

Conducted Electrical Weapon

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the Conducted Electrical Weapon.

304.2 POLICY

The Conducted Electrical Weapon is used to control a violent or potentially violent individual. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

304.3 ISSUANCE AND CARRYING CONDUCTED ELECTRICAL WEAPONS

Only members who have successfully completed department-approved training may be issued and may carry the Conducted Electrical Weapon.

Conducted Electrical Weapons are issued to each member of the Department, and are required to be carried at all times while on-duty, with the exception of investigators who must have the TASER readily accessible. Those leaving a particular assignment may be required to return the device to the department inventory.

Officers shall only use the Conducted Electrical Weapon and cartridges that have been issued by the Department. Uniformed officers who have been issued the Conducted Electrical Weapon shall wear the device in an approved holster. The TASER device should be stored in the holster with the cartridge attached; officers should not detach cartridge from the TASER device for storage purposes. When an officer turns a TASER device in to the Quartermaster, it will be turned in with the cartridge attached and in the approved holster.

Members carrying the Conducted Electrical Weapon should perform a spark test prior to every shift.

Officers who carry the Conducted Electrical Weapon while in uniform shall carry it in a weak-side holster on the side opposite the duty weapon.

- (a) All Conducted Electrical Weapons shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Officers will carry only the cartridge attached to the Conducted Electrical Weapon.
- (c) Officers shall be responsible for ensuring that the issued Conducted Electrical Weapon and holster are properly maintained and in good working order.
- (d) Officers should not hold a firearm and the Conducted Electrical Weapon at the same time.

304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the Conducted Electrical Weapon should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

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- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the Conducted Electrical Weapon may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device) or the laser in a further attempt to gain compliance prior to the application of the Conducted Electrical Weapon. The aiming laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the Conducted Electrical Weapon in the related report.

304.5 USE OF THE CONDUCTED ELECTRICAL WEAPON

The Conducted Electrical Weapon has limitations and restrictions requiring consideration before its use. The Conducted Electrical Weapon should only be used when its operator can safely approach the subject within the operational range of the device. Although the Conducted Electrical Weapon is effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

304.5.1 APPLICATION OF THE CONDUCTED ELECTRICAL WEAPON

The Conducted Electrical Weapon may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the Conducted Electrical Weapon to apprehend an individual.

The Conducted Electrical Weapon shall not be used to psychologically torment, to elicit statements or to punish any individual.

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the Conducted Electrical Weapon on certain individuals should be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.

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- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the Conducted Electrical Weapon in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

304.5.3 TARGETING CONSIDERATIONS

The preferred targeting areas include the individual's back or front lower-center mass. The head, neck, chest and groin should be avoided when reasonably practicable. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the Conducted Electrical Weapon probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

304.5.4 MULTIPLE APPLICATIONS OF THE CONDUCTED ELECTRICAL WEAPON

Officers should apply the Conducted Electrical Weapon for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Officers should not intentionally apply more than one Conducted Electrical Weapon at a time against a single individual. Officers will not apply more than two standard cycles to any individual.

If the first application of the Conducted Electrical Weapon appears to be ineffective in gaining control of an individual, the officer should evaluate the situation and consider certain factors before an additional application of the Conducted Electrical Weapon, including:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the Conducted Electrical Weapon. As soon as practicable,

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officers shall notify a supervisor any time the Conducted Electrical Weapon has been discharged. AFIDS should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

304.5.6 DANGEROUS ANIMALS

The Conducted Electrical Weapon may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human or animal safety and alternative methods are not reasonably available or would likely be ineffective.

304.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department Conducted Electrical Weapons while off-duty. If an officer carries a TASER during an extra-duty employment situation, it will be done in accordance with the Extra Duty Policy.

Officers shall ensure that Conducted Electrical Weapons are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

304.6 DOCUMENTATION

Officers shall document all Conducted Electrical Weapon discharges in the related incident/use of force reports. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device, other than for testing purposes, will also be documented on the report form.

304.6.1 USE OF FORCE REPORT FORM

Items that shall be included in the use of force report form are:

- (a) The type and brand of Conducted Electrical Weapon and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of Conducted Electrical Weapon activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the Conducted Electrical Weapon was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.

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- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The Training Sergeant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Sergeant should also conduct audits of data downloads and reconcile use of force report forms with recorded activations. Conducted Electrical Weapon information and statistics, with identifying information removed, should periodically be made available to the public.

304.6.2 REPORTS

The officer should include the following in the incident report:

- (a) Identification of all personnel firing Conducted Electrical Weapons
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

304.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only trained supervisors or medical personnel should remove Conducted Electrical Weapon probes from a person's body. Used Conducted Electrical Weapon probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

The police supervisor or medical personnel who remove the probes will inspect the probes to ensure that the entire probe and probe barb has been removed from the skin. In the event that a probe, or probe barb, has broken off and is still embedded in a subject's skin, the subject will be provided appropriate medical care to facilitate the removal of the remnant.

All persons who have been struck by Conducted Electrical Weapon probes or who have been subjected to the electric discharge of the device or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.

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- (d) The Conducted Electrical Weapon probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the Conducted Electrical Weapon (see the Medical Aid and Response Policy).

304.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the Conducted Electrical Weapon may be used. A supervisor should respond to all incidents where the Conducted Electrical Weapon was activated.

A supervisor should review each incident where a person has been exposed to an activation of the Conducted Electrical Weapon. The device's onboard memory should be downloaded through the data port by a supervisor or Rangemaster and saved with the related incident report. Photographs of probe sites should be taken and witnesses interviewed.

304.9 TRAINING

Personnel who are authorized to carry the Conducted Electrical Weapon shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the Conducted Electrical Weapon as a part of their assignments for a period of six months or more shall be recertified by a qualified Conducted Electrical Weapon instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued Conducted Electrical Weapons should occur every year. A reassessment of an officer's knowledge and/or practical skills may be required at any time if deemed appropriate by the Training Sergeant. All training and proficiency for Conducted Electrical Weapons will be documented in the officer's training files.

Command staff, supervisors and investigators should receive Conducted Electrical Weapon training as appropriate for the investigations they conduct and review.

Officers who do not carry Conducted Electrical Weapons should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

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The Training Sergeant is responsible for ensuring that all members who carry Conducted Electrical Weapons have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of Conducted Electrical Weapons during training could result in injuries and should not be mandatory for certification.

The Training Sergeant should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the Conducted Electrical Weapon and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the Conducted Electrical Weapon.