	Matthews Police Department		Section 04: Equipment and Personal Appearance	Order #: 04-17
	General Order: Taser Energy Weapons			
	Review: Annually in January by the Administrative Captain	Issue Date: 6/16/2021		

I. PURPOSE:

The purpose of this policy is to provide guidance and direction on the use of Taser Energy Weapons (TEWs).

II. CROSS-REF:

G.O. 05-04 Use of Force

III. DISCUSSION:

The use of a Taser Energy Weapon (TEW) is considered a less-lethal use of force, however, falls just under deadly force. It is important for the officers carrying a TEW to understand its use is only authorized during times of active physical aggression, to stop a physical assault on a second party, or in a deadly force incident. The TEW should not be used on those offering only passive resistance or fleeing from an officer. While everyone is equally dangerous, the officer should consider the totality of the circumstance before using the TEW on elevated risk population groups (frail, infirm, children, pregnant women, those with internal cardiac devices, low body mass individuals, or the mentally ill).

IV. POLICY:

It is the policy of the agency to use only the force that is objectively reasonable to effectively bring an incident under control while protecting the safety of the officer, subject, and others. This includes the use of less-lethal options such as the TEW.

V. DEFINITIONS:

TASER ENERGY WEAPON (TEW): A device that uses electricity to impair voluntary motor responses or to cause discomfort to gain compliance; overcome resistance; or capture, control, and facilitate constraint.

PASSIVE RESISTANCE: A refusal by an unarmed person not reasonably perceived to be an immediate threat or flight risk to comply with an officer's verbal commands or physical control techniques that do not involve the use of physical force, control, or resistance of any kind.

ACTIVE RESISTANCE: The use of non-assaultive physical measures by an unarmed person, including flight, to resist and or prevent an officer from gaining control.

ACTIVE PHYSICAL AGGRESSION: A level of aggression or resistance where the subject poses a risk of immediate danger to the officer, another person, or themselves. This may include acts of aggression like punching, kicking, striking, biting, or any other action when apparent that the subject has the immediate means to injure an officer, another person, or themselves.

ELEVATED RISK POPULATION GROUPS: Individuals who are potentially at greater risk of injury or death following exposure to a TEW, including those who reasonably appear or are known to be elderly, medically infirm, pregnant, users of internal cardiac devices, or who have low body mass, such as small children.


VI. PROCEDURES:

1. Authorized Users

Only Officers who have successfully completed this agency's approved training program(s) are authorized to carry and use the Taser 7, TEW. Officers will complete an annual recertification training each subsequent year after the initial certification.

2. Weapon Readiness

- a) The TEW shall be carried in an approved holster on the side of the body opposite the service handgun worn in either a cross-draw or standard draw configuration.
- b) The TEW shall be carried with cartridges in place and with the safety in the "safe" position.
- c) Officers shall be issued a minimum of two cartridges with the option to carry two additional cartridges as a backup in case of ineffective deployment, cartridge failure, or the need for multiple deployments or redeployment. The spare cartridges shall be stored in the attached holster spare cartridge carrier in a manner consistent with

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training and the cartridges will be replaced following the manufacturer's expiration requirements.

- d) To ensure the device is functioning properly, the TEW shall be subjected to a pre-shift or pre-off duty "spark test" consisting of a full, five-second cycle completed by pressing the ambidextrous energizing button.
- e) Modifications or repairs to the device shall be performed only by a trained technician and consistent with the manufacturer's guidelines and directions.

3. General Considerations for Use

- a) The TEW is authorized to be used:
 - i. To protect the officer or others from the reasonably perceived immediate threat of physical harm from the person to be exposed to the TEW.
 - ii. To restrain or subdue an individual who is threatening or in the act of active physical aggression.
- b) The TEW shall not be used:
 - i. On individuals who passively resist and are not reasonably perceived as an immediate threat or flight risk;
 - ii. On individuals in restraints, except objectively reasonable to prevent imminent bodily injury to the individual, the officer, or another person; however, in these situations, only the minimal amount of force necessary to control the situation shall be used;
 - iii. When the officer has a reasonable belief that deployment may cause serious injury or death from situational hazards including falling, drowning, or igniting a potentially explosive or flammable material or substance, except when deadly force would be justified; or
 - iv. When the suspect's movement or body positioning prevents the officer from aiming or maintaining appropriate body part targeting unless the risk of increased injury to the suspect is justified because of a reasonably perceived threat.
 - v. On individuals who are in control of a vehicle (e.g. automobile, trucks, motorcycle, ATVs, scooters) while that vehicle is moving or in gear unless the risk of increased injury to the suspect is justified because of a reasonably perceived threat.
- c) Officers shall be aware of the general concerns present when a TEW is used on a member of an elevated risk population group. Officers are not prohibited from using a TEW on such persons but shall limit use to those exceptional circumstances where the potential benefit of using the device reasonably outweighs the enhanced risks involved.
- d) Absent exigent circumstances, officers shall not intentionally activate more than one TEW complete circuit, or 5-second deployment cycle, at a time against a subject.
- e) Officers shall energize a subject no longer than objectively reasonable to overcome resistance and bring the subject under control.
- f) Officers shall issue verbal and visual warnings consistent with training prior to deploying the TEW, when feasible, and allow a reasonable amount of time for the subject to comply unless doing so would increase the risk of injury to officers or the subject involved. This may include an arch display activated by pressing the ambidextrous energizing button. When practical, officers should also notify assisting officers that they intend to deploy the TEW.
- g) Officers should be mindful of the risk of positional asphyxia and use restraint techniques that do not impair the breathing of an in-custody subject after the application of the TEW.


4. Primary Deployment



- a) The TEW is most effective at overcoming resistance and gaining subject control when used in the probe mode, and from an adequate distance consistent with training to allow sufficient probe spread on contact. Accordingly, this is the preferred method of deployment.
- b) Immediately prior to deployment, the officer shall visually and physically confirm that the device selected is the TEW and not a firearm.
- c) The TEW shall be aimed at a preferred probe-target location, consistent with training and manufacturer's recommendations.
- d) The TEW shall not be intentionally aimed at a sensitive area, which includes the subject's face, eyes, head, throat, chest area, female breasts, groin, genitals, or known pre-existing injury areas, absent reasonable belief by the officer that he or she is facing an immediate risk of serious physical injury or death.
- e) Officers shall consider the totality of circumstances, including suspect movement, limited sighting capability, and their ability to accurately deploy the device, to reduce the risk of accidental probe contact to an unintended body part.
- f) The TEW shall be discharged for an initial five-second cycle.
- g) During and immediately after this cycle, the officer shall verbally give resistance control instructions to the subject.
 - i. The officer shall be aware that an energized subject might not be able to respond to commands during or immediately following exposure.
 - ii. The officer shall allow a reasonable amount of time to assess the effectiveness of the cycle, and to allow the subject the opportunity to comply with the instructions given.
 - iii. The officer shall evaluate, under the totality of circumstances presented, whether additional cycles are reasonably necessary and whether additional cycles appear reasonably likely to be effective in accomplishing the officer's lawful objectives. The evaluation shall include consideration of the enhanced risks to subjects exposed to multiple and/or prolonged TEW cycles.
 - iv. The officer should consider deploying a second cartridge or transitioning to alternative force options if the officer reasonably perceives that the subject has not responded to the TEW in the anticipated manner based on training and experience.
 - v. To reduce the number of cycles and duration of exposure, the subject should be secured as soon as practical while exposed to the TEW cycle or immediately thereafter.

5. Secondary Deployment

- a) All secondary deployment techniques are subject to the same guidelines and restrictions as initial deployments.
- b) The TEW may also be used in close-range, self-defense, and brief distraction situations in the drive-stun mode, activated by pressing the ambidextrous energizing button. When the device is used in the drive-stun mode it is:
 - i. Primarily a coercive control tool depending on pain compliance, and
 - ii. Less effective than when probes are deployed with adequate probe spread.
- c) Officers should avoid using the TEW drive-stun except for a:
 - i. Brief application to attempt compliance or distraction.
 - ii. "Break-contact" or distraction tactic when tied up with a subject.
 - iii. Three or four-point contact to attempt to achieve neuro-muscular incapacitation.

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- d) A preferred method of close-range secondary deployment involves firing the probes at close range, then applying the device in the drive-stun mode consistent with training to an area of the body away from the probe location. This potentially creates a greater “probe spread” effect between the probe location and the point where the TEW is placed in contact with the subject's body. When used in this manner the TEW is potentially as effective as a primary cartridge-type probe spread deployment, though more difficult to maintain continuity during the cycle due to the need to hold the device in contact with the subject's body. When using a multi-shot device (Taser 7), the second set of probes can be deployed as a follow-up in a manner that is consistent with training to create an effective “probe spread.”

6. Post-Deployment

- a) If the probes penetrate the flesh, photographs of the contact areas shall be taken before and after probe removal when practical.
- b) The probes shall be removed from the subject by MEDIC personnel as soon as practical after deployment and control of the person on the scene or once at a medical facility while being evaluated.
- c) Medical clearance from a medical doctor should be obtained before transporting a subject to the jail facility.
- d) The probes shall be treated as a biohazard risk.
- e) Officers shall request emergency medical response if any of the following occurs:
 - i. The subject requests medical attention.
 - ii. A probe has contacted a sensitive area.
 - iii. The subject does not appear to be recovering in a manner consistent with training and experience.
 - iv. The subject is part of an elevated risk population group.
 - v. The subject has been exposed to more than three TEW cycles or 15 seconds of discharge.
 - vi. The subject has been simultaneously exposed to the effects of more than one TEW device.
 - vii. The subject has exhibited signs of excited delirium as described in training, prior to or during TEW exposure.
 - viii. The subject reasonably appears to be affected by mental illness or is in medical distress.
- f) When the device has been used in probe mode, the officer shall collect the cartridge, probes, and wire leads and secure them as evidence in compliance with the agency's policy regarding biohazard material.

VII. REPORTING:

1. The deploying officer shall notify his or her supervisor as soon as practical after using the device, and the appropriate use-of-force report shall be completed. Data from the TEW, including audio and video recordings of the Body-Worn and In-Car Camera systems, shall be downloaded as soon as practical following use, and the file shall be considered a part of the use-of-force review.
2. Officers shall document in their use-of-force report the facts and circumstances that reasonably justified the use of the TEW, and specific justification shall be provided when the device has been used in any of the following manners:
 - i. Used in drive-stun mode.
 - ii. The subject is exposed to TEW discharge for more than three cycles or longer than 15 seconds.
 - iii. The subject is exposed to more than one simultaneous TEW exposure.

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- iv. It is used on an individual in an elevated risk population group.
- 3. The un-holstering and/or carrying of a TEW for safety purposes where the weapon is not pointed at any individual, or similarly is not presented tactically or defensively in the presence of another person does not require the completion of a Use-of-Force report.
- 4. Pointing a TEW at an individual to gain their compliance whether the device is powered on or off shall be considered a show of force requiring the documentation of a use-of-force detailing the facts and circumstances that reasonably justified the unholstering and aiming of the weapon. Data including audio and video recordings of the Body-Worn and In-Car camera systems shall be downloaded as soon as practical and shall be considered a part of the use-of-force review.

XVIII. AUDITING:

TEW batteries are to be docked at least once every thirty days in the docking station for charging and the downloading of data which includes function testing and deployment information. Following a deployment on a subject, the data is to be downloaded as soon as practical by placing the battery into the docking station. This process will ensure the TEWs have up-to-date firmware and a synced time clock. The data obtained will be reconciled with existing use-of-force reports for accountability.