



## **POLICY STATEMENT**

### **Taser**

#### **SU Policy Number: 404-370.0**

#### ORIGINATING OFFICE

Department of Public Safety

#### PURPOSE

To specify the type of Conducted Electrical Weapon (CEW) approved for use by sworn members of the agency, to specify the appropriate uses for these weapons, and to provide the training and reporting guidelines required for officers to carry them

#### SCOPE

A Conducted Electrical Weapon (CEW) is a less lethal weapon system that provides law enforcement personnel with an additional method of controlling subjects who may be dangerous or violent to themselves or others. The CEW will be used to enable the officer to carry out his duties in a safe and professional manner with minimal injuries to officers and citizens. The Shippensburg University Police Department (SUPD) currently issues the X-2 / X-26 Advanced TASER® to designated qualified members of the Department as an alternative tool for appropriate use of force situations.

#### DEFINITIONS

**CONDUCTED ELECTRICAL WEAPON (CEW):** A weapon which can be used in two different modes which are listed below from an inserted cartridge. The Shippensburg University Police Department currently purchases and uses the X-2/ X-26 Advanced TASER conducted electrical weapons

**PROBE DEPLOYMENT:** Utilizing compressed nitrogen gas to propel two (2) probes attached to the end of wires stored in a cartridge already inserted into the weapon. The CEW sends an electrical signal to the probes, via the wires, which can disrupt the body's ability and usually causes motor skill dysfunction.

**DRIVE STUN:** The CEW acts as a stun system when it is brought into immediate or close proximity contact with the subject's body or clothing. Due to the narrow spread of the probes and/or the cartridge removed from the CEW, drive stun application will be less likely to create motor skill dysfunction.

**CEW CARTRIDGE:** A removable plastic cartridge containing two probes, wires, a compressed nitrogen charge, and up to forty (40) small Anti-Felon Identification Tags (AFID).

**AFID:** The AFIDs are small plastic disks that can be traced to the individual weapon charge. The system provides accountability for each use of the Taser via the dispersal of tiny unique coded tags every time the device is probe deployed.

**PASSIVE RESISTANCE:** Physical actions which do not actively or dynamically oppose an officer's attempt to control a suspect and do not pose a threat to the officer's safety. Actions such as remaining limp or

simply refusing to act as instructed are passive resistance. Verbally indicating an intention to actively oppose an officer's attempts at control raises a suspect's resistance above purely passive.

**ACTIVE RESISTANCE:** Physical actions which actively and/or dynamically oppose an officer's attempt to control a suspect, or actions that a reasonable officer would believe pose a threat to his/her safety.

**PROBES:** Small metallic pins with a barbed point. The probes are used to transmit the electrical pulse into the target's body.

**ARC SWITCH:** An ambidextrous switch located forward of the trigger used to select options from the Taser X2 menu, to select a specific cartridge, or to activate the Taser X2 without deploying a cartridge.

**Certified CEW Instructor:** An officer who is authorized by this agency to carry and/or use a specific electronic control device, has successfully met Municipal Police Officers' Education and Training Commission (MPOETC) general instructor requirements, and has successfully completed Taser training by an approved Taser instructor.

### POLICY

It is the policy of the Shippensburg University Police Department that its members will use a CEW only in accordance with the use of force policy and guidelines. In addition, no member will be issued or permitted to carry or use a CEW until he has been trained in its use and demonstrated proficiency with it on an annual basis. The provisions of this Order apply to personnel both while on and off duty.

This Order is for departmental use only and does not alter any criminal or civil standard of care. The Department's policy and procedures should not be construed as creating a greater or higher legal standard of safety or duty of care in an evidentiary sense with respect to third party claims. Violations of this Order will only form the basis for departmental action.

### RESPONSIBILITIES

1. Only officers who have successfully completed the Department's approved course of instruction on the CEW are authorized to carry and to use the CEW. Designated officers will receive an initial course of instruction on the use of the CEW from certified Axon Taser CEW instructors. Additionally, designated officers will receive annual in-service training in accordance with the manufacturer's recommendations and TASER regulations/guidelines.
2. Use of the CEW is currently restricted to officers specifically designated via Personnel Order by the Deputy Chief. Training will be developed and conducted by certified Axon Taser CEW instructors. Initial and annual in-service training curriculums for CEWs will include, at a minimum: nomenclature, characteristics, capabilities, limitations, maintenance, safety, operating principles and technology, agency policy on the use of CEWs, use of force, escalation and de-escalation of force and deadly force, judgment/decision making, legal considerations, physiological and psychological effects, target zones, defensive measures, potential for collateral occurrences, after care measures, side effects, and individuals with an elevated risk.
3. Only sworn officers demonstrating proficiency in the use of CEW during initial and annual in-service training may carry or utilize CEW. "Demonstrating proficiency" means attaining a score of at least 80% on a written test covering the training topics and successfully demonstrating, to a certified Axon Taser CEW instructor, skills in the safe handling and deployment of a CEW. In addition, officers must successfully complete an initial CEW certification course. Officers attending the initial training course will be exposed to the CEW under the supervision of a certified Axon Taser CEW instructor. Training and testing, both academic and practical/skills, will be documented by the instructor.
4. In the event that an officer is unable to successfully demonstrate proficiency with a CEW during annual in-service training, the course instructor will immediately notify the Supervisor. If, after reasonable remedial training avenues have been exhausted, the officer is unable to demonstrate

proficiency with a CEW, the Supervisor will notify the Lieutenant, in writing and via chain of command, of the officer's unsatisfactory performance, and the officer's designation to carry a CEW will be removed. The Supervisor or the officer's supervisor may also immediately suspend the officer's designation to carry a CEW at any time.

5. During initial CEW training, and before being issued a CEW, all designated officers will be issued copies of, and instructed in, all of the Department's Orders concerning use of force and CEW use. The Instructor will document the issuance of, and instruction in, these Orders.
6. Supervisors will receive annual in-service training for CEWs to include, at a minimum: nomenclature, characteristics, capabilities, limitations, maintenance, safety, operating principles and technology, agency policy on the use of CEW, use of force, escalation and de-escalation of force and deadly force, judgment/decision making, legal considerations, physiological and psychological effects, target zones, defensive measures, potential for collateral occurrences, after care measures, side effects, and individuals with an elevated risk.
7. Use of Force Reports involving the deployment of a CEW will only be reviewed and approved by supervisors and commanders who have received the annual CEW in-service training or who have completed CEW operator certification training.

## PROCEDURES

### AUTHORIZATION, ISSUANCE, AND INSPECTION:

1. Following the successful completion of initial CEW training the supervisor will issue officers, who are specifically designated by the Lieutenant, X-2 / X-26 Advanced TASER® should the weapon be available. The Training Unit will file this original record, and will forward a copy documenting the issued equipment to the Office Manager.
2. Officers who have been issued a CEW will inspect their weapon and conduct a "spark test" prior to each tour of duty. Officers who have been issued a CEW will also inspect their weapon after each use. Additionally, CEWs will be inspected for damage and serviceability during monthly inspections by the designated members' supervisors. Damaged or unserviceable CEWs will be immediately removed from duty and returned to the Training Division for repair or replacement. The Digital Power Magazine (DPM) or Power Performance Magazine (PPM) will be replaced if the charge display is less than "20." – Officers are currently not issued individual Tasers. There are currently 5 X-2's in service and they are signed out and logged into informant at the start of each shift.
3. Department CEW Instructors, in conjunction with the Department's defensive tactics instructors, will continually evaluate the effectiveness of the Department's CEWs in comparison to other available less-lethal weapons systems. In the event that the Training Unit believes that the Department should replace its CEWs with more effective less-lethal weapons, they will submit such recommendation in writing, via chain of command, to the Chief of Police.
4. Officers will carry and utilize only those CEW that were issued to them by the Department.
5. CEW Instructors are responsible for properly syncing the CEWs on a quarterly basis. Instructors will also sync/download their CEWs after each deployment and whenever firmware updates are issued by Axon. Instructors will also sync their CEWs during time changes (i.e. Daylight Savings Time, etc.)

### USE OF A CEW

1. Any use of a CEW will be in accordance with the use of force policy and guidelines specified in G.O. titled "Use of Force," and as defined in that order as "appropriate force".
2. When feasible, officers will give a verbal warning that the CEW is about to be used, and will give verbal commands and directions for compliance during CEW uses.
3. CEWs will only be used on persons posing an imminent threat of physical injury to themselves or others.

4. The ARC switch should not be the primary method of activating the Taser X2.
5. The ARC switch should primarily be used to activate the Taser X2 when the officer is giving a Taser warning, or when the decision has been made to re-activate a deployed cartridge without deploying a loaded second cartridge, or when the decision has been made to re-activate both deployed cartridges. The ARC switch should be activated for five (5) seconds every time it is activated.
6. Consistent with CEW training, when an officer causes the "initial probe deployment," he will release the trigger to allow the automatic "5-second" deployment to activate, and he will not hold the trigger down for an undetermined length of time.
7. The CEW may not be activated on a subject more than three times. Officers will need to transition away from taser use
8. CEWs may be used against an animal that is a hazard or is threatening or is attacking a person, including officers, or another animal.
9. The CEW is a less-lethal weapon, and is not intended to replace the firearm in deadly force situations.
10. Officers may request that a certified CEW operator respond to their location for potential appropriate application of the CEW as a use of force under circumstances dictated in this general order and in "Use of Force." Requesting officers will broadcast a brief description of the circumstances involved, and will notify their supervisor, if feasible. Supervisors will monitor all requests for CEW responses, and will intervene when appropriate. – All Officers are certified CEW Operators.
11. In deadly force situations, an officer capable of deploying deadly force will always be designated as a cover officer to the officer potentially deploying a CEW. This officer will be in the cover position, ready to deploy deadly force if appropriate, and prior to the deployment of the CEW.
12. CEWs will be carried in their protective holsters. CEW's will be carried in their issued holsters at all times when not being deployed. CEW's can be placed in a secure location inside SUPD.
13. CEWs will be carried on the non-firearm side of the duty belt with the straight draw configuration in the issued holster. CEWs will not be drawn at the same time as a firearm.
14. No changes, alterations, modifications, or substitutions will be made to the CEW other than those recommended by the manufacturer and approved by the Chief of Police.
15. Following the probe deployment of a CEW, the CEW cartridge and probes used will be placed on property as evidence. The probes will be treated as biohazard sharps. The officer collecting the cartridge and probes will wear latex gloves when handling them. The wires will be wound around the cartridge. The probes will be inverted into the portals from which they were fired. This will prevent sharp ends from penetrating the evidence bag. Tape will be placed over the portals to secure the probes in the cartridge. Additionally, at least two AFIDs will be placed inside the evidence bag with the air cartridge. The number from the AFIDs will be logged on the related incident report.
16. Any officer who uses a CEW will notify his immediate supervisor as soon as possible, if the immediate supervisor is working. If the officer's immediate supervisor is unavailable or if the incident occurs while the officer is off-duty, then the on-duty Patrol Division supervisor will be notified.
17. The Court of Appeals of Maryland, in *Reid v. State*, ruled that a CEW used in probe deployment mode turned what otherwise may have been a Terry stop into a de facto arrest for Fourth Amendment purposes. Officers are required to have probable cause to arrest prior to using their CEW in probe deployment mode during criminal investigations. This does not prohibit the officer from utilizing the CEW in probe deployment mode if objectively reasonable when necessary to accomplish a legally permitted law enforcement activity such as the service of an emergency petition.

18. Most Pennsylvanians may legally possess a stun gun or Taser without a permit. Unless you're a law enforcement officer, however, you may only use one of these weapons with a reasonable amount of force to defend yourself or your property.
19. It's a misdemeanor to use a stun gun or Taser for any other reason, but it becomes a felony if you used it with the intent to commit another felony. (18 Pa. Con. Stat. § 908.1 (2019).)

#### PROHIBITED USES OF A CEW:

CEW will not be used under the following circumstances:

1. In a punitive or unnecessarily threatening manner;
2. As a prod or escort device;
3. On an individual whose resistance is solely passive;
4. On an individual who is only attempting to destroy evidence;
5. Inconsistent with training procedures;
6. In close proximity to known flammable liquids or gases, or explosive materials;
7. When potential incapacitation of the subject would expose the subject to serious bodily injury or death (e.g. a fall from a high place or in water; when the subject is handcuffed and running; when the subject is running across a hard surface where he is likely to strike his head during a fall), except in a scenario where deadly force is justified;
8. When an individual is in care and control of any vehicle or machinery.
9. In violation of General Order "Use of Force."

#### SPECIFIC FACTORS:

When reasonably perceived by the officer, the following factors will be considered by the officer when deciding to utilize a CEW. The known presence of these factors will require enhanced justification for deciding to utilize the CEW:

1. Known pregnant female;
2. Elderly persons, small children, and those individuals under eighty (80) pounds;
3. Individuals with known heart problems, neuromuscular disorders, or otherwise frail and infirm;
4. Persons exhibiting obvious signs of medical or mental crisis;
5. Persons demonstrating obvious signs of drug or alcohol intoxication;
6. CEW discharged multiple times on an individual;
7. Potential significant injury to a running suspect;
8. Persons who are handcuffed or otherwise partially restrained; or,
9. Intentional CEW application outside of the target areas recommended by the manufacturer, such as the face, neck, genitalia, or chest. Without exigent circumstances, the CEW will not be intentionally aimed at these areas.

#### SUPERVISOR RESPONSIBILITIES:

1. The supervisor will respond to the scene of the CEW usage, and investigate the use of force per G.O. "Use of Force," which will include causing photographing of probe impact sites or drive stun marks on the subject/animal on which the CEW was used.
2. Supervisors will respond to any anticipated CEW deployments.
3. Supervisors will ensure that EMS is activated following all CEW deployments, and that subjects that CEW have been used on are evaluated and treated by medical personnel.
4. Supervisors will conduct visual inspections of subordinates' assigned CEW and related equipment during monthly inspections.

#### REPORTING CEW USE:

1. A Use of Force Report will be submitted by any officer who uses a CEW as required under G.O. 6, "Use of Force." The supervisor of the officer will download data documenting the deployment from the CEW onto a designated computer using the Taser Evidence Sync program. The downloaded data will be printed and attached to the officer's Use of Force Report.
2. The "Empty-Hand Control / Pointing of Firearm" Use of Force Report will be submitted any time an officer aims a CEW at a person.
3. The mere un-holstering or presentation of a CEW, use of a CEW for training, or CEW use on an animal, will not require a Use of Force Report to be completed. Use on an animal or an accidental cartridge discharge must be documented via the Department's incident reporting system.
4. Officers will complete appropriate incident reports, and will place the spent air cartridge and probes in property following a probe deployment.
5. Officers will photograph the probe impact sites / drive stun marks following the use of a CEW. If the impact sites/marks are in a private area, the officer will ask permission of the subject to have a same sex officer or medical personnel photograph the impact site/marks at the medical facility where the subject is treated.
6. A Taser Contact Form will be read to any person a CEW has been used on and completed as soon as reasonable after the CEW use. Medical aid rendered to the person will not be delayed in order to read the form. The completed form will be attached to the "Use of Force Report" with the paperwork documenting the incident. "Electronic Control Device (ECD) reporting," the SUPD will submit an annual report titled, "Electronic Controlled Device Discharge Report" to the Vice President of Administration and Finance each year in the month of November.

#### MEDICAL TREATMENT OF TASED PERSONS:

1. Following the use of a CEW, the officer utilizing the weapon will ensure that appropriate steps are taken to determine if the use of the CEW caused injury to the suspect or any other person. All injured persons will be provided with appropriate medical aid.
2. An officer utilizing the CEW on an individual will immediately have EMS activated to provide medical aid. As soon as it is safe to do so, officers will place the suspect / arrestee in a recovery position that is less-likely to impair respiration. (E.g.; seated or on his side versus prone) An officer will monitor the suspect for medical complications prior to the arrival of EMS. Officers will not attempt to remove any probes that are still imbedded in the subject's body. During training, probes may be removed under the supervision of the class instructor following the training protocol.
3. All suspects who are in SUPD custody on whom the CEW has been used will be transported to the hospital, even if the suspect wants to refuse treatment. If a suspect refuses treatment at the hospital, the arresting officer will copy paperwork documenting this refusal, and will provide a copy of this paperwork to Central Booking personnel, as well as submitting a copy of this paperwork with the arrest file.

The suspect will not be left unattended for any period of time while in custody. If the suspect is treated at the hospital, the arresting officer will copy the arrestee's release paperwork, and will forward copies of this paperwork to the same locations. One exception to this requirement is a person who has been struck with a CEW who is not in SUPD custody. EMS will be called for these individuals, but they are free to refuse treatment or transport by EMS. A second exception to this requirement is a person on whom the CEW is used for training purposes. During training, medical treatment will be obtained when appropriate.

#### RECISSION

APPROVALS

Executive Management Team; 2/26/2020

FILENAME:

404-370.0 Taser Policy

DATE:

2/26/2020

DISTRIBUTION:

Public