

**LUMBERPORT POLICE DEPARTMENT  
POLICY AND PROCEDURES**

General Order	<b>DATE OF ISSUE:</b> February 12, 2013	<b>EFFECTIVE DATE:</b> Immediately	<b>NUMBER:</b> GO-11
<b>TO: ALL OFFICERS</b>		<b>SUBJECT: Taser</b>	
<b>FROM:</b> _____ <b>J.R. Beach, Chief</b>		<b>APPROVED:</b> _____ <b>George Hagan, Mayor</b>	
<b>EDITING:</b>		<b>POLICY REFERENCE:</b>	

**LUMBERPORT POLICE TASER POLICY**

Purpose

The Town of Lumberport and the Lumberport Police Department are committed to serving the citizens, businesses and visitors of our community in the most proficient manner possible. In this endeavor, we strive to implement the most effective and efficient methods and tools available to us. One of the tools chosen by the Town of Lumberport is the TASER or ECD. The purpose of this General Order is to provide a written directive, which describes Departmental policy and procedures for issue, carry, and use of the ECD.

Policy

It is the policy of the Lumberport Police Department to utilize the amount of force that is objectively reasonable considering the totality of circumstances that are confronted in order to affect an arrest, and or accomplish the lawful performance of duty, while protecting the public. The TASER is an additional police tool and it is NOT intended to replace verbal problem solving skills, self-defense techniques, or firearms. The TASER shall be deployed only in circumstances where it is deemed reasonably necessary to control a dangerous or violent subject. The TASER shall be deployed when deadly force does not appear to be justified and or necessary.

Definitions

The following definitions are for the limited purpose of this policy and may not apply in all other cases:

- A. **TASER-** A TASER included but is not limited to the M-26, X-26, and the X-2 TASERs. Personally owned TASERs or similar devices are not authorized. TASERs are also known as ECD or Electronic Control Device
- B. **Deployment-** The activation of a TASER resulting in the arcing of the unit, a contact maneuver on a subject or animal, and/or the discharge of an air cartridge whether or not the probes strike their intended target. The mere display of a TASER is not considered a deployment.
- C. **Anti-Felon Identification Device (AFID)-** AFID are confetti-like identification tags. Each cartridge contains up to forty (40) identification tags that are ejected when the ECD is discharged. The tags contain the serial number of the cartridge used, allowing for identification of the TASER used.

- D. **Air Cartridge**- A single-use item that contains compressed nitrogen, AFID tags, two darts and insulated wires. It is identified with a tamper resistant serial number.
- E. **Data Port**- The ECD is designed with a data port which allows for downloading of the usage record of that weapon.
- F. **Drive Stun**- The process of utilizing the ECD as a pain compliance technique. This is done by activating the ECD and placing it against an individual's body. This can be done with or without an air cartridge in place.
- G. **Objective Reasonableness**- The premise of reasonableness is for all uses of force to be objectively reasonable. In these instances, the totalities of the circumstances are considered. Also considered is the severity of the suspected activity, whether or not the suspect posed an immediate threat to officers or to other, and whether or not the suspect is actively resisting or attempting to evade arrest by flight.
- H. **"TASED"**- The accepted word indicating that a person or animal has received an electrical charge from a TASER.
- I. **Taser Control Manager**- The designated person who will manage the TASER program.
- J. **Taser Instructor**- Designated persons whom has attended the TASER instructor course and is an approved instructor through the State of WV.
- K. **Medical Personnel**- Includes, but not limited to Doctors, Physicians Assistants, Nurses, Paramedics, and Emergency Medical Technicians.

#### Procedures

Tasers shall be issued to, handled, and deployed only by those Officers whom have completed an approved TASER user course. The TASER shall be handled in the same manner and treated with the same degree of care and discretion as a firearm.

Tasers shall only be used as instructed in the training course, and only in accordance with the Lumberport Police Department's policy and state law. The deployment of a TASER is considered a use of force one level greater than physical strength and skill and is on the same use of force level as OC spray.

Only properly functioning and charged TASERS shall be issued for field use. The battery charge shall be checked prior to removing the TASER from storage for duty use. When the TASER is removed from ~~stage~~ <sup>storage</sup> for duty use, a spark test shall be conducted. The TASER shall be pointed in a safe direction when the test is conducted. If the TASER is found to be defective or damaged, the TASER shall be returned to Taser Control Manager for repair or replacement, with a detailed explanation of the malfunction and/or cause of damage.

When the TASER is carried in the field, the TASER shall be carried in a departmental approved holster. The holster shall be carried opposite of the officer's departmental handgun.

Each deployment of a TASER shall be documented. This included a Drive Stun, as well as the firing of an air cartridge, or any instance when a person or animal receives an electrical charge from a TASER. Any accidental discharge of a TASER air cartridge shall be documented.

## Deployment

Whenever a Taser is to be deployed it is the responsibility of the deploying Officer and/or on-scene supervisor to make certain that other Officers understand that the TASER is being deployed and NOT lethal force. Prior to the deployment of the TASER, a loud announcement of "TASER, TASER, TASER" while be given to other officers and to the subject to give him/her an additional opportunity to cease the conduct that has given the reason for TASER deployment.

When an Officer approaches a subject with the intent to deploy the TASER, if an additional officer is available, they should provide lethal force cover should it become necessary for the protection of life. Verbal commands should be used constantly before, during, and after the deployment of the TASER.

Subjects who have received an electrical charge from the TASER unit or probes SHALL be treated as follows:

- A. Once the subject is safely secured and in custody, the arresting officer shall notify EMS that the subject has been tased. If the probes penetrated the skin, the puncture sites shall be brought to the attention of responding medical personnel.
- B. Only medical personnel may remove or direct to be removed the TASER probes that are embedded in soft tissue areas such as the neck, face, female breast, and groin areas. Removal from other areas will be at the discretion of the on-scene officer or medical personnel.
- C. The on-scene supervisor shall allow medical personnel to determine if the subject should be transported to the hospital.
- D. If the probes are no longer affixed to the subject, and medical personnel determine the subject does not need to be transported to the hospital, the subject may be processed and transported to the regional jail.
- E. If the subject is transported to the hospital, the transporting officer will obtain a medical release from medical personnel before transporting the subject to the regional jail.
- F. Officers must be aware that one of the possible injuries to a subject who is being tased is that of falling from a standing position.

The spent air cartridge, probes, and at least one AFID's shall be collected and preserved as evidence. Caution should be exercised in handling the probes that have penetrated a subject's skin. Such probes shall be reinserted into the used cartridge as trained, and the cartridge should be placed into an appropriate container and stored as evidence. The container should be labeled as a biohazard.

Prior to deployment the following considerations should be taken:

- A. Presence of flammable liquids/ fumes or explosive environments
- B. Elevated positions
- C. Persons operating a moving vehicle or machinery
- D. Persons running or fleeing
- E. Pregnant females
- F. Swimming pool or other body of water
- G. Intentional ECD application to sensitive area
- H. Frail or infirm individual

## I. Non-standard repeated ECD applications

### Deployment Consideration

The decision to use the ECD is based on criteria similar to that which an officer utilizes when selecting to deploy other less lethal force options. The decision must be made dependent on the actions of the subject(s) or threat facing the officer(s) and the totality of the circumstances surrounding the incident. The use of the ECD must be objectively reasonable.

The ECD is ***NOT*** meant to be used in place of deadly force. Prior to the deployment officers shall take into consideration the subject actions, number of subject vs. officers present, the skill and/or strength level of the subject vs. that of the officer, and the age of the subject.

The ECD may be used in situations where a subject is threatening him or herself, an officer, or another person and other means of controlling the subject are not reasonable or could cause injury to the officer, subject, or others. Examples of these situations include, but are not limited to

- A. To stop a potentially dangerous behavior
- B. To protect a person or officer from injury or death
- C. To protect a subject from injuring him/herself
- D. To maintain order within a facility
- E. In situations that require gaining or maintaining control of a subject or situation

The deploying officer should target the body's center of mass area when firing the ECD, particularly the center mass of the back area if possible. The head and face should **not** be targeted unless the appropriate level of force can be justified. If center mass is not accessible due to heavy clothing, the legs are an effective target area. Upon deployment, the officer should only energize the subject the least number of times and for no longer than necessary to accomplish the legitimate operational objective. The ECD should never be used punitively or for purposes of coercion.

### Documentation

The deploying officer is responsible for documenting the deployment of the TASER by completing the departmental use of force report as well as an incident report which will detail the probable cause for the deployment. If the deploying officer is not the primary officer, a supplemental report will be completed.

The officer deploying the TASER shall ensure photographs are taken of the subject receiving an electrical charge from the TASER, either contact or probes, with special attention to the area where the charge was received and any other injuries sustained.

The deploying officer shall notify the Chief of Police of the deployment once the subject is secured and treated and the scene is secure.

### TASER Control Manager

The TASER control manager shall receive, inspect, and ensure the maintenance and replacement of the departmental TASER and related equipment. He/She shall

establish and maintain the database and files to record the TASER usage. He/She shall also return defective or damaged TASERs and air cartridges to the supplier and make sure that they are maintained properly. He/She should ensure that all departmental officers shall have the basic TASER certification and yearly recertification training according to TASER International standards. The TASER Control Manager shall also be a TASER instructor.