

ORDINANCE NO. 2015-01-003

AN ORDINANCE AUTHORIZING THE URBANA POLICE DEPARTMENT TO PURCHASE TASERS AND FOR CIVILIAN POLICE REVIEW BOARD OVERSIGHT OVER DEPLOYMENT AND USE OF TASERS

(TASER Ordinance)

WHEREAS, the City of Urbana, an Illinois municipal corporation, (hereinafter, the “City”) is a home rule entity pursuant to Article 7, § 6 of the Constitution of the State of Illinois and 65 ILCS 5/1-1-10; and

WHEREAS, the City is responsible for protecting the lives, health, safety, and property of its citizens and businesses and those who visit the City; and

WHEREAS, the City has established and maintains a Police Department in order to protect the lives, health, safety, and property of the City’s residents and businesses and those who visit the City; and

WHEREAS, the City recognizes that its Police Department must continue to adapt to meet and address new demands placed upon the Police Department in protecting the lives, health, safety, and property of the City’s residents and businesses and those who visit the City; and

WHEREAS, the City recognizes the tools available to law enforcement nationwide have evolved and/or increased so that police departments have more tailored tools to address the various risk situations to which members of the Police Department are subjected; and

WHEREAS, the City Council deems it appropriate to authorize the Police Department to purchase TASERS in order to allow members of the Police Department access to an alternative to the use of lethal force (firearms) in those incidents where lower levels of response to resistance tactics are unsuccessful and/or unfeasible; and

WHEREAS, the City Council recognize that the use of TASERs by the Police Department is of significant interest to citizens of the City; and

WHEREAS, the City Council recognizes that civilian oversight concerning the deployment and use of TASERs is appropriate; and

WHEREAS, by reason of Ordinance No. 2011-05-034 (Urbana City Code Sec. 19-20 *et seq.*), the City established and maintains a Civilian Police Review Board (hereinafter, the “CPRB”) to –

- (a) Provide a systematic means by which to achieve continuous improvement in police community interactions; and
- (b) Provide oversight of internal police investigations through review of such investigations; and
- (c) Provide an independent process for review of citizen complaints; and
- (d) Oversee a monitoring system for tracking receipt of complaints lodged against sworn officers; and
- (e) Add a citizen perspective to the evaluation of these complaints; and
- (f) Contribute to timely, fair and objective review of citizen complaints; and
- (g) Provide fair treatment to and protect the rights of police officers; and

WHEREAS, the City Council deems it appropriate to amend Ordinance No. 2011-05-034 (Urbana City Code Sec. 19-20 *et seq.*) in order to confer authority on the CPRB to generally review the Police Department’s compliance with proper directives, policies, practices, procedures, and protocols concerning the deployment and use of TASERs and, where appropriate, make recommendations to the Mayor and/or the City Council regarding the same.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Illinois as follows:

Section 1. The Urbana Police Department shall be and hereby is authorized, to the extent funds are or may become available, to purchase TASERs for those Urbana Police Officers who satisfactorily complete Crisis Intervention Team training.

Section 2. Chapter 19, Article III, Division 1, Section 19-20 shall be and hereby is amended by adding a new sub-section (h) which shall provide –

Generally review the display and ~~deployment~~use of TASERs by the Urbana Police Department and, where appropriate, make recommendations to the Mayor, the City Council, and the Chief of Police concerning their display and use.

Section 3. Chapter 19, Article III, Division 1, Section 19-25 shall be and hereby is amended by redesignating sub-section (e) as sub-section (f) and adding a new sub-section (e) which shall provide –

Members shall generally review incident reports and such other relevant information involving the display and use of TASERs, where the members deem appropriate, make recommendations to the Mayor, City Council and Chief of Police concerning the display and use of TASERs provided by the Police Department without regard to the individual identities of the Urbana Police Officers who display or use TASERs or the individuals who have been threatened with or tased by a TASER by one or more Urbana Police Officers as more fully provided for in Division 4 entitled “Review of TASER Displays.”

Section 4. Chapter 19, Article III shall be and hereby is amended by adding a new Division 4 entitled “Review of TASER Displays” which shall be in the form and substance appended hereto and made a part hereof as Exhibit A.

Section 5. Chapter 19, Article I shall be and hereby is amended as follows:

Secs. 19-2—19-15— Reserved.

Sec. 19-3 - Qualified ~~User of~~ TASERs Users.

Those Police Officers who are specially and specifically trained in the proper use of TASERS shall be permitted to carry, display and discharge TASERS in a manner which is consistent with Police Department directives, policies, procedures, practices, and/or protocols, as the case may be, concerning the carrying, displaying, and discharging of such TASERS. No Police Officer shall carry, display or discharge any TASER unless and until the Police Department has adopted directives, policies, procedures, practices, and/or protocols concerning the proper display and discharge of TASERS and until he or she has completed training in the use of such devices.

[Secs. 19-4 – 19-15 – Reserved.](#)

Section 6. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

Section 7. The City Clerk is directed to publish this Ordinance and cause the appropriate sections of Chapter 19, Police, of the Urbana City Code to reflect the amendments as hereinabove stated and set forth.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the City Council of the City of Urbana, at a regular meeting of said Council on the ___ of _____, 201_ at which a proper quorum was present.

PASSED by the City Council of and for the City of Urbana, Illinois this ____ Day of _____, 201_ with the “ayes” and “nays” being recorded as follows:

AYES: _____.

NAYS: _____.

ABSTENTIONS: _____.

Phyllis D. Clark, City Clerk.

APPROVED by the Mayor this _____ Day of _____, 201_.

Laurel Lunt Prussing, Mayor.

**PROPOSED AMENDMENTS AND ADDITIONS TO CURRENT CPRB ORDINANCE
AS IF APPROVED AN INCORPORATED INTO THE CPRB ORDINANCE**

(Please note that not all sections of the current CPRB Ordinance have been recited below. Only those sections which are being amended and added have been incorporated in this document. The full CPRB Ordinance can be found at Urbana City Code Secs. 19-1; 19-20(et seq.). The purpose of this document is to show how the proposed amendments to existing sections and how Exhibit A referenced in the proposed adopting ordinance will fit into the existing CPRB Ordinance.)

Sec. 19-1. - Use of .357 caliber magnum ammunition.

The use of .357 caliber magnum ammunition by the police department, except under direct order of the chief of police, is hereby prohibited.
(Ord. No. 8081-12, 8-4-80)

Secs. 19-2—~~19-15~~. - Reserved.

Sec. 19-3 - Qualified TASERS Users.

Those Police Officers who are specially and specifically trained in the proper use of TASERS shall be permitted to carry, display and discharge TASERS in a manner which is consistent with Police Department directives, policies, procedures, practices, and/or protocols, as the case may be, concerning the carrying, displaying, and discharging of such TASERS. No Police Officer shall carry, display or discharge any TASER unless and until the Police Department has adopted directives, policies, procedures, practices, and/or protocols concerning the proper display and discharge of TASERS and until he or she has completed training in the use of such devices.

Sec. 19-20. - Establishment and purpose.

A civilian police review board (CPRB) is hereby established to:

- (a) Provide a systematic means by which to achieve continuous improvement in police community interactions.
- (b) Provide oversight of internal police investigations through review of such investigations.
- (c) Provide an independent process for review of citizen complaints.
- (d) Oversee a monitoring system for tracking receipt of complaints lodged against sworn officers.
- (e) Add a citizen perspective to the evaluation of these complaints.

(f) Contribute to timely, fair and objective review of citizen complaints.

(g) Provide fair treatment to and protect the rights of police officers.

(h) Generally review the display and use of TASERs by the Urbana Police Department and, where appropriate, make recommendations to the Mayor, the City Council, and the Chief of Police concerning their display and use.

Sec. 19-25. - Member responsibilities.

(a) Members shall conduct themselves at all times in a manner that maintains public confidence in the fairness, impartiality and integrity of the CPRB. Further, members shall refrain from prejudging or making any comments, prejudicial or otherwise, regarding any pending complaint, on-going investigation, complainant or police officer.

(b) Members shall maintain absolute confidentiality with respect to confidential or privileged information in perpetuity. CPRB members shall not disclose, in whole or in part or by way of summary, any information made available pursuant to subsection 19-26(a). This provision is not intended to prohibit CPRB members from expressing opinions regarding (1) general patterns and trends, (2) procedural matters, (3) any information that has been previously released as a public record, and (4) any other nonconfidential or nonprivileged information discussed in the course of CPRB proceedings and/or deliberations.

(c) No member shall have ex parte communications with any third party regarding any complaint under active review.

(d) A member shall recuse himself or herself from consideration of any complaint in which the member has a personal, professional, or financial conflict of interest.

(e) Members shall generally review incident reports and such other relevant information involving the display and use of TASERs, where the members deem appropriate, make recommendations to the Mayor, City Council and Chief of Police concerning the display and use of TASERs provided by the Police Department without regard to the individual identities of the Urbana Police Officers who display or use TASERs or the individuals who have been threatened with or tased by a TASER by one or more Urbana Police Officers as more fully provided for in Division 4 entitled "Review of TASER Displays."

(ef) A violation of any of these provisions may constitute grounds for immediate removal of the member at the discretion of the mayor, except that violation of subsection (c) of this section shall constitute grounds for immediate dismissal.

Sec. 19-42. – Purpose of CPRB Review of TASER Displays.

The purpose of the CPRB's review of TASER displays is to afford the community, through the CPRB, a structure and a forum through which the community can be informed and express concerns about the display of TASER devices. For purposes of this Division 4, "TASER Display" shall mean and include the unholstering and/or discharge of a TASER device.

Sec. 19-43. – Limitations on CPRB's Review of TASER Displays.

The CPRB shall review the Police Department's TASER Displays in the manner provided in this Division 4 and shall have the authority to make recommendations concerning amendments to Police Department practices concerning TASER Displays. Except in the context of a citizen complaint under this ordinance, the CPRB shall have no authority to review the conduct of any individual Police Officer or any individual TASER Display. A non-union member of the Police Department Command Staff shall be appointed by the Chief of Police to participate as an advisor to the CPRB during all reviews of incident reports and related materials concerning TASER Displays. The aforesaid Command Staff individual must not have had any direct involvement in any of the TASER incidents then under review by the CPRB. The CPRB shall have no authority to compel the appearance of any Police Officer at any meeting of the CPRB which is convened to review TASER Displays.

Sec. 19-44. – Police Department Investigation.

The Police Department shall investigate and review each incident involving a TASER Display in the same manner as it investigates and reviews other forms of response to resistance. Following each review of a TASER Display, the Police Department shall provide one or more incident reports, along with such other information as the Police Department deems necessary and appropriate for understanding the reason or need for the TASER Display, to the Human Relations Officer as provided for in Section 19-45 of this Division.

Sec. 19-45. – Reporting to CPRB.

(a) Subject to Section 19-50 of this Division, upon the completion of the incident reports involving four (4) TASER Displays, the Police Department shall provide copies of the four (4) incident reports, together with such other information as the Police Department deems necessary and appropriate, to the Human Relations Officer. Prior to submitting the said incident reports and related information, if any, the Police Department shall redact all information which could otherwise be used to identify the specific individual(s) involved in the TASER Display incident including, but not necessarily limited to the Police Officers name and badge number, the names of the individuals subjected to the TASER Display, and the names of all witnesses to the incident involving the TASER Display. Following the submission of the initial four (4) TASER Display incident reports and other information, if any, the Police Department shall continue to submit TASER Display incident reports in the manner provided herein and in groups of four (4) such reports with the aforesaid redactions made. The Police Department shall provide the reports in groups of four (4) reports, with the aforesaid redactions made, within fourteen (14) calendar days after completion of the sixth investigative and review report.

(b) Within seven (7) calendar days following receipt by the Human Relations Officer of the four (4) Police Department TASER Display incident reports and other information, if any, the Human Relations Officer shall distribute copies of those incident reports and other information to the members of the CPRB. The Human Relations Officer shall otherwise maintain the confidentiality of the TASER Display incident reports, other information (if any) submitted with the said incident reports, and all information contained therein.

Sec. 19-46. – CPRB Review of TASER Display Incident Reports.

(a) The CPRB shall commence its review of the four (4) TASER Display incident reports and other information, if any, provided by the Police Department at the CPRB's next regularly scheduled meeting. The CPRB shall consider the information contained in the four (4) TASER Display incident reports and other information, if any, in the aggregate. Upon completion of its review of the four (4) TASER Display incident reports, the CPRB may recommend amendments concerning the Police Department's practices concerning the TASER Displays and provide reasons therefore.

(b) The CPRB's recommendations, if any, and reasons therefore, shall be provided to the Human Relations Officer who shall prepare a report which contains those recommendations along with such other information which the Human Relations Officer deems necessary and appropriate.

(c) If the CPRB makes a recommendation concerning changes in policies, procedures, protocols, or practices, as the case may be, in TASER Displays by the Police Department, it shall provide reasons for each such recommendation.

(d) The Human Relations Officer shall provide the Chief of Police with a complete copy of the CPRB's TASER Display report within seven (7) calendar days after completion of the CPRB report.

Sec. 19-47. – Review of CPRB Report.

The Chief of Police or his or her designee shall review and provide written comment on the CPRB's recommendations and report on TASER Displays within fourteen (14) days of his or her receipt of the CPRB's said report and recommendations. Within fourteen (14) calendar days following completion of the Chief of Police's review of and comment on the CPRB report and recommendations concerning changes to TASER Display policies, procedures, protocols, or practices, as the case may be, the Chief of Police or his or her designee shall provide the Human Relations Officer with a copy of the Police Chief's written review and comment. Such review and comment may include:

(a) any objection which the Police Department has to any statement or recommendation contained in the CPRB TASER Display report and recommendations; and/or

(b) alternative recommendations to any recommendations contained in the CPRB TASER Display report along with the reasons for any such alternative recommendations.

Sec. 19-48. – Reports to the Mayor and/or City Council.

The Human Relations Officer shall provide the Mayor and the City Council with copies of each CPRB TASER Display report and recommendation and the Police Chief’s written review and comments on each such CPRB report regarding TASER Displays.

Sec. 19-49. – TASER Display Incident Reports and Information Not Included for CPRB Review.

(a) In the event that a citizen complaint regarding a TASER Display is received by the City, the Police Department shall not include within any group of four (4) TASER Display-related incident reports the incident report or any other information involving a TASER Display contained in the said citizen complaint which otherwise would be provided to the Human Relations Officer.

(b) In the event that a criminal proceeding or a civil proceeding is initiated which alleges an improper or unlawful TASER Display, any Police Department incident report and other information related to the TASER Display event shall not be included in any group of four (4) incident reports submitted by the Police Department to the CPRB for review until all criminal or civil proceedings, involving such event, as the case may be, have been completed. Upon completion of all such criminal or civil proceedings, as the case may be, including any time for filing appeals thereof, the Police Department TASER Display incident report and related information, if any, shall be included with the next group of TASER Display incident reports forwarded by the Police Department to the CPRB.

Sec. 19-51. – Governing Rules.

The CPRB shall adopt rules to implement this Division 4 and its Sections.

Sec. 19-52. – Law Enforcement Process.

All CPRB reviews of TASER Display incident reports shall be considered as part of the City’s law enforcement process.

Sec. 19-53. – Production of Documents.

In the event any member of the CPRB or any person employed by the City receives a subpoena to produce documents, a request to produce documents, or a court order to produce documents issued in any pending civil or criminal proceeding which seeks the production of documents considered and/or reviewed by the CPRB in connection with any TASER Display, such recipient shall promptly notify the Chief of Police and the City Attorney of such subpoena, request for document production, or court order and forward the same to the City Attorney.

Sec. 19-54. Performance Review.

The CPRB and the Police Department shall conduct a thorough evaluation of this Division 4 twelve (12) months after its effective date. The review process shall include an analysis of this Division 4's strengths, weaknesses and effectiveness. The CPRB and the Police Department shall tender written reports to the Mayor and the City Council summarizing their respective findings and recommendations. The report provided for in this Section shall be tendered in a timely manner but not later than three (3) months after the commencement of the review and evaluation process.

EXHIBIT A

Sec. 19-42. – Purpose of CPRB Review of TASER Displays.

The purpose of the CPRB's review of TASER displays is to afford the community, through the CPRB, a structure and a forum through which the community can be informed and express concerns about the display of TASER devices. For purposes of this Division 4, ~~“display”~~ “TASER Display” shall mean and include the unholstering and/or discharge of a TASER device.

Sec. 19-43. – Limitations on CPRB's Review of TASER Displays ~~and Use.~~

The CPRB shall review the Police Department's ~~display of TASERs~~ Displays in the manner provided in this Division 4 and shall have the authority to make recommendations concerning amendments to Police Department practices concerning ~~the display of TASERs~~ Displays. Except in the context of a citizen complaint under this ordinance, the CPRB shall have no authority to review the conduct of any individual Police Officer or any individual ~~display of a~~ TASER Display. A non-union member of the Police Department Command Staff shall be appointed by the Chief of Police to participate as an advisor to the CPRB during all reviews of incident reports and related materials concerning ~~TASER De~~ Displays. The aforesaid Command Staff individual must not have had any direct involvement in any of the ~~TASER~~ incidents then under review by the CPRB. The CPRB shall have no authority to compel the appearance of any Police Officer at any meeting of the CPRB which is convened to review ~~the display of TASERs~~ Displays.

Sec. 19-44. – Police Department Investigation.

The Police Department shall investigate and review each incident involving ~~the display of~~ a TASER Display in the same manner as it investigates and reviews other forms of response to resistance. Following each review of a TASER ~~d~~ Display, the Police Department shall provide one or more incident reports, along with such other information as the Police Department deems necessary and appropriate for understanding the reason or need for the TASER Display, to the Human Relations Officer as provided for in Section 19-45 of this Division.

Sec. 19-45. – Reporting to CPRB.

(a) Subject to Section 19-50 of this Division, upon the completion of the incident reports involving four (4) TASER ~~d~~ Displays, the Police Department shall provide copies of the four (4) incident reports, together with such other information as the Police Department deems necessary and appropriate, to the Human Relations Officer. Prior to submitting the said incident reports and related information, if any, the Police Department shall redact all information which could otherwise be used to identify the specific individual(s) involved in the TASER ~~d~~ Display incident including, but not necessarily limited to the Police Officers name and badge number, the names of the individuals subjected to the TASER ~~d~~ Display, and the names of all witnesses to the incident involving the ~~display of a~~ TASER Display. Following the submission of the initial four (4) TASER Display incident reports and other information, if any, the Police Department shall

continue to submit TASER [Display](#) incident reports in the manner provided herein and in groups of four (4) such reports with the aforesaid redactions made. The Police Department shall provide the reports in groups of four (4) reports, with the aforesaid redactions made, within fourteen (14) calendar days after completion of the sixth investigative and review report.

(b) Within seven (7) calendar days following receipt by the Human Relations Officer of the four (4) Police Department TASER [Display](#) incident reports and other information, if any, the Human Relations Officer shall distribute copies of those incident reports and other information to the members of the CPRB. The Human Relations Officer shall otherwise maintain the confidentiality of the TASER [Display](#) incident reports, other information (if any) submitted with the said incident reports, and all information contained therein.

Sec. 19-46. – CPRB Review of TASER [Display](#) Incident Reports.

(a) The CPRB shall commence its review of the four (4) TASER [Display](#) incident reports and other information, if any, provided by the Police Department at the CPRB's next regularly scheduled meeting. The CPRB shall consider the information contained in the four (4) TASER [Display](#) incident reports and other information, if any, in the aggregate. Upon completion of its review of the four (4) [TASER Display](#) incident reports, the CPRB may recommend amendments concerning the Police Department's practices concerning the ~~display of~~ [TASERs Displays](#) and provide reasons therefore.

(b) The CPRB's recommendations, if any, and reasons therefore, shall be provided to the Human Relations Officer who shall prepare a report which contains those recommendations along with such other information which the Human Relations Officer deems necessary and appropriate.

(c) If the CPRB makes a recommendation concerning changes in [policies, procedures, protocols, or practices, as the case may be,](#) in ~~the display of~~ [TASERs Displays](#) by the Police Department, it shall provide reasons for each such recommendation.

(d) The Human Relations Officer shall provide the Chief of Police with a complete copy of the CPRB's [TASER Display](#) report within seven (7) calendar days after completion of the CPRB report.

Sec. 19-47. – Review of CPRB Report.

The Chief of Police or his or her designee shall review and provide written comment on the CPRB's recommendations and report on ~~the display of~~ [TASERs Displays](#) within fourteen (14) days of his or her receipt of the CPRB's said report and recommendations. Within fourteen (14) calendar days following completion of the Chief of Police's review of and comment on the CPRB report and recommendations [concerning changes to TASER Display policies, procedures, protocols, or practices, as the case may be,](#) the Chief of Police or his or her designee shall provide the Human Relations Officer with a copy of the Police Chief's written review and comment. Such review and comment may include:

(a) any objection which the Police Department has to any statement or recommendation contained in the CPRB [TASER Display](#) report and recommendations; and/or

(b) alternative recommendations to any recommendations contained in the CPRB [TASER Display](#) report along with the reasons for any such alternative recommendations.

Sec. 19-48. – Reports to the Mayor and/or City Council.

The Human Relations Officer shall provide the Mayor and the City Council with copies of each CPRB [TASER Display](#) report and recommendation and the Police Chief’s written review and comments on each such CPRB report regarding ~~the display of~~ [TASERs Displays](#).

Sec. 19-49. – [TASER Display](#) Incident Reports and Information Not Included for CPRB Review.

(a) In the event that a citizen complaint regarding ~~a~~ [TASER Display](#) is received by the City, the Police Department shall not include within any group of four (4) ~~TASER-related Display-related~~ incident reports the incident report or any other information involving ~~the display of~~ a [TASER Display](#) contained in the said citizen complaint which otherwise would be provided to the Human Relations Officer.

(b) In the event that a criminal proceeding or a civil proceeding is initiated which alleges ~~an~~ [the](#) improper or unlawful ~~display of a~~ [TASER Display](#), any Police Department incident report and other information related to the ~~TASER~~ [Display](#) event shall not be included in any group of four (4) incident reports submitted by the Police Department to the CPRB for review until all criminal or civil proceedings, involving such event, as the case may be, have been completed. Upon completion of all such criminal or civil proceedings, as the case may be, including any time for filing appeals thereof, the Police Department [TASER Display](#) incident report ~~and related information, if any, concerning the display of the TASER involved in the incident~~ shall be included with the next group of [TASER Display](#) incident reports forwarded by the Police Department to the CPRB.

Sec. 19-51. – Governing Rules.

The CPRB shall adopt rules to implement this Division 4 and its Sections.

Sec. 19-52. – Law Enforcement Process.

All CPRB reviews of [TASER Display incident](#) reports ~~involving the deployment and/or discharge of TASERs~~ shall be considered as part of the City’s law enforcement process.

Sec. 19-53. – Production of Documents.

In the event any member of the CPRB or any person employed by the City receives a subpoena to produce documents, a request to produce documents, or a court order to produce documents issued in any pending civil or criminal proceeding which seeks the production of

documents considered and/or reviewed by the CPRB in connection with ~~the deployment and/or discharge of~~ any TASER Display, such recipient shall promptly notify the Chief of Police and the City Attorney of such subpoena, request for document production, or court order and forward the same to the City Attorney.

Sec. 19-54. Performance Review.

The CPRB and the Police Department shall conduct a thorough evaluation of this Division 4 twelve (12) months after its effective date. The review process shall include an analysis of this Division 4's strengths, weaknesses and effectiveness. The CPRB and the Police Department shall tender written reports to the Mayor and the City Council summarizing their respective findings and recommendations. ~~Theis~~ report provided for in this Section shall be tendered in a timely manner but not later than three (3) months after the commencement of the review and evaluation process.

Table of Contents

TASER

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Conducted Electrical Weapons from here on referred to as TASERS.

304.1.1 DEFINITIONS

TASER - A conducted electrical weapon designed to control a subject through the use of electrical energy to interrupt the central nervous system of the affected individual.

TASER CAM - A camera affixed to the bottom of a TASER. The camera is activated when the safety is moved from the off position. This camera is equipped to record both video and audio.

TASER Cartridge - A sealed unit that contains, amongst other things, the probes and wires that complete the electrical circuit.

TASER Cycle - A span of time, usually 5 seconds, during which electrical energy is sent through the device.

Drive Stun - The physical application of the main TASER unit to the body of another for the specific purpose of pain compliance.

Display - The removal of the TASER from the officer's holster for the purpose of deploying the probes.

Discharge - The actual firing of the TASER at a person.

304.2 POLICY

The TASER is intended to control a violent or potentially violent individual, or an individual that is attempting to harm themselves, while minimizing the risk of serious injury to officers, suspects, and subjects.

304.2.1 TASER CAM

This department will only deploy TASERS equipped with cameras for officers in the field.

304.3 ISSUANCE AND CARRYING TASERS

Only officers who have successfully completed department-approved training and Crisis Intervention Team (CIT) training may be issued and carry the TASER. Officers shall only use the TASER and cartridges issued by the Department. Uniformed officers who have been issued the TASER shall wear the device in an approved holster on their person. Non-uniformed officers may secure the TASER in the driver's compartment of their vehicle.

Members carrying the TASER should perform a spark test on the unit prior to every shift.

When carried while in uniform, officers shall carry the TASER on the side opposite the duty weapon.

TASER

- (a) All TASERs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry at least two cartridges on their person when carrying the TASER.
- (c) Officers shall be responsible for ensuring that their issued TASER is properly maintained and in good working order.
- (d) Officers should not hold both a firearm and the TASER at the same time.

304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER 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 may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with officer's lawful orders and the TASER discharge appears reasonable under the circumstances, the officer may, but is not required to, display the TASER in a further attempt to gain compliance prior to the application of the TASER. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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

304.5 USE OF THE TASER

The use of drive stuns (the physical application of the TASER to the body of another for the specific purpose of pain compliance) is prohibited.

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

304.5.1 APPLICATION OF THE TASER

The TASER may be used when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a subject or suspect who is actively aggressive and the behavior imminently threatens serious physical harm to any person.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER to apprehend an individual. Officers however are authorized to use a TASER on a fleeing suspect wanted or suspected of committing a felony involving violence.

TASER

Officers are also authorized to use a TASER on a fleeing subject that has verbalized and/or demonstrated that they will harm themselves or others and needs to be stopped without delay.

304.5.2 SPECIAL DISCHARGING CONSIDERATIONS

The TASER shall not be used to psychologically torment, elicit statements or to punish any individual. Officers are prohibited from using a TASER on any handcuffed subject/suspect unless the behavior is so egregious, and other methods are not appropriate, that a higher level of force would be justified.

The use of the TASER on certain individuals should generally be avoided in all but extraordinary circumstances.

These individuals include:

- (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 in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (e) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles, in water such that would pose a drowning risk).

Extraordinary circumstances exist when 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.

304.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. In the event a probe strikes one of the previously listed areas officers should monitor the condition of the subject until the subject is examined by paramedics or other medical personnel.

304.5.4 MULTIPLE APPLICATIONS OF THE TASER

The officer should stop and evaluate the situation after one standard cycle or application before administering an additional shock. The officer should evaluate the situation to determine whether the suspect still presents active aggressive behavior or behavior that continues to threaten serious physical harm to any person. If no such threat is present, no further shocks shall be permitted.

Officers should not intentionally deploy multiple TASERs against an individual simultaneously.

If the first application of the TASER appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the TASER, including:

- (a) Whether the probes are making proper contact.

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- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

If it appears that probe contact has not been made, completion of the probe contact with the main unit would be allowed to complete the electrical circuit.

304.5.5 ACTIONS FOLLOWING DISCHARGES

As soon as practical officers shall notify an on duty supervisor of all TASER discharges. Confetti tags referred by the manufacturer as anti-felon identification (AFIDS) 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.

304.5.6 TASER® CAM™

Officers shall deactivate the safety mechanism on the TASER as soon as it is removed from its holster for the purpose of capturing as much video and audio recording as possible. The TASER CAM is activated any time the safety mechanism is in the off position. Because the TASER CAM memory is limited, the video and audio data should be downloaded after each incident and the data retained as required by the department records retention schedule.

304.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department TASERs while off-duty.

Officers shall ensure that TASERs 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. Instances of unauthorized use or activation of a TASER while an officer is off-duty shall be reviewed as a deployment. It shall be documented by the officer as if the officer was on-duty. If the discharge or activation was not within policy, officers are subject to discipline as they would be if they were on-duty.

304.6 DOCUMENTATION

Officers shall document all TASER discharges in the related incident report and the TASER report form. 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 will also be documented on the report form.

304.6.1 TASER FORM

Items that shall be included in the TASER report form are:

- (a) The type and brand of TASER and cartridge and cartridge serial number.
- (b) Date, time and location of the incident, and case number
- (c) Whether any display or laser deterred a subject and gained compliance.

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- (d) The approximate range at which the TASER was used.
- (e) The type of mode used (probe or circuit completion follow through).
- (f) Location of any probe impact will be diagrammed on the TASER report form.
- (g) Location of contact in circuit completion follow through will be diagrammed on the TASER report form.
- (h) Description of where missed probes went.
- (i) Whether medical care was provided to the subject.
- (j) Whether the subject sustained any injuries.
- (k) Whether any officer sustained any injuries.
- (l) Race, sex, age, height and weight of subject.
- (m) Whether subject was included in a special discharging consideration category and if so, what specifically.
- (n) Did officers employ Excited Delirium Protocol.
- (o) Was subject engaged or intended in engaging in self-harm behavior.

The Response to Resistance Committee will periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Response to Resistance Committee will also conduct audits of data downloads and reconcile TASER report forms with recorded activations. TASER information and statistics, with identifying information removed, will be periodically made available to the Civilian Police Review Board (CPRB).

304.6.2 REPORTS

The officer should include the following in the incident report:

- (a) Identification of all personnel firing TASER
- (b) If ordered to discharge a TASER, from whom did the order come
- (c) Identification of all witnesses
- (d) Medical care provided to the subject
- (e) Observations of the subject's physical and physiological actions
- (f) Any known or suspected drug use, intoxication or other medical problems

304.6.3 CPRB NOTIFICATION

The Chief of Police or his designee shall report all displays and discharges to the CPRB. Any and all documentation, to include video and audio recordings, shall be submitted to the CPRB.

304.7 MEDICAL TREATMENT

TASER probes should be removed at the earliest opportunity. Only officers trained in the removal of probes or qualified medical personnel, including certified paramedics, should remove TASER

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probes from a person's body. If a probe is broken under the skin or embedded so as to preclude easy removal, the subject shall be provided appropriate medical attention by a trained medical personnel to facilitate the removal of the object. Used TASER probes shall be considered sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken. Officers shall ensure that first aid is provided following the removal of the probes. Photographs of the probe impact sites and other related injuries should be taken when practical.

Any 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 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 applications (i.e., more than 2 applications) 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 the refusal by the subject occurred while they were in the rear of a squad car, that video shall be tagged and retained as evidence.

The transporting officers shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER.

304.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER may be used. A supervisor should respond to all incidents where the TASER was activated. As soon as practicable, the supervisor shall retrieve the TASER for download.

A supervisor should review each incident where a person has been exposed to an activation of the TASER. The device's onboard memory should be downloaded through the data port by a supervisor or TASER Program Coordinator and saved with the related incident report. Photographs of probe sites should be taken, witnesses interviewed, and any other reasonable investigative steps as required by the Use of Force Policy

304.8.1 CPRB TASER DISPLAY & DISCHARGE REVIEW

All TASER displays and discharges will be reviewed by members of the CPRB as soon as practicable pursuant to section 5 of the CPRB Policy and Procedure Manual.

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304.9 TRAINING

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

Proficiency training for personnel who have been issued TASERs should occur every year. A reassessment of officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the TASER Program Coordinator. All training and proficiency for TASERs will be documented in the officer's training file.

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

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

Prior to being eligible to go through the TASER training, officers must have completed the Crisis Intervention Team (CIT) course. Participation in TASER training is voluntary, however participation in the training requires that officers experience an actual TASER discharge on themselves. The TASER Program Coordinator is responsible for ensuring that all members who carry a TASER have received initial and annual proficiency training. Periodic audits should be used for verification.

The TASER Program Coordinator should ensure that all training includes (this list is not exhaustive):

- (a) A review of this policy, to include philosophy of use.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the TASER and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER.
- (h) Review of defensive tactics
- (i) Review of Excited Delirium protocol
- (j) Review of documentation - both reports and forms

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304.10 DANGEROUS ANIMALS

The TASER may be discharged 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.