

**POLICY
809**

**EFFECTIVE
DATE
11-16-18**

**Eugene
Police Department**



Taser[®] Use

809.1 PURPOSE AND SCOPE

The Taser is considered a less-lethal device that is intended to temporarily incapacitate and permit control of a violent or potentially violent individual, or an individual demonstrating the intent to harm himself or herself. While it is anticipated that the appropriate use of such a device will result in fewer serious injuries to officers and suspects, it is important to remember that the discharge of a Taser has the potential to result in serious injury or death. The use of the Taser must comply with other relevant department policies, including those involving use of force, and is a reportable use of force.

809.1.1 DEFINITIONS

AFID (Anti-Felony Identification Device): Small confetti-like ID tags that are ejected every time a Taser cartridge is fired that contain the serial number of the cartridge.

Discharge: Any release of the Taser's electrical energy by firing it at an animal or human being even if the probes miss the intended target, or by using it in the drive stun mode.

Drive stun: A secondary function of the Taser designed to stun a subject by making direct contact with the body after the air cartridge has been expended or removed. Drive stun can be used to complete a two-point immediate action or a three-point contact.

Display: To display or present an un-holstered Taser in a manner intended to inform an individual that the Taser may be discharged against him or her.

Use: When referring to the Taser, may refer to either display of the Taser, discharge of the Taser, or both.

809.2 GENERAL GUIDELINES

An officer who has completed department approved training may be issued a Taser for use during his or her current assignment.

The device will normally be carried as a part of an officer's equipment in an approved holster. Alternatively, a plainclothes officer or an officer working a specialized assignment may carry the Taser secured in 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 will be carried on the side opposite from the officer's duty weapon.
- b. All Tasers will be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

- c. Whenever practical, officers should carry at least two Taser cartridges on their person while carrying a Taser.
- d. Each officer is responsible for insuring that their issued Taser is properly maintained and in good working order at all times. If the Taser does not appear to be functioning properly, remove it from service and submit it for examination and/or repair. Each Taser will be checked for proper functioning by a department-designated Taser armorer in accordance with a schedule recommended by the manufacturer.
- e. An officer should not hold both a firearm and the Taser at the same time unless lethal force is justified.

809.3 VERBAL AND VISUAL WARNINGS

- a. Whenever practical, a verbal warning should be given prior to the discharge of a Taser. This warning should give the individual a reasonable opportunity to comply, and warn other officers of the potential use.
- b. If the verbal warning does not bring the individual into compliance, the visual stimulus of the aiming laser or electrical arc, may be utilized as an additional step when practical.
- c. The fact that a verbal and/or other warning was given, or reasons a warning was not given prior to discharging the Taser, will be documented in any related reports.

809.4 USE OF THE TASER

The Taser should only be used when its operator can safely approach the subject within the operational range of the Taser.

809.4.1 AUTHORIZED USE OF THE TASER

- a. Taser use is considered a use of force and shall be employed in a manner consistent with *Policy 800 – Use of Force* in conjunction with provisions in this policy, *Policy 809 – Taser Use*.
- b. Authorized personnel may discharge the Taser only when the totality of the circumstances known to the individual officer at the time indicate that the application of the Taser is reasonable to subdue or control:
 - 1. a person who, by their words or conduct, the officer reasonably believes creates an immediate credible threat of physical injury to the person himself or herself, the officer, or another person and who fails to comply with a police order to stop his or her threatening behavior; or
 - 2. a person who, by their words or conduct, the officer reasonably believes creates a credible threat of serious physical injury to the person himself or herself, the officer, or another person; or
 - 3. a person assaulting, or attempting to assault, a public safety officer; or
 - 4. a person who flees from arrest for a crime for which a person would normally be taken into custody, in lieu of using another force option more likely to result in injury to the subject or officer. The fact that a person is fleeing should not be the sole justification for discharge of a Taser, and the crime involved must be either:
 - (a) a felony; or
 - (b) a misdemeanor involving:
 - Injury, or threat of injury, to a person;

- A sex crime in violation of *ORS 163.305* to *163.479* or an equivalent violation of the Eugene Code; or
 - A violation of a court protective order (e.g. restraining order, stalking protective order).
- b. In determining whether a Taser should be used in a situation involving a large number of people, the officer should consider whether the use of the Taser may escalate the situation.
- c. For purposes of this policy, “arrest” includes situations when a juvenile is being taken into custody for an offense that, if committed by an adult, would constitute a crime, or when a person is being taken into custody as a danger to self or others under the authority of *ORS 426.228*.

809.4.2 RESTRICTIONS ON TASER USE

Even if authorized by §809.4.1, the discharge of the Taser is restricted under the following circumstances:

- a. The Taser should not be discharged against the individuals listed below, who may be more susceptible to injury, unless one of the listed exceptions exists.
- Females who are known to be, or who obviously are, pregnant.
 - Individuals who are obviously elderly or young children (e.g., obviously less than 12 years of age.)
 - Individuals who are known to be, or who obviously are, medically fragile.
 - Individuals who have been recently sprayed with alcohol-based OC spray or who are otherwise in close proximity to, or contaminated with, flammable liquids or gasses.
 - Individuals whose position or activity significantly increases the person’s risk of sustaining serious physical injury (e.g., falls from height, operating vehicles, in or near a pool or body of water.)

Exceptions that would permit the discharge of the Taser in these circumstances are:

- The person is armed with a dangerous weapon.
 - The person is creating an immediate credible threat of causing serious physical injury to themselves or to another person; or
 - The person cannot be safely controlled with other available force options.
- b. A Taser shall not be discharged against persons engaged only in passive or static resistance to an arrest.
- c. A Taser shall not be discharged at a demonstration or other event for crowd control purposes.
- d. The Taser will not be discharged against a handcuffed or secured prisoner, absent overtly assaultive, self-destructive, or violently resistive behavior that cannot reasonably be addressed by other less intrusive and readily available means. Officers discharging the Taser against a restrained individual should consider using the Taser in “drive stun” mode and only to the extent required to gain control of the person.
- e. Officers should not intentionally aim for the head, neck, chest, or groin.

809.4.3 MULTIPLE DISCHARGES OF THE TASER DEVICE

Multiple Taser discharges or discharges exceeding the standard five-second duration may increase the risk of injury or death and should be avoided when possible.

When practical, officers should give a verbal warning prior to each discharge.

Only one officer at a time should discharge a Taser at a person. Officers assisting a Taser operator should attempt to gain physical control of a subject while the Taser is being activated or immediately thereafter.

The number of Taser discharges against a person should not exceed three, or a total duration of 15 seconds. If officers have not achieved reasonable control of the person following three discharges of the Taser, when it appears that the Taser probes have effectively connected with the subject as intended and that the Taser is functioning properly, other options should be considered, and employed when practical.

809.4.4 REPORT OF USE

All Taser discharges will be documented in the related arrest/crime report and by a supervisor in a Blue Team Incident Report using the Use of Force module. Accidental discharges of a Taser cartridge will also be documented in a Blue Team Incident Report using the Negligent Discharge module. Any report documenting the discharge of a Taser cartridge will include the serial number(s) of the cartridge(s) used and an explanation of the circumstances surrounding the discharge.

Specific details will be included articulating the rationale for Taser discharge when, during a given incident:

- A Taser is discharged more than once, or the Taser is discharged for a total length of time exceeding 15 seconds, during an incident.
- More than one Taser is discharged against an individual; or
- A Taser is discharged against an individual fitting one of the categories outlined in §809.4.2 a.

In the case of a Taser discharge, the on-board Taser memory will be downloaded through the data port by the supervisor or Taser armorer, and saved with the related police report.

809.4.6 SUPERVISOR RESPONSE

A sworn supervisor should respond to all incident scenes where a Taser is discharged against a person.

809.4.7 DEFENSE AGAINST TASER

If a person armed with a Taser or similar device uses or threatens to use the device against an officer, the officer or another officer may use reasonable force to defend the officer in order to avoid becoming incapacitated and risking the possibility that the person could gain control of the incapacitated officer's firearm and/or seriously injure the incapacitated officer or another person.

809.4.8 USE AGAINST ANIMALS

The Taser may be discharged to defend against an aggressive animal that poses a threat to the officer, another person, a police service dog, or an assistance animal as defined in *ORS 346.680*, or that is attacking another animal.

809.5 AFTERCARE

EMS will be summoned to examine individuals who have been subjected to the electric discharge of a Taser and/or struck by Taser probes.

Officers who are trained to do so may remove the metal probes from a person struck with the Taser probes. If a person requests that the probes be removed by a medical professional, the person's request will be honored by having the removal done by EMS personnel or another medical professional unless removal of one or more of the probes prior to arrival of EMS personnel is clearly necessary. If a person is struck with the probes in a sensitive area, the probes should be removed by a medical professional.

Following use of a Taser, officers should monitor the person's breathing and keep him or her in a position that allows adequate respiration.

Any person who has been subjected to the electric discharge of a Taser and/or struck by Taser probes will be medically assessed prior to being booked at a correctional facility. Prior to transitioning custody of a person who has received a Taser discharge to a correctional facility, hospital, or other facility, officers should advise the appropriate receiving party of the Taser discharge and any aftercare provided.

809.6 ACTIONS FOLLOWING TASER DISCHARGE

If the Taser probes have contacted the person's skin, or if the Taser has been used in drive stun mode against the person's skin, take color photographs of the locations where the device was applied, as well as any other injuries related to the incident. Consent should be obtained before photographing personally sensitive areas. If a person does not consent to photographs of a sensitive area, document the refusal in the police report.

Cartridge(s), probes, and wires may be discarded in an appropriate manner. Probes that have penetrated the skin should be considered biohazards, and disposed of accordingly.

809.7 REVIEW OF TASER USE

A copy of a report involving Taser use will be routed electronically to those in the involved employee's chain of command (e.g., immediate supervisor, lieutenant, division manager), to the Defensive Tactics coordinator, and to the Professional Standards lieutenant.

809.8 TRAINING

In addition to the initial department approved training required to carry and use a Taser, personnel carrying the Taser must receive annual recertification. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the training manager.

The training manager should ensure that all training is documented and includes the following:

- A review of this policy;
- A review of *Policy 800 – Use of Force*;
- Target area considerations, to include techniques or options to reduce the intentional application of probes near the head, neck, chest and groin;
- Manufacturer's daily and periodic maintenance requirements; and
- De-escalation techniques.

If an officer fails to maintain their annual certification, he or she will be required to turn in their Taser until they successfully complete their annual certification and maintenance requirements.

Chris Skinner
Chief of Police