

Conducted Energy Weapons

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Conducted Energy Weapons.

304.2 POLICY

A Conducted Energy Weapon (CEW) is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

304.3 ISSUANCE AND CARRYING OF THE CEW

Only sworn members who have successfully completed department-approved training shall be issued and carry a CEW.

All members shall only use the CEW device and cartridges that have been issued by the Department and shall wear the CEW in an approved holster on their person, opposite their duty weapon, in a cross draw fashion.

All members shall be responsible for ensuring their issued CEW is properly maintained and in good working order. Members should perform a function test of their issued CEW prior to the start of each work shift. The function test shall be conducted in a manner consistent with department-approved training.

The function test shall be completed by members in the following order:

- (a) Draw the CEW and point it in a safe direction.
- (b) With the CEW in the "safe" position, remove the cartridges.
- (c) Depress both sides of the "ARC" switch at the same time, which will illuminate the CID.
- (d) Flip the safety switch to the "ARMED" position. The CID will illuminate in yellow.
- (e) Depress the "ARC" switch on either side resulting in a five second cycle.
- (f) Flip the safety switch to "SAFE" position and reinsert both cartridges. The CEW is now ready for field use.

Members shall ensure their CEW battery is placed in the charging dock at least once every 30 days to allow for data upload and to maintain full charge.

304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CEW 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:

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

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The Department issued CEW has the ability to arc an electrical current on the outside of the handle without discharging a cartridge. A member may arc the CEW through the use of the "ARC" switch, as a warning in an attempt to gain compliance from a violent or potentially violent subject. The arcing of the current, without skin contact, is not considered a use of force incident but should be documented in an official report.

304.5 USE OF THE CEW

The CEW has limitations and restrictions requiring consideration before its use. The CEW should only be used when its operator can safely approach the subject within the operational range of the device. Although the CEW is generally 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 ENERGY WEAPON

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

- (a) The subject is being 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 CEW to apprehend an individual.

Officers are prohibited from using a CEW device upon any person as a general pain compliance technique.

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CEW on certain individuals should generally be avoided unless the totality of the circumstances indicates other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes 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 obviously young children.
- (c) Individuals who are handcuffed or otherwise restrained.
- (d) 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 capsicum (OC) spray.
- (e) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

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304.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the CEW probes to a precise target area, officers shall monitor the condition of the subject if one or more probes strike the head, neck, chest or groin until the subject is examined by medical personnel.

304.5.4 MULTIPLE APPLICATIONS OF THE TASER

Officers should apply the CEW for only one standard cycle and evaluate the situation before applying any subsequent cycles. Multiple applications of the CEW against a single individual are generally not recommended and should be avoided unless the officer reasonably believes the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the CEW appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the CEW, including:

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

Officers should not intentionally apply more than one CEW at a time against a single subject. If multiple cartridges or CEW's are deployed, each deployment is considered an additional Use of Force incident.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall immediately notify a supervisor of all CEW discharges. An officer who utilizes a CEW upon a person in the performance of their duties shall comply with the following:

- (a) Immediately seek medical attention for the person. The officer using the CEW device shall ensure the attending physician or other attending medical professional is aware of the CEW use and any evident or claimed injury the person who the CEW device was used upon may have.
- (b) When applicable, notify the attending correctional facility personnel that a CEW device was used upon the person brought into the facility and any evident or claimed injury the person who the CEW device was used upon may have.
- (c) When practical and safe to do so, and in accordance with the training provided by the department, the officer using a CEW device shall remove any of the CEW probes embedded in the body of the person. In the event a probe is embedded in any of the following areas: a person's face, ear, groin, or female breast, the officer shall have the probe removed by a medical professional. Any removed probes will be discarded in an appropriate bio-hazard container.
- (d) As soon as it is practical to do so following the use of a CEW device, the officer using the CEW device shall ensure the CEW use data is stored electronically by removing

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the CEW battery and placing it into the CEW charging bank. The member shall then retrieve a new fully charged battery from the CEW charging bank.

- (e) File a Use of Force Report (FPD 803).
- (f) File a CEW Use Report (FPD 802).

304.5.6 DANGEROUS ANIMALS

The CEW 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 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 CEW's while off-duty.

Officers shall ensure that CEW devices 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 CEW discharges in the related case report and the CEW Use Report Form. Notification shall immediately be made to an on-duty supervisor for both intentional and unintentional discharges of the CEW in compliance with the Use of Force Policy (300).

304.6.1 CEW USE REPORT FORM (FPD 802)

Items that shall be included in the CEW Use Report Form include:

- (a) Officer name, date, case number and serial number of the CEW device.
- (b) Subject name and date of birth.
- (c) The number of CEW cycles and/or cycle length in seconds if not full cycles.
- (d) Location of any probe impact and whether the probes penetrated the skin.

The Training and Development Unit Lieutenant or their designee should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training and Development Unit Lieutenant or their designee should also conduct audits of data downloads and reconcile CEW report forms with recorded activations.

304.6.2 REPORTS

The officer should include the following in the case report:

- (a) Identification of all personnel firing CEW's
- (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

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304.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to all incidents where a CEW was deployed.

A supervisor shall review each incident where a person has been exposed to an activation of the CEW. The supervisor shall file a Use of Force Review Report (FPD 804) and forward it to the Professional Accountability Unit. Photographs of probe sites should be taken and witnesses interviewed.

304.8 TRAINING

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

Proficiency training for personnel who have been issued CEW's should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training and Development Unit Lieutenant or designee. All training and proficiency for CEW's will be documented in the officer's training file.

The Training and Development Unit Lieutenant or their designee are responsible to ensure that all members who carry CEW's have received initial and annual proficiency training.

The Training and Development Unit Lieutenant or their designee shall ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy (300).
- (c) Performing support-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 CEW and transitioning to other force options.