



TIVERTON POLICE DEPARTMENT

SUBJECT: Electronic Restraint Devices (ERD's)	GENERAL ORDER NO. 390.25
	PAGES: 6
SECTION: 300- Law Enforcement Operations SUBSECTION: 90- Use of Force/Weapons	AMENDS/SUPERSEDES: 8-17
PER ORDER OF: <i>Thomas Blakey</i> Thomas Blakey, Chief of Police	EFFECTIVE DATE: 10/09/2017
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NOTE: This written directive is for the internal governance of the Tiverton Police Department, and 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.

I. PURPOSE

It is the purpose of this policy to provide officers with guidance on the use of the Taser Electronic Restraint Device, referred to hereinafter as "**ERD**".

II. POLICY

It is the policy of the Tiverton Police Department to recognize and respect the value and special integrity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required.

Therefore, it is the policy of this department that police officers will use only that force that is objectively reasonable to accomplish lawful objectives.

Police officers are authorized to use department-approved less lethal force options, including the Taser Electronic Restraint Device (ERD), to accomplish lawful objectives, as follows:

- a. To protect themselves or another from physical harm.
- b. To restrain or subdue a resistant individual.
- c. To bring an unlawful situation safely and effectively under control.

III. DEFINITIONS

- A. **Authorized Department Member:** May include full-time, sworn officers who have been trained and have qualified with an Electronic Restraint Device (ERD).
- B. **Lethal Force:** Any use of force that is likely to cause death or serious bodily injury. Lethal Force is also referred to as deadly physical force.
- C. **Less Lethal Force Option:** Any use of force other than that which is considered lethal, or deadly force.

IV. OBJECTIVELY REASONABLE FORCE

Objectively reasonable force is that level of force which is necessary and appropriate when analyzed from the perspective of a reasonable officer possessing the same information and faced with the same circumstances as the officer who has actually used force. Objectively reasonable force is not judged with hindsight, and will take into account, where appropriate, the fact that officers must make rapid decisions regarding the amount of force to use in tense, uncertain and rapidly evolving situations. Important factors to be considered when deciding how much force can be used to apprehend or subdue a subject include, but are not limited to, the severity of the crime at issue, whether the subject poses an imminent threat to the safety of the officers or others, and whether the subject is actively resisting arrest or attempting to evade arrest by flight. This policy guideline applies to Taser Electronic Restraint Device (ERD).

V. PROCEDURES

- A. ERD's are designed to restrain violent individuals where alternative restraint tactics have or are reasonably likely to fail, and / or where it would be unsafe for an officer to approach a subject to apply restraints.
- B. The ERD projects two Advanced Taser probes. Thin, insulated wires leading back to the ERD connect the probes. An electrical signal transmits throughout the region where the probes make contact with the body or up to 2" of clothing. The result is an instant loss of the subject's neuromuscular control and any ability to perform coordinated action. The subject should normally be immobilized and dazed by the electricity long enough for officers to apply restraints.

VI. TRAINING/RETRAINING

- A. Only officers who have successfully completed the Department's approved course of instruction and demonstrated proficiency on the ERD are authorized to use it.
- B. Officers will demonstrate proficiency in the use of the ERD. Instruction on, and qualifications with the ERD must be provided by a certified instructor. Proficiency includes:
 - 1. Achieving minimum qualifying scores on a prescribed course;

2. Attaining and demonstrating a knowledge of the laws concerning the use of the ERD and knowledge of department policy(s) on the use of force, escalating force, and deadly force;
 3. Being familiar with recognized safe-handling procedures for the use of the ERD.
- C. Officers will receive training and demonstrate proficiency in the use of the ERD on an annual basis. Training shall include instruction on the department's use of force policy.
 - D. Remedial training will be provided for officer's who fail to meet proficiency standards. Officers failing to meet proficiency standards after completing remedial training will be placed on administrative duty until such a time that he/she meets proficiency standards.
 - E. A record of those officers who have successfully completed the department's approved course of instruction on the ERD and have met proficiency standards will be maintained by the Department Training Coordinator.

VII. USE OF THE ERD

- A. The ERD may be used when other less-than-lethal force options have been ineffective or when it reasonably appears that such an option will be ineffective in restraining the subject.
- B. Examples of situations in which the ERD may be used include, but are not limited to, the following:
 1. Dealing with the emotionally disturbed person (EDP) who is displaying violent behavior;
 2. Armed subjects;
 3. Execution of a warrant where the subject is perceived to be violent;
 4. Violent persons under the influence of drugs and / or alcohol;
 5. Persons expressing the intent and having the means to commit suicide;
 6. When deemed a reasonable alternative to lesser force options that will likely be ineffective or greater force options that may be inappropriate given objective circumstances;
 7. When an officer deployed with an ERD encounters a situation that may require its use, he / she will request a supervisor and a back up officer to the scene prior to its use, if circumstances and time permit.
- C. The ERD will not be pointed at any individual unless the officer reasonably believes it will be necessary to use the device.

VIII. THE ERD WILL NOT BE USED IN THE FOLLWING SITUATIONS:

- A. When the officer cannot, for safety or other reasons, approach the subject within range;
- B. In proximity to flammable liquids, gases, blasting material or any other highly combustible materials that may be ignited by use of the device, including but not limited to any subject who may have been contaminated with combustible liquids;
- C. When it is reasonable to believe that incapacitation of the subject may result in serious injury or death and situations where the suspect's fall may result in serious physical injury or death.
- D. On a handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
- E. For maximum effectiveness the ERD should be fired at center body mass from 12 to 18 feet away. The face and neck areas are to be avoided if at all possible.
- F. "Drive Stun" may be deployed in the event of an ineffective probe, or if circumstances inhibit the timely replacement of an additional cartridge, or for the immediate safety of officers involved.
- G. "Drive Stun" shall only be applied in accordance with department training.
- H. In non-lethal force situations, when possible, an officer should avoid using the ERD on the following:
 - 1. Persons in control of a vehicle;
 - 2. Persons in wheelchairs;
 - 3. Pregnant women;
 - 4. People with known heart problems;
 - 5. People with apparent debilitating illness or the elderly;
 - 6. Children or those under 80 pounds;
 - 7. Individuals with known neuromuscular disorders such as multiple sclerosis, muscular dystrophy, or epilepsy.

IX. ISSUANCE/TESTING

- A. The ERD will be issued to authorized officers on a permanent basis.
- B. The Department ERD Instructor will maintain an inventory of all issued and non-issued ERD's.

- C. Officers are responsible for the care, cleaning, and security of departmental ERD's issued to them.
- D. Officers are responsible for the safe storage and handling of ERD's in their custody.
- E. Officers who have been permanently assigned an ERD shall not loan their issued ERD to any other person, nor surrender it to anyone except a superior or other person in lawful authority.
- F. All reasonable precautions shall be taken to keep department ERD's away from unauthorized personnel.
- G. Each officer is responsible for damage to ERD's caused by neglect or deliberate abuse.
- H. Officer's shall immediately report any damage to or malfunction of an ERD, through the chain of command, to the Department ERD Instructor.
- I. All ERD's shall be turned in to the department upon the officer's termination of employment
- J. Each ERD should be pulse tested before each issued officer's shift. Pulse testing resulting in a reading below 20% requires the batteries to be recharged, or replaced.

X. OFFICERS DISCHARGING AN ELECTRONIC RESTRAINT DEVICE

- A. If a supervisor is not present, request the response of a supervisor.
- B. Subjects who have been restrained by use of an ERD, whether or not the probes penetrated the skin, shall be treated as follows:
 - 1. Once in custody, police will transport the person to an area hospital emergency room. Tiverton Fire Department rescue personnel will transport if injuries are serious. At least one officer will accompany the suspect if taken in the rescue.
 - 2. The officer will inform the emergency room medical staff that the person was subjected to an ERD and relate the approximate time the action occurred. The officer will request of the medical staff a physical examination of the person with particular emphasis on secondary injuries due to the fall.
 - 3. The officer will obtain medical clearance from the emergency room physician before transporting the person to the Police Department or another facility.
- C. Probes that have been removed from a subject or fired at a subject will be placed in a biohazard evidence tube and stored according to the Blood Borne Pathogens policy.

XI. ERD USE REPORTING

- A. Use of an ERD is considered a use of force and the officer is required to fill out a "*Response to Resistance/ Non-Compliance*" form. Officers will follow all reporting guidelines as described in General Order 390.10 "Use of Force".

- B. Officers shall report incidents of accidental ERD discharges (discharges that are not used against a person) by completing an Interdepartmental Communication. The Interdepartmental Communication shall be forwarded to the Captain through the chain of command.

XII. MAINTENANCE

- A. Testing and maintenance of the ERD will be consistent with manufacturer's specifications.
 - 1. After each cartridge discharge, the firing bay shall be cleaned with an alcohol treated cotton swab to prevent building of carbon residue and potential firing complications (the ERD battery will be removed prior to cleaning).
 - 2. Cartridges should be stored in a cool, dry environment and will be replaced according to the manufacturer's expiration date.
 - 3. An ERD should not be left in direct sunlight due to the possible adverse effects on plastic parts.
 - 4. Tiverton Police Department ERD Instructor will develop and maintain a testing and maintenance schedule for all Department ERDs and their component parts.