

DEPARTMENT GENERAL ORDER 18-04

OFFICE of the CHIEF OF POLICE
REPLACES: General Order 14-02

DATE: May 29, 2018

CONDUCTED ELECTRICAL WEAPONS

I. PURPOSE.

In an effort to expand the options available in the use of force continuum, the department has adopted conducted electrical weapons (CEWs) to supplement current less lethal force weapons and tactics. As such, the following guidelines shall govern the use and administrative requirements associated with the deployment of CEWs. However, agency personnel must always consider the totality of the circumstances when applying the guidelines. In certain situations, exigent circumstances may outweigh the recommendation of a specific guideline. Personnel should always be able to articulate the justification for going beyond agency policy or training.

II. DEFINITIONS.

Taser Conducted Electrical Weapon – A less lethal weapon that administers an electric shock via metal probes in an attempt to cause Neuromuscular Incapacitation (NMI). The purpose of which is to incapacitate a potentially dangerous individual.

Neuromuscular Incapacitation (NMI) – the desired effect of a successful Taser probe deployment, which causes the skeletal muscles in the body to tightly contract.

III. GENERAL.

The department has selected the Taser brand conducted electrical weapon to supplement the current inventory of options available to sworn personnel in less lethal use of force situations. As with other approved weapons, the Taser will only be used in accordance with the Use of Force Policy. Department issued Tasers are the only approved CEWs, no others are authorized for use.

Conducted electrical weapons will be issued to each uniformed patrol officer and detective.

A. Duty Belt Positioning.

Officers armed with such devices will keep them readily available for use, and if belt-mounted, shall wear the holstered instrument on the opposite side of the duty handgun.

IV. TECHNICAL AND DEPLOYMENT CONSIDERATIONS.

Intended to achieve NMI, the weapon should cause complete incapacitation of a target subject with no long-term injuries. In “drive stun” mode the weapon uses pain compliance, again with no long term medical injuries.

A. Training

Only those sworn officers who have successfully completed a Taser conducted electrical weapon course will be authorized to carry and/or deploy the CEW. Certification forms will be placed in each officer’s personnel file.

CEW recertification should occur annually and should consist of the following:

- Review the latest “Annual CEW User Update” PowerPoint
- Receive and review current version of: “Taser Law Enforcement Product Warnings” and “CEW Study Aid: Smart Use Considerations”
- Review the department’s policy including any changes
- Pass Functional Test
- Deploy a minimum of 2 live CEW cartridges into preferred target zone

B. Deployment of Device

The Taser shall be deployed as a less lethal weapon and is designed to be utilized during the Defensive and/or Active Resistance stages on the department's use of force continuum. The use of the weapon, encompassing both the discharge of probes and/or the "drive stun" mode, should primarily be used when a lesser means of force has been attempted and failed. The Taser device should not be used against subjects who are only passively resisting.

The Taser may also be used in those situations involving a deadly weapon, if same may be done so safely on the part of the officer, and one or more backup officers are present to provide support with lethal force, consistent with the law and department policy and procedures.

Officers may, but are not limited to, the use of the Taser against aggressive animals who pose a risk of injury to officers or others. Officers should consider having animal control stand by to apply a restraint during the CEWs cycle.

Specifics:

1. A warning should be given to a subject prior to activating the CEW unless doing so would place any person at risk. Warnings may be in the form of verbalization, display, laser painting, arcing, or a combination of these tactics.
2. Officers will yell "Taser! Taser!" when the weapon is discharged to prevent the popping sound of the cartridge from being mistaken for gunfire.
3. The optimum firing range of the Taser is from seven (7) to fifteen (15) feet; however, the actual range may vary according to circumstances. The maximum range is twenty-one (21) feet for the X26P cartridges and twenty-five (25) feet for the X2 smart cartridges this department deploys. The Taser will shoot two probes at a time.
4. The back will be the preferred target area when reasonably practicable. The preferred target zone of the back is any area below the neck and avoiding the head. When the front of a subject must be targeted, the preferred target zone should be the lower torso (below the chest). The best target area in terms of effect is one probe above and one probe below the belt line. Personnel should avoid intentionally targeting sensitive areas such as the head, throat, breast, chest or area of the heart, genitals or known pre-existing injury area without legal justification.
5. Officers should use the CEW for one standard cycle (five seconds) and then evaluate the situation to determine if subsequent cycles are necessary. Each trigger pull must be legally justified. Personnel should consider that exposure to the CEW for longer than 15 seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury. If the subject does not respond to the CEW deployment in the anticipated control manner based on training and experience, officers should consider transitioning to alternative resistance control measures. To minimize the number of cycles needed to overcome resistance and bring the subject under control, the subject should be secured in handcuffs as soon as practical while effected by CEW power or immediately thereafter.

6. Personnel should not intentionally activate more than one CEW at a time against a subject.
7. Fleeing should not be the sole justification for using a CEW against a subject. Personnel should consider the severity of the offense, the subject's threat level to others, and the risk of serious injury to the subject before deciding to use a CEW on a fleeing subject.
8. CEWs should not generally be used against pregnant women, elderly persons, young children, and visibly frail persons. Personnel should evaluate whether the use of the CEW is reasonable, based upon all circumstances, including the subject's age and physical condition. In some cases, other control techniques may be more appropriate as determined by the subject's threat level to others.
9. CEWs should not be used on handcuffed subjects unless doing so is necessary to prevent them from causing serious bodily harm to themselves or others and if lesser attempts of control have been ineffective.
10. CEWs should not be used against subjects in physical control of a vehicle in motion (e.g., automobiles, trucks, motorcycles, ATVs, bicycles, scooters).
11. CEWs should not be used when a subject is in an elevated position where a fall may cause substantial injury or death.
12. CEWs should not be used in the known presence of combustible vapors and liquids or other flammable substances including alcohol-based Oleoresin Capsicum (O.C.) spray carriers.
13. The Taser shall never be used to coerce a suspect or to gain information from a suspect.
14. The Taser shall not be an option if circumstances preclude its safe use.
15. The probes are designed to penetrate no more than one quarter inch into the flesh. However, probe lodgment into a subject's clothing will generally produce the desired effect.
16. All probes fired at a suspect shall be seized as evidence along with the cartridge and AFIDS (Anti-Felon Identification) tags. These shall be labeled and packaged as a Biohazard, and placed into the appropriate evidence storage area.

17. Unless unsafe to do so, Field Investigators shall photograph all injuries produced by Taser probes.
18. Taser cartridges and probes will be replaced from existing stocks after each use.

C. Removal of Metal Probes

Officers certified in the use of Taser conducted electrical weapons may remove those probes that have not penetrated into a target subject's flesh, but are caught/embedded within a subject's clothing. Probes that have penetrated and remain lodged in a target subject's flesh will be removed by trained EMS paramedics, whenever possible. In the event a probe has penetrated the eye, throat, groin, female breast, or other medically sensitive area, the probe may only be removed by medical personnel at a qualified medical facility.

Medical treatment at the scene will be determined and carried out by EMS paramedics.

CEW probes should be treated as a biohazard risk. Officers shall wear latex gloves when handling used Taser probes to protect themselves against infection by blood-borne pathogens.

V. MEDICAL TREATMENT.

All subjects who have been exposed to CEW application should receive a medical evaluation by emergency medical responders in the field or at a medical facility. Subjects who have been exposed to prolonged application (i.e., more than 15 seconds) should be transported to an emergency department for evaluation. Personnel conducting the medical evaluation should be made aware that the suspect has experienced CEW activation, so they can better evaluate the need for further medical treatment. All subjects who have received a CEW application should be monitored regularly while in police custody even if they received medical care. Documentation of the CEW exposure should accompany the subject when transferred to jail personnel or until the subject is released from police custody. A Fit for Confinement release will be obtained prior to any subject's incarceration.

VI. REPORTING and ACCOUNTABILITY.

CEW's should be regulated while personnel are off duty under rules similar to those for service firearms (including storage, transportation, use, etc.).

A supervisor should respond to all incident scenes where a CEW was activated.

When possible, supervisors should anticipate on-scene officers' use of a CEW and should respond to calls for service that have a high propensity for the use of a CEW.

A supervisor should conduct an initial review of each CEW activation, and every instance of CEW use, including unintentional activation, should be documented.

Every CEW investigation should include:

- Interviews of the subject and all officers who discharged their CEW's
- Location and interviews of witnesses (including other officers)
- Forensic quality photographs (including a ruler to show distances) of subject and officer injuries
- Photographs of cartridges/probes
- Collection of CEW cartridges, probes, any video that captured the incident, AFID tags
- Copies of the CEW data download

Audits should be conducted to verify that all personnel who carry CEW's have attended initial and recertification training.

The following should be collected reference CEW use:

- Date, time, location of incident.
- The use of display, laser painting and/or arcing, and whether those tactics deterred a subject and gained compliance; or an explanation of why it was not tactically sound to do so.
- Identifying and descriptive information and investigative statements of the subject (including membership in an at-risk population), all personnel firing CEWs, and all witnesses.
- The type of CEW used.
- The number of CEW activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- Level of aggression encountered.
- Any weapons possessed by the subject.
- The type of crime/incident the subject was involved in.
- Determination of whether deadly force would have been justified.
- The type of clothing worn by the subject.
- The range at which the CEW was used.
- The type of mode used (probe deployment or drive stun).
- The point of probe impact on a subject (if applicable)
- The point of impact on a subject with the device in drive stun mode (if applicable).
- Location of missed probe(s).
- Terrain and weather conditions during CEW use.
- Lighting conditions.
- The type of cartridge used.
- Suspicion that subject was under the influence of drugs (specify if available).
- Medical care provided to the subject.
- Any injuries incurred by personnel or the subject.

A report of all collected data shall be created, and the original placed into evidence.

VII. PUBLIC INFORMATION AND COMMUNITY RELATIONS

Law enforcement agencies should conduct neighborhood programs that focus on CEW awareness training, which should be part of any citizen's training academy program. Agencies' public information officers should receive extensive training on CEW's so they can better inform the media and the public about the weapon. Members of the media should be briefed on agencies' policies and use of CEW's.

CEW awareness should extend to law enforcement partners such as local medical personnel, citizen review boards, medical examiners, mental health professionals, judges, and local prosecutors.

VIII. EQUIPMENT STORAGE AND INSPECTION.

The spare Taser batteries (performance power magazines) will be stored in the armory. The weapons and their supporting equipment shall be inspected on a monthly basis as part of the Line Inspection process. A spark test will be conducted prior to each working shift for patrol officers.

Spare Taser cartridges (including probes, wires, and ID tags) shall be stored in the department armory. These items will be inspected in conjunction with other armory equipment and supplies.

A. Service and Repair

Whenever a weapon is exposed to potential damage from extreme handling or moisture, a thorough check of the weapon by a certified Taser Instructor will be conducted.

Should a Taser malfunction or be damaged, the weapon shall be rendered safe, and placed in the armory to await shipment to the manufacturer or other qualified repair facility.

All Taser CEWs should be downloaded quarterly, by a certified Taser Instructor, to verify the most recent firmware is installed, check the overall condition and functionality, validate pre-shift spark tests are being conducted and retention of all the firing records. An In Service Training form should be completed

BY ORDER OF:

KEVIN R MURPHY
Chief of Police

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CALEA Reference: 4.1.1/4.1.2/4.1.3
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