

Conducted Energy Weapon

303.1 VERSION

Review Date	Effective Date	Approving Authority
08/11/2020	07/09/18	Eric D. English, Chief of Police

303.2 POLICY AND PURPOSE

This policy provides guidelines for the issuance and use of the conducted energy weapon. The conducted energy weapon is a less-lethal weapon designed to temporarily incapacitate a person from a safer distance than some other force options, while reducing the likelihood of death or serious injury. The conducted energy weapon is used to control a violent, potentially violent or resisting individual. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

303.3 ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this policy. Responsibility rests with the supervisor to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated. This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

303.4 DEFINITIONS

Conducted Energy Weapon - The conducted energy weapon uses compressed nitrogen to propel two small probes that are connected to the weapon by wires that conduct an electrical charge which can disrupt voluntary control of muscles and result in neuromuscular incapacitation.

Drive stun mode - In drive stun mode, the conducted energy weapon is applied directly to the body. When deployed it causes pain as a means of compelling compliance but does not cause muscular incapacitation.

Spark Test- A spark test should be conducted at the beginning of each shift to ensure that the device is sparking properly, the battery is adequate, and there are no faults in the system. The TASER (TM) should be put through a full, 5 second cycle while evaluating its performance.

303.5 ISSUANCE AND CARRYING CONDUCTED ENERGY WEAPONS

Only officers who have successfully completed department-approved training, including being issued and trained in the Conducted Energy Weapon policy may be issued and may carry the conducted energy weapon

Officers shall only use the conducted energy weapon and cartridges that have been issued by the Department. Uniformed officers who have been issued the conducted energy weapon shall

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wear the device in an approved holster. Non-uniformed officers may secure the conducted energy weapon in the driver's compartment of their vehicles.

Officers carrying the conducted energy weapon should perform a spark test prior to every shift.

Officers who carry the conducted energy weapon while in uniform shall carry it in a conducted energy weapon holster on the side of the body opposite the duty weapon.

- (a) All conducted energy weapons shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the conducted energy weapon.
- (c) Officers shall be responsible for ensuring that the issued conducted energy weapon is properly maintained and in good working order.
- (d) Officers should not hold a firearm and the conducted energy weapon at the same time.

303.6 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the conducted energy 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:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the conducted energy 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 or the laser in a further attempt to gain compliance prior to the application of the conducted energy 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 energy weapon in the related report.

303.7 USE OF THE CONDUCTED ENERGY WEAPON

The conducted energy weapon has limitations and restrictions requiring consideration before its use. The conducted energy weapon should only be used when its operator can safely approach the subject within the operational range of the device. Although the conducted energy 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.

303.7.1 APPLICATION OF THE CONDUCTED ENERGY WEAPON

The conducted energy 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:

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- (a) The subject is violent or is physically resisting and poses a risk.
- (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 energy weapon to apprehend an individual.

The conducted energy weapon shall not be used to psychologically torment, to elicit statements, to punish any individual or on those displaying passive resistance.

In the event officers not equipped with a conducted energy weapon believe the use of one would be effective, they may request the assistance of a conducted energy weapon-equipped officer, who once on the scene shall have sole discretion as to its use.

303.7.2 DEPLOYMENT RESTRICTIONS

The use of the conducted energy 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) When it is unsafe for officers to approach within contact range of the suspect
- (b) When any chemical agent containing an alcohol base has been or is being used in an effort to subdue the suspect; In the event the type of chemical agent deployed to subdue a suspect is unknown, the control energy weapon will not be deployed.
- (c) When officers have knowledge that a female suspect is pregnant
- (d) When officers have knowledge that the suspect has a pacemaker
- (e) When the suspect is fleeing and/or refuses to obey commands, but poses no immediate threat or danger to him/herself or others
- (f) When the suspect is effectively restrained by hand cuffs, flex cuffs, or any other restraint device
- (g) Officers should avoid using repeated drive-stuns on any person who has a known or suspected mental illness if compliance is not achieved as it may not be effective on emotionally disturbed persons or others who may not respond to pain due to a mind-body disconnect.
- (h) Individuals with obviously low body mass
- (i) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles)

Because the application of the conducted energy 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 a tactical advantage on an aggressively resistive subject.

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303.7.3 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 energy 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.

303.7.4 MULTIPLE APPLICATIONS OF THE CONDUCTED ENERGY WEAPON

Officers should avoid multiple, repeated, prolonged or continuous exposures unless necessary to counter reasonably perceived threats and is legally justified. Officers should not intentionally apply more than one conducted energy weapon at a time against a single individual unless exigent circumstances exist.

If the first application of the conducted energy weapon appears to be ineffective in gaining control of an individual, the officer should evaluate the situation and consider certain factors before additional applications of the conducted energy 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.

Each individual triggering of a conducted energy weapon constitutes a separate use of force.

303.7.5 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 energy weapon. As soon as practicable, officers shall notify a supervisor any time the conducted energy weapon has been discharged. Confetti tags 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.

303.7.6 DANGEROUS ANIMALS

The conducted energy 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 safety and alternative methods are not reasonably available or would likely be ineffective.

303.7.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department conducted energy weapons while off-duty.

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Officers shall ensure that conducted energy 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.

303.8 DOCUMENTATION

Officers shall document all conducted energy weapon discharges in the related arrest/crime reports and in the designated tracking software. 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 in the designated tracking software.

303.8.1 CONDUCTED ENERGY WEAPON DESIGNATED TRACKING SOFTWARE REPORT Items that shall be included in the conducted energy weapon designated tracking software report:

- (a) The type and brand of conducted energy 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 energy 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 energy 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.
- (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 Officer should periodically analyze the designated tracking software reports to identify trends, including deterrence and effectiveness. The Training Officer should also conduct audits of data downloads and reconcile conducted energy weapon report forms with recorded activations. Conducted energy weapon information and statistics, with identifying information removed, should periodically be made available to the public.

303.8.2 REPORTS

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing conducted energy weapons
- (b) Identification of all witnesses

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- (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

303.9 MEDICAL TREATMENT

Unless embedded in sensitive tissue (e.g., groin, female breast, head, face, neck), the officers can remove the probes from the person's body. Used conducted energy weapon probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by conducted energy 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.
- (d) 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 energy weapon (see the Medical Aid and Response Policy).

303.10 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to an activation of the conducted energy weapon. The device's onboard memory should be downloaded through the data port by a conducted energy weapon instructor and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

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303.11 TRAINING

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

Proficiency training for personnel who have been issued conducted energy weapons shall 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 Officer. All training and proficiency for conducted energy weapons will be documented in the officer's training files.

Command staff, supervisors and investigators should receive conducted energy weapon training as appropriate for the investigations they conduct and review.

Officers who do not carry conducted energy weapons should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Officer is responsible for ensuring that all members who carry conducted energy weapons have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of conducted energy weapons during training could result in injuries and should not be mandatory for certification, but is strongly recommended.

The Training Officer 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 energy 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 energy weapon.