



# POLICY & PROCEDURES

## HOLMEN POLICE DEPARTMENT

SUBJECT: **USE OF ELECTRONIC CONTROL DEVICES**

NUMBER: 1.6

SCOPE: ALL DEPARTMENT PERSONEL

ISSUED: 04/21/2005

DISTRIBUTION: POLICY & PROCEDURE MANUAL

REVIEWED: 02/14/2017

### **POLICY**

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Currently, our department uses Taser, which is a non-lethal, conducted energy weapon that uses propelled wires attached to probes to discharge energy into a target. It is designated as an Electronic Control Device, in the category of Control Devices, in Intervention Options of the Disturbance Resolution Model of the Defense and Arrest Tactics or Principles of Subject Control Systems.

The Taser shall only be used to control individuals who are actively resisting, or threatening active resistance, when other reasonable alternatives have proven ineffective or clearly would be inappropriate for the given circumstances. If justification for Taser deployment exists, probe deployment should be the primary tactic due to effectiveness in gaining compliance. Drive-stun, or touch-stun, should only be used for backup in case of poor contact or probe deployment that misses the target.

The Taser should not be used on subjects that have been placed in restraints unless their violent actions cannot be controlled by other reasonable alternatives. When used properly, the Taser has the potential to minimize serious injury to subject and officers. While the Taser is safe to use in a majority of use of force circumstances, there are certain particular cases where other methods of control should be considered first, unless there is justification of reasonableness from Approach Considerations and totality of circumstances. (See Justification)

To reduce the potential of serious injury to the subject, only qualified officers shall deploy the Taser. Use of the Taser shall be closely supervised and it will only be used in situations that meet operational objectives of the patrol division.

***The use of excessive and unwarranted force or brutality will not be tolerated under any circumstances and will subject the officer to disciplinary action, and potential criminal and civil liability.***

### **PURPOSE**

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The purpose of this policy is to establish guidelines in the following areas:

- Authorization
- Justification/Deployment
- Follow-thru
- Training
- Handling/Storage
- Documentation

### **TASER DESCRIPTION**

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The Taser is a non-lethal conducted energy weapon which fires two probes from a replaceable cartridge. The probes are connected to the cartridge by insulated wires which discharge electrical impulses into the target through up to 2 inches of clothing. The electrical impulses temporarily override the sensory and

muscular nervous systems causing uncontrollable contractions of muscle tissue and temporary physical incapacitation of a person, regardless of pain tolerance, substance abuse or mental focus. The electrical signal cycles for 5 seconds with the automatic timing cycle, but may be interrupted by turning the safety on or overridden by continued depressing of the trigger. The Taser may also be used in a drive-stun (touch-stun) mode without the cartridge or after the cartridge has been fired.

## **AUTHORIZATION AND TRAINING**

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Only personnel who have successfully completed a departmentally approved training course (4 hour User Certification course at a minimum) and maintained annual refresher training may deploy the Taser.

***Note:** In exigent circumstances where the Taser is a reasonable alternative and a certified Taser operator is not immediately available, the Taser may be used by non-certified (RESERVE) officer. Supervisors shall be responsible for ensuring and documenting that their officers who are not certified to use the Taser are briefed on this policy, function of the Taser, target areas, justification, deployment, and follow-thru procedures. All officers, certified or not, must be familiar and understand this policy.*

## **JUSTIFICATION**

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The Taser is only to be used to meet law enforcement objectives and is a tool used to control individuals who are actively resisting or threatening active resistance. The Taser is an Electronic Control Device in the category of Control Devices in Intervention Options. Therefore, **the criteria for deploying the Taser, is the same as OC, which is active resistance or its threat.** If justification for Taser deployment exists, probe deployment should be the primary tactic due to its effectiveness in gaining compliance. Drive stun, or touch-stun, should only be used for backup in case of poor contact or probe deployment that misses the target.

When using the Taser, consideration shall be given as to whether the subject could be controlled by any other reasonable means without unnecessary risks to the subject, officers, or the public, in accordance with knowledge and training of Defensive and Arrest Tactics Training or Principles of Subject Control systems.

The Taser may be used in those instances where:

- A subject(s) is threatening harm to himself/herself, officers, or another person and other means of controlling him/her would be unreasonable or could cause bodily harm to the officer(s), to others, or the subject(s).
- It is believed that the officer(s), others or offender(s), would be endangered with bodily harm by the use of close quarters/hands on physical force options.

No officer will playfully, maliciously, or intentionally misuse the Taser. The Taser will not be used:

- Against a subject already restrained unless their violent actions cannot be controlled by reasonable alternatives.
- To threaten or gain information or evidence from a subject.
- As a form of punishment or discipline.
- To intimidate, unless to counter active resistance or its threat.
- As a "Prod" or to wake a person up.
- In incidents of passive resistance, verbal aggression or civil disturbance unless the totality of the circumstances dictates that a lesser level of force would be ineffective or attempting to use a lesser level of force may jeopardize the safety of others, the officer(s) or the subjects(s).

In the following cases, other methods of control should be considered first, unless there is justification of reasonableness from Approach Considerations and totality of circumstances:

- Incidents involving children;
- Women who are known to be or are obviously pregnant;
- Elderly or those with known heart problems;
- Individuals in an elevated position or in such a position where a fall could likely cause serious injury or death, or individuals who are running away.

## **DEPLOYMENT**

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Deployment of the Taser is not designed or intended to take the place of deadly force options. Officers need to consider the risks to the public, themselves or other officers, or the subject. The Taser should not be used in deadly force situations without lethal backup.

When deploying the Taser the following procedures should be followed:

- When possible, the Taser should be directed at center mass of the body or larger muscle groups that present a target of opportunity. (I.e. to the subject's back where clothing tends to be tighter or thighs when the subject is wearing heavy clothing).
- The Taser shall not intentionally be aimed or fired at the head, face, eyes or throat unless the situation escalates to the level of deadly force.
- Deploying officers should announce to those assisting that the Taser to reduce the potential for mistaking the Taser deployment as a firearm discharge. However, each officer must use their judgment to determine if a verbal warning of a Taser is appropriate to warn subject in each specific situation.
- The Taser cycle is the window of opportunity for the subject to be restrained by assisting officers. In situations where back-up officers are not available and the subject is too violent for the deploying officer to restrain the subject, the Taser may be used to maintain control until back-up officers arrive.
- In situations where multiple applications are used, it is recommended, that the deploying officer allow breaks between cycles to assess compliance by the subject.
- A supervisor shall be notified as soon as possible that the Taser has been or is being utilized.
- As electronic control devices can ignite flammable substances the Taser **shall not** be used on subjects, unless deadly force is justified, that have come in contact, known or implied, with flammables or in areas where flammables are obviously present.
- Taser shall not be used when OC has been deployed on subject.

## **FOLLOW-THRU AFTER DEPLOYMENT**

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As with any use of force incident the follow-thru procedures from the [Patrol Use of Force Policy](#) shall be followed. In addition, the following procedures shall be followed after the deployment of the Taser:

- Once the subject is stabilized and restrained the Taser shall be turned off (safety on).
- Unless threat assessment of the subject indicates continued active resistance or physical violence by the subject the cartridge shall be removed from the Taser or the wires shall be disconnected from the probes.
- When the Taser is used on a subject, officers will ensure that proper medical care is provided to the subject whether probes were deployed or the Taser was used in touch-stun mode. Officers must offer medical treatment or exam to the subject. If a request for medical treatment is made the subject shall be transported to a medical facility as soon as practical.
- For subjects exposed to multiple Taser cycles, it is recommended that they be examined by medical personnel.
- Officer will remove the probes if situation permits and the probes checked to make sure the probes are not broke off.

- Probes located in sensitive areas such as the face, neck, groin, and breast shall be removed by medical personnel as soon as practical.
- Officers removing probes shall practice universal precautions against blood borne pathogens. If possible, officers will provide first aid following removal of the probes with alcohol/antiseptic wipes and adhesive bandages.
- Once the probes have been removed, they shall be treated as bio-hazard “sharps” and placed point down into the expended cartridge and sealed with tape. The deploying officer shall place their initials and badge number on the tape.
- The officer should attempt to locate the expended micro dots (AVIDS) dispersed during firing.
- Photographs shall be taken of the probe and touch-stun sites, as soon as is practical. There are many opportunities to accomplish this task and photographs can be gained at many points during contact.
- The photographs, expended cartridges with probes, and micro dots shall be entered into evidence.
- If the subject is turned over to detention facility, another officer, or medical personnel/facility, these personnel shall be informed that the Taser was used.

#### **HANDLING/STORAGE**

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The following procedures for handling and storage shall be followed:

- Tasers will be stored in the radio room and numbered according to Taser and storage location
- Officers storing or carrying the Taser must keep the safety in the “safety on position” and in a secure holster
- Officers will check the Taser before the start of each shift to insure the unit is charged and inspect the Taser and cartridges for damage. Officers shall advise a supervisor, or Taser Trainer, if the Taser or cartridges are damaged.
- Officers will ensure that the cartridge doors are free of debris and damage. Expired or damaged cartridges will be turned over to a supervisor or Taser Trainer and may be used for training only.
- An inventory log of cartridges will be maintained. The log will indicate the number of cartridges on hand, date/time they were discharged.
- Officers will not write on or attach anything (i.e. stickers, tape, etc.) to the Taser or cartridge (Except for evidentiary purposes).
- The Taser should not be stored in the trunk of a squad car. The Taser should not be exposed to extreme heat or freezing temperatures for prolonged periods of time.

#### **DOCUMENTATION**

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Officers will contact their supervisor in a timely manner to advise them that they discharged the Taser, even if the discharge was accidental.

As with any use of force incident, a detailed report, as well as, a Use of Force Report Form shall be completed, as directed in the departments Use of Force Policy to record the circumstance, deployment, follow-thru procedures, and documentation of evidence.

**DISCLAIMER**

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This policy is for internal use only and is not intended to increase an officer's/jailer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care with respect to third party claims of any kind. Violation of this policy may form the basis for departmental administrative action, but such action is not intended for use in courts of civil or criminal jurisdiction.

Chief of Police  
Shane Collins