

determination, including the severity of the crime, whether the suspect posed a threat, and whether he was attempting to flee. *Id.* at 396.

41. The amount of force used by [REDACTED] and the failure of all the bondsmen to remove the taser prongs from Criswell qualifies as unreasonable force under the Forth Amendment.

42. Flight standing alone is not a justification for the use of a Taser.

43. Criswell posed no immediate threat to anyone when [REDACTED] tased him and the bondsmen did not remove the taser's prongs. [REDACTED] had already subdued Criswell and he was on the ground.

44. Criswell, at the moment [REDACTED] tased him, was not attempting to flee. [REDACTED] had already subdued him. [REDACTED] use of a taser was therefore unreasonable given the circumstances.

45. Supporting the unreasonableness of the bondsmen's chase and use of a taser is their lack of knowledge on taser operations. Conway P.D. policy states that only "officers that have successfully completed" training will be authorized to carry and deploy a taser. The policy also requires a warning be given prior to deployment. The policies state that officers should refrain from deploying tasers in sensitive areas of the body.

46. Unlike certified law enforcement officers, [REDACTED] bondsmen were not trained nor authorized to use a taser. The company has never trained [REDACTED] on how to use a taser. Nor does the company have an internal policy on using weapons or force in the course of an apprehension. This lack of