



TASER USE INCIDENTS



ISSUE DATE:	04 December 2020	EFFECTIVE DATE:	04 December 2020
RESCINDS:	29 February 2020 Version		
INDEX CATEGORY:	Field Operations		

I. PURPOSE

This directive:

- A. outlines the policy governing the discharge of Department Taser devices.
- B. satisfies CALEA Law Enforcement Standard Chapter 4.

II. POLICY

A. **Sanctity of Human Life.** *The Department's highest priority is the sanctity of human life. The concept of the sanctity of human life is the belief that all human beings are to be perceived and treated as persons of inherent worth and dignity, regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, immigration status, homeless status, source of income, credit history, criminal record, criminal history, or incarceration status. Department members will act with the foremost regard for the preservation of human life and the safety of all persons involved. A member's decision to utilize a Taser will be made in accordance with the Department directive titled "**De-escalation, Response to Resistance, and Use of Force.**"*

B. **De-Escalation.** Members will use de-escalation techniques to prevent or reduce the need for force when it is safe and feasible to do so based on *the member's training and experience* and the totality of the circumstances (*e.g., when a zone of safety can be safely established and there is not a continuing threat to Department members or members of the public*). This includes continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer safety, including stopping the use of force when it is no longer necessary, in accordance with the Department directive titled "**Response to Resistance and Force Options.**"

C. **When Use is Authorized.** Department members' use of a Taser must be objectively reasonable, necessary, and proportional to the threat, actions, and level of resistance offered by a subject, under the totality of the circumstances.

1. Consistent with the Department directive titled "**Response to Resistance and Force Options,**" Department members are authorized to use a Taser only for the purpose of gaining control of and restraining the following subjects:

- a. **Active Resisters.**

The use of a Taser as a force option against an active resister is limited to when there is an objectively reasonable belief at the time of ANY of the following:

- (1) a subject that is armed.
- (2) a subject that is violent or exhibiting violent or aggressive behavior.
- (3) a subject that has committed a felony.
- (4) a subject that has committed a misdemeanor offense that is not property-related, a quality of life offense, or a petty municipal code or traffic offense.

- b. **Assailants.**

2. In determining the appropriate use of a Taser, Department members will balance the risks and benefits of a Taser discharge based on several factors, including, but not limited to the:
 - a. threat presented by the subject to the officer or the public.
 - b. threat presented by the subject to himself or herself.
 - c. availability of other force options.
 - d. likely outcome of the Taser use.
 - e. risk of injury.
 - f. subject's apparent age, size, physical and mental condition, disability, and impairment.
 - g. the seriousness of the offense and whether Taser discharge is immediately necessary.

D. **Restrictions.** Although Tasers are considered less-lethal weapons, they can cause serious injury or death. For the safety of everyone involved, the following additional restrictions apply:

1. **Use in Schools.** Tasers will not be used in a school or on students, unless the Department member assess the reasonableness and necessity of the Taser use based on the totality of the circumstances, including the subject's apparent age, size, and the threat presented, and determines that Taser discharge is immediately necessary.
2. **Explosion Hazards.** Tasers will not be used in any environment that contains potentially flammable, volatile, or explosive material.
3. **Removing Barbs.** Members will not remove Taser barbs embedded in the subject's flesh. Only trained medical personnel may remove Taser probes from a subject's flesh.
4. **Multiple Tasers on One Subject.** Members will not use multiple Tasers against the same subject, unless a member already attempted to use a Taser against the subject but the probes did not make contact with the subject.
5. **No Drive Stuns.** Drive stunning is prohibited, unless the subject is defined as an **assailant** and other force options are not readily available or would otherwise be ineffective.
6. **Persons Vulnerable to Injury from Tasers.** Tasers will not be used on a subject who is at a greater risk of serious injury or death from taser use, unless the subject is defined as an **assailant** and other force options are not readily available or would otherwise be ineffective. People who are at a greater risk of serious injury or death from Taser use include, but are not limited to, children, pregnant women, and the elderly.
7. **Fleeing Persons.** Tasers will not be used on a subject whose **ONLY** action is flight alone, without any other basis for establishing [reasonable articulable suspicion](#) or [probable cause](#).

NOTE: The use of a Taser on a fleeing person is only authorized when in compliance with Item II-C of this directive.

E. **Increased Discharge Risk.** Although Tasers are considered less-lethal weapons, Taser discharges under certain circumstances may increase the risk of serious injury or death. When practicable, Department members should avoid the use of a Taser on subjects who:

1. are elevated above the ground or are in an unstable position (e.g., tree, roof, ladder, ledge, balcony, porch, bridge, or stair);
2. could fall and suffer an impact injury to the head or other area;
3. could fall on a sharp object or surface (e.g., holding a knife, falling on glass);
4. may be less able to catch or protect themselves in a fall (e.g., restrained, handcuffed, incapacitated, or immobilized);
5. may have impaired reflexes (e.g., from alcohol, drugs, or certain medications);

6. are running, or are otherwise in motion;
 7. are operating or riding any mode of transportation (e.g., vehicle, bus, bicycle, motorcycle, or train); or
 8. are located in water, mud, or marsh environment if the ability to move is restricted.
- F. **Justify Separate Uses of Force.** An initial Taser application and each subsequent application of Taser energy (either re-energizing a discharged cartridge with the ARC switch or discharging a second cartridge) must be individually justified and documented on the Tactical Response Report (TRR) as a separate use of force.
- G. Department members will refer to the Department directive titled "**Control Devices and Instruments**" for specific procedures on Taser device protocols including training, maintenance, assignment, manner of carry, and accountability.

REMINDER: Taser Devices will be carried in a Department-approved holster on the member's support (non-firearm) side.

III. CONDITIONS ON THE DISCHARGE OF A TASER

A. **Taser Discharge.** A Taser discharge is:

1. any probe discharged, including accidental discharges;
2. any initiation of the ARC switch to re-energize the subject; or
3. the use of the device by physical contact to drive stun a subject.

NOTE: It is not considered a discharge of a Taser if the Taser and/or laser pointers were merely displayed or the use of a spark display where there is no electrical contact with the subject or cartridge discharge.

B. **Authorized Manner of Use.** When it is safe and feasible to do so, a member who is discharging a Taser device will:

1. give verbal commands and warnings prior to, during, and after the discharge of the Taser, including informing other Department members on the scene of the discharge of the Taser.
2. allow a subject a reasonable amount of time to comply with a warning prior to using or continuing the use of a Taser, unless doing so would compromise the safety of a Department member or another person.
3. aim for subject's back below the neck area. When frontal shots are necessary, aim for lower center mass (below chest or area of the heart) and legs.
 - a. Department members will target the subject's lower center mass and will avoid targeting the subject's head, neck, or genitalia.
 - b. It is recommended that Department members discharge the Taser to the subject's back whenever possible.
4. discharge probes when the member is within 18 feet of the subject (and ideally when the member is within 7 to 15 feet of the subject).
5. use only one five-second energy cycle (the default length of an energy cycle when the Taser trigger is pressed and released) and reassess the situation, including whether the subject has the ability and has been given a reasonable opportunity to comply, before any additional cycles are given or cartridges are discharged.
6. if the subject is incapacitated, immediately attempt to restrain the subject while he or she is incapacitated.
7. if the subject has been exposed to three, five-second energy cycles (or has been exposed to a cumulative 15 total seconds of energy) and the member has not gained control of the

subject, switch to other force options unless the member can reasonably justify that continued Taser use was necessary to ensure the safety of the member or another person.

NOTE: Prolonged Taser exposure under certain circumstances may increase the risk of serious injury or death.

- C. **Request Supervisor.** As soon as practical, a member who has used or anticipates using a Taser will request that a supervisor respond to the scene.

IV. POST-DISCHARGE RESPONSIBILITIES

- A. **Discharging Member.** Immediately upon gaining control and restraining the subject, the discharging member will:

1. as soon as it is safe and feasible to do so, place the subject in a position that does not impair respiration.
2. avoid placing additional stress on the subject (for instance, avoid kneeling on the subject).
3. notify the Office of Emergency Management and Communications (OEMC) of the Taser discharge.

NOTE: If a member discharges a Taser outside of the City of Chicago, the member will also notify the law enforcement agency having jurisdiction and the Chicago Police Department's Crime Prevention and Information Center (CPIC).

4. request the appropriate medical aid, including contacting emergency medical services (EMS) from the Chicago Fire Department, if:
 - a. the subject was exposed to electricity;
 - b. probes penetrated the subject's skin; or
 - c. the subject appears to be in any physical distress or complains of injury.
5. complete a Tactical Response Report (TRR) (CPD-11.377) for all Taser discharges consistent with the procedures outlined in the Department directive titled "**Incidents Requiring the Completion of a Tactical Response Report.**"
6. complete the appropriate case report and other required reports and submit the reports to their immediate supervisor for review and approval.

- B. **Office of Emergency Management and Communications (OEMC).** OEMC will immediately notify the:

1. involved member(s) immediate supervisor.
2. field supervisor and the watch operations lieutenant from the district of occurrence.
3. Crime Prevention and Information Center (CPIC).

- C. **Reviewing Supervisor.** When notified that a member under his or her command discharged a Taser, the assigned reviewing supervisor will:

1. respond immediately to the scene and assume command and oversight of the scene unless relieved by a higher-ranked supervisor.

NOTE: When the discharging member's immediate supervisor is unavailable, the watch operations lieutenant will assign a reviewing supervisor from the district of occurrence.

2. ensure the scene is protected and processed in accordance with the Department directive titled "**Crime Scene Protection and Processing.**"
3. determine whether to request an evidence technician to process the scene. An evidence technician will be requested if:
 - a. the Taser discharge occurred in a residence;
 - b. the Taser discharge occurred in an area other than a residence, whether indoors or outdoors, and the responding supervisor determines an evidence technician is required; or
 - c. probes penetrated the subject's skin or any other injuries incurred as a result of the Taser discharge. In this situation, an evidence technician must be requested to photograph the location of the probe penetration and any other injury.
4. take control of the Taser device and deliver it to the assigned investigating supervisor.
5. request the Street Deputy to respond to all Taser discharges that result in potential life-threatening injury or death.
6. if a death has occurred as a result of a Taser discharge, ensure the appropriate Forensic Services Division and Bureau of Detectives personnel are requested.
7. review the discharging member's TRR and complete the appropriate section of the TRR consistent with the procedures outlined in the Department directive titled "**Incidents Requiring the Completion of a Tactical Response Report.**"

NOTE: The reviewing supervisor will attach a copy of the Taser discharge data sheet to the TRR.

D. **Investigating Supervisor.** The watch operations lieutenant, or assigned investigating supervisor the rank of lieutenant or above, from the district of occurrence, will:

1. ensure that a supervisor at least one rank higher than the discharging member responds to the scene of the Taser discharge when such a supervisor is available.
2. notify the Civilian Office of Police Accountability (COPA) (or CPIC when COPA is not available) and ensure that a log number is obtained for a Taser discharge notification.
3. download the discharge data from the Taser and print a copy of the discharge information.
 - a. If unable to download the Taser discharge data (required equipment is inoperable or not installed), the investigating supervisor will designate a Department member, preferably a supervisor, to report to an adjacent district with the involved Taser to await the download and printing of the Taser discharge data sheet and return the untampered Taser and data sheet to the investigating supervisor.
 - b. When alternate locations are unable to download the Taser discharge data, the investigating supervisor will ensure that 2nd watch personnel hand-carry the Taser device to the Taser Repair Center to download the discharge data and print a copy of the discharge information.
4. ensure all evidence from the scene of the Taser discharge is inventoried, including:
 - a. the discharged probes, which will be detached from the wires and inserted, pointed ends first, back into the cartridge;
 - b. the used cartridge(s), which will be wrapped with tape to secure the probes inside the cartridge; and
 - c. a copy of the Taser discharge data sheet.
5. for incidents which do not require the presence of the Street Deputy, investigate the incident, review the discharging member's TRR, and document the investigation of the incident on the

TRR-I consistent with the procedures outlined in the Department directive titled "**Incidents Requiring the Completion of a Tactical Response Report.**"

NOTE: The investigating supervisor will ensure all the attachments are included in the TRR, including the Taser discharge data.

6. ensure the expended cartridge is replaced from the district/unit supply. When needed, replacement cartridges may be requested from the Taser Repair Center.

NOTE: A copy of the TRR will be presented to the Taser Repair Center for replacement cartridges.

E. **Street Deputy.** In all cases in which a subject has a potential life-threatening injury or a death has occurred in conjunction with a Taser discharge, the Street Deputy will:

1. proceed to the scene, assume command of the scene, and personally conduct a complete and thorough investigation of the incident.
2. ensure that all tasks delineated for subordinate personnel are performed.
3. review the discharging member's TRR and complete the appropriate section of the TRR-I consistent with the procedures outlined in the Department directive titled "**Incidents Requiring the Completion of a Tactical Response Report.**"

David O. Brown
Superintendent of Police

T20-120 MWK/TSS

GLOSSARY TERMS:

1. **Zone of Safety**

The distance to be maintained between the person and the responding member(s). This distance should be greater than the effective range of the weapon (other than a firearm) and it may vary with each situation (e.g., type of weapon possessed, condition of the person, surrounding area).

2. **Reasonable Articulate Suspicion**

Reasonable Articulate Suspicion is an objective legal standard that is less than probable cause but more substantial than a hunch or general suspicion. Reasonable Articulate Suspicion depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member's training and experience. Reasonable Articulate Suspicion can result from a combination of particular facts, which may appear innocuous in and of themselves, but taken together amount to reasonable suspicion.

Reasonable Articulate Suspicion should be founded on specific and objective facts or observations about how a suspect behaves, what the subject is seen or heard doing, and the circumstances or situation in regard to the suspect that is either witnessed or known by the officer. Accordingly, Reasonable Articulate Suspicion must be described with reference to facts or observations about a particular suspect's actions or the particular circumstances that an officer encounters. The physical

characteristics of a suspect are never, by themselves, sufficient. Instead, those characteristics must be combined with other factors, including a specific, non-general description matching the suspect or the observed behaviors of the suspect.

- A. For Investigatory Stops, a sworn member must possess specific and articulable facts which, combined with rational inferences from these facts, reasonably warrant a belief that the suspect is committing, is about to commit, or has committed a criminal offense.
- B. For a Protective Pat Down, a sworn member must possess specific and articulable facts, combined with rational inferences from these facts, that the suspect is armed and dangerous or reasonably suspects that the person presents a danger of attack to the sworn member or others in the area.

NOTE:

An Investigatory Stop and a Protective Pat Down are two distinct actions—both require independent, Reasonable Articulate Suspicion (i.e., to stop a person there must be reasonable suspicion of criminal activity, and to stop a person and perform a Protective Pat Down of the person, there must be reasonable suspicion of criminal activity and reasonable suspicion that the person is armed and dangerous or presents a danger of attack).

3. **Probable Cause**

Probable cause exists where the police have knowledge of facts that would lead a reasonable person to believe that a crime has occurred and that the subject has committed it. This differs from Reasonable Articulate Suspicion in that the facts supporting RAS do not need to meet probable cause requirements, but they must justify more than a mere hunch. The facts should not be viewed with analytical hindsight but instead should be considered from the perspective of a reasonable officer at the time that situation confronted him or her.