USE OF FORCE COMMUNITY WORKING GROUP RECOMMENDATIONS
October 1, 2020

General Order 03-02-04, Taser Use Incidents

The Working Group provides the following recommendations specific to its review of the General Order GO 03-02-04, but incorporates all previous recommendations submitted to the Executive Steering Committee.

**Recommendation 1: Recognize the Deadly Potential of Tasers and Implement a Higher Standard for Authorized Use**

While Tasers are generally considered a “less-lethal” force option, they have contributed to the deaths of numerous people and caused serious injuries and lasting impacts. A Reuters study found that at least 49 people died after being shocked by a Taser in 2018, and at least 1,081 people have died following Taser use since the early 2000s. A 2015 study found that healthy college students indicated that auditory recall and processes were affected for up to an hour after a Taser discharge. Additional studies have shown Tasers to cause cardiac arrests and adversely affect people with pacemakers and implanted cardioverter-defibrillators.

The CPD has had a long history of using Tasers as a tool of convenience to provoke compliance with officer commands, rather than recognizing Tasers for the dangerous weapons that they are. Moreover, CPD has particularly targeted African Americans with Tasers. According to the United States Department of Justice, more than 80% of the people Tased by the CPD have been Black. In 2017, the City of Chicago paid $500,000 to Elaina Turner who was Tased three times and subsequently miscarried. CPD officers have also used Tasers against people who were running away, causing them to fall and suffer serious brain injuries or death.

Current CPD policy authorizes officers to use Tasers without sufficient justification and against people who do not present any threat of bodily harm to another person. For example, CPD policy

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6 Jessica D’Onofrio & Will Jones, Video released by COPA shows Chicago police officer use Taser on man running away during South Side traffic stop, ABC 7, January 26, 2018; David Thomas, Largest City Hall settlements include election night arrests, CHICAGO DAILY LAW BULLETIN, September 7, 2017; Mitch Smith & Adam Sege, Family, friends mourn man hit by cop’s Taser: Chicagoan fell into light pole, was in coma for 2 weeks, CHICAGO TRIBUNE, June 8, 2014.
wrongfully allows officers to use Tasers on: (1) unarmed people when they are simply walking away from a police officer (including people who officers suspect only of possessing a small amount of illegal drugs or any non-property related misdemeanor) (2) people who pose a potential harm only to themselves, and (3) people who are not actively threatening anyone with violence. This must be changed.

**CPD policy must be revised to prohibit the use of Tasers unless the person presents an imminent threat of death or serious bodily harm to another person.**

The use of Tasers must be prohibited unless all of the following are true: (1) the member has a legal basis to arrest or detain the person: (2) the person is aggressively physically resisting; (3) lesser means have been tried and failed; AND (4) the use of a Taser is necessary to protect a person from the immediate threat of serious bodily harm. *See Appendix A, Working Group Memo on the Use of Tasers for additional research in support of the Working Group’s recommendations.*

**Recommendation 2: Tasers and Force Mitigation**

CPD must also prohibit officers from discharging a Taser unless: (1) they have exhausted available lesser measures or available lesser measures would not be effective; (2) officers first give verbal commands and provide the person with a reasonable opportunity to comply; (3) if there is a potential hearing or language barrier, officers give visual commands or warnings, such as hand signals, and provide the person with a reasonable opportunity to comply; and (4) the use of a Taser is the least amount of force necessary under the circumstances.

**Recommendation 3: Prohibit Tasers as Tools of Compliance**

As noted above and further documented by the U.S. Department of Justice, CPD officers have abused Tasers, by treating them as a primary means to coerce individuals to comply with their demands. CPD Taser use not only contradicts national best practice, but also violate the Constitution. Tasers must not be used simply as a tool to force a person to comply with an officer’s command.

CPD policy must expressly prohibit the use of Tasers as a means of pain compliance, punishment, or retaliation.

**Recommendation 4: Flight or Possession of Weapon**

CPD policy wrongly allows officers to use Tasers against people who are armed and walking away, but who do not pose any immediate threat of physical harm to another person. This must be changed. CPD must make clear in its policy that a person’s flight or possession of a weapon are not sufficient reasons, by themselves, to permit an officer to fire a Taser at the person. Officers must be prohibited from firing a Taser at a person unless the person presents an immediate threat of death or serious bodily harm to another person.
**Recommendation 5: Use of Tasers Against Vulnerable Persons**

CPD policy must be changed to prohibit the use of Tasers, unless necessary to prevent an imminent threat of death or serious bodily harm to another person, against children under 18, people who are handcuffed or otherwise restrained, people who are elderly (over 60), pregnant women, people in apparent medical distress or behavioral health crisis, people who present as frail, low body mass, or sickly, and other vulnerable persons.

**Recommendation 6: Use of Tasers Where Discharge Poses Substantial Threat of Death or Serious Injury**

CPD policy must be changed to prohibit the use of Tasers, unless necessary to prevent an imminent threat of death or serious bodily harm to another person, in circumstances where deployment poses a substantial risk of serious physical injury or death from situational hazards, including falling from elevated position, drowning, losing control of moving car or bike, in the presence of explosive or flammable material.

CPD policy appropriately recognizes the above-listed circumstances in which Taser use creates a substantial risk of serious injury or death, but then only counsels officers that they “should avoid” using Tasers in those situations. The use of Tasers in these circumstances is a use of deadly force. As a result, the use of Tasers must be prohibited there, unless deadly force is necessary and authorized under CPD policy.

**Recommendation 7: Prohibition Against Firing Taser at Person’s Head, Neck, Chest, or Groin**

CPD policy must be modified to prohibit officer from intentionally firing a Taser at a person’s head, neck, chest, or groin.

CPD policy teaches officers that they should avoid discharging their Taser into a person’s head, neck, or groin, but does not actually prohibit them from intentionally targeting those areas. Despite the increased risk of death or serious injury, including cardiac arrest, of discharging a Taser into a person’s chest (see note 3 above), CPD also fails to clearly prohibit officers from targeting a person’s chest or heart. This policy is sorely in need of correction.

**Recommendation 8: Use of Tasers at Schools**

CPD must change its policy to prohibit officers from using Tasers against children and students in schools. CPD must also prohibit officers from using Tasers against adults in schools unless necessary to prevent an imminent threat of death or serious bodily harm to themselves or another person.

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7 CPD current policy troublingly permits officers to use Tasers against children in school. CPD’s recent use of a Taser against a special needs student at Marshall High School, as officers dragged her down the stairs, dramatizes the imperative to prohibit the use of Tasers against children at school. See Matthew Hendrickson, ‘Your Daughter is Going to Jail,’ Cop Screams at Dad after Shocking Special Needs Student with Stun Gun, Chicago Sun Times (Sep. 27, 2019).
Recommendation 9: Restrict Taser Discharge to no More than Two Cycles

To comply with national best practice and reduce the risk of unjustified serious injury and death, CPD policy should be modified to prohibit officers from using a Taser against a person for more than two standard cycles (10 seconds cumulative), unless deadly force is necessary and authorized.

Recommendation 10: Definition of Taser Discharge

The definition of a Taser Discharge under CPD policy should be clarified to specifically include all discharges, irrespective of whether a probe or bar makes contact with a person.

Recommendation 11: Duty to Immediately Notify COPA

CPD must require officers to immediately notify COPA whenever they discharge a Taser.

Recommendation 12: COPA Duty to Investigate CPD Use of Tasers

COPA should modify its policies and procedures to require COPA to thoroughly investigate all Taser discharges by CPD.

Recommendation 13: Taser Training

CPD must provide all officers with comprehensive training on the use of Tasers, which includes training on the harm and injuries, including deaths, that have resulted from the use of Tasers, limiting the use of Tasers to situations where a person presents an immediate threat of serious bodily harm, and instruction on CPD’s problematic abuse of Tasers as “tools of convenience,” as documented by the United States Department of Justice. CPD must emphasize in training that Tasers are weapons with inherent risks, including death, that inflict substantial pain and thus should never be seen or used as tools of convenience.

Alternate Recommendation if CPD Refuses to Restrict the Use of Tasers to Circumstances that Would Justify the Use of Deadly Force

If the CPD refuses to implement a deadly force standard for Taser use, CPD must at a minimum restrict Taser use to situations in which a person presents an imminent threat of bodily harm to another person. Furthermore, unless persons present an immediate threat of death or serious bodily harm to another person, CPD must prohibit Taser use against certain categories of vulnerable people, including: children; the elderly; pregnant women; people in apparent medical distress or behavioral health crisis; people who present as frail, low body mass, or sickly; people who are handcuffed or otherwise restrained; and people who are at risk of serious physical injury or death due to situational hazards, such as falling from an elevated position, drowning, losing control of a moving car or bike, and in the presence of explosive or flammable material.