## Comparison of:

## PERF Conducted Energy Device Policy and Training Guidelines for Consideration

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## **MNPD Policy, Procedure, or Training**

PERF Guidelines for Consideration	MNPD Policy, Procedure or Training	Comment
1. CEDs should only be used against persons who are actively resisting or exhibiting active aggression, or to prevent individuals from harming themselves or others. CEDs should not be used against a passive suspect.	The Taser® may be deployed consistent with established policy and procedure governing the force continuum. The Taser® is considered an "intermediate" level of force between soft empty-hand control techniques and hard empty-hand control techniques and may be deployed as appropriate.  Policy Since 11/04  A Taser® shall not be used in cases of passive resistance, unless a lesser means of force:  a. Has been attempted and failed;  b. Is not an option due to exigent circumstances; or  c. If attempted, could result in a significant possibility of injury to the employee or suspect.  Policy Since 4/05	Note differences in definition:  MNPD: Active Resistance: A subject whose non-compliance includes resistive movements or physical defiance.  PERF: Actively Resisting: Physically evasive movements to defeat an officer's attempt at control, including bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.  PERF allows use on subjects who are exhibiting "physically evasive movements" or "verbally signaling an intention to avoid or prevent" where MNPD requires resistive movements or physical defiance.
No more than one officer should activate a CED against a person at a time.	MNPD Taser training.	Consistent with PERF, MNPD training provides that only one officer should deploy a Taser unless there are specific circumstances where an additional Taser should be deployed (failure of the first device, probe miss, etc.).

3. When activating a CED, law enforcement officers should use it for one standard cycle and stop to evaluate the situation (a standard cycle is five seconds). If subsequent cycles are necessary, agency policy should restrict the number and duration of those cycles to the minimum activations necessary to place the subject in custody.	Deploy the Taser® consistent with department-approved training. Use only the minimum number of bursts and the minimum duration reasonably necessary to achieve the desired effect of temporarily immobilizing the individual or animal  Policy Since 11/04 rev. 10/05  Employees should take the suspect into custody as soon as possible after deploying the Taser® thereby minimizing the number and duration of bursts necessary while realizing that the suspect may not be able to respond to commands during or immediately following a burst  Policy Since 10/05  As with any application of force, multiple applications/bursts of the Taser®, in any mode, is a separate application of force within the overall force incident and justification for each must be clearly articulated.  Policy Since 4/05  Multiple references in the student manual to the "window of opportunity" to take suspect into custody and the need to reevaluate after any use.	MNPD training focuses on the use of one cycle and to use that "window of opportunity" to approach the subject and handcuff. Prior to any additional cycles, officers must specifically evaluate the need for any additional force. Any additional application is a separate use of force requiring additional justification.  MNPD Taser training includes the practical aspects where officers approach the subject during the cycle while evaluating the circumstances. This reinforces the practice of using the minimum number of bursts and minimum duration of bursts to take the subject into custody.
4. Training protocols should emphasize that multiple activations and continuous cycling of a CED appear to increase the risk of death or serious injury and should be avoided where practical.	Multiple references in the MNPD training materials.	MNPD training includes a review of the medical literature and specific training on techniques to reduce the need for multiple activations or continuous cycles.
5. Training should include recognizing the limitations of CED activation and being prepared to transition to other force options as needed.	MNPD Taser training.	Nothing is ever 100% effective-do not become Taser co-dependent. No weapons system, tool, or technique is effective in 100% of deployments. Consider legally acceptable options, alternatives and backup plans in case of ineffective deployment when deploying, activating, or otherwise using a non-lethal weapon, including TASER devices.
6. That a subject is fleeing should not be the sole justification for police use of a CED. Severity of offense and other circumstances should be considered before officers' use of a CED on the fleeing subject.	MNPD training continues to be that flight alone is not sufficient to use force for arrest or further detention. Force use on fleeing suspects requires an appropriate legal authority.	The MNPD training focuses on ANY use of force on fleeing suspects.

7. CEDs should not generally be used against pregnant women, elderly persons, young children, and visibly frail persons unless exigent circumstances exist.	The Taser® should not be used on persons who are visibly pregnant or are at the extremes of age or physically disabled <u>UNLESS</u> there are compelling reasons to do so which can be clearly articulated.  Policy Since 4/05	MNPD policy and training restricts such use but recognizes that a Taser may be a better option than deadly force when appropriate and with proper justification.
8. CEDs should not be used on handcuffed persons unless they are actively resisting or exhibiting active aggression AND/OR to prevent individuals from harming themselves or others.	Any use of force on subjects who are handcuffed or otherwise in custody is prohibited unless physical resistance must be overcome. Such uses of force must be specifically articulated-with an emphasis on why a particular level of force used was necessary to obtain compliance.  Policy Since 4/05	MNPD policy and training restricts ALL force use on persons in custody but acknowledges that subjects in custody can continue to be assaultive, combative, or attempt to harm themselves. MNPD training includes techniques to control such persons while minimizing the need for force use.
9. CEDs should not generally be used when a subject is in a location where a fall may cause substantial injury or death.	The normal reaction of a person exposed to the discharge of a Taser® is the loss of some voluntary muscle control resulting in the subject falling to the ground or 'freezing' on the spot. For this reason, there is clearly a possibility of some secondary injury to the 'Tasered' subject, caused by falling and striking a hard surface. Particular attention should therefore be paid to the immediate environment and to assessing any additional risk factors (i.e. age, physical condition of the subject, objects being held by subject, etc.).	
10. When a subject is armed with a CED and attacks or threatens to attack a police officer, the officer may defend him- or herself to avoid becoming incapacitated and risking the possibility that the subject could gain control of the officer's firearm. When possible, officers should attempt to move outside the device's range (approximately 21 feet) and seek cover, as well as request back-up officers to mitigate the danger.	MNPD Taser training.	MNPD training provides: One officer situation-officers should: Move to cover Recognize range of Taser-21' and move to distance/cover Request back-up Two or more officers-officers should: Move to cover Prior to deadly force options, consider one officer taking the Taser hit, while second officers take control
11. When possible, emergency medical personnel should be notified when officers respond to calls for service in which it is anticipated that a CED may be activated against a person.	MNPD Taser training.	Discusses having EMS staged at events where officers are about to encounter certain "high-risk" persons. MNPD has partnered with Nashville Fire Department Emergency Medical staff and the staff of the Vanderbilt Dept. of Emergency Medicine to develop additional training and protocols to improve the overall response to "high-risk" persons.

12. Officers should avoid firing darts at a subject's head, neck and genitalia.	MNPD Taser training.	AIM AT CENTER OF MASS. <u>DO NOT AIM AT</u> <u>HEAD/THROAT UNLESS SITUATION DICTATES A</u> <u>HIGHER LEVEL OF INJURY RISK IS JUSTIFIED</u> .
13. All persons who have been exposed to a CED activation should receive a medical evaluation. Agencies shall consult with local medical personnel to develop appropriate police-medical protocols.	When the Taser® is used, the employee will:  1. Monitor and verbally reassure the subject that the effects of the Taser® will normally subside in a matter of minutes, if not immediately.  Policy Since 11/04  2. If the individual experiences or complains of symptoms other than those normally associated with the use of the Taser® or does not show signs of recovery within the normally expected time period, they should be afforded immediate medical attention. Employees will advise medical personnel that the individual has been exposed to the Taser®, and when custody is transferred, the transferring personnel shall also notify the receiving personnel that the subject has been exposed to the Taser®.  Policy Since 11/04  After Taser® use, the following persons shall be medically evaluated by emergency medical personnel or by an appropriate medical facility:  a. Persons who are visibly pregnant or are at the extremes of age or physically disabled,  b. Persons who had more than three (3) bursts applied via probes,  c. Persons who had more than one EID (Electronic Immobilizing Device or CED) effectively used in the same incident,  d. Persons who have been subjected to a continuous burst of fifteen (15) seconds or more, or	Officers are also trained to identify the signs and symptoms of "high-risk" persons to ensure an appropriate level of evaluation or treatment.  MNPD has partnered with Davidson County Sheriffs Department staff nurses to ensure they have appropriate information to conduct an effective interview.  Nashville Fire Department Emergency Medical training staff has been invited to participate in Taser training in order to more effectively understand the use of a Taser as a non-lethal weapon.  MNPD has partnered with Nashville Fire Department Emergency Medical staff and the staff of the Vanderbilt Dept. of Emergency Medicine to develop additional training and protocols to improve the overall response to "high-risk" persons.

 e. Persons described as requiring evaluation and/or treatment as described in Sections A or B above or the Guidelines for Probe Removal of the MNPD Taser Student Manual.

Policy Since 10/05

The Taser® Aftercare Notice shall be provided to all individuals who have been exposed to the Taser®.

Policy Since 11/04

Whenever an employee is involved in a use of force incident in which a person sustains injuries or requests evaluation and/or treatment, the appropriate first-aid shall be administered either by the employee or others at the scene, by transporting the injured person to the hospital, and/or by summoning emergency medical personnel.

After <u>any</u> use of force, employees should inquire of the subject as to injuries or pre-existing medical conditions, regardless of whether they are obvious. Where employees are informed or have reason to believe that a person, to whom any use of force has been applied, has an injury or pre-existing medical condition which places the subject at an increased risk of developing a medical crisis, employees shall provide immediate aid by transporting the injured person to the hospital, and/or by summoning emergency medical personnel.

After <u>any</u> use of force on an individual who has exhibited signs or symptoms of excited delirium, extreme drug/alcohol intoxication, extreme hyperactivity, or similar uncontrolled behaviors, employees shall provide immediate aid by summoning emergency medical personnel and/or by transporting the person to the hospital.

After <u>any</u> use of force on an individual who is suspected to have ingested contraband, evidence, or unknown suspicious substances; employees shall provide immediate aid by summoning emergency medical personnel and/or by transporting the person to the hospital.

	After <u>any</u> use of force, at a minimum, employees shall notify receiving DCSO personnel of any known or observed injuries or pre-existing medical conditions so that the DCSO Nurse can conduct an informed intake interview and assessment.	
	Policy Since 10/05	
14. All persons who have been subjected to a CED activation should be monitored regularly while in police custody even if they received medical care.	See # 13	MNPD policy not only requires monitoring but provides a "Aftercare Notice" to all individuals who have been exposed to a Taser which assists them in understanding what has occurred.
15. CED darts should be treated as a biohazard. Officers should not generally remove CED darts from a subject that have penetrated the skin unless they have been trained to do so. Agencies should coordinate with medical personnel to develop training for such removal. Only medical personnel should remove darts that have penetrated a person's sensitive areas.	Probe Removal: Probes that have not pierced the skin or are superficially in the skin may be removed by an employee who is trained to do so and, if practical, in the presence of another employee. Authorized employees shall remove such probes consistent with department-approved training and the Guidelines for Police Officer Removal of Taser® Probes. Employees shall NOT attempt removal if subject is combative or if the location of the probe is in the face, neck, ear, breast, groin, or deeply embedded.  Policy Since 11/04	A comprehensive guide to probe removal was developed and reviewed by the Nashville Fire Department Emergency Medical Services personnel.
16. Following a CED activation, officers should use a restraint technique that does not impair respiration.	Authorized employees may use department issued or approved hobble restraints and approved custodial restraint techniques on subjects who have been combative to reduce the likelihood of self-inflicted injury or to control further resistance while handcuffed.  Policy Since 4/05  Employees are not permitted to use hobble restraints, leg shackles, plastic ties, or any other device to place any subject in a manner which is likely to produce positional asphyxia.  Policy Since 11/04	MNPD policy has been used in developing training protocols and methods to reduce the likelihood of such effects.
17. CEDs should not be used in the known presence of combustible vapors and liquids or other flammable substances including but not limited to alcohol-based Oleoresin Capsicum (O.C.) Spray carriers. Agencies	The Taser® shall not be used on persons known to have been exposed to flammable liquids or sprayed with a chemical spray containing a flammable propellant, or in a location near flammable liquids or where flammable gasses are known to be present.  Policy Since 11/04	MNPD Training Academy staff participated in evaluating and testing of several chemical sprays to determine the effects of such use prior to Taser deployment. Such testing was instrumental in manufacturers improving their products.

utilizing both CEDs and O.C. Spray should use a water-based spray.		
18. Agencies should create stand-alone policies and training curriculum for CEDs and all less-lethal weapons, and ensure that they are integrated with the department's overall use-of-force policy.		MNPD has combined the levels of force into a comprehensive use of force policy which articulates the force continuum process while emphasizing the need to de-escalate the level of force required while providing guidance to members with each level. A stand alone policy would not effectively emphasize such a continuum.
19. Agencies should partner with adjacent jurisdictions and enter into a Memorandum of Understanding to develop joint CED policies and protocols. This should include addressing non-alcoholic O.C. Spray carriers. Agencies should also establish multijurisdictional CED training, collaboration and policy.		Training discusses officers need to be aware of spray uses by other agencies/private guards.
20. If officers' privately owned CEDs are permitted to be used on duty, policy should dictate specifications, regulations, qualifications, etc. The devices should be registered with the department.	Authorized employees are only allowed to carry the departmentally authorized Taser® units and <b>only</b> departmentally issued Taser® cartridges while on or off duty.  Policy Since 11/04	Maintained as part of department databases and subject to same downloads and inspection procedures.  As of October 2005, personally owned Taser use has been rescinded by executive memo.
21. The CED "Probe Mode" should be the primary setting option, with "Drive Stun Mode" generally used as a secondary option.	MNPD Taser training.	Probe hits are almost always more desirable than drive stuns.  Drive or touch stuns are discouraged except in situations where probe deployment is not possible.  Drive or touch stuns shall not be used as a probe or escort device.

22. CEDs should be regulated while officers are off duty under rules similar to service firearms (including	Carrying of the Taser® while off-duty shall be at the discretion of the authorized employee.	
storage, transportation, use, etc.).	Storage & Security	
	The Taser® shall be securely stored at all times when not in use.	
	An employee storing a Taser® shall be responsible	
	for the safety and security of the Taser® unless another employee assumes responsibility for the	
	device.	
	An employee shall keep the Taser® and cartridges out of reach of children at all times.	
	Policy Since 11/04	

Prior to using the Taser® on an individual driving or in physical control of a vehicle, the employee(s) shall immobilize the individual's vehicle to prohibit it from moving during the incident, or ensure the vehicle would not pose an unreasonable risk to persons or property should the Taser® be deployed. All incidents of use will be consistent with established departmentally approved training.  Policy Since 11/04	MNPD has provided a training program on blocking vehicles for vehicle containment/pursuit prevention and suspect extraction from vehicles even before Taser deployment. A similar policy exists for chemical spray for several years.
The Taser® is to be carried in a department	Limited availability at time of ordering. Initial deployment was for an evaluation period. If program expands, this will be considered.
approved holster (on the front side of the utility belt in a cross-draw position), secured in the vehicle, or other approved method.  Policy Since 11/04	
MNPD Taser training.	
Not applicable.	
Whenever possible, give the verbal warning of "Taser!" to alert other personnel that the Taser® is about to be used so they can create a safe distance between themselves and the target;	
	in physical control of a vehicle, the employee(s) shall immobilize the individual's vehicle to prohibit it from moving during the incident, or ensure the vehicle would not pose an unreasonable risk to persons or property should the Taser® be deployed. All incidents of use will be consistent with established departmentally approved training.  Policy Since 11/04  The Taser® is to be carried in a department approved holster (on the front side of the utility belt in a cross-draw position), secured in the vehicle, or other approved method.  Policy Since 11/04  MNPD Taser training.  Not applicable.  Whenever possible, give the verbal warning of "Taser!" to alert other personnel that the Taser® is about to be used so they can create a safe distance between themselves

29. When applicable, an announcement should be made to other officers on the scene that a CED is going to be activated.	See #28	
30. A supervisor should respond to all incident scenes where a CED was activated.	Taser deployment is limited to supervisors.	Policy also requires supervisors to investigate any use of force.
31. A supervisor should conduct an initial review of a CED activation.	The employee involved in a use of force incident shall notify the appropriate supervisor immediately and complete an MNPD Form 108, Use of Force Report.  The employee's immediate supervisor shall investigate the incident and review the MNPD Form 108, Use of Force Report and any associated documents completed by the employee, and document his/her findings on an MNPD Form 104, Supplement Report  Policy Since 11/04  See also MNPD RCT on Documenting Use of Force.	
32. Every instance of CED use, including an accidental discharge, should be accounted for in a use-of-force report.	Personnel shall report all use of force incidents. However, no MNPD Form 108 is required when official presence, verbal direction, and/or soft empty-hand control is used by the employee and there is no injury and no allegation of injury.  Policy Prior to 11/04	Any use of a cartridge or any deployment as a force use, including a display, requires completion of MNPD Form 108 and/or Form 108T. Spark tests are required at the beginning of each shift do not require a form to be completed.

33. Agencies should consider initiating force investigations outside the chain of command when any of the following factors are involved:  a. A subject experiences death or serious injury;  b. A person experiences	See multiple sections on Force Review Board. Policy Prior to and Updated After 11/04	The Force Review board, within the MNPD, has existed for many years and has expanded over the years to ensure an effective and impartial force investigation process.  The board review also includes members of the Metro Legal Department and the Office of Professional Accountability.  Referrals to the board may be made at multiple levels
prolonged CED activation; c. The CED appears to have been used in a punitive or abusive		within the department.
manner; d. There appears to be a substantial deviation from training; and		
e. A person in an at-risk category has been subjected to activation (e.g., young children; persons who		
are elderly/frail, pregnant women, and any other activation as determined by a supervisor).		
34. When possible, supervisors and back-up officers should anticipate onscene officers' use of CEDs by	Taser deployment is limited to supervisors.	By deploying Tasers with supervisors, it ensures a supervisory presence at all such incidents.
responding to calls for service that have a high propensity for arrest and/or use of a CED.	raser deployment is inflited to supervisors.	

35. Every substantial investigation (and	See MNPD Form 108 & 108T.	
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when possible every preliminary	See also MNPD Roll Call Training on Documenting	
investigation) should include:	Use of Force.	
<ul> <li>a. Location and interview of witnesses (including other officers);</li> <li>b. Photographs of subject and officer injuries;</li> <li>c. Photographs of cartridges/darts;</li> <li>d. Collection of CED cartridges, darts/prongs, data downloads, car video, confetti ID tags; and e. Copies of the device data download.</li> <li>f. Other information as indicated in</li> </ul>		
guideline #45.		
36. Police leaders should be aware that		
CED download data may be unreliable. Police leaders and investigators should be able to articulate the difference between the actual duration of a CED activation on a person and the total time of discharge registered on a CED		Download data is reviewed as part of a multi-step process.  A process is being developed to expand the level of download review.
device.		
37. CED activations should be tracked in the department's early intervention system (EIS).	All use of force is tracked in Early Warning System- a computerized tracking resource for supervisors to monitor employee involved incidents.	
38. The department should periodically conduct random audits of CED data downloads and reconcile use-of-force reports with recorded activations. Departments should take necessary action as appropriate when inconsistencies are detected.		Process is being developed for random audits as a new deployment process is implemented.

39. Audits should be conducted to ensure that all officers who carry CEDs have attended initial and recertification training.	The Training Division shall issue certification cards to employees who have successfully completed the approved Taser® training course. Employees shall maintain their certification cards and the cards shall be inspected consistent with established policy and procedure. Only those authorized employees who successfully complete and maintain certification may carry and/or deploy the Taser®.  Policy Since 11/04  To ensure proficiency, authorized employees will be required to successfully complete departmental Taser® training updates. This training shall, at a minimum, be provided annually.  Policy Since 11/04 rev. 10/05	MNPD issues and requires members to possess a certification card which is subject to inspection at any time.  Such cards expire on an annual basis requiring recertification to maintain compliance.
40. Departments should not solely rely on training curriculum provided by a CED manufacturer. Agencies should ensure that manufacturers' training does not contradict their use-of-force policies and values. Agencies should ensure that their CED curriculum is integrated into their overall use-of-force systems.	See MNPD Taser training materials.	MNPD has developed a MNPD specific Taser Student Manual and specific Taser training program.
41. CED recertification should occur at least annually and consist of physical competency and device retention, changes in agency policy, technology changes, and reviews of local and national trends in CED use.	To ensure proficiency, authorized employees will be required to successfully complete departmental Taser® training updates. This training shall, at a minimum, be provided annually.  Policy Since 11/04 rev. 10/05	MNPD certification cards expire on an annual basis requiring recertification to maintain compliance.
42. Exposure to CED activation in training should be voluntary; all officers agreeing to be subjected to a CED activation should be apprised of risks associated with exposure to a CED activation.	MNPD training makes exposure voluntary and requires waiver.  Dept. conducts annual physicals for all sworn members.	

<ul> <li>43. Supervisors and command staff should receive CED awareness training so they can make educated decisions about the administrative investigations they review.</li> <li>44. Statistics should be maintained to identify CED trends and deployment concerns. Agencies may include display and arcing of weapons to measure prevention/deterrence effectiveness. CED statistics should be constantly analyzed and made publicly available.</li> </ul>	Addressed at inservice training 2005 for all sworn members.  Inservice training 2006 will provide updated information to all sworn members.  Office of the Chief of Police tracks all uses of force and maintains a comprehensive database from the MNPD Form108 and 108T.  All 108T's are also reviewed by Taser instructors.	MNPD policy also requires all force uses to be investigated by a supervisor who documents the review. These are further review through the chain of command. These are further reviewed outside the chain of command by Training Academy instructors; command level personnel assigned to the Office of the Chief and may be further reviewed by the Force Review Board.  Taser download data will be reviewed in a similar process, both within and outside the chain of command along with a process for random audits.
45. The following statistical information should be included when collecting information about CED use:  a. Date, time, location of incident; b. The use of the laser dot or display of the CED that deterred a subject and gained compliance; c. Identifying and descriptive information of the suspect (including membership in an atrisk population), all officers firing CEDs, all officer witnesses, and all other witnesses; d. The type and brand of CED used; e. The number of CED cycles, the duration of each cycle, the duration between cycles and the duration that the subject was actually activated; f. Level of aggression encountered; g. Any weapons possessed by the suspect;	See MNPD Form 108 & 108T.	Duration between cycles has been added.

h. The type of crime/incident the subject was involved in; i. Determination of whether deadly force would have been justified; j. The type of clothing worn by the subject; k. The range at which the CED was used; l. The type of mode used (probe or drive stun); m. The point of impact of probes on a subject in probe mode; n. The point of impact on a subject in drive stun mode;		Has been added.
<ul><li>o. Location of missed probe(s);</li><li>p. Terrain and weather conditions</li></ul>		Has been added
during CED use; q. Lighting conditions; r. The type of cartridge used; s. Officer suspicion that subject was under the influence of drugs (specify if available); t. Medical care provided to the subject; and u. Any injuries incurred by an officer or subject.		Has been added.
46. Law enforcement agencies should conduct neighborhood programs that focus on CED awareness training. CED training should be part of any citizen's training academy program.	Taser information is provided as part of the Citizen Police Academy and related programs. Media has been invited to previous Taser training programs.	This program continues to expand as Training evolves.
47. The agency's Public Information Officer should receive extensive training on CEDs in order to better inform the media and the public about the devices. Members of the media should be briefed on the department's policies and use of CEDs.	Public Affairs Manager has been extensively briefed on Taser training, policy and procedures and receives necessary updates.	

48. CED awareness should extend to law enforcement partners such as local medical personnel, citizen review boards, medical examiners, mental health professionals, judges and local prosecutors.	DCSO Nurses, NFD Training Academy, and local medical examiners have been provided or participated in Taser training and receive updates.	The Training Division is currently working with the Office of the State Medical Examiner and the Department of Emergency Medicine at Vanderbilt Hospital to revise and develop protocols for handling certain high-risk individuals.
49. CEDs can be effective against aggressive animals. Policies should indicate whether use against animals is permitted.	Referenced in G.O. 05-21 & MNPD Taser training materials.	
50. Officers should be aware that there is a higher risk of sudden death in people under the influence of drugs and/or symptoms associated with excited delirium.	See #13 and MNPD Taser Training Materials.  Also see MNPD Roll-Call Training Bulletin on Excited Delirium issued 10/10/05.	
51. CED cartridges with longer barbs may be more effective in extremely cold climates.	XP Cartridge use limited to SWAT.	
52. Agencies should be aware that CED cartridges have experienced firing problems in extremely cold weather.	See MNPD Taser training materials.	