

Revised: 11-03-11, 9-26-12, 11-18-13, 12-13-13, 6-30-14, 4-9-15, 10-10-18, 2-6-20, 6-5-20

DURHAM POLICE DEPARTMENT

**86 Dover Road
Durham, New Hampshire 03824
(603)868-2324**

POLICY #: 1.3.4.6

SUBJECT: Use of Force, TASERⁱ

NOTE: This written directive is for the internal governance of the Durham Police Department, and as provided by RSA 516:36, is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.

PURPOSE

The purpose of this policy is to establish the training requirements, circumstances for deployment, and after-action practices regarding the use of the Electronic Control Weapon commonly known and referred hereinafter by its manufacturer name “TASER”.

POLICY

It is the policy of the Durham Police Department to arm its officers with those tools necessary to defend themselves or third person(s) from the use of force; the TASER is no exception. Durham Police Officers shall only use that force which is both reasonable and necessary to accomplish lawful objectives.

The TASER shall never be used on a passively resisting subject.

GENERAL PROVISIONS

- An officer has a duty to intervene to prevent or stop the use of excessive force by another officer.
- All uses of force shall be documented and investigated pursuant to this agency’s policies.
- An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate to reduce the need for force.
- Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

Revised: 11-03-11, 9-26-12, 11-18-13, 12-13-13, 6-30-14, 4-9-15, 10-10-18, 2-6-20, 6-5-20

PROCEDURE

Effective immediately, all assigned officers shall carry the TASER while assigned to field duty as an alternative to other components of the force continuum. The Department issued TASER may ***not*** be carried off duty.

TASER

- The TASER is a weapon designed to disrupt a subject's central nervous system by deploying battery-powered electrical energy sufficient to cause uncontrolled muscle contractions and override voluntary motor responses.
- Generally, the Taser falls between chemical spray and hard hand control on the use of force continuum, and decisions to use the TASER involve the same basic justification. It is intended as an additional police tool and is intended as an alternative to other non-deadly weapons, or self-defense devices, techniques, or tactics.

Authorization

- Only officers who have completed the prescribed course of instruction on the use of a TASER by a certified instructor will be issued and authorized to carry the device, as applicable.
 - No officer will be required to subject to a charged exposure of the TASER. However, initial certification training may include volunteering officers being subjected to a full-charge exposure to the TASER in a dynamic training situation, so that officers will realize its effects and recognize that it should never be deployed indiscriminately.
 - Subsequent retraining/recertification on the TASER shall occur annually as part of the Durham Police Department annual Use of Force training curriculum and in compliance with manufacturer recommendations.
 - Department instructors shall be re-certified every two years.
- Officers whose normal duties and assignments may require them to make or supervise arrests shall be required to carry a department approved/issued TASER while on duty, as applicable.
- Uniformed and non-uniformed officers shall only carry the issued TASER in the prescribed manner on their belt.
- The only approved method for carry of the TASER is via "cross-draw" on the officers' belt to be drawn by the officers' strong-hand.

Revised: 11-03-11, 9-26-12, 11-18-13, 12-13-13, 6-30-14, 4-9-15, 10-10-18, 2-6-20, 6-5-20

- Unless otherwise authorized by the Chief of Police, the only TASER currently authorized for deployment by Durham police officers is the AXON International, Inc. Advanced X2 model (hereinafter, X2).
 - The TASER system is a less-lethal tool that utilizes compressed nitrogen to propel two probes up to 35 feet from a replaceable cartridge. These probes are connected to the weapon by a high-voltage insulated wire. When the probes make contact with the target, the X2 TASER assigned to Durham Police Officers, transmits electrical pulses along the wires and into the body of the target through up to two inches of clothing or other gap. Those Durham officers trained and certified in the use of the X2 will carry **25 foot smart cartridges**.
 - This TASER technology uses a 50,000 volt electrical signal with shaped pulse technology to temporarily override the signaling mechanisms of the central nervous system used to communicate with and directly control the skeletal muscles. This causes an uncontrollable contraction of the muscle tissue, allowing the X2 to physically debilitate a target regardless of pain tolerance or mental focus.
 - The X2 has a USB data port that stores encrypted information to include the time, date and duration of device discharge when the trigger is depressed. This data protects officers from claims of excessive use of force by providing complete and accurate documentation of each firing.

Deployment

- The X2 may be used as follows:
 - To control a dangerous or violent subject when deadly force does not appear to be justified and/or necessary;
 - When attempts to subdue the subject by other conventional tactics have been, or are likely to be, ineffective in the situation at hand;
 - If there is a reasonable expectation that it will be unsafe for officers to approach within contact range of the subject;
 - If a subject is threatening (by words and/or actions) to violently resist or is actively violently resisting lawful orders;
 - When lesser force options are ineffective, or are unlikely to be effective;
 - If the officer reasonably believes the suspect poses a credible threat to the officer(s), a third person, or the community if not immediately apprehended; and/or,
 - If the suspect poses a threat to the arresting officer(s) from a distance and the officer is at risk of injury if the officer attempts to close the gap.
- The device may also be used in certain circumstances in a "touch stun" (or "drive stun") mode.

Revised: 11-03-11, 9-26-12, 11-18-13, 12-13-13, 6-30-14, 4-9-15, 10-10-18, 2-6-20, 6-5-20

1. This method of TASER deployment involves pressing the unit against an appropriate area of the suspect's body in order to attain the desired lawful police orders. Drive stun with the X2 requires close contact with the suspect and is likely to cause a permanent mark. **It should be used in matters when an officer is about to be overcome and needs to create distance between themselves and the suspect, rather than a matter of gaining compliance.**
 - It is important to note that when the X2 is used in this manner, it is:
 - Primarily a pain compliance tool due to a lack of probe spread;
 - Minimally effective compared to conventional cartridge-type deployments;
 - Will leave a permanent scar or mark as a result of the burn; and,
 - Subject to the same deployment (use) guidelines and restrictions as those of the X2 in cartridge deployments.
 - Additionally, it is also important to note that when the X2 is used in this manner, the officer(s) are at far greater risk of injury due to proximity to the suspect(s).
- The X2 shall **not** be used in the following situations/circumstances:
 - In a punitive or coercive manner;
 - To fire from or at a moving vehicle, unless the vehicle itself is being used by the driver as a weapon to attack the officer or another person, and only if no other reasonable course of action is available to the officer to preserve life or prevent serious bodily injury,
 - On a handcuffed/secured prisoner, unless the subject becomes overtly assaultive or resistance must be overcome in order to retain safe custody of the arrested person, and other less aggressive means cannot be used;
 - On any subject who is demonstrating only passive resistance and does not demonstrate an overt intention to:
 - Use violence or force against the officer or another person, or flee in order to resist/avoid detention or arrest (in cases where officers would pursue on foot).
 - In any environment where an officer knows that a potentially flammable, volatile, or explosive material or fumes are present (including but not limited to OC with volatile propellant, gasoline, natural gas or propane, in/near meth labs), or on subjects who have been sprayed with an unknown self-defense spray;
 - Against a deadly weapon unless used as a secondary means in combination with additional officers;

Revised: 11-03-11, 9-26-12, 11-18-13, 12-13-13, 6-30-14, 4-9-15, 10-10-18, 2-6-20, 6-5-20

- On those who the officer knows are pregnant, equipped with a pacemaker, or in obvious ill health except when the actions of such person(s) places the officers life or the life of a third person at risk of serious bodily injury or death if immediate action is not taken; **Regarding children, elderly, frail, ill, or persons of small stature (in comparison to the deploying officer), officers shall consider their own physical capabilities before deploying the X2.**
 - In any environment where the subject's fall could reasonably result in serious bodily injury (e.g., stairs, in a swimming pool or off an elevated structure); or,
 - To awaken a sleeping, unconscious, or intoxicated person.
- Unless circumstances change during deployment of the TASER and the use of deadly force became authorized, never aim at the eyes or face.
 - Since the TASER is laser-sighted, the top probe will follow the front and rear sights and the laser sight and will make contact within 3" of the laser dot; the bottom probe will travel at a 6.5-degree downward angle below the aim point/laser sight area. The rule of thumb for the bottom probe is that it drops one (1) foot for every nine (9) feet that it travels from the weapon to the target. The optimum distance for deploying the TASER is up to 25 feet.
 - Officers should consider how the pattern of probe flight will be affected if the X2 is launched from other than an upright position.

Officer Responsibilities

- Upon encountering a situation which may require the use of an X2, officers should attempt to use verbal commands and/or point the laser sight at the target subject prior to firing for the purpose of achieving voluntary compliance from the suspect(s).
- Prior to the use of the X2, *if practical*, the officer should announce, "TASER!" indicating a use of the X2 is imminent to prevent sympathetic gun fire by assisting officers.
- Aim at a point within inches (up or down) from the point that the persons belly button is likely to be found. Watch for thick and/or loose clothing. Consider probe placement in the buttocks and legs if upper body clothing is too thick. If probes hit clothing, the electrical current can only penetrate from a maximum of two inches away from body surface.
 - The preferred target areas are the lower center mass (below the chest) for shots to the suspects' front side and shoulders down on the suspects' back side.
- Use cover and distance to ensure officer safety.

Revised: 11-03-11, 9-26-12, 11-18-13, 12-13-13, 6-30-14, 4-9-15, 10-10-18, 2-6-20, 6-5-20

- If the target runs, the officer must also run to prevent wires from breaking.
- Immediately following discharging an X2 and safely taking a suspect into custody, the officer shall request that a Supervisor respond to the scene.
- When practical and safe, it shall be the responsibility of the supervisor to make sure that all smart cartridges, wire leads and darts/probes are retrieved as evidence. The supervisor or his/her designee shall package them in paper or cardboard and submit them with the appropriate offense/arrest report as evidence.

Rendering Medical Aid

- Durham Fire/EMS personnel will be summoned to an appropriate location (the scene of arrest may be or become volatile as a result of the actions that led to the use of the TASER, rendering that location unsafe) in order to allow a full evaluation, which may include ECG monitoring at the discretion of EMS personnel.
- The officer must advise responding EMS personnel that the person has been subjected to the X2 and relate the approximate time the action occurred. If the probes penetrate the skin, the puncture sites must be brought to the attention of the Supervisor and EMS.
- Probes discharged from a smart cartridge are thin metal barbs that only penetrate a maximum of ¼” (standard probe) to ½” (XP or XP Hybrid probe).
 - Probe removal from a suspect’s skin may be performed in the field by a certified X2 operator.
 - Do not attempt to remove probes from sensitive soft tissue areas of the body such as face, eyes, genitals, female breasts, or mouth. This should be conducted at a hospital when the suspect is compliant.
 - Since the probes may have blood on them (biohazard), the officer(s) must wear protective latex gloves when handling. The probes shall be inverted into the portals of the smart cartridge they originally were deployed from. The handling officer will then package a spent cartridge by backing a protective latex glove over the used cartridge and then doubling the other protective latex glove over the spent cartridge again. The applicable evidence reports and tags must indicate the presence of a bio-hazardous material.
 - In the event of an accidental needle stick by a contaminated probe, the officer shall immediately notify the Supervisor and follow the guidelines for biohazard exposure control, to include AT A MINIMUM, the filing of a Workers Compensation Report and documentation of the needle stick as a separate paragraph in the attendant arrest report.
 - Do not attempt to remove probes if the subject is combative. In these instances, the arresting/assisting officers shall break the TASER wires

Revised: 11-03-11, 9-26-12, 11-18-13, 12-13-13, 6-30-14, 4-9-15, 10-10-18, 2-6-20, 6-5-20
approximately one foot from the probes prior to transporting the subject to Durham PD booking.

- Once the suspect is compliant, the arresting officer may remove the probes or choose to transport the person to the hospital for removal.
 - In any event, police reports must carefully note which person removed the probes.
-
- After examining the affected person, medical personnel will make the determination if the person should or should not be transported to the hospital. As the person is likely under arrest, transportation to a medical facility will be by police transport unless an ambulance is more appropriate.
 - If the probes used are no longer impaled in the skin, the subject may be released to the custody of the arresting officer(s) pending additional EMS evaluation.
 - If the subject is not transported to the emergency room, officers will obtain the name of the attending EMS personnel.
 - If the subject is transported to an emergency room, officers shall obtain medical clearance from the appropriate medical personnel before transporting the subject to Durham PD or to the Strafford County Jail. This can be obtained from a physician if the subject has been treated in an emergency room.
 - Officers must be aware that one easily overlooked aspect of injury in subjecting a person to the effects of an X2 is that the effected person will be falling from a standing position. A thorough physical examination with particular emphasis on secondary injuries should be performed by the responding medical personnel.
 - The following persons shall be transported to Wentworth Douglass Hospital or other area hospital for examination following exposure to an X2; i.e., any person who:
 - Requests medical attention beyond that provided by EMS;
 - Is contacted by a probe in a soft tissue or sensitive area of the body (e.g., face, eyes, female breasts, mouth, or genitals) or if any joint or spinal penetration has occurred;
 - From whom officers have difficulty removing the probes owing to probe or barb separation;
 - Does not appear to recover properly after being subjected to an X2 probe;
 - Is mentally handicapped or is suspected of being mentally handicapped;
 - Is pregnant;
 - Is known, or suspected to have, or reports having a seizure disorder;
 - Has been energized three times or totaling 15 seconds;
 - Has had more than one X2 effectively used against him/her in any given incident;
 - Has been subjected to a continuous energy cycle of 15 seconds or more;

Revised: 11-03-11, 9-26-12, 11-18-13, 12-13-13, 6-30-14, 4-9-15, 10-10-18, 2-6-20, 6-5-20

- Has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to X2 exposure; or
- Displays signs of in-custody death syndrome and/or excited delirium.

Supervisor Responsibilities

- Supervisors shall ensure that the Power Performance Magazine (PPM) of the X2 has greater than 20% battery life. When checking the PPM and device, remove the smart cartridge, turn the safety “**Off**”, verify that PPM battery life is greater than 20% on the Central Information Display, depress the ARC switch, and verify a rapid pulse rate of 19 pulses per second for no longer than 2 seconds. Place the safety in the “**On**” position and replace the smart cartridge in the front loading bays of the device and re-holster.
 - Users are reminded that the X2 may still be activated though the battery is removed.
- A Supervisor shall respond to the scene of all X2 deployments by Durham police officers, and as soon as possible:
 - Summon EMS personnel to administer emergency medical care;
 - Ensure that digital pictures are taken of the probe penetration sites and secondary injuries caused by falling to the ground, etc.; and,
 - Ensure that all smart cartridges, wire leads, darts/probes and AFID confetti are collected as evidence and properly secured until they can be removed to the Durham police station.

Taser evidence shall be held for a minimum of four years after the incident.

Use of Force Report and Review

- Please see the Durham Police Department policy entitled, “Use of Force, Report and Review” for guidance with regard to reporting the use of a TASER.

Safety Checks & Maintenance

- All TASER’S will be added to the departments’ weapons inventory and will be accounted for with the same frequency as firearms.
- TASER’S and smart cartridges will be issued to qualified officers by serial number and accounted for on the inventory report accordingly.
- *It is appropriate when visiting a secured facility of another agency to inquire of the host agencies policy regarding locking up the TASER in addition to the officer’s firearm.*

Revised: 11-03-11, 9-26-12, 11-18-13, 12-13-13, 6-30-14, 4-9-15, 10-10-18, 2-6-20, 6-5-20

- When attending firearms and defensive tactics training, due to the risk of damaging the X2 during the rigors of such training, the X2 shall NOT be permitted into the training exercise area (including Simunitions exercises).
- The X2 is a costly and sensitive electronic product that should be maintained in its protective holster when not in use. Care should be taken to avoid dropping the X2 and to assure that it is adequately secured while being transported in vehicles. A defective X2 or smart cartridge(s) shall be taken out of service and turned in to the Captain.
- Authorized officers will begin their shift by conducting a spark test prior to loading an air cartridge to ensure that the system is in proper working condition.
 - As when conducting any weapon systems check, the X2 will be pointed in a safe direction and not within close proximity to other officers while conducting a spark test and while loading and unloading.
 - The duration of the spark test shall be 5 seconds.
 - Upon completion of a spark test, the X2 will be loaded with two (2) smart cartridges and securely holstered on the officer's duty belt. Each X2 certified officer will be assigned two (2) smart cartridges and be held responsible for proper handling and safe storage.
- Only a properly functioning and charged X2 with a PPM life of greater than 20% shall be carried on duty. Any device found to have a PPM battery life of less than 20% shall be taken out of service and submitted to the Captain for battery replacement.
- Officers may turn off the LED lighting system if tactically necessary, but must return the device to the Laser and Light configuration upon completion of the specific event requiring extinguishment.
- The X2 is programmed to deliver a 5-second "electrical current." **The charge will continue as long as the officer depresses the trigger.** The operator can shorten or extend this time by turning the weapon off or by maintaining pressure on the trigger mechanism. The probes should not be touched during this time as you would also receive the same electrical current. In addition, officers should avoid stepping on or tripping over the wires.
- The X2 should be handled and treated as though it were a loaded firearm. Keep hands away from the front of the unit at all times unless the X2 is deactivated.
- When Tasers are stored anywhere other than in your assigned holster on your belt while on-duty or off-duty stored in your locker, you will:
 1. Remove the PPM (battery)

Revised: 11-03-11, 9-26-12, 11-18-13, 12-13-13, 6-30-14, 4-9-15, 10-10-18, 2-6-20, 6-5-20

2. Remove BOTH cartridges
 3. Return the PPM (battery) to the device (Taser)
 4. Return the Taser to the holster
 5. Place the cartridges in a clear bag (evidence bag)
- It is acceptable, once the above-listed steps are taken, to turn in the Taser to a supervisor or Taser Instructor for storage.
 - Supervisors can store the Taser in a locker in the Sergeants' Office or turn it over to a Taser Instructor, but in all cases, an email will be sent to the Taser Instructors reporting the condition of the Taser (UNLOADED) along with its storage location.
 - Always replace smart cartridges by their expiration date and use for training only.
 - Officers shall not "swap" cartridges except in extreme circumstances when tactics require immediate action. The cartridges are issued to officers by serial number and shall not be exchanged in a routine manner. The serial number is stamped on AFID confetti that is discharged with the probes and may be used to identify involved officers.

ⁱ This directive has been developed with the assistance (policy provided) of the Dover (NH) Police Department, Nashua (NH) Police Department, University of Vermont Police Services, Rochester (NH) Police Department, Pittsfield (MA) Police Department, as well as the applicable sections of the Durham (NH) Police Department Use of Force policies. Additionally, the policy has been reviewed and endorsed by the NH Local Government Center