

Date: November 1, 2011

To: James E. Craig, Chief of Police

From: Kenneth E. Glenn, CCIA Director

Cc. CCA Board Members, Milton R. Dohoney Jr., City Manager

**Subject: Cincinnati Police Department Taser Policy Review and Recommendations**

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## **Introduction**

In former Federal Monitor Saul Green's final report to the Cincinnati community, he made the following recommendation regarding the activities of the Citizen Complaint Authority (CCA):

**Recommendation #4:** The CCA should expand its activities beyond citizen complaints to also review police policies and procedures.

*The CCA has done an admirable job of providing Cincinnati citizens with more confidence that citizen complaints will be addressed thoroughly, fairly and impartially. Civilian police oversight entities are most effective, however, if they include in their activities a review of police policies and practices, in addition to individual complaint investigations. The CCA does produce a "patterns report" on an annual basis that examines both officers and Cincinnati residents who are involved in multiple complaint incidents. Expanding this work would provide Cincinnati citizens additional confidence in police accountability.*

Over the past several years, the CCA board, which is appointed by the Mayor and are representatives of the community, have been concerned regarding a number of cases where under the prevailing circumstances felt the use of the Taser was not justified as the safety of officers or citizens was not in jeopardy. Additionally, board members have expressed concern that officers are resorting to either, the threat of or tasing of individuals prior to exhausting their options. However, in a number of these questionable cases, the Director and Board exonerated the officers as their actions were in compliance with CPD policies, procedures and training. The concern of CCA is long standing and came to the forefront in early 2004 when the board asked former CCA director Wendell France to review CPD's use of force policy as it related to Taser usage<sup>1</sup>. Additionally, in his sixth report to the Cincinnati community, Mr. Green raised concerns and advised CPD to closely monitor Taser deployment because of Taser associated deaths in other jurisdictions<sup>2</sup>.

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<sup>1</sup> October 2004 letter from Wendell France to the CCA Board

<sup>2</sup> Federal Monitors Sixth Report Page 15

Purposely, no specific cases will be mentioned as our focus is the community concern regarding the Taser policy. It should be noted that CCA has been supportive of the use of Tasers since CPD integrated them into their arsenal of weapons in 2004. It has been proven that Taser use has resulted in approximately 40% fewer injuries to citizens and 70% fewer injuries to officers for police departments that have deployed Tasers versus agencies that do not use them<sup>3</sup>. However, there is international concern regarding the safety of the devices.

As a result of the current Boards concerns and as directed by the Board chairperson, the CCA staff has conducted extensive research in its analysis and review of CPD's Taser policy. CPD's Taser policy is incorporated into its Use of Force Policy 12.545. Currently, CPD officers are assigned X26 Tasers manufactured by Taser International. CCA's report, analysis and recommendations are intended to focus only on specific areas of concern.

To avoid gratuitous discussion and focus on specific issues, there are two issues that CCA makes clear regarding our analysis and recommendations 1) the Chief of Police has the authority to set policy for the police department and 2) According to the City Solicitor's office, CPD's Taser policy is in compliance with federal and state court guidelines. However, and important to note is that the Chief of Police, as have other Police Chiefs in other jurisdictions can set more restrictive guidelines to policy then the courts allow in response to community concerns.

There have been numerous national and international researches and opinions from the law enforcement, medical, academic, legal professions and other stakeholders as it relates to Taser usage. That fact in itself shows an international concern regarding the use of Tasers. This review and report is not intended to reiterate any of the studies that have been completed by organizations from around the world and is intended to narrowly focus on specific areas of CPD's taser policy that CCA has found to be of concern. Material referenced for this report is noted. The recommendations from CCA are just that, with a focus on citizen and officer safety.

There are arguments from those who support Taser usage and those who do not support its use. However, whatever arguments or opinions one may have, the fact is undisputed that numerous deaths have been *associated* with Taser usage. Between 2001 and 2008 approximately 350 people died in the United States and Canada in proximity to Taser activation<sup>4</sup>. Because of this startling fact, a number of law enforcement agencies are reevaluating their Taser policies. One alarming issue is that a significant number of those deaths were unarmed individuals that did not pose a serious threat to the officers or safety to others.

As an example of Taser concerns, three cities, Memphis, Detroit, and San Francisco's political leaders have refused to allow Tasers to be deployed by their police departments. And in fact, in a presentation to the San Francisco city council asking for the deployment of Tasers by his department, former San Francisco Police Chief George Gascon made these troubling comments "We have referred to the Tasers for many years as a less-lethal weapon," he said. "In the San Francisco experience, which we have to concentrate on, I have not said once that this is a non-lethal device because *I believe it can be a contributing factor in causing death*". And in another interview he made these comments, "It is not a perfect tool, it is not, and I repeat this over and over again. It is not non-lethal, we understand that occasionally the Taser has been found to be a contributing factor in someone's death during an altercation with police, but I can tell you also that in many of those cases you have

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<sup>3</sup> PERF September 2009 Newsletter

<sup>4</sup> Amnesty International

people who are extremely fragile".<sup>5</sup> With that comment, then the question must be asked, how does a police officer determine who is "extremely fragile"?

Concern has also come from the law enforcement community itself. In 2005, former Newark Police Chief Ray Samuels turned down the opportunity to bring Tasers to his city. In explaining his position, which he shared with other city administrations that were considering the weapon, he wrote, "What scared me about the weapon is that you can deploy it absolutely within the manufacturer's recommendations and there is still the possibility of an unintended reaction. I can't imagine a worse circumstance than to have a death attributed to a Taser in a situation that didn't justify lethal force."<sup>6</sup>

Although the courts continue to refer to Tasers as non-lethal, many law enforcement agencies, researchers and other concerned parties refer to them as less-lethal. In CPD's Use of Force Policy 12.545, Tasers are classified as non-lethal. Important to note is that the manufacturer of the Taser, Taser International in its Training Bulletin 15.0 has advised law enforcement agencies to attempt to avoid tasing an individual in the upper chest area near the heart. This advisory was issued after cardiologist; Dr. Charles Swerdlow who at the time sat on Taser International's science advisory board reviewed 56 autopsy reports and concluded that one death resulted directly from Taser usage<sup>7</sup>. Too many; this warning has added additional concerns to the overall safety of the devices.

One of the most comprehensive studies often referred to by police agencies when developing Taser policies was conducted by the Police Executive Research Forum (PERF) with a grant from the U.S. Department of Justice Office of Community Oriented Policing Services (COPS). In October 2005, in Houston, Texas, after two years of extensive research, PERF with the support of COPS brought together 50 law enforcement agencies that use Tasers, medical doctors, labor union representatives, academic researchers and other subject matter experts to vet its recommended guidelines. The final report<sup>8</sup> was authored by James M. Cronin and Joshua A. Ederheimer from the U.S. Department of Justice (COPS) office and PERF.

In its final report, PERF recommended 52 guidelines for consideration by law enforcement agencies. Additionally, in September 2009, PERF's academic researchers issued a very detailed and comprehensive report that concluded that the proper use of Tasers improved safety for citizens and officers. However, they cautioned police agencies to remain vigilant with strict policies and training to enforce proper usage. It should be noted that CPD's and the other law enforcement agencies policies that were reviewed as a part of our analysis appear to partially conform to a number of PERF's recommendations.

In addition to a review of PERF's 52 recommended guidelines, the following research projects and other police departments Taser policies were reviewed and compared with CPD's Taser policy:

- PERF's and COPS joint 2011 report and recommendations
- PERF's 2009 Report submitted to the National Institute of Justice: comparing safety outcomes in police use-of-force cases for law enforcement agencies that have deployed conducted energy devices and a matched comparison group that have not: A quasi-experimental evaluation

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<sup>5</sup> CBS 5 Crime Watch December 29, 2009

<sup>6</sup> New America Media January 7, 2010

<sup>7</sup> SFGate.com February 28, 2010

<sup>8</sup> Conducted Energy Devices: Development of Standards for Consistency and Guidance- The Creation of National CED Policy and Training Guidelines

- International Association of Chief of Police (IACP) August 2009 Model Taser Policy
- PERF's 2009 Newsletter
- Sam Houston State University, A Qualitative Analysis of the Use of Conducted Energy Devices by the Houston Police Department
- Commission for Public Complaints Against the Royal Canadian Mounted Police, RCMP Use of Conducted Energy Weapons (CEW) June 12, 2008 Final Report
- Report by the Maryland Attorney General's, Task Force on Electronic Weapons December 2009
- Amnesty International, "Less than Lethal"? The Use of Stun Weapons in US Law Enforcement
- Taser International April 28, 2008 Product Warnings: Law Enforcement
- Taser International, Training Bulletin 15.0
- Braidwood Commission on Conducted Energy Weapon Use, Restoring Public Confidence Restricting the Use of Conducted Energy Weapons in British Columbia
- U.S. Department of Justice (DOJ) Civil Rights Division Investigation of the Orange County Florida Sheriffs Office Use of Conducted Energy Devices
- Orange County Sheriffs Agreement with the DOJ
- Orange County Sheriffs General Order 8.1.8
- Compliance Report, Wisconsin's Electronic Control Device Training Compared with USDOJ Recommendations made to Orange County, Fl.
- Green Bay, Wisconsin Police Department 2006 Taser Report
- PERF's Recommendations for the San Antonio Police Department
- Police Assessment Resource Center (PARC) Less-Lethal Technology
- Royal Canadian Mounted Police RCMP Operational Manual-Conducted Energy Weapon Amended 2009-02-03
- Denver Police Department Use of Force Procedures 105.02
- Eugene Oregon Policy 309 Taser Guidelines
- Minneapolis Police Department Special Order # S06-007
- Columbia Police Department Standard Operational Guidelines # 17.05
- Louisville Metro Police Department Standard Operating Procedures SOP Number 9.1 Use of Force
- Police Assessment Resource Center (PARC) The Portland Police Bureau Third Follow-Up Report

After a careful review of the aforementioned research projects and law enforcement policies, the Maryland Attorney General's Task Force Report (for further reference will be referred to as MAG) stand out as a community based study that involved representatives from the law enforcement, legal, medical, and civil right organizations making recommendations as to how they want Tasers deployed in their state. However, and unfortunately, a number of deaths occurred in proximity to Taser usage prior to the Maryland Attorney General using his office to put together this task force. Additionally, the United States Department of Justice's (DOJ) recommendations to the Orange County Florida Sheriffs Office (OCSO) addressee issues specific to CCA's concerns regarding CPD's Taser policy. Cincinnati has an opportunity to be proactive, step back, involve the community with public hearings and revisit its Taser policy. Whether it's Maryland, Orange County Florida or Cincinnati, the potential risk for serious injury or death in proximity to Taser usage is something that must be taken serious. The MAG and DOJ reports could be used by the Cincinnati community as a starting point for dialogue about this serious issue.

As stated earlier, although the Chief of Police sets policy for the department, the Collaborative Agreement set the tone for collaboration with the police department and the community it serves. These types of discussions are in progress with law enforcement agencies and communities around the country as it relates to Taser

deployment. In PERF's 2009 report to the National Institute of Justice, the following assessment was made, "Each LEA has to consider a multitude of factors in assessing when to authorize use of the CED, working closely with its full set of *community partners* to consider a range of local factors".

Unfortunately, in this important and critical issue, to my knowledge, members of the community have not been consulted regarding the deployment or policy regarding Taser usage. The Collaborative Advisory Group to the City Manager or a CCA board meeting could be a forum for the police department leadership to hear community feedback and concerns and discuss these recommendations.

## **CPD Policy Analysis**

CPD Policy Section A. Use of the Taser X26 states in part:

***Use the Taser X26 for self defense or to control subjects that are actively resisting arrest.***

***Actively resisting*** is defined as when the subject is making physically evasive movements to defeat the officer's attempt at control, including fleeing, bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

In March 2010, CPD updated its Use of Force policy 12.545 with several revisions. The term "actively resisting" in the definition section was changed to "actively resisting arrest" and the definition was updated to include "fleeing" as an action of actively resisting arrest.

CCA supports the "self defense" portion of this policy but disagree with the "actively resisting arrest" as defined by the new policy. CCA strongly disagree with the addition of adding "fleeing" as an act of "actively resisting" without guidelines on factors to consider for Taser deployment when a subject flees from an officer. There are deep rooted community and international concerns regarding the deploying of a Taser at an individual who is running away from an officer. Taser International has listed "running" in a Product Warning Bulletin in the area of "at risk persons" for Taser deployment. It is clear that an individual's forward momentum from running can only add to the risk of serious injury or death from a secondary fall. The MAG report took the issue of fleeing very serious and list "fleeing" as an area where Tasers should only be used when deadly force is otherwise legally permitted<sup>9</sup>. Additionally, DOJ addressed this issue in its report to the Orange County Sheriffs Office.

**The following are CCA concerns and should not be considered as all inclusive:**

- The placement of the Taser on the Use of Force Continuum as the next option below verbal commands. This is a concern as officers are resorting to Taser usage prior to a physical attempt to take a suspect into custody.
- Actively Resisting as defined in the policy, specifically, with flight being defined as a component without specific guidelines on the deployment of a Taser at a fleeing subject.
- No mention in policy regarding the risk of excited delirium
- No mention in policy regarding the tasing of restrained individuals

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<sup>9</sup> Page 4 of the MAG report

- No mention in policy regarding the tasing of passive subjects i.e. questioning an officers commands in a non-violent or non-threatening manner

CCA has long been concerned about CPD's Taser policy that has not included more defined restrictions and address any of the aforementioned community concerns. The CCA and community concerns are concerns of other community's including but not limited to the following:

## **Department of Justice (DOJ) Recommendations to Orange County Sheriff Office (OCSO)**

### **Flight as Justification for ECW Deployment**

While a subject's flight may be considered "active physical resistance" leading an deputy to deploy an ECW, we recommend that OCSO clarify its policies to make clear that a subject's flight should not be the sole justification for deploying the ECW. Prior to deploying the ECW against a fleeing subject, the deputy should consider such factors as:

- (a) the severity of the offense;
- (b) any immediate threat to the safety of the deputy or others posed by the subject; and,
- (c) the ability of the deputy to safely effectuate the arrest without ECW deployment.

While OCSO's current ECW policy contains "subject factors" to be considered by the deputy in making the decision to deploy the ECW such as "seriousness of crime committed by subject," and "whether the subject can be recaptured at a later time," it does not, however, expressly instruct deputies that a subject's flight should not be the sole justification for ECW deployment.

Although the deployment of the ECW against a fleeing subject may be reasonable under certain circumstances, the mere act of fleeing the presence of law enforcement, without more, does not create circumstances under which a deputy's deployment of the ECW would be considered a reasonable use of force. We recommend that in accordance with the recognized best available practices and the recommendations of our expert consultants, OCSO revise its policies to clarify this distinction to prevent potential unlawful ECW use.

### **Prohibiting ECW Deployment Against "Passive" Subjects**

While the OCSO's use-of-force matrix appropriately classifies ECW deployment at Level 4, requiring "active physical resistance,"<sup>6</sup> OCSO policy should expressly state that ECW deployment is appropriate only when encountering Level 4 or higher resistance and that ECW deployment is inappropriate when deputies encounter passive resistance as defined in Levels 1 through 3. We also recommend that OCSO policy define "passive subjects" to include those persons who question a deputy's commands in a non-violent and non-threatening manner and persons who are non-violently participating in public protest.

## **ECW Use Against Handcuffed Subjects**

OCSO policy allows ECW deployment “on handcuffed, or otherwise secured subjects who present a Level 4 active physical resistance.” OCSO G.O. 8.1.8 (4)(C)(5). This policy authorizes identical force responses against both restrained and unrestrained individuals despite the reduced risk of danger posed to the deputy or other persons by a subject who is restrained by handcuffs or other means. Therefore, we recommend that OCSO revise its ECW policy to prohibit ECW deployment against handcuffed or otherwise restrained subjects unless the subject is exhibiting Level 5 or higher resistance.

## **ECW Use and “Excited Delirium”**

Studies sponsored by the National Institute of Justice<sup>11</sup> suggest that ECW deployment on subjects under the influence of drugs or presenting behaviors associated with the condition of “excited delirium”<sup>12</sup> may lead to sudden death. As we learn more about the effects of ECW deployment on the human body, risks of such deployment may be eliminated, refined, or supplemented. Nevertheless, we recommend that OCSO’s policy inform deputies of the findings of these studies, instruct deputies how to identify behaviors associated with the influence of drugs or the condition of “excited delirium,” and suggest precautions to be taken to minimize the risks involved.<sup>13</sup>

## **Maryland Attorney General Task Force Recommendations:**

### **Use-of-Force Recommendations**

- ECWs should not be used against a passive or restrained subject, or otherwise to counter passive noncompliance, absent an imminent threat of physical harm.
- The act of fleeing or destroying evidence, in and of itself, should not justify the use of an ECW.
- Officers should be permitted to use ECWs only when individuals pose an imminent threat of physical injury to themselves or others. For the purposes of this standard, “physical injury” should have the same meaning as it does in Maryland’s definition of second degree assault on a law enforcement officer. Specifically, “physical injury” means “any impairment of physical condition, excluding minor injuries.” A threat of such minor injuries ordinarily does not warrant the application of a potentially lethal force option.

Agencies should adopt a use-of-force model that recognizes that in the following situations involving a heightened risk of serious injury or death, ECWs should only be used when deadly force is otherwise legally permitted:

- persons in elevated positions, who might be at risk of a dangerous fall;
- persons operating vehicles or machinery;
- persons who are fleeing on foot;
- persons who are already restrained in handcuffs;
- persons who might be in danger of drowning;
- environments in which combustible vapors and liquids or other flammable substances including but not limited to alcohol-based Oleoresin Capsicum (“OC”); or
- similar situations involving heightened risk of serious injury or death to the subject.

Agencies should adopt a use-of-force model that recognizes that the populations listed below may be at a heightened risk of serious injury or death. When deciding whether to discharge an ECW, the officer should consider the heightened risk of serious injury or death for these groups and be able to articulate the justification for exposing a person to increased risk:

- persons with known heart conditions, including pacemakers;
- elderly persons or young children;
- frail persons or persons with very thin statures (*i.e.*, may have thin chest walls)
- women known to be pregnant;
- persons in mental/medical crisis; or
- persons under the influence of drugs or intoxicated by alcohol.

Agencies should adopt a use-of-force model that recognizes that unless articulated exigent circumstances exist justifying the increased risk, ECWs should not be discharged at sensitive areas of the body, including the head, neck, chest, or genitals.

- An individual's apparent mental health or medical crisis (including any display of symptoms that are considered by some to constitute a syndrome called "excited delirium") should not in itself justify the use of an ECW.
- Multiple ECWs should not be simultaneously discharged against a person unless there is a specific articulable reason for doing so and should be avoided when possible.
- An officer should only administer an additional ECW discharge after an initial discharge if the officer has concluded that the subject still poses an imminent threat of significant physical harm and other options are not appropriate.
- Repeated or prolonged (*i.e.*, beyond the five-second standard cycle) discharges should be avoided whenever possible due to the increased risk of serious injury or death.
- ECWs should not be used in pain compliance (drive-stun) mode except when necessary to complete the incapacitation circuit, or when the probe mode has been ineffective and use of drive-stun mode is necessary to prevent imminent harm to the officer or others.

### **Sam Houston University review of the Houston Police Department**

- Clarify when it is appropriate to use a CED on a subject who is fleeing from an officer. This should require active aggression on the part of the subject, separate and apart from fleeing in itself.

### **Columbia, Missouri Police Department**

- Officers shall not use the Taser to subdue a person who is fleeing a misdemeanor offense unless the person has shown a propensity for violence or is an immediate threat to the officer or a citizen

## **Eugene, Oregon Police Department**

- a person who the officer reasonably believes creates an immediate, credible threat to the physical safety of himself/herself, the officer, or another person; or
- a person who engages in, or displays the intent to engage in, aggressive physical resistance to a lawful police action; or
- a person who has been placed under arrest or is so advised but engages in active physical resistance exceeding officers' ability to control him/her using strength or control holds. A Taser may be used to gain control of such a person in lieu of engaging in a struggle with him/her that would risk greater injury to the subject or officers than use of the Taser; or
- a person who flees from arrest for a crime for which a person would normally be taken into custody, in lieu of using another force option more likely to result in injury to the subject or officer, such as tackling or striking. The fact that a person is fleeing should not be the sole justification for use of a Taser. Officers should consider the severity of the offense, the threat the person poses to others, the person's history of violent behavior, what other options are available to apprehend the individual, and other relevant circumstances to determine whether the use of a Taser is reasonable for the situation. "Aggressive physical resistance" as used in this section means physical actions which attack or threaten to attack the officer, coupled with the ability to carry out the attack, which may result in physical injury.

## **Denver, Colorado Police Department**

- To incapacitate a combative or physically resistive person: whose conduct rises at least to the level of Active Aggression. The purpose is to neutralize the person to the point they can be taken safely controlled and taken into custody. This use of force option becomes necessary when other force options would be inappropriate or ineffective under the circumstances. (Active Aggression: A threat or overt act of an assault, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.) OR
- In situations when its use is likely to prevent an officer or a third person from seriously body injury, OR
- To incapacitate a suicidal person who can't be safely controlled with other force options.

## **Ashland, Oregon Police Department:**

- Even if otherwise authorized under section 3.022, of this policy use of a Taser is further restricted in the following circumstances... [t]hat a suspect is fleeing is never the sole justification for use of a Taser. Severity of the offense and the threat of injury to the subject or others should be the subject escape should be considered.

# **Minneapolis, Minnesota Police Department**

**5-318 USE OF TASERS** Tasers may only be used on fleeing persons if the subject's actions justify the use of hard empty hand or "intermediate weapons" as outlined on the MPD Use of Force Continuum. This level is appropriate for fleeing felons or the arrest of a subject who is actively aggressive, i.e., actually fighting against police officers.

## **CCA RECOMMENDATIONS:**

The following recommendations are not to be interpreted as a criticism of the current CPD Taser policy or training but are intended to bring CCA and community concerns to the Chief of Police and act as a partner in enhancing the delivery of safe police services for citizens and officers.

### **Recommendation 1**

Due to the strong community and international concern regarding the safety of Tasers, CCA recommends that CPD consider a stand-alone Taser policy (example: Orange County Florida Sheriff Department General Order 8.1.8) separate from its current Use of Force policy.

### **Recommendation 2**

**PERF Recommendation # 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.*

**CPD Policy** - Use the Taser X26 for self defense or to control subjects that are actively resisting arrest.

**CCA Recommendation** – Recommend that "actively resisting" as it relates to Taser usage be changed to "active aggression" i.e. someone actually fighting and/or attacking an officer. Include in CPD policy PERF's recommendation that Tasers not be used against "passive" subjects and clearly define passive resistance.

#### **Define active aggression as:**

A threat or overt act of an assault through physical or verbal means coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent

#### **Define passive resistance as:**

Persons who question an officers commands in a non-violent and non-threatening manner and persons who are non-violently participating in public protest.

### **Recommendation 3**

**PERF Recommendation # 2** - No more then one officer at a time should activate a Taser against a person

**CPD Policy**- No mention in policy

**CCA Recommendation** - Include in policy

#### **Recommendation 4**

**PERF Recommendation # 4** - Officers should be trained to understand that multiple activations increase the risk of death or serious injury

**CPD Policy** - When possible, avoid prolonged, extended, uninterrupted discharges or extensive multiple discharges.

**CCA Recommendation** - Include in policy that multiple activations increase the risk of death or serious injury

#### **Recommendation 5**

**PERF Recommendation #6-** That a subject 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.

**CPD Policy** – Fleeing is a component of actively resisting and there is no mention of severity of the offense in the policy.

**CCA Recommendation** – Include PERF's recommendation with the addition that the Taser should not be used against a fleeing subject who have committed a misdemeanor offense unless the individual has shown a propensity for violence or is an immediate threat to the officer or citizen.

#### **From Former Federal Monitor Saul Green's Sixth Report**

*“This is the first quarter in which CPD officers made widespread use of the new X-26 Tasers. From the CPD's force statistics and a review of Taser incidents, it appears that the Tasers are being used by CPD officers instead of other types of force, such as physical confrontations and impact weapons. Using a Taser can eliminate the need for an officer to close the distance between himself or herself and the subject. The CPD and others suggest that this will reduce injuries to both the officers and the subjects involved. Unlike other weapons, there is no lasting impact or injury after Taser use, according to the CPD. Tasers are not risk-free, however. There can be injuries from Taser use, particularly from the fall to the ground. Moreover, officers must be careful not to use Tasers in situations where force is not necessary. We believe that Taser use warrants careful monitoring and evaluation by the CPD, to ensure that officers are properly considering alternatives to force such as disengagement and verbal commands, or arrest control techniques. In addition, the CPD should track research on the new Tasers, particularly given controversies in other jurisdictions where in-custody deaths have followed Taser use”.*

## **CONCLUSION**

Used properly, Tasers have proven their worth as a tool to reduce citizen and officer injuries. However, the data, and incident after incident that associate Taser use with unattended deaths such as the August 2011 death of an 18 year old University of Cincinnati student gives credence that Taser use warrants constant monitoring and strict guidelines to limit its use. The above recommendations are just that, and are intended to limit the use of Tasers without compromising officer safety. All CCA's recommendations fall within the "recommendations" of the recent joint 2011 project of PERF and COPS of the Department of Justice. Additionally, other law enforcement agencies polices and other research projects such as the MAG and the DOJ recommendations to the Orange County Sheriffs department have been identified as addressing some of the CCA board members and community concerns.