

Control Device - Taser

309.1 PURPOSE AND SCOPE

When properly applied in accordance with this policy, the TASER™ device is considered a non-deadly control device which is intended to temporarily incapacitate a violent or potentially violent individual without causing serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to officers and suspects.

309.2 POLICY

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

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

- (a) If the TASER is carried as 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, officers should carry two or more TASER cartridges on their person at all times while carrying a TASER.
- (d) Officers shall be responsible for insuring that their issued TASER is properly maintained and in good working order at all times.
- (e) Officers should never hold both a firearm and the TASER at the same time unless lethal force is justified.

309.3 VERBAL AND VISUAL WARNINGS

Unless it would otherwise endanger safety or is impractical due to circumstances, a 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 laser in a further attempt to gain compliance prior to the application of the TASER. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair their 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.

309.4 USE OF THE TASER

As with any law enforcement equipment, the TASER has limitations and restrictions requiring consideration before its use. The TASER should only be used when its operator can safely approach the subject within the operational range of the TASER. Although the TASER rarely fails and is generally effective in subduing most individuals, officers should be aware of this potential and be prepared with other options in the unlikely event of such a failure.

Authorized personnel may use the TASER 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 violent or physically resisting subject, or
- (b) A potentially violent or physically resisting subject if:
 - 1. The subject has verbally or physically demonstrated an intention to resist; and
 - 2. The officer has given the subject a verbal warning of the intended use of the TASER followed by a reasonable opportunity to voluntarily comply; and
 - 3. Other available options reasonably appear ineffective or would present a greater danger to the officer or subject.
 - 4. The subject has by word or action expressed non-compliance when such word or action includes the apparent threat of violence or active resistance. Examples of such non-compliance are fleeing arrest or refusing to submit to arrest while posturing as if to resist. Passive resistance is not such an example and officers shall not without supervisor approval deploy control devices on persons who are only passively resisting.
- (c) Although not absolutely prohibited, officers should give additional consideration to the unique circumstances involved prior to applying the TASER to any of the following individuals:
 - 1. Pregnant females
 - 2. Elderly individuals or obvious juveniles
 - 3. Individuals who are handcuffed or otherwise restrained
 - 4. Individuals who have been recently sprayed with alcohol based Pepper Spray or who are otherwise in close proximity to any combustible material
 - 5. Passively resisting subjects
 - 6. Individuals whose position or activity may result in collateral injury (e.g. falls from height, operating vehicles)
- (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 collateral problems and should be closely monitored following the application of the TASER until they can be examined by paramedics or other medical personnel.
- (e) Because the application of the TASER in the "Drive Stun" mode (i.e. direct contact without darts) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised and the controlling effects may be limited

The TASER shall not be used to torture, psychologically torment or inflict undue pain on any individual.

309.4.1 MULTIPLE APPLICATIONS OF THE TASER DEVICE

If, after a single application of the TASER, an officer is still unable to gain compliance from an individual and circumstances allow, the officer should consider whether or not the TASER is making proper contact, the use of the TASER is limiting the ability of the individual to comply or if other options or tactics may be more appropriate. This, however, shall not preclude any officer from multiple, reasonable applications of the TASER on an individual.

309.4.2 REPORT OF USE

All uses of force involving a TASER discharge shall be documented in a report. Accidental discharges of a TASER will also be documented. Any report documenting the discharge of a TASER will include the Taser serial number.

When needed, the on-board TASER memory will be downloaded through the data port and saved with the related report.

309.5 MEDICAL TREATMENT

If a subject is struck in the head, face, eye, genitals, or other sensitive area by a Taser dart or complains of injury as a result of the use of a Taser, the subject shall be medically cleared before transport or release. If medics are unable to respond to the scene, the subject shall be transported to a medical facility and cleared. If a dart remains in an area described above, officers shall leave the dart to be removed by medical personnel.

See also Policy Manual § 300.5, *Medical Attention for Injuries Sustained Using Force*.

309.6 TRAINING

All officers shall receive Taser certification training and shall be recertified annually by certified trainers.

309.7 CARRYING

Officers who are authorized and elect to carry a Taser but do not have sufficient room on their duty belts may elect not to carry either of the issued baton or OC spray; however, two of the three must be carried. If an officer still has insufficient room on his or her duty belt, a thigh holster may be allowed as optional equipment. (See related section 308.9.)

