or join in any group of Department employees which promotes conduct that violates the rights of other employees or members of the public,"

and

"Any employee engaging in misconduct of any kind, including but not limited to, the use of excessive force or mistreating or harassing others, will be subject to discipline. If the misconduct involves criminal allegations, the matter may be referred to the District Attorney's Office for possible prosecution."

MPP SECTION 3-01/050.82, PROHIBITION – LAW ENFORCEMENT GANGS AND HATE GROUPS

Which states:

“Department members shall not participate in, solicit others to participate in, or be members of a law enforcement gang,”

and

“Any Department member engaged in membership in a hate group, participation in any hate group activity, or advocacy of any public expressions of hate shall be removed from the Department as a peace officer.”

This MPP section directly mirrors Penal Code Section 13670 in defining a law enforcement gang. The policy prohibits Department members from participating in, soliciting others to participate in, or to be members of a law enforcement gang or group as defined in the penal code. Such conduct shall be subject to discipline, up to and including termination.

The MPP section also requires all Department members to cooperate with the Office of Inspector General, the California Attorney General, and/or any other authorized agency investigating the existence or potential existence of such groups within the Department.

Furthermore, pursuant to Penal Code section 13510.9(A)(2), the Department shall report any complaint, charge or allegation of a peace officer’s participation in a law enforcement gang or group to the Commission on Peace Officer Standards and Training (POST), which can result in suspension or revocation of certification by the Commission pursuant to Penal Code section 13510.8.

REFERENCES:

[MPP section 2-01/010.00 - Core Values](#)

[MPP section 2-01/030.00 - Mission Statement](#)

[MPP section 2-01/020.00 - Creed](#)

[MPP section 3-01/050.82 - Prohibition - Law Enforcement Gangs and Hate Groups](#)

[MPP section 3-01/050.83 – Employee Groups Which Violate the Rights of Other Employees or Members of the Public](#)

[13682 PC, Subsections a-d](#)
