

HERMISTON POLICE DEPARTMENT

TRAINING BULLETIN

December 11th, 2002

#02 - 17



TOPIC: *DPSST Force Continuum*

PURPOSE: To provide information on a significant change in the Force Continuum as supplied by DPSST.

DPSST has provided an adjustment in the Continuum of Force which places the use of electronic stun devices (M26 Taser) in the physical control level. Please review this information, it is consistent with our current use of force policy.

DPSST Force Continuum					
Level of Force		Method of Force		Level of Resistance	Threat
VI	Deadly	Any force readily capable of causing death or serious physical injury		Lethal	R E S I S T I V E
V	Serious Physical Control	Neck Restraint Impact Weapon Focused Blows Mace (CN/CS)	O C R E S T R A I N T S	Ominous	
IV	Physical Control	Hair Takedown Joint Takedown Digital Control Joint Come-along Pressure Points Electronic Stun Device Temp. Restraints		Active Static	
III	Physical Contact	Escort Position Directional Contact		Verbal	
II	Verbal Communication	Direct Order Questioning Persuasion			
I	Presence	Display of Force Option Body Language/Demeanor Identification of Authority		None	Complying

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Training Bulletin October 16th, 2009 #09 - 3

TOPIC: Taser Application Areas

PURPOSE: To provide information on recent updates from Taser International regarding the recommended areas of application of electronic control device. (ECD)

Overview and Training Implications

1. TASER has issued a new TASER Targeting Guide that will apply for the new XREP impact munitions as well as ECDs such as the X26, M26 and X3.

Note, they have lowered the recommended point of aim from center of mass to lower-center of mass for front shots. The blue highlighted area in the adjacent target man represents the preferred target area.

There are three reasons:

- a. Simplify targeting for all TASER systems to one easy to remember map, avoiding chest shots when possible and the risk of a head/eye shot in a dynamic situation, as is standard for impact munitions
- b. When possible, avoiding chest shots with ECDs avoids the controversy about whether ECDs do or do not affect the human heart.
- c. Close-spread ECD discharges to the front of the body are more effective when at least one probe is in the major muscles of the pelvic triangle or thigh region.
- d. Back shots remain the preferred area when practical.

2. When dealing with exhausted individuals or persons exhibiting symptoms of distress or agitated/excited delirium:

- a. Once officers engage in capture procedures, it is important to minimize the duration of the physical struggle.

New research shows that physical struggle, simulated by punching a heavy bag at full intensity, can cause acidosis that can reach dangerous levels in only 45 seconds of intense exertion, starting from a resting state. Accordingly, officers engaging subjects in a physical struggle or in an exhaustive state should develop a plan to capture and restrain the subject as expeditiously as possible to minimize the duration of struggle and the adverse physiological effects. The physiologic effects of a TASER ECD discharge of up to 15 seconds was significantly less than that of either fleeing (simulated with a sprint) or fighting (simulated with the heavy bag). This research shows that the TASER ECD, as part of an overall capture plan, is a viable option to help minimize the duration of the struggle.

b. When encountering subjects exhibiting symptoms of exhaustion, distress or agitated/excited delirium, refer to your agency's guidelines for proper response.

These subjects are at significant risk of arrest-related death. Immediate medical attention may reduce this risk.

3. The primary risk of serious injury or death during ECD deployment is risk related to falls. Users should be reminded to avoid deploying ECDs on persons on elevated platforms or other places where a fall can be more injurious.

Frequently Asked Questions:

1. Why was the preferred target zone changed?

The answer to this has less to do with safety and more to do with effective risk management for law enforcement agencies. As the training bulletin points out, arrest scenarios often involve individuals who are in crisis and are at a heightened risk of serious injury or death, regardless of actions taken by law enforcement. Also, Sudden Cardiac Arrest is a leading cause of death in the United States, and often occurs in an arrest scenario. Should Sudden Cardiac Arrest occur in an arrest situation involving a TASER® electronic control device (ECD) discharge to the chest area – plaintiff attorneys will likely file an excessive use of force claim against the law enforcement agency and officer and try to allege that the TASER ECD played a role in the arrest related death by causing ventricular fibrillation (VF), an arrhythmia that can be fatal without intervention. The available research does not support this and demonstrates that while it may not be possible to say that an ECD could never affect the heart under any circumstances, the risk of VF is extremely rare and would be rounded to near zero. However, law enforcement is left defending a lawsuit and disproving a negative, which is difficult to do. Independent field results indicate a risk factor of 0.25%¹ for serious injury from use of a TASER® brand ECD – while the risk of affecting the heart is much lower.

By simply lowering the preferred target zone by a few inches to lower center mass, the goal of achieving Neuro Muscular Incapacitation (NMI) can be achieved more effectively while also improving risk management. Additionally, it lessens the risk of shot placement into areas that are undesirable such as the head, face, neck, and female breast. Using this preferred targeting for all TASER ECD handhelds, as well as the new TASER XREP™ projectile, provides a uniform targeting pattern for the customer, consistent with other less lethal weapons, including impact projectiles. Also, this preferred area results in increased effectiveness by allowing the bottom probe to affect the lower extremities such as the pelvic triangle and legs. This ability to achieve incapacitation while improving risk management is a best practice recommendation.

2. Can I still deploy my TASER ECD into the chest?

Yes. Please note that the recommendation for **intentionally** targeting the preferred target zone is qualified by “**when possible**” and “**unless legally justified.**” These qualifiers address the reality that an arrest situation is fast moving and dynamic, and that exact shot placement in a preferred target zone is not always going to be possible. In addition, it may not even be possible to intentionally aim the ECD, but rather point and shoot. This recommendation also recognizes the reality that sometimes it is legally justified to aim for areas outside the preferred target zone, for example, if an officer is being attacked by a suspect wielding an edged weapon and the only shot is to the face or chest area.

It is important to note that the preferred target zone **does not** mean that other areas are prohibited. However, when the situation allows for sufficient time to intentionally aim the ECD and from a best practice standpoint, it is recommended to try, when possible, to aim for the preferred target areas shown in the new training bulletin for all the reasons stated above. While this may require some slight modification to traditional target acquisition by lowering the point of aim several inches to lower center mass, this will play an important role in reducing risk management issues and avoiding litigation.

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<i>Subject</i> Electronic Control Devices -Taser	<i>Effective Date</i> July 20 th , 2010	<i>Number</i> 5.03
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Daniel J. Coulombe <i>Chief of Police</i>		

I. PURPOSE

The purpose of this policy is to establish guidelines to departmental personnel in the use and application of the Taser electronic control device.

II. POLICY

When properly applied in accordance with this policy, the Taser is considered a less-lethal device which is intended to temporarily incapacitate and permit control of a violent or potentially violent individual, or an individual demonstrating the intent to harm himself/herself, without causing serious injury. While it is anticipated that the appropriate use of such a device will result in fewer serious injuries to officers and suspects, it is important to remember that the use of a Taser has the potential to result in serious injury. The use of the Taser must comply with other relevant department policies, including those involving use of force, and is a reportable use of force.

III. GENERAL GUIDELINES

An officer who has completed department approved training may be issued a Taser for use during his/her current assignment. Officers shall only use a Taser and cartridges that have been issued by the Department. The device will normally be carried as a part of an officer's equipment in an approved holster.

(a) If the Taser is carried as a part of a uniformed officer's equipment, the Taser shall be carried on the side opposite from the officer's duty weapon.

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

(c) Whenever practical, an officer should carry at least two Taser cartridges on his/her person at all times while carrying a Taser.

(d) Each officer is responsible for ensuring that his/her issued Taser is properly maintained and in good working order at all times.

(e) An officer should never hold both a firearm and the Taser at the same time.

IV. VERBAL AND VISUAL WARNINGS

Unless it would otherwise endanger safety or is impractical due to circumstances, an explicit verbal announcement of the intended use of the Taser shall precede the application of a Taser in order to:

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

(b) Provide other officers and individuals with warning that a Taser may be deployed.

If, after a verbal warning, an individual continues to express an unwillingness to voluntarily comply with an officer's lawful orders and it appears both reasonable and practical under the circumstances, the officer may, but is not required to, display the electrical arc (provided there is not a cartridge loaded into the Taser) or the aiming laser in a further attempt to gain compliance prior to the application of the Taser. The laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision. The fact that a verbal and/or other warning was given, or reasons it was not given, shall be documented in any related reports.

V. USE OF THE TASER

As with any law enforcement equipment, the Taser has limitations and restrictions requiring consideration before its use. The Taser should only be used when its operator can safely approach the subject within the operational range of the Taser. Although the Taser may be generally effective in subduing most individuals, officers should be prepared with other options in

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the event it is not effective. Because the application of the Taser in the "Drive Stun" mode (i.e., direct contact without probes) affects a smaller area of the body and requires close proximity to the subject, additional caution should be exercised and the controlling effects may be limited. Application of the Taser in the Drive Stun mode is effective as a method to complete the circuit when one of the probes fails to connect with the subject.

VI. AUTHORIZED USE OF TASER

Authorized personnel may use the Taser only when circumstances known to the individual officer at the time indicate that the application of the Taser is reasonable to subdue or control:

(a) A person who the officer reasonably believes creates an immediate, credible threat to the physical safety of himself/herself, the officer, or another person; or

(b) A person who engages in, or displays the intent to engage in, aggressive physical resistance to a lawful police action; or

(c) a person who has been placed under arrest or is so advised but engages in active physical resistance exceeding officers' ability to control him/her using strength or control holds. A Taser may be used to gain control of such a person in lieu of engaging in a struggle with him/her that would risk greater injury to the subject or officers than use of the Taser; or

(d) a person who flees from arrest for a crime for which a person would normally be taken into custody, in lieu of using another force option more likely to result in injury to the subject or officer, such as tackling or striking. The fact that a person is fleeing should not be the sole justification for use of a Taser. Officers should consider the severity of the offense, the threat the person poses to others, the person's history of violent behavior, what other options are available to apprehend the individual, and other relevant circumstances to determine whether the use of a Taser is reasonable for the situation.

"Aggressive physical resistance" as used in this section means physical actions which attack or threaten to attack the officer, coupled with the

ability to carry out the attack, which may result in physical injury.

VII. RESTRICTIONS ON USE

Even if authorized, the use of the Taser is restricted under the following circumstances:

(a) The Taser should not be used against the individuals listed below, who may be more susceptible to injury.

- Females who are known to be, or who obviously are, pregnant

- Elderly individuals or young children (e.g., obviously over 60 or less than 12 years of age)

- Individuals who are known to be, or who obviously are, medically fragile

- Individuals who have been recently sprayed with alcohol-based OC spray or who are otherwise in close proximity to, or contaminated with, flammable liquids or gasses

- Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles or bicycles, in or near a pool or body of water)

(b) A Taser shall not be used against persons engaged only in verbal or passive resistance. For purposes of this policy, "passive resistance" means non-compliance with an officer's orders unaccompanied by any active or physical resistance. A Taser may be used against an individual who has been advised that she/he is under arrest and who is resisting arrest by holding onto an object if the only other option(s) available to the officer to take the person into custody would likely result in significant injury to the person, an officer, or another person. In this circumstance, the Taser should be used in "drive stun" mode, and only to the extent required to have the person release his/her hold.

(c) A Taser shall not be used on individuals who are handcuffed or otherwise restrained, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion. Officers using the Taser on a restrained individual should consider using the Taser in

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"drive stun" mode and only to the extent required to gain control of the person.

(d) Individuals suspected of being under the influence of drugs/alcohol or exhibiting symptoms of "excited delirium" (e.g. nudity, profuse sweating, irrational behavior) may be more susceptible to certain medical problems and should be closely monitored following the application of the Taser until they can be examined by paramedics or other medical personnel. Following use of a Taser, officers should use a restraint technique that does not impair respiration and will summon EMS to examine the individual.

(e) A Taser shall not be used as a prod or escort device, or to arouse unconscious, impaired, or intoxicated individuals.

(f) Officers should not intentionally aim for the head, neck, or groin.

(g) The Taser shall not be used punitively, or to harass or inflict undue pain on any individual.

VIII. MULTIPLE APPLICATIONS

Multiple Taser activations or activations exceeding the standard five-second duration may increase the risk of injury and should be avoided when possible.

If, after a single application of the Taser, an officer is still unable to gain control of an individual and circumstances allow, the officer should consider whether or not the Taser is making proper contact, whether the Taser is limiting the person's ability to comply, or if other tactics may be more appropriate or effective. After each application of the Taser, the officer should weigh the circumstances involved to determine whether an additional Taser discharge would be appropriate under provisions of this policy. When practical, officers should give a verbal warning prior to each activation.

Only one officer at a time should discharge his/her Taser at a person. If more than one Taser is unholstered for potential use, officers should communicate with each other in order to prevent multiple discharges or a sympathetic

discharge of additional Tasers. If practical, officers assisting a Taser operator will attempt to gain physical control of a subject while the Taser is being activated or immediately thereafter.

The number of Taser applications should not exceed three. For purposes of this section, "application" means that the Taser probes or contacts appear to have effectively connected with the subject as intended. If officers have not achieved reasonable control of the person following three applications of the Taser, other options should be employed.

IX. REPORT OF USE

All Taser discharges shall be documented in the related arrest/crime report and on the Use of Force report form. Unintentional discharges of a Taser cartridge will be reported immediately to a supervisor. A memorandum explaining the circumstances will be generated and sent to the Chief of Police via chain of command. Any report documenting the discharge of a Taser cartridge will include the serial number(s) of the cartridge(s) used and an explanation of the circumstances surrounding the discharge.

X. SUPERVISOR RESPONSE

Whenever feasible, a sworn supervisor will respond to all incident scenes where a Taser is actually used against a person.

XI. DEFENSE AGAINST TASER

If a person armed with a Taser or similar device uses or threatens to use the device against an officer, the officer or another officer may use reasonable force to defend the officer in order to avoid becoming incapacitated and risking the possibility that the person could gain control of the incapacitated officer's firearm.

XII. USE WITH ANIMALS

The Taser may be used to defend against an aggressive animal which poses a threat to the officer, another person, a police service dog, or an assistance animal as defined in ORS 346.680, or which is attacking another animal.

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XIII. MEDICAL TREATMENT

EMS will be summoned to examine individuals who have been subjected to the electric discharge of a Taser and/or struck by Taser probes when:

- the person is suspected of being under the influence of controlled substances and/or alcohol and does not recover from the effects of the Taser in a timely fashion;
- the person is younger than 12 years of age, or older than 60 years of age;
- the person is known to be, or is obviously, pregnant;
- the person is known to be, or is obviously, medically fragile;
- the person is exhibiting symptoms of hyper stimulation or excited delirium;
- the person has received multiple Taser activations, or the combined length of Taser activations has exceeded 15 seconds;
- a Taser probe is lodged in a sensitive area (e.g., groin, female breast, near the eyes);
- the officer observes that the individual is experiencing any distress beyond what would normally be expected under the circumstances; or
- the person requests medical treatment or EMS response.

Because the Taser causes a person to undergo involuntary muscle spasms, officers should also be aware of the possibility of injuries due to falls, or from sudden or excessive muscular tension.

Officers who are trained to do so may remove the metal probes from a person struck with the Taser probes. If a person is struck with the probes in a sensitive area, the probes should be removed by a medical professional.

XIV. ACTIONS FOLLOWING USE

If the Taser probes have contacted the person's skin, or if the Taser has been used in drive stun mode against the person's skin, take color photographs of the locations where the device

was applied, as well as any other injuries related to the incident. Consent should be obtained before photographing personally sensitive areas. If a person adamantly opposes photographs of a sensitive area, document the refusal in the police report.

Absent extenuating circumstances, the cartridge(s), probes, and wires used may be discarded in an appropriate manner. Probes which have penetrated the skin should be considered biohazards, and disposed of in the appropriate manner.

XV. REVIEW OF USE

Each report of use of a Taser will be reviewed by the Chief of Police to determine whether the use was in compliance with department policy.

XVI. TRAINING

In addition to the initial department approved training required to carry and use a Taser, personnel carrying the Taser must receive annual retraining. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Chief of Police.

XVII. SPARK TEST

When utilizing the M26 Taser, a daily spark test is suggested. A monthly spark test with the X26 is sufficient.