

TASER Energy Weapon

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the TASER Energy Weapon.

304.1.1 DEFINITIONS

TASER Energy Weapon : A less-lethal weapon designed primarily to discharge electrical charges into a subject that will cause involuntary muscle contractions and override the subject's voluntary motor responses. Currently the TASER Energy Weapon by Axon is issued and carried by officers of the Auburn Police Department.

Neuro-Muscular Incapacitation (NMI): Stimulation of a person's sensory nervous system and motor nervous system that results in uncontrolled muscle contractions by means of overriding their nervous system.

Probe Delivery : Pulling the trigger to release the probes from the cartridge to make contact with the subject and achieve neuromuscular incapacitation.

Drive Stun: Refers to the pressing of an active TASER Energy Weapon device onto the body of the subject with the probe cartridge attached or removed. The drive stun affects the sensory nervous system producing pain compliance. The driver stun may also be used as a follow up to a probe deployment when the probe deployment has not achieved neuromuscular incapacitation.

Function Test : A demonstration of the TASER Energy Weapon to ensure the device is in working condition.

TASER Energy Weapon Deployment: The intentional firing of the TASER Energy Weapon utilizing probe delivery or in the drive Stun mode making direct contact with a person. The purpose of the deployment is to gain compliance of the subject through NMI or pain compliance.

304.2 POLICY

TASER Energy Weapons are used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.

The purpose of this policy is to establish policies and procedures for the use of TASER Energy Weapons by officers of the Auburn Police Department. These operational guidelines balance the recognition that TASER Energy Weapons are an appropriate tool for Officers who must resort to the use of force in carrying out their legitimate duties, while fostering a responsible and accountable use of TASER Energy Weapons.

It is the policy of the Auburn Police Department that sworn officers carry and use only the Axon TASER Energy Weapons, currently issued by the Department, and that the use of such TASER Energy Weapons shall be within the limits established by Article 35 of the New York State Penal Law and consistent with the training and policies provided them by the Auburn Police Department. Any use of force must be consistent with *Graham v Connor* in determining whether the force used is objectively reasonable. *Graham v Connor* established the following factors: the severity of the

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crime involved, does the subject pose an immediate threat to the safety of the officer or others, is the subject actively resisting or attempting to evade arrest by flight. The use of force or any less lethal weapon is considered and must be necessary to achieve a legitimate police objective.

Officers must always consider the totality of the circumstances when applying these guidelines. This policy recognizes that in certain situations, exigent circumstances may outweigh a specific guideline. In such situations, however, the officer must be able to articulate an objectively reasonable justification for acting outside of this policy and/or the officer's training.

It is the policy of the Auburn Police Department to use only that level of physical force which is reasonably necessary based on the totality of the circumstances, to control or otherwise subdue violent or potentially violent individuals.

304.3 ISSUANCE AND CARRYING TASER ENERGY WEAPONS

Only members who have successfully completed department-approved training may be issued and may carry the TASER Energy Weapon.

The TASER instructor should keep a log of issued TASER Energy Weapon devices and the serial numbers of cartridges/magazines issued to members.

TASER Energy Weapons are issued for use during a member's current assignment. All members of the Patrol Division will be issued a TASER Energy Weapon and they shall carry it while on duty. Those leaving a particular assignment may be required to return the device to the department inventory.

Officers shall only use the TASER Energy Weapon and cartridges that have been issued by the Department. Cartridges should not be used after the manufacturer's expiration date. Uniformed and non-uniformed officers who have been issued the TASER Energy Weapon shall wear the device in an approved holster.

Members carrying the TASER Energy Weapon should perform a function test prior to every shift.

When carried, officers who carry the TASER Energy Weapon while in uniform shall carry it in a holster on the side opposite the duty weapon.

- (a) All TASER Energy Weapons shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Officers shall be responsible for ensuring that the issued TASER Energy Weapon is properly maintained and in good working order.
- (c) Officers should not hold a firearm and the TASER Energy Weapon at the same time.

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304.3.1 USER RESPONSIBILITIES

Officers shall be responsible for ensuring that the issued TASER Energy Weapon is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the officer's shift.

TASER Energy Weapons that are damaged or inoperative, or cartridges that are expired or damaged, shall be returned to the TASER Instructor for disposition. Officers shall submit documentation stating the reason for the return and how the TASER Energy Weapon or cartridge was damaged or became inoperative, if known.

304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER Energy Weapons should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the TASER Energy Weapons may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the TASER Energy Weapon. The laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the TASER Energy Weapons in the related report.

304.5 USE OF THE TASER ENERGY WEAPON

The TASER Energy Weapon has limitations and restrictions requiring consideration before its use. The TASER Energy Weapon should only be used when its operator can safely deploy the device within its operational range. Although the TASER Energy Weapon may be effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

[Use of the TASER Energy Weapon](#)

[TASER Energy Weapon Prohibitions](#)

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a TASER Energy Weapon may be considered for officer safety.

304.5.1 APPLICATION OF THE TASER ENERGY WEAPON

The TASER Energy Weapon may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

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- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER Energy Weapon to apprehend an individual. The TASER Energy Weapon shall not be used to psychologically torment, to elicit statements or to punish any individual.

Members are not required to use the TASER Energy Weapon in situations where there is a use or threatened imminent use of deadly physical force against them or a third person. The TASER Energy Weapon does not replace the member's firearm and should not be used alone in deadly physical force situations unless it is the only option available. In deadly physical force situations, the member should only utilize the TASER Energy Weapon if other members are present and provide lethal cover by means of the department issued handgun, shotgun or rifle. Factors that may be taken into account when considering use of the TASER Energy Weapon in deadly physical force situations with lethal cover include, but not limited to:

- (a) The amount of time the member has to react to a threat.
- (b) The member's relative proximity to the person posing the threat.
- (c) The member's ability to isolate the person posing the threat.
- (d) The limitations of the TASER Energy Weapon, and the manner in which it is being deployed.
- (e) The belief that the application is likely to be successful.

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER Energy Weapon on certain individuals should be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

The device may also be used in the drive stun mode. This can be done when the cartridge is loaded, the unit is pressed firmly onto an appropriate area such as the abdominal region, hips or

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legs and the arc switch is pressed. Drive stuns shall only be used when the Officer feels, based on the totality of the circumstances, he/she is justified. It is important to note that when the device is used without deploying the probes, it is:

- (a) Primarily a pain compliance tool due to the lack of probe spread.
- (b) Minimally effective compared to conventional cartridge-type deployments.
- (c) More likely to leave marks on the subject's skin.
- (d) Subject to the same deployment (use) guidelines and restrictions as those of the cartridge deployments.

304.5.3 TARGETING CONSIDERATIONS

The preferred targeting areas include the individual's back or front lower-center mass. The head, neck, chest and groin should be avoided when reasonably practicable. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER Energy Weapon probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

304.5.4 MULTIPLE APPLICATIONS OF THE TASER ENERGY WEAPON

Once an officer has successfully deployed two probes on the subject, the officer should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the TASER Energy Weapon. As soon as practicable, officers shall notify a supervisor any time the TASER Energy Weapon has been discharged. AFID's tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

Post-Deployment and Aftercare

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304.5.6 DANGEROUS ANIMALS

The TASER Energy Weapon may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

304.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department TASER Energy Weapons while off-duty.

Officers shall ensure that TASER Energy Weapons are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

304.6 DOCUMENTATION

Officers shall document all TASER Energy Weapon discharges in the related case/Use of Force reports. Photographs should be taken of any obvious probe impact or drive-stun application sites. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device, other than for testing purposes, will also be documented on the report form. Data downloads from the TASER Energy Weapon after use on the subject should be done as soon as possible using a department approved process to preserve the data.

304.6.1 CASE/USE OF FORCE REPORT

Items that shall be included in the case/Use of Force report are:

- (a) The type and brand of TASER Energy Weapon and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The estimated number of TASER Energy Weapon activations, the estimated duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the TASER Energy Weapon was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Whether medical care was provided to the subject.
- (j) Whether the subject sustained any injuries.
- (k) Whether any officers sustained any injuries.
- (l) Identification of all personnel firing TASER Energy Weapons.
- (m) Identification of all witnesses.
- (n) Medical care provided to the subject.

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- (o) Observations of the subject's physical and physiological actions.
- (p) Any known or suspected drug use, intoxication or other medical problems.

The Training and Planning Administrator should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Taser training staff should also conduct audits of data downloads and reconcile case/Use of Force reports with recorded activations. TASER Energy Weapon information and statistics, with identifying information removed, should periodically be made available to the public.

304.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or officers trained in probe removal and handling should remove TASER Energy Weapon probes from a person's body. Used TASER Energy Weapon probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by TASER Energy Weapon probes or who have been subjected to the electric discharge of the device or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The TASER Energy Weapon probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER Energy Weapon (see the Medical Aid and Response Policy).

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304.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER Energy Weapon may be used. A supervisor should respond to all incidents where the TASER Energy Weapon was activated.

A supervisor should review each incident where a person has been exposed to an activation of the TASER Energy Weapon. The supervisor will ensure that the officer who deployed the TASER Energy Weapon will immediately remove the battery from their TASER Energy Weapon and place it in the battery dock and place a fresh battery in their TASER Energy Weapon. Taser 7s will no longer be taken out of service following a deployment. Taser instructors will be responsible for pulling the Taser logs of this device from Evidence Sync and adding to the report. Photographs of probe sites should be taken and witnesses interviewed.

304.9 TRAINING

Personnel who are authorized to carry the TASER Energy Weapon shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the TASER Energy Weapon as a part of their assignments for a period of six months or more shall be recertified by a qualified TASER Energy Weapon instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued TASER Energy Weapons should occur every year. A reassessment of an officer's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the Training and Planning Administrator. All training and proficiency for TASER Energy Weapons will be documented in the officer's training files.

Command staff, supervisors, and investigators should receive TASER Energy Weapon training as appropriate for the investigations they conduct and review.

Officers who do not carry TASER Energy Weapons should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training and Planning Administrator is responsible for ensuring that all members who carry TASER Energy Weapons have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of TASER Energy Weapons during training could result in injuries and should not be mandatory for certification.

The Training and Planning Administrator should include the following training:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.

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- (e) Scenario-based training, including virtual reality training when available.
- (f) Handcuffing a subject during the application of the TASER Energy Weapon and transitioning to other force options.
- (g) De-escalation techniques.
- (h) Restraint techniques that do not impair respiration following the application of the TASER Energy Weapon.
- (i) Proper use of cover and concealment during deployment of the TASER Energy Weapon for purposes of officer safety.
- (j) Proper tactics and techniques related to multiple applications of TASER Energy Weapons.