

Appendix 4 –Guidelines and Procedures for Electro-Muscular Disruption Devices (EMDDs)

Among the intermediate force devices approved by the *Interim ICE Firearms Policy* (Appendix 1, Section F) and the *Interim ICE Use of Force Policy* (Part 3.A.3) are electro-muscular disruption devices (EMDDs), which include TASER devices. This Appendix establishes ICE guidelines and procedures regarding the use of EMDDs, including TASER devices. TASER devices are sold by (b)(7)(E) and may be used in a probe deployment mode or a touch (drive stun) mode to control an individual. For the purposes of these guidelines, TASER device refers to the (b)(7)(E) produced by TASER that have been approved by the Assistant Director for Office of Training and Tactical Programs (OTTP).

Authorized Officers who meet the requirements outlined in Part 1.B. of the *Interim ICE Firearms Policy* may carry and use TASER devices as part of their law enforcement duties if expressly authorized by their Program Office. The use of TASER devices must comply with applicable laws and the current Department of Homeland Security (DHS) and ICE use of force policies. Authorized Officers must complete training on when and how to use TASER devices before they are allowed to carry their assigned TASER. All deployments of TASER devices will be considered a hard technique within the ICE use of force continuum and must be properly reported and evaluated. Program Offices may not acquire, test, or evaluate TASER devices without the approval of the Assistant Director of OTTP. Only ICE-issued TASER devices may be used for law enforcement duties. The carriage or use of personally owned TASER devices or any EMDD for law enforcement duties is strictly prohibited.

Definitions

- 1) Cartridge refers to a nitrogen powered cartridge manufactured specifically for use with the TASER X26 or X2 device.
- 2) Probe Deployment refers to the use of compressed nitrogen gas to propel two darts on wires from an EMDD to connect with an individual target. The EMDD then sends an electrical signal to the probes via the small wires, which can disrupt the body's ability to communicate messages between the brain and the muscles in the body, usually causing temporary neuromuscular incapacitation.
- 3) Anti-Felon Identification (AFID) system is a package of coded tags that deploy with the probes when a cartridge is discharged to identify the cartridge that was used.
- 4) Drive Stun Deployment refers to a technique where the device is brought into contact with a subject. Due to the narrow spread of the probes or contacts, this technique does not normally create neuromuscular incapacitation and is designed to effect compliance by sensory distraction.

Training and Certification

- 1) TASER devices will be issued only to Authorized Officers who have been trained and certified on when and how to use TASER devices.
- 2) Authorized Officers must be recertified annually on the use of TASER devices.
- 3) TASER instructors must be recertified every five (5) years. Additional training may be provided in between recertification sessions at the discretion of the Assistant Director of OTTP (e.g., to convey information on technological updates for these devices).
- 4) Exposure to TASER devices as part of the training and certification process will be voluntary for Authorized Officers.
- 5) Authorized Officers assigned to units with TASER devices or similar EMDDs must obtain training from an ICE Firearms or Defensive Tactics Instructor which outlines the techniques that accompany this technology, including use of force techniques when such devices are deployed. This training is intended to maximize the effectiveness of the device and enhance the safety of the officers and/or agents involved, the subject, and any bystanders.
- 6) All initial and follow-on training with TASER devices will be recorded in the ICE (b)(7)(E)
- 7) All TASER-related training, whether for instructors or law enforcement officers, must be approved by the Assistant Director for OTTP before it is implemented.

Carriage and Maintenance of TASER

- 1) Each TASER device that is carried on duty must be spark-tested by the Authorized Officer at the beginning of each shift, or prior to an operation if issued for a specific operation.
- 2) Each Authorized Officer is responsible for ensuring that the batteries and/or digital power magazine for his or her unit are in operational condition.
- 3) TASER devices must be carried on the non-gun side to avoid inadvertently drawing and discharging a live firearm.
- 4) Authorized Officers will carry at least (b)(7)(E) additional cartridge when carrying the device as an intermediate force device. The numbers and types of cartridges that will be issued to the Authorized Officer will be determined by the Authorized Officer's supervisor in light of the operational duties or planned activities to be performed.
- 5) Authorized Officers may carry their ICE-issued TASER device in the cabin of a commercial aircraft subject to the requirements set forth in Part 1.D. of the *Interim ICE*

Firearms Policy for flying armed on commercial aircraft. The Program Head may restrict this authority as he or she deems appropriate. Authorized Officers will not carry a TASER device as a substitute for his or her firearm when traveling on a commercial aircraft.

- 6) A certified TASER instructor should check any TASER device that does not appear to be functioning properly. If the issue cannot be corrected at the field office level, the unit must be returned to the Firearms Coordinator or Defensive Tactics Coordinator for shipment to the ICE National Armory for repair or replacement.

Deployment of TASER

(b)(7)(E)

Special Circumstances

- 1) TASER devices must be used in accordance with the *Interim ICE Use of Force Policy* and not in situations where, based on the totality of circumstances, deadly force is the only safe and effective means of achieving control.
- 2) Authorized Officers must not use TASER devices in the following situations unless the totality of the circumstances warrant the use of deadly force to prevent death or serious bodily injury to a person:
 - a. While the subject is in or near a body of water sufficient to drown, could fall in that water if incapacitated, and would likely result in drowning;
 - b. Where the risk of a fall would likely cause serious bodily injury;
 - c. In areas where combustible vapors, liquids, or other flammable materials are known to the Authorized Officer;
 - d. On a female subject that the Authorized Officer is aware is pregnant; and
 - e. On small children, elderly, and physically infirm individuals who, based upon a characteristic or a combination of characteristics known to the Authorized Officer, are susceptible to an increased risk of death or serious bodily injury from TASER deployment.
- 3) Authorized Officers must not use TASER devices against persons operating a motorized conveyance unless the use is required to prevent death or serious bodily injury to a person, and the public safety interests outweigh the risks associated with the use.
- 4) Authorized Officers must not use TASER devices on a handcuffed or restrained person unless the individual poses an articulable, immediate danger to the Officer or others.
- 5) Authorized Officers should be aware of the preferred target zones and should not intentionally fire a TASER device at the subject's head, neck, or genitalia.
- 6) TASER devices may be used on an aggressive animal if exigent circumstances warrant it. As part of a planned activity where contact with animals is anticipated, operation plans should include other support or capture options (e.g., cage or muzzle). This is due to the limited range of the device, the brief period of incapacitation, the potentially rapid recovery, and the unpredictable reaction of the animal following the application.
- 7) Authorized Officers must not carry TASERs into a hold room, except as necessary and appropriate to respond to a security incident.

Medical Considerations

- 1) Each Authorized Officer will be issued a probe removal kit. The probe removal kit will, at a minimum, include the following: Latex gloves, alcohol swabs, bandages, and appropriately marked containers that are approved for the disposal of biohazard waste consistent with existing ICE protocols for blood borne pathogens and training materials.
- 2) All fired probes embedded in a person's skin will be removed by an Authorized Officer once the scene has been secured unless the probes are embedded in a sensitive area of the body, such as the eyes, head or neck, genitals, or known pre-existing injury areas. When the probes are embedded in sensitive areas of the body, the Authorized Officer must seek medical assistance before removing the probes.
- 3) When probes are removed from a person, they will be handled as "Biohazard Sharp" materials and sealed in approved containers marked appropriately with case identification information and cartridge serial number. (Note: Absent a unique case identifier, the container must also be marked with: Name of subject; date of deployment; and name of Authorized Officer.)
- 4) Any subject in ICE custody who has been exposed to the TASER must be medically screened, as soon as practicable, before being placed in detention, regardless of whether or not there are any apparent injuries.

Reporting Requirements

- 1) When reporting the deployment of a TASER device, Authorized Officers must follow all procedures outlined in Part 2 of the *Interim ICE Use of Force Policy* for use of force reporting requirements. Supervisors are required to complete a Significant Incident Report (SIR) in the Significant Event Notification System (SEN), an ICE Use of Force, Assaults, and Discharge (UFAD) report and a memorandum containing a narrative description of the event. In addition to the information normally contained in a UFAD report, the following items – which are specific to the use of TASER – must also be included:
 - a. The make, model, and serial number of the device used;
 - b. The number of cycles and duration used to gain compliance;
 - c. The type of clothing worn by the suspect;
 - d. The range at which the device was used;
 - e. The weather conditions at the time of deployment;
 - f. Any environmental issues the officer considered at the time of deployment;

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- g. The mode used (probe or drive stun);
 - h. The point of aim;
 - i. The point of impact of the probes;
 - j. The point of impact if drive stun used;
 - k. The type of cartridge used and serial number;
 - l. Description of probe removal (uneventful, excessive bleeding, etc.);
 - m. Disposition of the probes (retained as evidence, disposed as medical waste, etc.);
 - n. Medical care to the subject if necessary;
 - o. Identifying information of who provided the medical screening of the subject; and
 - p. Observable physical conditions and or behaviors of the subject.
- 2) Each TASER device will have its record downloaded at least quarterly. The Firearms Coordinator or Defensive Tactics Coordinator will maintain the printout or electronic copy of the downloaded record for at least five years.
 - 3) A printout or electronic copy of the unit history via the device's data port must be attached with each report of a TASER device deployment outside of a training environment.
 - 4) The unintentional or inadvertent discharge of a TASER device outside of a training environment must be reported following the same procedures as the intentional discharge of the device.
 - 5) The ICE Firearms and Use of Force Incident Review Committee will review all TASER device deployments consistent with the requirements outlined in the *Interim ICE Use of Force Policy*, Part 2.E.

Accountability

- 1) OTTP is the only ICE office that is authorized to place TASER devices in, or remove them from, the ICE inventory system of record.
- 2) Program Heads must approve the use of TASER devices before they are assigned to their respective Authorized Officers.

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- 3) All TASER devices will be tracked in the ICE automated firearms inventory system of record and inventoried each year consistent with the accountability requirements outlined in Part 6.A. of the *Interim ICE Firearms Policy*.
- 4) A TASER device will be assigned to an individual user in the ICE automated firearms inventory system of record.
- 5) The Firearms Coordinator or Defensive Tactics Coordinator will issue, track, and inventory cartridges by serial number using a log or other system prescribed by the Assistant Director for OTTP.
- 6) TASER devices and cartridges must be secured consistent with the requirements contained in Sections 6.C.2 and 6.C.11 of the *Interim ICE Firearms Policy*. TASER devices and cartridges must be securely stored when not in use.
- 7) Lost or stolen TASER devices must be reported in accordance with the procedures set forth in Part 6.D. of the *Interim ICE Firearms Policy*.

Recordkeeping

- 1) Records related to law enforcement training to include firearms, physical and tactical will be retained by OTTP for 40 years, in accordance with ICE Training Records Schedule (DAA-567-2015-0009), item 3 Completed Law Enforcement Course Student Records. As well as, item 14 Student Training Records (post academy).
- 2) Records related to use of force incidents will be retained by OTTP for 45 years, in accordance with ICE Protective Equipment Records Schedule (DAA-0567-2015-0008) item 1 Use of Force Incident Case Files.
- 3) Records related to inventory and control of firearms will be retained by OTTP for 15 years, in accordance with the Protective Equipment Records Schedule (DAA-0567-2015-0008) item 5 Lost or Stolen Firearms and Body Armor Records.