Conducted Energy Device

309.1 PURPOSE AND SCOPE
This policy provides guidelines for the issuance and use of TASER® devices.

309.2 POLICY
The TASER device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

309.2.1 DIRECTIVE SPECIFIC DEFINITIONS
The TASER cartridge - A device that contains two probes, connected to a light gauge wire that is propelled and attaches to the subject upon activation of the TASER.

Drive stun - The procedure of using the TASER with a spent cartridge or no cartridge to make physical contact with a subject and deliver energy.

Immediate cover - A member who stands ready to deploy additional control if needed. (e.g. the TASER is ineffective or it fails to function properly).

309.3 ISSUANCE AND CARRYING TASER DEVICES
Only members who have successfully completed department-approved training may be issued and carry the TASER device.

TASER devices are issued for use during a member’s current assignment. Those leaving a particular assignment may be required to return the device to the department’s inventory.

Officers shall only use the TASER device and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER device shall wear the device in an approved holster on their person. Non-uniformed officers may secure the TASER device in the driver's compartment of their vehicle.

Members carrying the TASER device should perform a spark test on the unit prior to every shift.

When carried while in uniform, officers shall carry the TASER device in a weak-side holster on the side opposite the duty weapon.

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

(b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device.

(c) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.

(d) Officers should not hold both a firearm and the TASER device at the same time.
309.4  VERBAL AND VISUAL WARNINGS
A verbal warning of the intended use of the TASER device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

(a) Provide the individual with a reasonable opportunity to voluntarily comply.
(b) Provide other officers and individuals with a warning that the TASER device may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer’s lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the TASER device in the related report.

309.5  USE OF THE TASER DEVICE
The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER device is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

309.5.1  APPLICATION OF THE TASER DEVICE
The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

(a) The subject is violent or is physically resisting.
(b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.
(c) Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER device to apprehend an individual.
(d) The Taser shall not be used on handcuffed suspects unless the subject is actively engaging in aggressive physical resistance. Members should obtain, when time permits, supervisory authorization before deploying the Taser on a handcuffed suspect. If used, a supervisor will be notified immediately. An exception may be utilized in place of other physical control procedures when a handcuffed subject refuses or physically resists being placed in a police vehicle. In this case, only a drive stun is authorized and when, if practical, a supervisor is notified and approves. The suspect should be warned and the Taser demonstrated with a spark test before any application. The suspect shall be given every opportunity to comply before being actually tazed.

309.5.2  SPECIAL DEPLOYMENT CONSIDERATIONS
The use of the TASER device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear
ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

(a) Individuals who are known to be pregnant.
(b) Elderly individuals or obvious juveniles.
(c) Individuals with obviously low body mass.
(d) Individuals who are handcuffed or otherwise restrained.
(e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

The TASER device shall not be used to psychologically torment, elicit statements or to punish any individual.

309.5.3 TARGETING CONSIDERATIONS
Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

309.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE
Officers should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the TASER device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the TASER device, including:

(a) Whether the probes are making proper contact.
(b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
(c) Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one TASER device at a time against a single subject.
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309.5.5 ACTIONS FOLLOWING DEPLOYMENTS
Officers shall notify a supervisor of all TASER device discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

309.5.6 DANGEROUS ANIMALS
The TASER device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

309.5.7 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry department TASER devices while off-duty.

Officers shall ensure that TASER devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

309.6 DOCUMENTATION
Officers shall document all TASER device discharges in the related arrest/crime report and the Force Data Collection report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

309.6.1 HANDHELD TASER DEVICE (X26, M26, X3) MEDICAL TREATMENT AND XREP MEDICAL TREATMENT

HANDHELD TASER DEVICE TREATMENT

When the handheld TASER device (X26, M26, X3) is deployed on a person, other than those listed above in required medical treatment categories, using:

Drive stun mode: Tualatin Valley Fire and Rescue personnel will not be summoned to the scene unless medical treatment is necessary.

Probe deployment mode: Only emergency room staff or other trained medical personnel may remove the TASER probes that are embedded in soft tissue areas such as the neck, face and groin.

If the probes are embedded in the skin in other parts of the body, they may be removed by officers using protective gloves and swabbing the skin with alcohol wipes.

If the probes are not embedded in the skin, Tualatin Valley Fire & Rescue will not be summoned unless other medical treatment is necessary (probes may be attached to clothing only).

XREP MEDICAL TREATMENT

When the XREP is deployed on a person, paramedics from Tualatin Valley Fire & Rescue or other medically trained personnel shall be summoned to the scene by a supervisor of an officer present at the scene.

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(a) If the person is cleared by medically trained personnel, an officer will transport the person to the nearest hospital to have the XREP removed from the person in accordance with established procedures.

(b) If the person is transported to the hospital by medically trained personnel, the officer will follow the person to the hospital to ensure that XREP is removed in accordance with established procedures.

(c) The procedures for removal of the XREP will be found in the container with the XREP cartridges. The procedures will be updated in accordance with recommendation of TASER International by the TASER Coordinator as they become available.

309.6.2 REPORTS
The officer should include the following in the arrest/crime report:
(a) Identification of all personnel firing TASER devices
(b) Identification of all witnesses
(c) Medical care provided to the subject
(d) Observations of the subject's physical and physiological actions
(e) Any known or suspected drug use, intoxication or other medical problems

309.7 RESPONSIBILITY, ACCOUNTABILITY AND CONTROL

Member Responsibilities
Members carrying the M-26 and X-26 TASER shall ensure that the M-26 and X-26 TASERs are operational by conducting a spark test at the beginning of each shift. Units failing the spark test will be retested after a battery change. If they still fail, they shall be taken out of service, appropriately marked and a memo or email sent to the TASER Coordinator detailing the problem and identifying the specific TASER by serial number or department tracking number. Members carrying the X-26 TASER will also check the battery level at the beginning of each shift and ensure that the battery charge meets or exceeds recommended levels of 20 percent remaining battery life. Batteries at or below 20 percent shall be turned into a TASER instructor or Coordinator for a replacement. Batteries that have been turned in shall be used for training purposes. Rechargeable batteries shall be placed back in the charger.

Supervisor Responsibilities
Supervisors shall ensure that all pertinent information is documented in the appropriate reports and that all appropriate evidence is collected, following the use of the TASER. The supervisor will also complete a Use of Force Review Report. The Use of Force Review Report will outline the circumstances that lead up to the TASER deployment along with steps taken after deployment. The Use of Force Review Report will indicate that the supervisor has reviewed all of the relevant police reports and that they are complete to include, but not be limited to the following information:

(a) The cover member information.
(b) Actions of the suspect(s) and member(s) before and after deployment.
(c) The pre-deployment warnings

The supervisor will also make a recommendation on whether the deployment was within policy or not within policy. The Use of Force Review Report will be forwarded through channels to the Assistant Chief of Police.
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Manager Responsibilities

The member’s Lieutenant will review the TASER deployment and make a recommendation to the Operations’ Captain on whether the use was within policy or not within policy.

The Operation’s Captain will forward his recommendation to the Assistant Chief for final review.

Taser Coordinator Responsibilities

The TASER Coordinator is responsible for the following:

(a) Procurement, maintenance and issuance of the TASERs and associated equipment.
(b) The training, certification and recertification of members in the use of the TASER.
(c) An annual review of the TASER program by June 30 of each year. The review will include an analysis of all deployments, training and examination of the TASER policy. At the completion of the review, the TASER Coordinator will prepare a written document outlining the results and forward it to the Chief of Police through the chain of command.
(d) Ensure that each TASER is downloaded after any deployment outside of training.

309.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER device may be used. A supervisor should respond to all incidents where the TASER device was activated.

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device’s onboard memory should be downloaded through the data port by a TASER Coordinator or their designee and saved with the related Use of Force Review. Photographs of probe sites should be taken and witnesses interviewed.

309.9 TRAINING

Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the TASER device as a part of their assignment for a period of six months or more shall be recertified by a department-approved TASER device instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued TASER devices should occur every year. A reassessment of an officer’s knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Officer. All training and proficiency for TASER devices will be documented in the officer’s training file.

Command staff, supervisors and investigators should receive TASER device training as appropriate for the investigations they conduct and review.

Officers who do not carry TASER devices should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Officer is responsible for ensuring that all members who carry TASER devices have received initial and annual proficiency training. Periodic audits should be used for verification.
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Application of TASER devices during training could result in injury to personnel and should not be mandatory for certification.

The Training Officer should ensure that all training includes:
(a) A review of this policy.
(b) A review of the Use of Force Policy.
(c) Performing weak-hand draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm.
(d) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.
(e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
(f) De-escalation techniques.
(g) Restraint techniques that do not impair respiration following the application of the TASER device.