

ELECTRICAL WEAPONS

EVERETT POLICE DEPARTMENT POLICY & PROCEDURE NO. 1.03	ISSUE DATE: 06/19/13
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MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 1.3.1; 1.3.4; 1.3.5; 1.3.6; 1.3.7; 1.3.9; 1.3.10; 1.3.11; 1.3.12	REVISION DATE: 02/07/2023

I. GENERAL CONSIDERATIONS AND GUIDELINES

Electrical weapons, often referred to by a common brand name – TASER – are electro-muscular disruptors that override the central nervous system. Such weapons provide officers with another control option. **The department has transitioned to the Taser 7.0 as of February 2023.**

This department has decided to make electrical weapons available to authorized officers who obtain the training specified by the Commonwealth of Massachusetts, consistent with the policies and recommendations of respected law enforcement agencies, such as the International Association of Chiefs of Police.

Note:

On April 17th 2018 as a result of **Ramirez v. Commonwealth** the state legislature made certain changes to existing firearms licensing laws to eliminate the civilian ban of stun guns. Therefore, civilians in Massachusetts may buy and carry a stun gun only if they have license to carry firearms and as long as the electronic device is in a shape that resembles a gun. This explicitly rules out any “covert” electronic weapons that resemble other objects (e.g., pens, lighter, key chains, etc.) Mass. Gen. Laws Chapter 140, §§ 121; 131’ 131J (2019)

II. POLICY

It is the policy of this department that:

- A. Electrical weapons shall be made available as a less lethal use of force option to police officers of this agency who are authorized to carry this weapon; and
- B. Electrical Weapons may be used by authorized and trained personnel in accordance with 501 CMR 8.00, and consistent with additional guidelines established herein.
- C. Possession and Control of the Electrical Weapon will be limited to officers who are on active duty only. Officers authorized to possess and utilize electrical weapons in the performance of their duties will be responsible for the safety and security of these weapons at all times. Carrying of the electrical weapon by an officer who is off duty is forbidden.
- D. Electrical Weapons may not be carried by Everett Police officers working details in the City of Cambridge.

III. DEFINITIONS

- A. *Electrical Weapon or Device*: Also referred to as an electronic weapon: a portable device or weapon from which an electrical current, impulse, wave or beam may be directed where such current, impulse, wave or beam is designed to incapacitate temporarily.

[section 121 of said chapter 140](#) is hereby *amended* by inserting [...] the following definitions:-

"**Firearm**" >: "**a stun gun** or a pistol, revolver or other weapon of any description, loaded or unloaded, from which a shot or bullet can be discharged and of which the length of the barrel or barrels is less than 16 inches or 18 inches in the case of a shotgun as originally manufactured; provided, however, that the term firearm shall not include any weapon that is: (i) constructed in a shape that does not resemble a handgun, short-barreled rifle or short-barreled shotgun including, but not limited to, covert weapons that resemble key-chains, pens, cigarette-lighters or cigarette-packages; or (ii) not detectable as a weapon or potential weapon by x-ray machines commonly used at airports or walk-through metal detectors.

"**Stun gun**", a portable device or weapon, regardless of whether it passes an electrical shock by means of a dart or projectile via a wire lead, from which an electrical current, impulse, wave or beam that is designed to incapacitate temporarily, injure or kill may be directed.

- B. **AFIDs** (Anti-felon Identification Tags): Confetti-like pieces of paper that are expelled from the cartridge when fired. Each AFID tag contains an alpha-numeric identifier unique to the cartridge used. (not used with the Taser 7.0)
- C. **Drive Stun Mode**: The electrical weapon is used without the cartridge. The device is pressed against the suspect, and an electrical shock is delivered.
- D. **Full Probe Deployment**: The deployment of the probes from the cartridge by squeezing the trigger and the probes make contact with the subject.

IV. PROCEDURES

A. Authorization

1. The department policies regarding **Authorized Weapons, Use of Force**, and **Use of Force Reporting** apply to electrical weapons. For further information, refer to these policies.
2. Only officers who have been trained and authorized may carry this device.
3. Except for training purposes, an officer shall not possess or carry an electrical weapon until successfully completing an approved training program in the use of electrical weapons.¹

B. Special Regulation Regarding Electrical Weapons

1. 501 CMR 8.04 establishes a training requirement for the use of electrical weapons.
2. In order to qualify for admission into an approved training program for the use of electrical weapons, an authorized officer must:
 - a. Be currently employed as a state or municipal law enforcement officer;
 - b. Have successfully completed a firearms training course conducted by the Municipal Police Training Committee or approved by the Colonel of the Massachusetts State Police; and
 - c. Be authorized by the officer's department to carry a firearm in the performance of the officer's duty.

C. Training

1. Officers authorized to carry electronic weapons will be trained and certified, using a curriculum identical to the MPTC's. All instructors must be certified by the MPTC.

2. The course of instruction shall include all of the following components:
 - a. At least four (4) hours of training
 - b. A review of the mechanics of the electronic weapon
 - c. Illustration of the medical issues involved with the use of an electronic weapon, including, but not limited to, information regarding the effects of electronic weapons on individuals with pre-existing medical conditions, and information / demonstration regarding the removal of wires from an individual after an electronic weapon has been discharged
 - d. Proficiency with an electronic weapon, including a demonstration on the accurate discharge of an electronic weapon and the practice discharge of an electronic weapon by trainees
 - e. Instruction on the use of an electronic weapon as a less lethal option and its relation to other Department authorized weapons, and
 - f. A review of the Departments Policy and Procedure 1.01 "Use of Force" and 1.02 "Use of Force Reporting",
 - g. Officers are required to be re-certified every (1) year.

D. Weapon Readiness

1. CARRYING
 - a. The device will be carried in an approved holster in a cross draw configuration on the side of the body opposite the service handgun. Officers not assigned to uniformed patrol may utilize other department-approved holsters and carry the weapon consistent with department training.
 - b. The device will be carried fully armed with the safety on in preparation for immediate use when authorized.
2. ACCESSORIES
 - a. Officers authorized to use the Taser 7.0 shall be issued a minimum two cartridges (3.5' and 12') and two spare cartridges as a back-up in case of cartridge failure, the need for redeployment, or in case the first cartridge's leads break during engagement.
 - b. The two spare cartridges shall be stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer's expiration requirements.

- c. Only agency-approved battery power sources shall be used in the electrical weapon. Batteries cannot be re-charged and should be turned in to the training officer when the battery level falls below ten percent (10%).

E. Deployment [1.3.4]

1. LEVELS OF DEPLOYMENT

a. Level 1: Laser Activation

The weapon is turned on, activating the laser beam, (Warning deterrent)

b. Level 2: Spark Activation

The weapon is turned on and the ARC switch is pressed and held, activating the electrical arc. (Warning deterrent)

c. Level 3: Drive Stun

Drive Stun is direct contact of an electronic weapon against a subject's body. This can be done by pressing and holding the ARC switch. The trigger can only be used to drive stun when both cartridges have been deployed.

Drive stun is equal in force to the use of Oleoresin Capsicum (OC), joint restraints or other pain compliance techniques. Drive Stun is a compliance technique and may be used on the "Active resistive" subject.

d. Level 4: Probe Deployment

The deployment of the probes from the cartridge by squeezing the trigger and the probes make contact with the subject. This is a defensive tactics technique that may be used on an assaultive subject.

Note: Any of the above requires the officer to swap out the battery as soon as possible to upload the data.

2. USE OF FORCE MODEL

SWORN OFFICERS: Officers use only the force that is reasonably necessary to accomplish lawful objectives such as to make a lawful arrest, to place a person into protective custody, to effectively bring an incident under control, or to protect the lives or safety of the officer and others. [1.3.1]

PERCEIVED CIRCUMSTANCES: The level of force used by an officer shall be a response based upon:

- a. Threat Perception - the reasonable officer's perspective of the situation in reference to the severity of any crime, the existence of

an immediate safety threat to the officer or others, and the degree of compliance from the subject;

- b. Perceived Subject Action(s) - the subject action(s) as perceived by the reasonable officer.
 - 1) Compliant: The officer maintains or gains compliance to desired directives via options of tradition, time, communication skills, etc.
 - 2) Passive Resistive: The subject's degree of noncompliance is free of physical or mechanical enhancement, other than sheer unresponsiveness.
 - 3) Active Resistive: The subject's noncompliance has become more active in scope and intensity to a level of energy enhanced physical or mechanical defiance.
 - 4) Assaultive (Bodily Harm): An actual attack upon the officer or others. The scope and severity of the attack would not support the reasonable officer's assessment of death or serious bodily harm to occur to the officer or others.
 - 5) Assaultive (Serious Bodily Harm/Death): The reasonable officer could conclude that death or great bodily harm may be inflicted as a result of the subject's actions.

2. REASONABLE OFFICER RESPONSES

- a. Cooperative Controls: (Compliant) - Includes the subject's acceptance of authority by the use control techniques including; communication skills, common tactics, body language, etc.
- b. Contact Controls: (Passive Resistant) - "Hands on" techniques used to guide or direct the subject. The primary force component at this level could be non-pain compliance techniques, etc.
- c. Compliance Techniques: (Active Resistant) - The force forms could include elements of pain compliance, chemical irritants, joint restraints, electrical weapons in drive stun mode, etc.
- d. Defensive Tactics: (Assaultive) - The officer is justified in taking appropriate steps to immediately cease the assaultive action and to gain compliance and maintain control of the subject. Force could include weapon (baton) strikes, electrical weapon deployment, and canine apprehension.
- e. Deadly Force: (Lethal) - Absolute and immediate tactics must be deployed to stop the lethal risk and secure conclusive compliance and control. Force options could include those leading to permanent debilitation or even death, including firearms and weapons of available means.

Drive Stun Mode:

- 1) In drive stun mode the device is a pain compliance tool rather than an electro-muscular disruptor.
- 2) It may be deployed as a pain compliance technique in response to an active resistant person.
- 3) It is minimally effective compared to conventional cartridge-type deployments. The effect of drive stun is not as long-lasting as fired probes.

Note: Pain compliance may not be effective against someone in a state of “mind-body disconnect,” as in a mental health crisis state, under the influence of a mind altering substance, or extremely focused.

b. Firing the device:

- 1) Firing the device cartridge to deploy electrodes is a defensive tactic.
- 2) It may be used in response to an assaultive person.

c. Lethal Force

- 1) Intentionally firing the device at the head or neck is a deadly force countermeasure in response to a lethal threat.
- 2) ELECTRONIC WEAPONS ARE NOT A SUBSTITUTE FOR LETHAL FORCE. Officers are not expected to respond to a lethal force threat with a less lethal force option such as an electrical weapon.
- 3) An electrical weapon may be used in response to a lethal force threat under exigent circumstance as a weapon of available means.

d. Electronic weapons are best considered an option in situations where:

- 1) The officer has moved to a position of advantage such as cover, concealment or barrier, based upon the subject’s behavior or weapons; and
- 2) An additional officer can safely approach the subject to within effective range to deploy the electronic weapon.

3. DEPLOYMENT OF DEVICE

- a. A full five second cycle deployment should be applied without interruption unless circumstances dictate otherwise. (note: the Taser 7.0 automatically provides a 5 second cycle and stops)

- 1) The five second cycle is a potential “window of opportunity” for an officer to immobilize, control, or handcuff a suspect.
 - 2) Secure the suspect as quickly as possible during or immediately following the period of incapacitation.
 - b. A second or subsequent five second cycle may be necessary if, after the first five second cycle, the officer still perceives the subject as a threat.
 - c. Officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure.
 - d. The officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective.
4. TARGET AREAS
- a. The preferred target areas include the back, lower abdomen and thighs.
 - b. Avoid aiming at the head or neck unless the encounter justifies a deadly force response.
5. MOVING VEHICLES
- a. Officers may not discharge the Taser (Drive Stun Mode or Probe deployment) at or into a moving or fleeing vehicle.
6. NON MOVING VEHICLES
- a. Officers may discharge the Taser in Drive Stun mode on the operator or passenger of a non-moving motor vehicle if:²
 1. The vehicle is not operational or is in park and not likely to be engaged into drive, and
 2. The subject(s) is actively resisting, and
 3. The subject(s) has been advised of the Taser use if the subject(s) do not comply.
7. FORBIDDEN
- a. Deployment of the device in a punitive or coercive manner.
 - b. Use on a handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
 - c. Use in any environment where an officer knows that a potentially flammable, volatile, or explosive material is present (including but not limited to OC spray with volatile propellant, gasoline, natural gas, or propane). **[RECOMMENDATION: IF THE USE OF THIS**

DEVICE IS AUTHORIZED BY YOUR AGENCY OR CARRIED BY AGENCIES ADJACENT TO YOUR JURISDICTION, ISSUE OR AUTHORIZE ONLY OC SPRAY THAT IS NON-COMBUSTIBLE.]

- d. In any environment where the subject's fall could reasonably result in death (such as in water or on an elevated structure).
8. SUSCEPTIBLE POPULATION
 - a. Officers should be aware of the greater potential for injury when using an electronic weapon against certain individuals. Electronic weapons should not be used against:
 - 1) Children under the age of seventeen (17);
 - 2) Adults over the age of seventy (70);
 - 3) Women believed to be pregnant; or
 - 4) Those known to be suffering from severe mental illness.
 - 5) Persons of small stature irrespective of age;
 - 6) Persons known to be equipped with a pacemaker; or
 - 7) Persons in obvious ill health.
 - b. Electronic weapons should only be deployed on these vulnerable groups if the officer's assessment at the time is that the individuals have or will cause immediate serious bodily harm to themselves and/or others but could be subdued by an electronic weapon.

F. Aftercare

1. PROBES
 - a. Probes may be removed from the subject after the subject is restrained.
 - b. Probes may be removed by the officer on scene or by medical personnel. (note: OEMS advises that EMS will only remove the probes if they interfere with CPR or other aid)
 - c. Officers will not remove probes that were from another agency/officers Taser.
2. MEDICAL CARE
 - a. Seek medical attention for:
 - 1) A person who requests medical attention. Officers shall ask persons if they desire medical attention.
 - 2) A person who does not appear to recover properly after being engaged with the electronic device.
 - 3) A person who is in a potentially susceptible population

category. See **SUSCEPTIBLE POPULATION** in this policy.

- 4) A person who has been energized more than three times.³
 - 5) A person who has had more than one EW effectively used against him or her in any given incident.
 - 6) A person who has been subjected to a continuous energy cycle of fifteen (15) seconds or more.⁴
 - 7) A person who has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to electrical weapon exposure. For further information, see the department policy regarding **Use of Force**.
- b. Transport the following to a medical facility:
- 1) A person who is struck by a probe in the neck, throat, face, female breasts, groin;
 - 2) A person from whom personnel have difficulty removing the probes; and
 - 3) A case in which the barb separates from the probe upon removal.

G. Reporting

1. OFFICER RESPONSIBILITY

- a. The deploying officer shall notify his or her supervisor as soon as practical after deploying the device and complete the appropriate use-of-force report via the Blue Team software.
- b. As soon as possible officers shall swap out the battery of the Taser 7.0 and place it in the charging port so the data can be uploaded to evidence.com. The upload is required for Laser Activation, Arc, Drive Stun or Probe Deployment.
- c. Officers shall specifically articulate the rationale in their use-of-force report for any instance of the following:
 - 1) An electrical weapon is energized more than three times on a single subject.
 - 2) An energy cycle longer than fifteen (15) seconds in duration is used against a subject.
 - 3) More than one electrical weapon is used against a subject in any given incident.
 - 4) An electrical weapon is used against an individual designated to be in a “susceptible population.”

2. SUPERVISOR RESPONSIBILITY

- a. Ensure that photographs of the area impacted by the probes are taken after the probes are removed, if possible.
- b. Ensure that the subject has received the proper medical attention as appropriate.
- c. If the device has been fired, the officer shall collect the cartridge, wire leads, and darts. Darts are to be treated as a biohazard material and appropriately handled.

3. ADMINISTRATIVE RESPONSIBILITIES

- a. The Everett Police Department will comply with all data collection protocol and reporting requirements as set forth in Chapter 140 Section 131J.
- b. There will be an administrative review of each report of the discharge of an electronic weapon. This will be conducted by the Chief or other command staff officer as directed by the Chief.
- c. The department will conduct an annual analysis of all uses of force IAW PP 1.02 Use of Force Reporting (pg. 5 Sect. D Sub Section 2).

4. NOTE: CIVILIAN USE

- a) It is now legal for civilians to own stun guns with a valid license to carry.
- b) Storage: In direct response to the *Ramirez* decision, the Legislature amended an existing law that requires storing any stun gun in a locked container that can only be opened by the owner or someone else who's legally authorized to use the stun gun. See Mass. Gen. Laws ch. 140, § 131L (2019).
- c) It's illegal to enter to or try to enter a secure area of any **airport or plane cabin with a stun gun**, even if you have a license to carry a firearm. See Mass. Gen. Laws ch. 269, § 12F (2019).

¹ 501CMR8.04(b).

² *Brown v. Cwynar*, 3rd Circuit Court 2012

³ IACP National Law Enforcement Policy Center, *Electronic Control Weapons*, Concept and Issues Paper, Revised August 2005, H: Probe Removal and Medical Attention.

⁴ IACP National Law Enforcement Policy Center, *Electronic Control Weapons*, Concept and Issues Paper, Revised August 2005, H: Probe Removal and Medical Attention.