

CHAPTER 1
APPENDIX D
CONDUCTED ENERGY WEAPON (CEW)
1-1-2015

Discussion: The purpose of this chapter is to authorize the use of a Conducted Energy Weapon (CEW) as a control measure. All sworn officers must meet and comply with the requirements of this procedure. The device authorized for use is the Advanced CEW manufactured by TASER International.

The Advanced TASER is a Conducted Energy Weapon (CEW), an electronic incapacitation device. It is a defensive weapon, which is listed in the force continuum as an intermediate less than lethal weapon at the same level as baton or aerosol chemical sprays.

It is the intention of this department to provide the tools and training necessary for its officers to perform their duties in a manner that minimizes the risk of injury to any person. The CEW has been added to officer resources to facilitate the safe arrest of combative, resisting, and/or violent individuals. The CEW is not a replacement or substitute for other less than lethal devices or control tactics and should only be used when it is determined to be the best available tool or tactic under the given circumstances.

1.1 AUTHORIZATION

Officers may carry department issued CEWs and cartridges while on duty following approved training and certification/recertification. CEWs will be issued to and used only by officers who have demonstrated proficiency and completed an approved training program. Department inventory of CEWs will be disturbed as available with field or first response officers taking priority.

Inventory, maintenance, training records and record of issue will be maintained by the Training Academy. Only properly functioning and charged CEWs will be carried in the field. CEWs are considered properly charged at battery strength of 20% or higher.

CEW use is authorized to defend against imminent physical attack, prevent injury to any person and control vicious animals when necessary.

An officer is authorized to use the CEW after he/she has clearly displayed a physical presence and thus identified themselves as a police officer by making identification if they are not in uniform or clearly bearing official title.

The CEW is capable of multiple settings or modes. Settings or options will be determined by the department. Officers are not authorized to alter the setting of the CEW. Officers are not to attempt any repair or alternation of the CEW or cartridges. The cycle period for a CEW upon application or deployment shall not exceed 5 seconds. If operator control is available, use the shortest duration of the CEW exposure objectively possible to accomplish lawful objectives, not exceeding 5 seconds.

The use of this weapon should, in most cases, eliminate the need for actual hands-on active countermeasures and the possibility of an officer or suspect injury. Officers may and in some cases should utilize hand control tactics prior to the use of the CEW based upon the totality of the circumstances. The officer is not required to attempt hand control tactics if they would be ineffective and/or the use of the CEW would reduce the likelihood or possibility of more serious injuries to the subject, the officer, and third parties.

1.2 CARRY AND CONTROL

When not in use CEWs will remain in their department issued/approved protective holders/holsters or stored securely from access by non-authorized users. Officers are not allowed to draw or display the CEW outside of deployment situations except for training and inspection. When off-duty, CEWs will be stored in a secure climate controlled environment not in a vehicle.

The holster will be carried on the duty belt worn opposite the duty firearm. Officers will carry the CEW in a manner that facilitates deploying the weapon with the non-gun (support) hand.

Officers to whom CEWs are issued are responsible for maintaining CEWs in clean, fully operational, and properly charged condition. A battery check and brief “spark test” out of public view shall be conducted daily prior to going on duty. Supervisors will conduct a battery check, observe and document a spark test during equipment or line inspections to ensure that the CEW is functioning properly.

Detention areas generally require security measure for weapons. Officers will follow the protocols of the detention center they are entering. Absence any specific direction, officers will secure the CEW in the same manner as a firearm. A CEW will not be left unattended unsecured except in exigent circumstances as when an officer is forced to act alone in taking custody or an immediate threat.

1.3 TOTALITY OF THE CIRCUMSTANCES REGARDING THE USE OF FORCE

The decision to use the CEW is based on the same criteria an officer uses when selecting to deploy other less than lethal weapons such as chemical spray or a baton. The decision must be made based on the actions of the subject(s) or the threat facing the officer(s), and the totality of the circumstances surrounding the incident. In any event, the use of the CEW must be reasonable and necessary.

The use of the CEW is intended solely as a control device to minimize injuries to officers and suspects. Its purpose is to enable the officer to carry out his/her duties in a safe, efficient and most professional manner. The timely and appropriate use of the CEW can greatly reduce injuries to both officers and suspects. Any escalated use of force may be thereby avoided. The CEW is not a substitute for deadly force and should only be used in those situations when backed up with the availability of lethal force.

The CEW is a weapon and shall be treated as such with the same respect given to firearms

safety. Horseplay or “show and tell” of any type is forbidden. Violations of this policy will be considered serious infractions, which will result in disciplinary actions not to exclude the possibility of criminal prosecution if the situation warrants. The officer must always consider the totality of the circumstances when deciding what would be a reasonable amount of force. Some of the factors to consider include:

- 1) Officer/subject size disparity
- 2) Officer/subject strength disparity
- 3) Officer/subject skill disparity
- 4) Officer/subject age disparity
- 5) The subject’s willingness and level of resistance
- 6) Officer’s perception of the immediate threat of the subject, officers and others
- 7) Suspect’s criminal/violent history if known by the officer
- 8) Officer’s location and surrounding environment
- 9) Officer’s perception/knowledge of the subject being under the influence of CNS (central nervous system) stimulants and other narcotics/alcohol that effect pain tolerance and violence

1.4 LIMITATIONS FOR DEPLOYMENT OF CEW

A. Not authorized Deployment.

CEWs are not authorized in the following situations unless there is an immediate need to defend others or yourself. Officers using CEWs under these or other exigent circumstances are held to a higher level of justification and will thoroughly document and articulate the circumstances leading to deployment.

- 1) Any known or obviously pregnant female.
- 2) Post chemical application
- 3) Any subject who may receive a secondary injury resulting from a fall from its use such as roofs, ledges, trees, ladders, loading docks, operating machinery or under momentum (fleeing).
- 4) Overly impaired by alcohol or drugs
- 5) Subjects near a body of liquid that poses a drowning risk
- 6) Handcuffed or restrained subjects
- 7) Subjects handling or around sharp or potentially objects that pose a secondary injury threat of impalement or lacerations.
- 8) Subjects which are noticeably frail, at the extremes of age (elderly or children) or obviously disabled.
- 9) Subjects operating a moving vehicle or conveyance
- 10) Subject holding a firearm or situation where deadly force is clearly justifiable, unless other officers are present providing deadly force protection.

B. Prohibited Deployment

- 1) The CEW will never be used as a means of punishment or coercion.
- 2) Pointing at any person unless the intention is to deploy.
- 3) To escort or jab individuals
- 4) To awaken unconscious or intoxicated individuals
- 5) Any subject who is saturated with or in the presence of highly flammable or combustible materials and liquids.
- 6) CEWs are laser sighted and will not be aimed at the face and eyes
- 7) Subjects displaying solely passive resistance such as peaceful protest, refusal to stand or non-aggressive verbal resistance.

C. Warning

The officer must give verbal warning and verbal commands to a resisting subject or arrestee, unless reaction time was of the essence to officer safety or the safety of others. The warning serves as both a warning to the subject and an alert to support officers or potential witnesses. A warning is generally consisting of a directive to stop doing whatever actions are of concern or to perform an action or they will be tazed. Example: "Do what I am telling you to do or I will taze you and it will hurt!" the officer shall allow a reasonable opportunity for voluntary compliance. Use of the "Warning Arc" in conjunction with a verbal warning has been proven to be effective in achieving voluntary compliance. A suspect failing to comply and showing NO INTENTION OF COMPLIANCE by continued resistance or aggression to an officer's official, lawful instructions may be incapacitated by the use of the CEW. The use of directional control is not a prerequisite to use of CEW if a subject is demonstrating an assaultive, combative, or threatening behavior

When fired the CEW emits a sound similar to small caliber gunfire, although it is significantly lower in volume. Thus to reduce the likelihood of "sympathetic fire response" the officer deploying the CEW should take appropriate steps to ensure safety. Anytime the CEW is to be deployed in a multiple officer tactical setting, the officer using the CEW shall announce that he/she is about to or deploying by saying "TASER!" in a clear and audible tone, so that other officers will be aware that the shot is from a CEW and not a firearm. In the event the CEW is being deployed by the department's Special Response Team/STAR, the Commander may choose an alternative method of notification based upon tactical needs of the situation.

D. Multiple applications

Multiple applications are normally not necessary. Officers should deploy the CEW for only one standard cycle and then evaluate before applying subsequent cycles. The CEW will not be deployed additional times unless doing so is reasonably necessary to gain control of the subject. Each deployment must be justifiable on its separate and own merit. If a subject is not under control/in compliance after three cycles (deployments) the CEW shall be deemed ineffective. The CEW may also be utilized on a suspect, previously under control, who suddenly reacts violently and requires immediate attention during the post arrest process. Simultaneous (more than one CEW) will not be deployed

at the same time on the same subject

E. Drive Stun

The drive stun mode relies primarily on pain compliance; the use of the drive-stun mode generally should be limited to supplementing the probe mode to complete the circuit, or as a distraction technique to gain separation between officers and subjects, giving officers time and distance to consider other force options or actions.

1.5 TRAINING

All officers must be certified as an end user by a CEW Certified Instructor prior to being authorized to deploy the device in the field. This training shall consist of CEW approved instruction and proficiency exam. In addition, the officer must attend annual in-service training to remain certified.

All training will be conducted by a certified CEW training officer. All certification and recertification training will be documented in the officer's training file.

All officers will receive initial CEW training upon the implementation and approval of the CEW as part of the agency use of force options. Academy recruits will receive certification training as an element of instruction at the Hattiesburg Police Training Academy during basic class. Officers hired as laterals (certified officers) will receive either initial certification training or recertification training depending on the individual's validated training history. Annual recertification training is required during in-service training regardless of issuance of a CEW.

Proficiency in the operation and deployment of a CEW is considered a critical and necessary Law Enforcement skill. Remedial training will be scheduled for any officer failing to demonstrate proficiency after certification training. Remedial training will be documented in the officer's training file.

1.6 RANGE

The maximum range is dependent on the cartridge selection. A range of around 10 feet tends to provide optimum placement of probes. Ranges less than 3 feet may not provide adequate distribution of the probes to allow the unit to function properly.

1.7 TARGET ZONE

Center mass of the body should be the primary target area when firing the CEW, particularly center mass of the back, as clothing tends to be tighter on this part of the body. When face on the target zone is center mass of the area beginning below the area of the chest. The head, face, neck and upper shoulder at or near the neck line is considered a no target zone. It is recognized that the dynamics of a confrontation may not permit the officer to limit the application of the probes to a precise target area.

1.8 DUTIES AFTER DEPLOYMENT

A Custodial

Immediate action should be taken to care for the injured, to apprehend any suspects, and to protect the scene. A supervisor shall be called to the scene of any CEW deployment.

Control and restrain immediately. Begin control and restraint procedures, including cuffing as soon as is reasonably safe and practical in order to minimize the total duration and multiple exposures.

B. Medical

Injuries resulting by falling from a standing position have a history of being more problematic than injuries sustained from the deployment of the CEW itself. Medical personnel will be summoned to the scene to assess the subject for both the effects of a fall and CEW deployment. If the exam or other circumstances dictate the subject needs further medical treatment, the subject will be transported to the nearest medical facility. Medical treatment will not be refused for anyone who requests it.

Probes should only be removed after subject is under control and is secured. Probes located in sensitive areas such as the face, neck, groin or breast will be removed only by hospital medical personnel. Removal of probes in other areas may be done by on scene by medical responders. First aid following the removal of the probes will generally consist of applying alcohol wipes, first aid cream or ointment and band-aids to the probe sites as needed.

Person under the influence of drugs or alcohol and/or exhibiting symptoms associated with excited delirium pose an elevated medical concern and are more susceptible to positional asphyxia. Excited delirium presents a special problem. This person is most likely naked, sweating, agitated, hostile, paranoid and not responding to direction. The nature of the condition means that force is usually the only option for control. Opinions vary as to the effectiveness of the TASER. In general medical opinion the best way to minimize injury or death in this situation is to capture the suspect as soon as possible with the minimal amount of force.

Probes that have been removed from skin will be treated as Bio-Hazards “sharps”. Probes are to be inserted back in to the cartridge point first with wires wrapped around the cartridge and taped or otherwise secured.

1.9 OFFICER REPORTING REQUIREMENTS

The officer that deployed the CEW will complete the Use of Force forwarded up the chain of command as part of the use of force packet to the Chief of Police and other copies distributed to the Training Academy and Internal Affairs as required for uses of force.

The CEW utilized by the department has an internal computer microchip that records information of each use. This technology is used to track the use of the weapon with the ability to download each unit's activity into a computer database. Each time the weapon is deployed (fired) other than training the officer will make written documentation of such use and the data will be downloaded in to the data base.

Jail personnel shall be informed the subject was controlled by the use of a CEW.

Officers will attempt to locate the yellow, pink and clear colored "micro-dots" dispersed at the time of the cartridge firing. These will be collected and placed into evidence with any expended cartridges.

1.10 SUPERVISOR RESPONSIBILITIES

Supervisors are to respond to any deployment of a CEW outside of the training environment.

Supervisors shall ensure that all pertinent information is documented in the appropriate reports and that all appropriate evidence and statements are collected. The use of force report will outline the circumstances that lead up to the deployment along with steps taken after deployment with a supervisor's review and recommendation whether the deployment was or was not within guidelines. Ensure that data is downloaded from the CEW.