



North Eastern Massachusetts Law Enforcement Council

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Other Standards: Executive Office of Public Safety
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I. PURPOSE

- 1.01 This order sets forth the NEMELEC policy regarding the training, handling, and deployment of the Conducted Energy Weapon or Taser ⁽¹⁾.
- 1.02 Specific objectives of this General Order are:
 - A. To inform and direct those officers who are authorized operators of the Taser, in a uniform and professional manner, the proper tactics and procedures in deploying the Taser.
 - B. To provide written guidelines for officers to follow when deploying the Taser, as well as the documentation required for a Taser deployment.

II. INFORMATION

- 2.01 The Taser is an additional police tool and is not intended to replace verbal problem solving skills, self-defense techniques, or firearms. The Taser shall be deployed only in circumstances where it is deemed reasonably necessary to control a dangerous, non-compliant or violent subject. The Taser may be deployed when deadly force does not appear to be justified and/or necessary, as a less-lethal force option, and as an alternative to deadly force and when attempts to subdue the subject by other conventional tactics have been, or will likely be, ineffective in the situation at hand; or there is a reasonable expectation that it will be unsafe for officers to approach within contact range of the subject. The Taser may also be used when a non-compliant subject refuses to cooperate in his/her lawful arrest and failure to secure the subject may present a danger to officers, the subject or the public.

- 1 A "conducted energy weapon (CEW)" is also commonly referred to as a "conducted energy device (CED)", "Taser" or "stun gun". These terms are used interchangeably throughout this Policy.

III. DEFINITIONS

- 3.01 **Taser:** A Taser includes but is not limited to the M-26 Advanced Taser, the X-26 Taser.
- 3.02 **Deployment:** The activation of a Taser resulting in the arcing of the unit, a contact maneuver on a subject or animal, and/or the discharge of an air cartridge whether or not the probes strike their intended target. The mere display of a Taser is not a deployment.
- 3.03 **"Tased":** The accepted word indicating that a person or animal has received an electrical charge from a Taser.
- 3.04 **Taser Control Manager:** A Taser instructor who has been appointed by the NEMLEC Control Chief to manage the Departments Taser Program.
- 3.05 **Taser Instructors:** All approved Taser instructors who provide training for the NEMLEC units
- 3.06 **Department:** The Northeastern Law Enforcement Council (NEMLEC)
- 3.07 **Conventional tactics:** Those tactics and other uses of force described in the NEMLEC Use of Force Policy.
- 3.08 **Medical Personnel:** Includes, but is not limited to, Doctors, Physician's Assistants, Nurses, Paramedics, and Emergency Medical Technicians.
- 3.09 **Supervisor:** A NEMLEC RRT or SWAT Team supervisor above the rank of Patrol Officer to include Sergeants, Lieutenants, Deputies, and the NEMLEC Control Chief or the NEMLEC Assistant Control Chiefs.
- 3.10 **Anti-felon Identification (Afids):** A system to deter misuse through enhanced accountability. Every time a TASER cartridge is deployed, 20-30 small confetti-like Anti-Felon Identification (AFID) tags are ejected. Each AFID is printed with the serial number of the cartridge deployed, allowing law enforcement to determine which cartridge was fired.

IV. PROCEDURE:

- 4.01 Tasers shall be issued to and handled or deployed only by **NEMLEC SWAT** officers who have completed their Department's or the NEMLEC Taser Training Program, which must meet the standards set by TASER INTERNATIONAL and the Executive Office of Public Safety. Instructors will be trained in accordance with the standards established by the manufacturer of the Taser and the Massachusetts Police Training Committee. All officers will have completed the MPTC four-hour training certification in accordance with the MPTC model plan. The Taser shall be handled in the same manner and treated with the same degree of care and discretion as a firearm. The rules for securing firearms shall apply to Tasers and the Taser shall not be left unattended and shall be secured or passed on at the end of each Deployment. The NEMLEC SWAT Officer authorized to carry the Taser shall have the responsibility to ensure that the weapon has been secured or passed on at the end of their respective Deployment. *The Taser Control Manager shall be responsible for*

issuing, receiving, proper maintenance, and recording Taser number on log, track location of tasers, and ensure retrieval of the weapons from who they are issued to in the event they leave the unit

- 4.02 Tasers shall only be used in conformance with procedures mandated in the training course, and only in accordance with NEMLEC's Taser policy, State Law and training guidelines set fourth by the MPTC.
- 4.03 Only properly functioning and charged Tasers shall be issued for field use. The battery charge shall be checked prior to each deployment or exercise. The battery charge shall only be checked when there is no air cartridge loaded in the Taser. The Taser should be pointed in a safe direction with no air cartridge loaded in the unit for the "spark Test", performed when checking the Taser out to test the battery charge. The Taser equipment log will be completely filled out each time an authorized officer is issued a Taser. The authorized officer shall be responsible for the maintenance and operation of the assigned Taser. Any Taser or component thereof found to be defective or damaged shall be returned to the Taser Control Manager for repair or replacement, with a detailed explanation of the malfunction or cause of damage.
- 4.04 All Tasers and associated equipment shall be properly secured when not in use. Taser's not being used during a Deployment shall be stored in the manner as a NEMLEC issued firearm. (see 4.01) When carried in the field, the Taser shall be carried in the NEMLEC-approved holster. The holster shall be carried opposite of the officer's department issued sidearm or attached to his/her Tactical Ballistic Vest.
- 4.05 Each deployment of a Taser shall be investigated and documented utilizing the Use of Force outline in the NEMLEC Use of Force Policy. This includes a contact deployment, as well as the firing of an air cartridge or other deployment resulting in a subject receiving an electrical charge from the Taser, or when the Taser is activated ("sparked") and the subject is subdued/controlled without actually receiving an electrical charge from the Taser. Any accidental discharge of a Taser air cartridge shall be documented in an Incident Report. The Supervisor in Charge shall be notified as soon as practical after a Taser is used. It shall be the responsibility of the Officer who used the Taser to notify the Officer in Charge by the end of their respective Deployment of use of the device. Such notice is mandatory.

V. DEPLOYMENT

- 5.01 Whenever a Taser is to be deployed it is the responsibility of the deploying officer or on-scene supervisor to make certain officers on scene understand that the Taser is being deployed and not lethal force, prior to the deployment of the Taser if at all possible. This shall be accomplished through the warning announcement "TASER!" to alert other officers, as well as to provide the subject an additional opportunity to cease the conduct that has given rise to the deployment of the Taser.
- 5.02 When an officer approaches a subject with the intent to deploy the Taser, an additional officer should also approach whenever possible to provide

additional security and back-up in the case of a violent subject or a subject carrying a weapon. If the subject is non-compliant the officer shall assist with the handcuffing of the subject. Verbal commands should be used constantly before (whenever practical), during, and after the deployment of the Taser to warn the subject to cease his/her aggressive demeanor or action.

- 5.03 A deployment of the TASER in the "Drive Stun" mode, defined as a discharge of the TASER while pressed against the body of the subject without the air cartridge present is considered a level 3 use of force according to the NEMLEC policy. This may be done when a subject is non compliant and resists verbal commands to comply with the officers orders.
- 5.04 A deployment of the TASER probes by firing the TASER shall be considered a level 4 use of force and shall be done in accordance with the NEMLEC Use of Force policy. This may be done when a subject is assaultive and aggressive toward the officers, others or themselves and the subjective actions indicate an immediate threat to the officer or others present or themselves. This shall include when a subject presents or threatens that they have a weapon and by the 'totality of the circumstances' the officer believes that the subject presents clear and imminent danger to the officer's, others or themselves.
- 5.05 Subjects who have received an electrical charge from the Taser unit or probes, shall be treated as follows:
 - A. Once the subject is safely secured and in custody, the arresting officer shall notify the unit Paramedic or EMS that the subject has received an electrical charge from the Taser and relate the approximate time the action occurred. If the probes penetrate the skin, the puncture sites shall be brought to the attention of medical personnel. Probes shall only be removed by the unit Paramedic or EMS personnel.
 - B. Only medical personnel may remove or direct to be removed, any Taser probes that are embedded in soft tissue areas such as the neck, face, eyes, female breasts if possible and groin. Removal from other areas will be at the discretion of the on-scene supervisor or medical personnel.
 - C. The on-scene supervisor shall allow medical personnel to determine if the subject should be transported to the hospital.
 - D. If the probes are no longer affixed to the subject, and medical personnel determine the subject does not need to be transported to the emergency room/hospital, the subject may be transported to the holding facility.
 - E. If the subject is transported to the emergency room/hospital, the transporting officer will obtain authorization from medical personnel before the subject is transported to the holding facility.
 - F. Officers must be aware that one aspect of possible injury to a subject receiving an electrical charge from a Taser is that of falling from a standing position.

- 5.06 The spent air cartridge and "Afids" shall be collected and preserved as evidence. Caution should be exercised in handling probes that have penetrated a subject's skin. Such probes shall be packaged and handled with the same care as a hypodermic needle, and shall be packaged in a suitable container to prevent accidental infection. This evidence should be turned over to the Taser Control Manager or his designee.
- 5.07 Do not deploy the X 26 Taser near flammable liquids or fumes. The X26 Taser can ignite gasoline or other flammables. Only electronic weapon safe OC (oleoresin capsicum) should be used. All NEMLEC issued OC dispersion devices should be Taser compatible.
- 5.08 Electronic Weapons should not be used against obviously pregnant women, children under the age of 17, adults over the age of 70, and those suffering from severe mental illness. Electronic weapons should only be deployed against these vulnerable groups if the officer's assessment at the time is that the individual has or will cause immediate serious bodily harm to themselves and/or others but could be subdued by an electronic weapon as an alternative to the use of deadly force.
- 5.09 The TASER shall not be used as a tool of coercion or punishment.

VI. DOCUMENTATION

- 6.01 The deploying officer is responsible for documenting the deployment of the Taser by completing the Use of Force report, as well as submitting a detailed account of the reason/rationale for deploying the Taser each time it is deployed. If the deploying officer is not the primary reporting officer, the deploying officer shall index a detailed supplement to the case documenting his/her role in the deployment of the Taser. The use of force report shall be separate from the arrest or incident report.
- 6.02 The booking officer shall ensure photographs are taken of the subject receiving an electrical charge from the Taser (contact or probes), with special attention to any area injured and where the charge was received. The arresting officer shall also include detailed documentation in the incident report of how the injuries occurred.
- 6.03 The Supervisor in Charge shall notify the NEMLEC Control Chief or his designee and the Taser Instructors by e-mail of the use of the Taser to ensure a detailed review of the deployment in conjunction with the Use of Force policy guidelines.
- 6.04 The Taser that was deployed shall be removed from service until such time as the deployment report is downloaded from the Taser's data port. A supervisor or Taser instructor trained to recover the deployment data shall perform this function. The Taser that was used shall be placed into evidence using the same procedure that is required for using seized weapons and shall be secured into the temporary evidence room. Once a printed report is obtained, the Taser may return to service.
- 6.05 A copy of the printed deployment report shall include the date prior to the deployment, the date of deployment on a subject, and the day after if available, and then forwarded to the Taser manager for inclusion in the case file.

VII. TASER CONTROL MANAGER'S RESPONSIBILITIES:

7.01 The Taser Control Manager shall:

- A. Receive, inspect, and ensure the maintenance and replacement of the Department's Taser devices and related equipment.
- B. Establish and maintain systems to record issuance of equipment.
- C. Return defective or damaged Tasers and air cartridges to the suppliers
- D. Obtain service and/or replacement for defective or damaged Taser components from the supplier.
- E. Review reported uses of a Taser by NEMLEC personnel and establish a system for maintaining statistics on the performance of the Taser. A trained Taser Instructor, so authorized by the Taser Control Manager, may also perform this function.
- F. Ensure Basic certification and annual re-certification training on the Taser is provided as needed, as well as maintaining a record of the training.
- G. NEMLEC will adhere to all reporting requirements as set forth by EOPSS in accordance with MGL Chapter 140, Section 131J.
- H. All other duties as may become necessary for the employment, maintenance, and enhancement of the NEMLEC Taser program.

VIII. Re Certification

8.00 All officers shall be re-certified on an annual basis to ensure that they receive the most up to date information available. In the event that a new training module is released by either the TASER Corporation, the Municipal Police Training Committee or the Executive Office of Public Safety all officers shall receive the updated training prior to the continued deployment of the TASER.

8.01 If any officer fails to attend and complete the annual recertification training as mandated their certification and authorization to carry and use the Taser shall end. No officer shall carry, use or deploy a Taser unless their certification and training is up to date and they have received authorization from their Chief of Police and the NEMLEC Control Chief.