

Taser®

Index Code: 409

Effective Date: 03/01/05 (Revised 06/01/10)

I. Purpose

The purpose of this directive is to establish guidelines for the appropriate use and deployment of the Taser® as a use of force option. The Taser is considered an additional law enforcement tool and is not intended to replace the use of other self-defense techniques.

II. Policy

It is the policy of the Office of the Sheriff to utilize the least amount of force necessary to effectuate an arrest and/or bring an incident under safe control. In an effort to fulfill that policy, the Office of the Sheriff has incorporated the Taser, an electronic control device (ECD), to provide deputies with an additional use of force option.

The Taser may be used to control a dangerous or violent subject, or an uncooperative subject who poses an imminent threat of physical harm to an officer or others, when attempts to exert control by other tactics have been or likely will be ineffective, or there is a reasonable expectation that it is unsafe to approach within contact range of an individual.

The decision to use the Taser, or other potentially less lethal force, is predicated upon the immediate danger posed rather than the nature or category of offense. Deputies utilizing the Taser must do so in accordance with the guidelines and procedures set forth here and under the use of force policy.

III. Definitions

A. Taser - An electronic control device (ECD) that is potentially a less lethal device, and propels wires to conduct energy that effect the sensory and motor functions of the central nervous system.

B. Drive Stun - When the Taser is applied directly to the body as a pain compliance technique or to complete a circuit from a missed probe connection on initial deployment.

C. Probes ó Slender metal tips connected to the Taser by insulated wires and fired from a disposable cartridge.

D. Anti-Felon Identification (AFID) ó Identification tags dispersed from a Taser cartridge when it is fired, printed with the serial number of the cartridge, to help determine who fired the cartridge and from what location it was fired.

E. Electronic Control Device ó A device primarily designed to disrupt a subject's central nervous system by means of deploying electrical energy to override an individual's voluntary motor responses.

F. Less Lethal ó A concept of planning and force application that meets an operational or tactical objective, with less potential for causing death or serious injury than conventional police lethal weapons.

IV. Authorization and Training

A. Only deputies who have received approved training and demonstrated proficiency with the use of the Taser are authorized to carry and use them. Proficiency must be demonstrated under the guidance of an instructor certified in the use of the Taser and certified as an Electronic Control Device Instructor with the Maryland Police and Correctional Training Commission.

The agency's Training Coordinator will maintain training records of all deputies attending a Taser training course. Deputies carrying or utilizing Tasers must be re-certified in their use annually. In the event a deputy is unable to complete the training course, or show proficiency in the use of the Taser, the deputy will be provided remedial training.

B. Only Tasers, Taser cartridges, and Taser holsters issued by the Office of the Sheriff may be carried and used by deputies, either on or off duty. Deputies will carry their Taser on the opposite side of their issued pistol. This helps

ensure that the pistol will not be accidentally drawn in lieu of the Taser. No changes or modifications to the Taser, cartridge, or holster are authorized.

V. Procedures

A. Utilization of the Taser is considered a use of force, and will be employed in a manner consistent with the use of force policy. The Taser is a use of force option on the use of force continuum. In the use of force continuum it is found above OC spray and below the police baton.

B. The Taser may only be used in potentially less lethal situations when verbal dialogue and other methods have failed to bring about a subject's compliance, or when other means are not viable due to existing circumstances, and the subject is believed to pose an imminent threat of physical harm to the deputy or others. The following are examples of when a Taser may be used; however, other situations may exist depending on their unique circumstances:

1. A subject is threatening to harm themselves, deputies, or other individuals, and other means of control would be unreasonable or could cause more serious harm or injury.

2. When attempting to control a subject by conventional tactics becomes inappropriate or ineffective.

3. There is reasonable expectation that it would be unsafe for deputies to approach within contact range of a subject who poses a threat of physical harm to deputies or others.

4. A subject is combative and poses an imminent threat of physical harm to the deputy when attempting to effectuate arrest.

C. Deputies will announce "Taser" to other deputies before it is deployed. This will let the other deputies know that the Taser is being deployed and reduce the risk of other deputies mistaking the Taser for a firearm.

D. Whenever practical and reasonable, deputies must issue a verbal warning to the subject prior to using a Taser. This warning along with the display of the Taser may convince the subject to discontinue his behavior.

E. When possible, deputies should obtain sufficient back-up before deploying the Taser. Since the effects are only temporary, the additional deputies should use this window of opportunity to properly restrain the subject.

F. Deputies may use deadly force to protect themselves and others from the use or threatened use of the Taser by other persons, if reasonable belief exists that deadly force will be used against them if they become incapacitated.

G. The Taser may not be used on a person in custody, or already restrained by handcuffs or other restraining devices, unless the subject poses an immediate threat of harm or injury to others.

H. Whenever possible deputies will maintain a safe distance from the suspect, issue a verbal warning, and display the Taser as a deterrent.

I. When utilizing the Taser, deputies must attempt to avoid vital areas of the human body (i.e., eyes, face, groin, chest, or throat) and deploy the Taser in the preferred target area. Taser has recommended slightly lowering the preferred point of aim from center of mass to lower center of mass for shots to the front of the body. The preferred targeting area is from the sternum down. Deploying the probes to the back and splitting the belt line is the most effective deployment to achieve incapacitation.

The preferred target area is just that, preferred. It is realized that an arrest situation is fast moving and dynamic, and that exact shot placement in a preferred target area is not always possible. It is important to note that the preferred target area does not mean that other areas are prohibited. However, when the situation allows for sufficient time to intentionally aim the Taser, and from a best practice stand point, it is recommended to attempt, when possible, to aim for the preferred target area.

J. In addition, the Taser should not be used in the following situations:

1. When an innocent bystander may be struck.

2. In areas known to contain flammable or explosive products.

3. When the subject could fall from a significant height.

4. When the subject could drown.

5. If the subject is merely refusing commands and no imminent threat of physical harm to a deputy or others exists.

6. If the subject is obviously pregnant.

7. If the subject appears elderly or frail.

8. If the subject is a very young child.

9. If the subject is operating or riding in any mode of transportation.

10. If the subject appears to be experiencing excited delirium.

K. Deputies will utilize the minimum number of discharge cycles of the Electronic Control Device to eliminate the threat posed by the individual. If multiple discharge cycles are unable to eliminate the threat, alternative means of control should be considered.

L. The Taser may be used in a drive-stun manner with the guidelines for the use of the device being the same.

M. Immediately after utilizing the Taser deputies must be alert to any indications that the individual needs medical care. Upon observing any medical condition needing attention, or if the suspect requests medical assistance, deputies will immediately summon emergency medical aid. Photographs will be taken of the probe sites and any injuries, and submitted as evidence.

N. All Taser cartridges and probes utilized will be recovered, unless existing conditions prevent it, and submitted as evidence. In addition, a sufficient number of AFID tags will be collected and submitted as evidence.

VI. Probe Removal

Only the affected individual, or qualified medical personnel, will remove probes penetrating the skin. If the affected individual refuses to remove the probes, the subject will be transported to the nearest hospital for the removal. Once the probes have been removed from the skin they will be treated as a biohazard.

VII. Reporting Requirements

A. Use of the Taser, including accidental discharges with a cartridge in place, must be reported to the immediate on-duty supervisor as soon as possible.

B. In addition to the appropriate incident report, a Use of Force Report must be completed following all uses of the Taser except during testing, training, or in the event of an accidental discharge.

C. As soon as possible after a Taser has been discharged, a certified Taser instructor will conduct a data download of the Taser and submit the results along with the Use of Force Report.

VIII. Care and Maintenance

A. The Taser, Taser cartridge, and Taser holster will be maintained in a clean and operational state at all times. Tasers found not to be operating properly will be returned to the Quartermaster for repair or replacement.

B. Taser batteries will be checked prior to the deputy's tour of duty to ensure they are properly charged.

C. Taser cartridges will be replaced before their expiration date.

D. Extra Taser cartridges will not be carried in pockets due to the risk of static electricity causing unintentional discharges.

E. Replacement of damaged Tasers, cartridges, and holsters resulting from abuse or neglect are the responsibility of the affected deputy.

IX. Supervisors' Responsibilities

Supervisors will ensure that only certified deputies carry or utilize Tasers, and that all use of force reporting requirements are fulfilled and reviewed in the event a Taser is used on a subject.

X. CALEA References: 1.3.4, 1.3.5, 1.3.6, 1.3.10, & 1.3.11.

XI. Proponent Unit: Administrative Services Division

XII. Cancellation: This directive cancels Index Code 409 dated 09/15/09 and Memorandum 09-01.

Sheriff R. Gery Hofmann III