

CONDUCTED ENERGY WEAPON (M26 TASER)

The purpose of this procedure is to authorize the use of a Conducted Energy Weapon as a control measure. All sworn officers must meet and comply with the requirements of this procedure. The device authorized for use is the Advanced Taser M-26 manufactured by Taser International.

The Advanced Taser M-26 is a Conducted Energy Weapon (CEW), an electronic incapacitation device. It is a defensive weapon, which is listed in the force continuum at the same level as aerosol chemical sprays.

- A. The decision to use the CEW is based on the same criteria an officer uses when selecting to deploy chemical spray or a baton. The decision must be made dependent on the actions of the subject(s) or the threat facing the officer(s), and the totality of the circumstances surrounding the incident. In any event, the use of the CEW must be reasonable and necessary.
- B. The CEW is not meant to be used in deadly force situations. The CEW should not be used without a firearm back up in those situations where there is a substantial threat present.
- C. All officers must be certified as an end user by a TASER Certified Instructor prior to being authorized to deploy the device in the field. This training shall consist of a minimum of six hours of instruction with the successful completion of a written exam and proficiency exam. In addition, the officer must attend annual in-service training to remain certified.

AUTHORIZED USE OF M26 TASER

- A. An officer is authorized to use the M26 after he/she has clearly displayed a physical presence and thus identified themselves as a police officer by making identification if they are not in uniform or clearly bearing official title. The officer must also give verbal warning and verbal commands to a resisting subject or arrestee if the situation allows. Verbal warnings and commands would not be necessary if reaction time was of the essence to officer safety or the safety of others. A suspect failing to comply and showing NO INTENTION OF COMPLIANCE to an officer's official, lawful instructions may be incapacitated by the use of the M26 Taser.
- B. The use of this weapon should, in most cases, eliminate the need for actual hands-on active countermeasures and the possibility of an officer or suspect injury. Officers may utilize soft empty hand control tactics prior to the use of the M26 Taser based upon the totality of the circumstances. The officer is not required to attempt soft empty hand control tactics if the officer believes that they would be ineffective and/or the officer believes the use of the M26 Taser would reduce the likelihood or possibility of more serious injuries to the subject, the officer, and third parties.
- C. The M26 Taser may also be utilized on a suspect, previously under control, who suddenly reacts violently and requires immediate attention during the post arrest and/or booking process.
- D. The use of the M26 Taser is intended solely as a control device to minimize injuries to officers and suspects. Its purpose is to enable the officer to carry out his/her duties in a safe, efficient and most professional manner. The timely and appropriate use of the M26 Taser can greatly reduce injuries to both officers and suspects. Any escalated use of force may be thereby avoided.
- E. The M26 Taser is not a substitute for deadly force and should not be used in those situations. Deployment of the M26 Taser should be backed up with the availability of lethal force.
- F. Center mass of the body should be the primary target area when firing the M26, particularly center mass of the back, as clothing tends to be tighter on this part of the

body. The head and face should not be targeted unless the appropriate level of force can be justified. It is to be used as a way of averting a potentially injurious or dangerous situation. Experience has shown that the M26 Taser has a very low potential for injury.

- G. When fired the M26 Taser emits a sound similar to small caliber gunfire, although it is significantly lower in volume. Thus to reduce the likelihood of an accidental discharge of a backup officer due to a “sympathetic fire response” the officer deploying the M26 Taser should take appropriate steps to ensure safety. Anytime the M26 Taser is to be deployed in a tactical setting, the officer using the M26 Taser shall announce that he/she is about to deploy by saying “Taser!” in a clear and audible tone, so that other officers will be aware that the shot is from a M26 Taser and not a firearm. Surrounding agencies to the Moscow Police Department may be given a short presentation of the M26 Taser and demonstrate its function whenever feasible. This will further decrease the likelihood of an accidental discharge of a backup officer should he/she be present at the time of the M26 Taser’s utilization and deployment. In the event the M26 Taser is being deployed by the department’s Special Response Team/SWAT, the SRT Commander may choose an alternative method of notification based upon tactical needs of the situation.
- H. The M26 Taser will never be used as a means of punishment. The M26 Taser is a weapon and shall be treated as such with the same respect given to firearms safety. Horseplay of any type is forbidden. Violations of this policy will be considered serious infractions, which will result in disciplinary actions not to exclude the possibility of criminal prosecution if the situation warrants.

TOTALITY OF THE CIRCUMSTANCES REGARDING THE USE OF FORCE

The officer must always consider the totality of the circumstances when deciding what would be a reasonable amount of force. Some of the factors to consider include:

- 1) officer/subject size disparity
- 2) officer/subject strength disparity
- 3) officer/subject skill disparity
- 4) officer/subject age disparity
- 5) officer’s perception of the subject’s willingness to resist
- 6) officer’s perception of the immediate threat to the subject, officers and others
- 7) suspect’s criminal/violent history if known by the officer
- 8) officer’s location is a hostile environment
- 9) officer’s perception of the subject being under the influence of CNS (central nervous system) stimulants and other narcotics/alcohol that effect pain tolerance and violence

LIMITATIONS FOR USE OF M26 TASER

Do not use the M26 in the following situations:

- 1) Any known or obviously pregnant female.
- 2) Any subject who is saturated with or in the presence of highly flammable or combustible materials and liquids.
- 3) Any subject who may receive a secondary injury resulting from a fall from its use, i.e. standing on a roof ledge.
- 4) The facial area of the head.

ADDITIONAL LIMITATIONS (RANGE)

The M26 Taser has an effective range of 3 to 13, with a 15 foot cartridge; and a 3 to 19 feet range with a 21 foot cartridge. Ranges under 3 feet may not provide adequate distribution of the probes to allow the unit to function properly.

DUTIES AFTER DEPLOYMENT

Immediate action should be taken to care for the injured, to apprehend any suspects, and to protect the scene.

Once the subject is restrained or has complied the M26 Taser should be turned off.

An M26 Taser will not be left unattended except in exigent circumstances as when an officer is forced to act alone in taking custody or an immediate threat.

Medical personnel will be summoned to the scene to assess the subject. If the exam or other circumstances dictate the subject needs further medical treatment, the subject will be transported to the nearest medical facility. Medical treatment will not be refused for anyone who requests it.

Probes located in sensitive areas such as the face, neck, groin or breast will be removed by medical personnel.

Removal of probes in other areas may be done by officers at the direction of the scene supervisor. Officers will provide first aid following the removal of the probes by applying alcohol wipes or first aid cream and band-aids to the probe sites as needed.

Photographs will be taken of probe impact sites and any other related injuries.

Probes that have been removed from skin will be treated as **Bio-Hazards** "sharps". They should be placed point down into the expended cartridge bores and secured with tape. If available the probes will be cleaned with a bleach/water solution prior to storage.

Officers will attempt to locate the yellow, pink and clear colored "micro-dots" dispersed at the time of the cartridge firing. These will be collected and placed into evidence with any expended cartridges.

Involved personnel will attempt to locate and identify any witnesses to the incident.

Book the offender into jail or take other appropriate action. Jail personnel shall be informed the subject was controlled by the use of an M26 Taser.

OFFICER REPORTING REQUIREMENTS

The officer that deployed the M26 Taser will complete the department's M26 Taser Use of Force Report Form. One copy will become part of the case file, one copy is forwarded to the Chief of Police and one copy shall be forwarded to the department's Taser Instructor for reporting to Taser International's database.

The M26 Taser utilized by the department has an internal computer microchip that records the date and time of each use. The data recorded by the M26's onboard computer chip is tamper proof. This technology is used to track the use of the weapon with the ability to download each unit's activity into a computer database. This provides a level of integrity for tracking the use of the weapon. Each time the weapon is fired (training or actual field use) the officer will make written documentation of such use.