

USE OF FORCE – ADDENDUM ELECTRICAL WEAPONS

POLICY & PROCEDURE NO. 1.01A 	ISSUE DATE: Feb. 8, 2021
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 1.3.4; 1.3.5; 1.3.6; 1.3.7; 1.3.9; 1.3.10; 1.3.11; 1.3.12	EFFECTIVE DATE: July 1, 2024
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I. GENERAL CONSIDERATIONS AND GUIDELINES

Electrical weapons, often referred to by a common brand name – TASER – are electro-muscular disruptors that override the central nervous system. Such weapons provide officers with another control option.

This department has decided to make electrical weapons available to certain authorized officers who obtain the training specified by the Commonwealth of Massachusetts, consistent with the policies and recommendations of respected law enforcement agencies, such as the International Association of Chiefs of Police.

II. POLICY [1.3.4]

It is the policy of this department that:

- A. Electrical weapons shall be made available as a less lethal use of force option to police officers of this agency who are authorized to carry this weapon; and
- B. Electrical Weapons may be used by authorized and trained personnel in accordance with 501 CMR 8.00, and consistent with additional guidelines established herein.

III. DEFINITIONS

- A. *Electrical Weapon or Device*: Also referred to as an electronic weapon: a portable device or weapon from which an electrical current, impulse, wave or beam may be directed where such current, impulse, wave or beam is designed to incapacitate temporarily.

Chief of Police: 

Select Board: 

Ashfield Police Department

- B. *AFIDs* (Anti-felon Identification Tags): Confetti-like pieces of paper that are expelled from the cartridge when fired. Each AFID tag contains an alpha-numeric identifier unique to the cartridge used.
- C. *Drive Stun Mode*: The electrical weapon is used without the cartridge. The device is pressed against the suspect, and an electrical shock is delivered.

IV. PROCEDURES [1.3.4]

- A. Authorization
 - 1. The department policies regarding **Authorized Weapons**, **Use of Force**, and **Use of Force Reporting** apply to electrical weapons. For further information, refer to these policies.
 - 2. Only officers who have been trained and authorized may carry this device. [1.3.4; 1.3.10]
 - 3. Except for training purposes, an officer shall not possess or carry an electrical weapon until successfully completing an approved training program in the use of electrical weapons.[1.3.4; 1.3.10]
- B. Special Regulation Regarding Electrical Weapons
 - 1. **501 CMR 8.04** establishes a training requirement for the use of electrical weapons.
 - 2. In order to qualify for admission into an approved training program for the use of electrical weapons, an authorized officer must:
 - a. Be currently employed as a state or municipal law enforcement officer;
 - b. Have successfully completed a firearms training course conducted by the Municipal Police Training Committee or approved by the Colonel of the Massachusetts State Police; and
 - c. Be authorized by the officer's department to carry a firearm in the performance of the officer's duty.
- C. Weapon Readiness
 - 1. Carrying
 - a. The device will be carried in an approved holster in a cross-draw configuration on the side of the body opposite the service hand-gun, or in a standard draw configuration on the side of the body opposite the service hand-gun. Officers not assigned to uniformed patrol may utilize other department-approved holsters and carry the weapon consistent with department training.
 - b. The device will be carried fully armed with the safety on in preparation for immediate use when authorized.
 - 2. Accessories
 - a. Officers authorized to use the device shall be issued a minimum of one spare cartridge as a back-up in case of cartridge failure, the need for redeployment, or in case the first cartridge's leads break during engagement.
 - b. The spare cartridges shall be stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer's expiration requirements.
 - c. Only agency-approved battery power sources shall be used in the electrical weapon.
- D. Issuance [1.3.4]

1. Only those officers designated by the Chief of Police and who have successfully completed the approved certified training will be authorized to use Electronic Weapons.
2. Officer trained in the use of the device will be issued the **TASER 7** or departmentally approved electrical weapon at the beginning of the shift and return same to the equipment holding area upon completion of their tour of duty unless authorized to retain the device.
3. Officers will carry the device in an approved holster issued by the department.
4. Officers will test each device issued to them in a manner detailed by their training at the start of their shift.
5. All equipment failures or other problems associated with such device will be reported immediately to the Taser Trainer or Chief of Police.

V. USE OF FORCE CONTINUUM

- A. Drive Stun Mode:
 - a. In drive stun mode the device is a pain compliance tool rather than an electro-muscular disruptor.
 - b. It may be deployed as a pain compliance technique in response to an active resistant person.
 - c. It is minimally effective compared to conventional cartridge-type deployments.
Note: Pain compliance may not be effective against someone in a state of "mind-body disconnect," as in a mental health crisis state, under the influence of a mind-altering substance, or extremely focused.
- B. Firing the device:
 - a. Firing the device cartridge to deploy electrodes is a defensive tactic.
 - b. It may be used in response to an assaultive person.
- C. Lethal Force
 - a. Intentionally firing the device at the head or neck is a deadly force countermeasure in response to a lethal threat.
 - b. **ELECTRONIC WEAPONS ARE NOT A SUBSTITUTE FOR LETHAL FORCE.**
Officers are not expected to respond to a lethal force threat with a less lethal force option such as an electrical weapon.
 - c. An electrical weapon may be used in response to a lethal force threat under exigent circumstance as a weapon of available means.
- D. Electronic weapons are best considered an option in situations where:
 - a. An officer has no other appropriate force options available to deal with the threat;
 - b. The officer has a cover officer and/or has moved to a position of advantage such as cover, concealment or barrier, based upon the subject's behavior or weapons; and
 - c. An additional officer can safely approach the subject to within effective range to deploy the electronic weapon.

VI. DEPLOYMENT OF DEVICE

- A. A full five-second cycle deployment should be applied without interruption unless circumstances dictate otherwise.

- a. The five second cycle is a potential “window of opportunity” for an officer to immobilize, control, or handcuff a suspect.
 - b. Secure the suspect as quickly as possible during or immediately following the period of incapacitation.
- B. A second or subsequent five second cycle may be necessary if, after the first five second cycle, the officer still perceives the subject as a threat.
- C. Officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure.
- D. The officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective.

VII. TARGET AREAS

- A. Preferred Target Zone Front
 - a. Lower torso (blue zone)
 - i. More effective
 - ii. Split hemisphere
 - iii. Larger Muscles
 - iv. Reduces risk of hitting sensitive body areas
 - b. Do not intentionally target genitals
 - c. Although in the past we have recommended targeting the center of mass for both the front and rear of the body, we have seen some ineffective hits to the front of the body, particularly with hits to the upper torso with narrow probe spreads. By lowering the point of aim to the lower torso on the front of the body, we increase the potential for NMI by splitting the hemispheres and targeting larger muscle groups. This also reduces the risk of hitting sensitive body areas.
- B. Preferred Target Zone Rear
 - a. Because of the larger muscle groups, the preferred target zone on the back begins just below the neck and extends all the way down the legs
- C. Avoid aiming at the head or neck unless the encounter justifies a deadly force response.

VIII. FORBIDDEN

- A. Deployment of the device in a punitive manner.
- B. Use on a handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
- C. Use in any environment where an officer knows that a potentially flammable, volatile, or explosive material is present (including but not limited to OC spray with volatile propellant, gasoline, natural gas, or propane). In any environment where the subject's fall could reasonably result in death (such as in water or on an elevated structure).

IX. SUSCEPTIBLE POPULATION

Officers should be aware of the greater potential for injury when using an electronic weapon against certain individuals. Electronic weapons should generally not be used

against this susceptible population unless the officer's assessment at the time is that the individuals have or will cause immediate serious bodily harm to themselves and/or others but could be subdued by an electronic weapon.

- a. Children under the age of seventeen (17);
- b. Adults over the age of seventy (70);
- c. Women believed to be pregnant; or
- d. Those known to be suffering from severe mental illness.
- e. Persons of small stature irrespective of age;
- f. Persons known to be equipped with a pacemaker; or
- g. Persons in obvious ill health.

X. AFTERCARE [1.3.5]

A. Probes

- a. Probes may be removed only by medical personnel at the scene if the subject's demeanor allows for safe removal.
- b. Transported to a medical facility for probe removal and examination.
- c. Probes wounds will be photographed whenever possible.

B. Medical Care

- a. Seek medical attention for:
 - i. A person who requests medical attention. Officers shall ask persons if they desire medical attention.
 - ii. A person who does not appear to recover properly after being engaged with the electronic device.
 - iii. A person who is in a potentially susceptible population category. See **SUSCEPTIBLE POPULATION** in this policy.
 - iv. A person who has been energized more than three times.
 - v. A person who has had more than one EW effectively used against him or her in any given incident.
 - vi. A person who has been subjected to a continuous energy cycle of fifteen (15) seconds or more.
 - vii. A person who has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to electrical weapon exposure. For further information, see the department policy regarding **Use of Force**.
- b. Transport the following as soon as possible to a medical facility:
 - i. A person who is struck by a probe in the neck, throat, face, female breasts, groin;
 - ii. A person from whom medical personnel have difficulty removing the probes; and
 - iii. A case in which the barb separates from the probe upon removal.
 - iv. An individual in the susceptible population listed above.

XI. REPORTING

A. Officer Responsibility

- a. The deploying officer shall notify his or her supervisor as soon as practical after deploying the device and complete the department use-of-force report.
- b. Officers shall specifically articulate the rationale in their use-of-force report for any instance of the following: [1.3.6]
 - i. An electrical weapon is energized more than three times on a single subject.

- ii. An energy cycle longer than fifteen (15) seconds in duration is used against a subject.
- iii. More than one electrical weapon is used against a subject in any given incident.
- iv. An electrical weapon is used against an individual designated to be in a "susceptible population."
- v. Any time a Taser is deployed and a verbal warning is given or not given and the subject complies and the device is not used a Use of Force Form will be submitted so as to be reported under the Requirements established by the Executive Office of Public Safety.

B. Supervisor Responsibility

- a. Ensure that photographs of the area impacted by the probes are taken after the probes are removed, if possible.
- b. Ensure that the subject has received the proper medical attention as appropriate
- c. If the device has been fired, the supervisor shall secure the Electronic Device, the cartridge, wire leads, and darts as evidence. Darts are to be treated as a biohazard material and appropriately handled.
- d. The Taser cartridge, wire leads, darts will be secured and the Taser data will be downloaded. The data and cartridge, wire leads, darts into evidence.
- e. Immediately investigate and obtain witness statements from all present at the scene.

C. Administrative Responsibilities

- a. Report all electronic weapons deployment to the Executive Office of Public Safety. The report must include:
 - i. The number of officers in the department;
 - ii. The number of electrical weapons purchased by the department;
 - iii. The number of incidents involving electrical weapons; and
 - iv. Gender and race of targets.
 - v. Data from electrical weapons must be supplied to the Department of Public Safety.
- b. There will be an administrative review of each report of the discharge of an electronic weapon. This will be conducted by the Chief or his/her designee. [1.3.7]
- c. The Chief of Police or his/her designee will conduct an annual analysis of reported uses of electronic weapons. Where indicated, training needs, equipment upgrades, and/or policy modifications will be made. [1.3.13]

XII. TRAINING PROCEDURES

- A. Training for each user will be conducted annually for each user of electronic weapons.
- B. Training will be conducted by instructors certified by the manufacturer or the Municipal Police Training Committee.
- C. Training will be at a minimum of four (4) hours on the device for initial end user or refresher training.
- D. To be certified in the use of the **TASER 7**, it is strongly advised that officers experience the effects of the device during training.

- E. Each instructor will teach from an approved electronic weapon manufacturer lesson plan with all necessary visual and safety aids. [1.3.11]
- F. Training by certified Instructors will include medical issues regarding the use of electronic weapons including the effects or possible effects of electronic weapons on individuals with pre-existing medical/mental health conditions. [1.3.12]
- G. Training will be inclusive of effects of Electronic Weapon system on the following medical/mental health conditions; [1.3.12]
 - a. CARDIO VASCULAR DISEASE PULMONARY DISEASE
 - b. DIABETES
 - c. ALCOHOLISM
 - d. DRUG ADDICTION
 - e. COMPROMISED IMMUNE SYSTEMS
 - f. MENTAL HEATH DISEASE
- H. This training will also include the proper documentation of observed conditions for the Use of Force Reporting requirements. [1.3.12]
- I. Training will also include information on and a demonstration of the removal of wires from an individual after an electronic weapon has been discharged. NOTE: EMS personnel will be on site to assist with removal of prongs and to assist with any issues.
- J. Each individual being trained will receive and be taught the Departmental Use of Force Policy and the Policy on the Electronic Weapons and the Use of Force Reporting Policy during the training period. [1.3.12]
- K. Each officer will be trained in Use of Force Reporting requirements and forms. [1.3.12]
- L. Instructors will submit training approvals for all personnel successfully completing initial or refresher training and submit these forms to the employee files. [1.3.12]
- M. Training will also include a discussion of Taser use as it applies in the 9th Circuit case *Bryan v. McPherson* __ F.3d __, 2009 WL 5064477, Case No. 08-55622 (9th Cir. (CA) 2009, taking the following points.
 - a. ECDs cause pain and are not risk free, and officers need to consider the risk of secondary injuries from incapacitation and falls in determining when and how to deploy an ECD.
 - b. ECDs are an "intermediate or medium, though not insignificant" use of force and every trigger pull must be justified as a separate use of force.
 - c. As in any 4th Amendment force analysis, an officer must consider the totality of the circumstances, including whether the suspect poses an immediate threat to the safety of the officers or others, whether he is actively resisting arrest or attempting to evade arrest by flight, and the severity of the crime at issue; and
 - d. Especially when a suspect is not an immediate threat or a flight risk, when officers are attempting to use force to gain voluntary compliance, officers should warn of the impending use of an ECD, assess whether their warnings are clearly heard and understood, and give a reasonable time for volitional compliance with officers' commands.
- N. Re-certification for end-users will occur annually [1.3.11]
- O. Re-certification for Instructors will occur every two years