

203. USE OF FORCE: CONDUCTED ELECTRICAL WEAPON (CEW)



RICHFIELD POLICE DEPARTMENT POLICY

Effective Date: 11/15/06
No. of Pages: 4
Serial Number: 10-103
Authority: Chief Jay Henthorne

NOTE: This policy is for internal use only and does not enlarge an employee's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

I. PURPOSE

The purpose of this Policy is to provide guidelines and direction for the effective use of the Taser X26. It will also establish procedures for reporting requirements, and required medical treatment.

II. POLICY

It is the policy of this Department to use only the level of force that reasonably appears necessary to control or otherwise subdue an individual. Taser X26 is to be used in accordance with Policy #201 "Use of Force."

Officers who have been certified shall display and use the Taser X26 only as permitted by the Department, and said device shall not be displayed or used except in the course of official police duties.

When the Taser X26 is used, it is the responsibility of officer(s) at the scene to ensure first aid is provided to the subject who received the electronic impulse(s) of the Taser.

III. DEFINITIONS

TASER X26: A fourth generation "conducted electrical weapon (CEW)," designed by the manufacturer to disrupt a subject's central nervous system by deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override voluntary responses.

STATUTORY AUTHORITY: Taser use is authorized by Minnesota State Statute for use by police officers. See M.S.S. 624.731, subd. 6.

IV. PROCEDURE

DEPARTMENT AUTHORIZATION

Qualified sworn personnel, who have satisfactorily completed Department training will carry and be authorized to use the Department approved Taser X26 model, "yellow" in color, as part of their police equipment.

Officers that carry the device are required to successfully recertify with a Taser instructor on an annual basis. Annual recertification consists of:

- Firing at least two live cartridges.
- A device data upload.
- Reviewing the "Annual CEW User Update" PowerPoint presentation.
- Reviewing current law enforcement warnings/any applicable changes to CEW policy/procedure.

The Taser X26 is just one of the tools available to officers in dealing with actively resisting persons when some level of force is justified. Annual training on the use of Taser X26 will familiarize officers with the advantages, disadvantages and considerations in using the Taser.

The Taser X26 will be carried in an approved holster on the side of the body opposite the service handgun.

Officers not assigned to uniformed patrol may utilize other Department approved holsters and carry the weapon consistent with Department training.

Officers authorized to use the device shall be issued a Taser X26, battery and one air cartridge, which will be secured in a weapon firing position inside the issued holster. Spare cartridges will be kept and stored in a designated place consistent with Department training.

All officers carrying the Taser X26, will ensure that the Taser is functioning properly by performing a spark test prior to the start of their shift. Officers must notify a supervisor if there are any problems encountered with the Taser.

AUTHORIZED USE

The Taser X26 is designed as a non-lethal weapon and maybe used as an alternative to physical force and when the officer believes that a lower use of force would expose the officer or others to physical injury.

The Taser X26 is authorized when officers are faced with individuals who are actively resisting. The Taser X26 is also authorized to subdue animals for the purpose of animal control.

PROCEDURES FOR USE

As with any use of force technique, when possible, officers should:

- 1) Use verbal commands and announce the intended use of the Taser to the subject, if tactically warranted.
- 2) Announce the presence of, and intended use of the Taser over the radio for officers present at the scene and responding officers know that a Taser is being deployed so they don't mistake the sight and noise from the Taser going off as a firearm discharge.
- 3) Request a supervisor and back-up officers as soon as it is feasible to aid in dealing with the subject(s), and medical needs, bystanders, witnesses and scene management.
- 4) A supervisor must respond to the scene in all situations in which the Taser X26 was activated against a subject.
- 5) Aim for the center back (primary target) of the subject with the laser sight and press trigger switch to deploy the probes. The chest and lower body (secondary target) may be the only available target area and if the subject is wearing heavy clothing. The Taser shall not be intentionally aimed at the head, neck or genitalia areas.
- 6) No more than one officer should activate the Taser X26 against a subject.
- 7) After the subject becomes incapacitated, backup officers shall approach and restrain the subject with handcuffs.
- 8) If the subject is not incapacitated after the initial application, additional applications may be delivered as required to bring the subject under control. *(Multiple applications of the Taser X26, should not exceed a combine total of 15 to 20 seconds. Any additional exposure may increase the risk to the subject and should be avoided when practical. If the Taser X26 hasn't worked in achieving control after the 15 to 20 seconds, the officer should reassess and consider another force option or disengagement. On the other hand, continuous cycling may be very prudent choice when the apparent alternative is escalation to force, likely to result in serious injury or death.)*
- 9) If the probes miss, or if the officer is attacked from behind, or if there are multiple subjects, the Taser may be used as a stun gun (with the air cartridge removed.)

UNAUTHORIZED USE

Tasers shall not be used in the following situations:

- 1) If the subject is near a drop-off, ledge, roof, stair, precipice, swimming pool, or significant body of water where, if the subject were to fall after Tasing, there would be a substantial likelihood of great bodily harm or death, unless the provisions for use of deadly force exist.

- 2) In a punitive manner, or on a subject who is effectively restrained posing no additional threat to officers;
- 3) In the presence of flammable liquids or fumes.
- 4) Shall not be used against suspects in physical control of a vehicle in motion to include automobiles, trucks, motorcycles, ATV's, bicycles unless exigent circumstances exist.
- 5) The device is not to be used to address disruptive behavior.
- 6) The device should not be intentionally discharged to the head, breast, neck or genitalia area.
- 7) The device should not be used to escort or prod individuals, or used on handcuffed subjects.
- 8) The frivolous display and use of the Taser is prohibited.

As in all use of force situations, certain individuals may be more susceptible to injury. Officers need to be aware of the greater potential for injury when using the Taser X26 against children, the elderly, persons of small stature irrespective of age, or those who the officer has reason to believe are pregnant, equipped with a pacemaker or in obvious ill health.

The Taser X26, should not be used on the following types of people, except in situations where the Taser X26 would be a better alternative than the use of deadly force:

- 1) If the subject is obviously, or know to be pregnant;
- 2) If the subject appears to be visibly frail;
- 3) Young children

SAFETY OF SUBJECTS

Following any discharge of the Taser X26, to the extent reasonably practicable under the circumstances, the involved officer shall be alert to the apparent well being of the subject immobilized or incapacitated by the discharge.

The officer will photograph the site, remove the probes and photograph the area where impact occurred.

After removing the probes, the officers or on-site medical assistance, shall provide first-aid by applying an antiseptic to the probe sites as needed. Officer should inspect the probes after removal to ensure the entire probe and probe barb has been removed. In the event that a probe or probe barb has broken off, the subject should be provided with the appropriate medical attention to facilitate the removal of the object.

Once the probes have been removed, they should be placed inside the spent cartridge and treated as a biohazard. The probes, spent cartridge, wires and as many affids as possible, will be collected as evidence.

If the probes become attached in a sensitive area, such as the head, throat, breasts, or groin areas, or should other circumstances reasonably dictate the practicality of a medical response, the subject shall be provided with the appropriate medical attention.

In any case, where the subject makes an affirmative complaint of injury from the discharge, the subject shall be provided with the appropriate medical attention.

REPORTING USE OF THE TASER X26

Every officer that has been assigned the Taser X26, will download the data to their assigned Taser in accordance with Department procedures. The data can be downloaded by connecting a USB to the Taser and opening up the Taser Program and following the Taser program instructions.

The Taser data will be downloaded as follows:

- 1) When the Taser is discharged.
- 2) During annual Taser X26 recertification.

Each time an officer threatens and/or discharges a subject to the Taser X26, the officer shall file a written police report and *Special Incident Review*. In cases where the Taser was discharged, the officer must notify their immediate supervisor. The supervisor shall complete a "Taser Use Report" and attach it to the *Special Incident Review*. This requirement does not include periodic testing of the unit for functionality purposes.

The report shall include in the narrative a description of all facts and circumstances surrounding the discharge of the Taser. For example; justification for its use, justification of multiple deployments to include the number and duration of discharges administered to subject, along with where the probes struck, any injuries or claims of injuries, and first aid administered.

Anytime an officer accidentally discharges the Taser, the officer must notify their supervisor of the situation and the officer's supervisor must complete the "Taser Use Report."

No modifications to said device shall be made without express permission of the Chief of Police.

SECURITY OF TASERS

Unattended Tasers should be locked up or otherwise secured. Tasers left unattended in unlocked offices, unlocked lockers and other areas generally accessible by non-sworn personnel are not considered secure.

Officers are encouraged to leave their Taser secured at the station while not on duty. Officers who take their Taser home are responsible for its security. Officers should take precautions such as securing Taser in a locked cabinet to prevent unauthorized or accidental use.

TRAINING

Pursuant to MSS 626.8452, officers will receive annual Use of Force training and instruction relative to weapons and equipment the officer is issued and/or authorized to use.

By Order Of:



Chief of Police