



PERF Conducted Energy Device Policy and Training Guidelines for Consideration

The following conducted energy device (CED)¹ policy and training guidelines were developed by the Police Executive Research Forum (PERF). They are based on information gathered from police chiefs and other subject-matter experts, two PERF national surveys involving more than 130 law enforcement agencies, reports on CED research findings and agency policies collected for this effort. In addition, a cross section of 80 people—police practitioners of various ranks, authorities on use of force, medical doctors and researchers—vetted these guidelines during a two-day national summit held on October 18–19, 2005, in Houston, Texas, that was supported by the U.S. Department of Justice Office of Community Oriented Policing Services and the Bureau of Justice Assistance.

While every effort was made to consider the majority views of all contributors and the best thinking on the vast amount of information received, the resulting PERF guidelines do not necessarily reflect the individual views of each participating law enforcement agency, nor the views of the U.S. Department of Justice.

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.
2. No more than one officer should activate a CED against a person at a time.
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.
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.
5. Training should include recognizing the limitations of CED activation and being prepared to transition to other force options as needed.
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.
7. CEDs should not generally be used against pregnant women, elderly persons, young children, and visibly frail persons unless exigent circumstances exist.

¹ CED brand names include Taser,[™] Stinger[™] and Law Enforcement Associates.[™]

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.
9. CEDs should not generally be used when a subject is in a location where a fall may cause substantial injury or death.
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.
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.
12. Officers should avoid firing darts at a subject's head, neck and genitalia.
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.
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.
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.
16. Following a CED activation, officers should use a restraint technique that does not impair respiration.
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 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.
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.
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.

21. The CED "Probe Mode" should be the primary setting option, with "Drive Stun Mode" generally used as a secondary option.
22. CEDs should be regulated while officers are off duty under rules similar to service firearms (including storage, transportation, use, etc.).
23. CEDs should not be used against suspects in physical control of a vehicle in motion to include automobiles, trucks, motorcycles, ATVs, bicycles and scooters unless exigent circumstances exist.
24. The use of brightly colored CEDs (e.g., yellow) reduces the risk of escalating a force situation because they are plainly visible and thus decrease the possibility that a secondary unit mistakes the CED for a firearm (sympathetic fire). Note that specialized units (e.g., SWAT Units) may want dark-colored CEDs for tactical concealment purposes.
25. CEDs should be maintained in a holster on an officer's weak (support) side to avoid the accidental drawing and/or firing of an officer's sidearm.
26. Officers should be trained that the TASER™ CED's optimum range is 15 feet.²
27. Auxiliary/Reserve officers can be armed with CEDs provided they receive all mandated training and maintain all requalification requirements. Training and local statutes may dictate policy.
28. A warning should be given to a person prior to activating the CED unless to do so would place any other person at risk.
29. When applicable, an announcement should be made to other officers on the scene that a CED is going to be activated.
30. A supervisor should respond to all incident scenes where a CED was activated.
31. A supervisor should conduct an initial review of a CED activation.
32. Every instance of CED use, including an accidental discharge, should be accounted for in a use-of-force report.
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 prolonged CED activation;
 - c. The CED appears to have been used in a punitive or abusive 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 on-scene officers' use of CEDs by responding to calls for service that have a high propensity for arrest and/or use of a CED.

² Association of Chief Police Officers, 2004. Independent Evaluation of the Operational Trial of TASER.™

35. Every substantial investigation (and when possible every preliminary investigation) should include:
 - a. Location and interview of witnesses (including other officers);
 - b. Photographs of subject and officer injuries;
 - c. Photographs of cartridges/darts;
 - d. Collection of CED cartridges, darts/prongs, data downloads, car video, confetti ID tags; and
 - e. Copies of the device data download.
 - f. Other information as indicated in 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 device.
37. CED activations should be tracked in the department's early intervention system (EIS).
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.
39. Audits should be conducted to ensure that all officers who carry CEDs have attended initial and recertification training.
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.
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.
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.
43. Supervisors and command staff should receive CED awareness training so they can make educated decisions about the administrative investigations they review.
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.
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 at-risk 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;
 - 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;
 - o. Location of missed probe(s);
 - p. Terrain and weather conditions 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.
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.
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.
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.
49. CEDs can be effective against aggressive animals. Policies should indicate whether use against animals is permitted.
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.
51. CED cartridges with longer barbs may be more effective in extremely cold climates.
52. Agencies should be aware that CED cartridges have experienced firing problems in extremely cold weather.

These guidelines are presented with the understanding that many force situations evolve rapidly and sometimes require law enforcement officers to make quick decisions about force options. It is impossible to anticipate every possible force situation or circumstance that may occur, and in all cases officers need to rely on their training, judgment and instincts. However, it is anticipated that these considerations will help the law enforcement profession to better manage conducted energy devices and police use-of-force situations.