

NEW CANAAN POLICE DEPARTMENT

SUBJECT: CONDUCTED ELECTRICAL WEAPON (CEW)



GENERAL ORDER NUMBER: 07-01-114

I PURPOSE/POLICY

The purpose of this policy is to provide officers with guidance and direction on the use of the Conducted Electrical Weapon (CEW) in the field. Officers are specifically granted the legal authority to carry and use weapons under C.G.S. 53-206, "while engaged in the pursuit of such officer's duties."

Per C.G.S. 53a-22, officers are justified in using physical force when and to the extent that he or she reasonably believes such to be necessary to: Effect an arrest or prevent the escape from custody of a person whom he reasonable believes to have committed an offense, unless he or she knows that the arrest or custody is unauthorized; or defend himself or herself or a third person from the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape. Officers are not constrained by rules of engagement that would establish a subject's use of force as a prerequisite to the application of reasonable force. Nor should this order be interpreted to suggest that an officer is required to engage in prolonged hand to hand combat, risking injury, and prior to utilizing an alternative means of force to gain compliance from a subject.

It is the policy of the New Canaan Police Department to use only that level of force that is reasonable and necessary to control or otherwise subdue violent or potentially violent individuals. As with all use of force, the use of less-than-lethal options must be "objectively reasonable." The reasonableness of the use of force under this policy will be measured by standards established by the Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989). The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation, and not by the 20/20 vision of hindsight. The calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation. Factors relevant to the determination of reasonableness include the severity of the crime that the officer believed the suspect to have committed or be committing, whether the suspect presented an immediate threat to the safety of officers or the public, and whether the suspect actively resisted arrest or attempted to escape, along with any other fact or circumstance which reasonably bears upon the decision to use force.

A CEW may only be used by authorized and trained personnel and in accordance with General Order 89-17-70, Use of Force and the guidelines established herein.

II RESPONSIBILITY

It is the responsibility of all departmental personnel to adhere to this general order. It is the additional responsibility of all supervisory personnel and the Commander of the Operations Division to ensure compliance.

III PROCEDURES

- A. The following terms, for purposes of this general order, shall be defined as follows:
1. Conducted Electrical Weapon (CEW) - Formally referred to as an Electronic Control Device (ECW), is a non-lethal weapon designed to disrupt a subject's central nervous system by deploying battery-powered electrical energy sufficient to cause uncontrolled muscle contractions and override voluntary motor responses.
 2. Reasonable Force- That level of force that is reasonable and necessary to accomplish a lawful purpose.
 3. Physical Force- Any force that exceeds mere touching. Officers are justified in using physical force when and to the extent that he or she reasonably believes such to be necessary to: Effect an arrest or prevent the escape from custody of a person whom he reasonable believes to have committed an offense, unless he or she knows that the arrest or custody is unauthorized; or defend himself or herself or a third person from the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.
 4. Less-Than-Lethal Force- A use of force which is not likely to cause death or serious physical injury.
 5. Objectively Reasonable- The facts and circumstances known to the officer at the time of the incident which would justify a use of force in accordance with General Order 89-17-70, Use of Force. The reasonableness of a particular use of force must be judged from the perspective of the officer on the scene, rather than with the 20/20 vision of hindsight.
 6. Active Resistance- Any physical act, or failure to act, undertaken by a subject, against an officer, that could reasonably interfere with or defeat a lawful attempt by the officer to gain control of the subject.
 7. Passive Resistance- The mere failure or refusal to cooperate with the lawful directions of an officer by one or more unarmed, non-violent persons, such as in the case of an act of civil disobedience or non-violent handcuffed prisoner.
 8. Deployment- Does not include the mere removal of the CEW from the holster, but does include any use of a CEW against a person, including the illumination of the laser sight onto an individual.

IV PROCEDURES (EQUIPMENT & AUTHORIZATION)

- A. The authorized CEW carried by officers shall be the Taser International Model X26, X2 or its equivalent, as approved by the Chief of Police.
- B. Only officers who have satisfactorily completed the New Canaan Police Department's approved CEW training course shall be authorized to carry and/or utilize a CEW. All officers shall have access to this policy and receive training as to its content prior to obtaining such authorization to carry.

V PROCEDURES (CARRYING)

- A. The CEW will be carried in an approved waist or thigh holster on the side of the body opposite the service handgun. Officers not assigned to uniformed patrol may utilize other types of holsters and carry the weapon in accordance with training requirements, manufacturer's recommendations and as approved by the Chief of Police or designee.
- B. The CEW shall be pointed at the ground in a safe direction with the safety on during loading, unloading, or when handled in other than an operational deployment.
- C. The CEW shall be carried fully armed with the safety on, when not in use.
- D. Officers authorized to use a CEW shall, at a minimum, carry a one spare cartridge as a backup in case of cartridge failure, the need for redeployment, or in case the first cartridge's leads break during engagement. The spare cartridge(s) shall be stored and carried in accordance with training requirements. Officer's shall not utilize or carry an expired cartridge and shall remove said cartridges from service.

VI PROCEDURES (DEPLOYMENT)

- A. Officers shall only use the level of force necessary to accomplish lawful objectives.
- B. As soon as reasonably possible, a supervisor should be requested to respond to the scene of a potential or completed CEW deployment.
- C. Each deployment of the CEW must be legally and independently justified when using the CEW on a person who is actively resisting. The reasonableness of the force used rests not on whether the suspect is in full compliance, but whether the officers have control of the suspect.
- D. The use of a CEW involves the use of force. Officers should deploy the CEW for one standard cycle and then evaluate the situation to determine if subsequent cycles are necessary. Each additional deployment of the CEW involves an additional use of force. Multiple deployments of the CEW cannot be justified solely on the grounds that the suspect fails to comply with a command, absent other indications that the suspect is about to flee or poses an immediate threat to the officer. This is particularly true when more than one officer is present to assist and control a situation. In addition, any decision to apply multiple deployments of the CEW must take into consideration whether a suspect is capable of complying with or responding to the officer's commands and instructions during or immediately following exposure. Upon firing the device, the officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective.
 - 1. The subject should be secured as soon as practical while disabled by the CEW, thereby minimizing any continued active resistance by the suspect.
- E. As in all uses of force, certain individuals may be more susceptible to injury than others. It is incumbent that officers be aware that there is a greater potential for injury when using the CEW against persons of small stature irrespective of age or those who the officers believe may be equipped with a pacemaker or are in obvious ill health.
 - 1. Officers may not use a CEW on a visibly pregnant female or one that informs them of her pregnancy, unless deadly force is the only other option available. These same restrictions apply to elderly suspects and children.

- F.** In preparation for firing, the CEW shall be pointed in a safe direction, taken off safe, and then aimed. The center mass of the subject's back should be the primary target where reasonably possible, the chest, at or below the nipple line or legs should be considered secondary targets. The CEW should be aimed by use of the aiming lasers when possible. Fixed sights shall be used when the laser sights are ineffective or as a secondary aiming tool. Officers should take into consideration the capabilities and limitations of the CEW whenever deploying it at close quarters.
- G.** Prior to and during the deployment of a CEW, officers must;
1. Perceive that the suspect is actively resisting.
 2. Give the suspect a reasonable opportunity to comply with the officer's commands.
 3. Whenever possible, give a loud, clear warning prior to the use of **each** deployment of the CEW.
 4. Following deployment, give the suspect time to recover from the "extreme pain" experienced during the deployment of the CEW and allow the suspect a reasonable amount of time to regain his/her faculties.
 5. Give the suspect a reasonable opportunity to consider the consequences of refusing to comply with the officer's commands prior to each deployment of the CEW.
 6. Not intentionally activate more than one CEW at a time against a subject.
- H.** The device may also be used in certain circumstances in a "drive stun" mode. Deployment of the CEW in "drive stun mode", from a policy perspective, is no different than a cartridge deployment. This involves pressing the unit against an appropriate area of the body based on training. It is important to note that when the device is used in this manner, it is:
1. Primarily a pain compliance tool due to a lack of probe spread.
 2. Minimally effective compared to a conventional cartridge deployment, and;
 3. More likely to leave marks on the subject's skin.
 4. Subject to the same deployment (use) guidelines and restrictions as those of the CEW in cartridge deployments.
- I.** The CEW is considered a less than lethal use of force. As such, it is forbidden to use the device as follows:
1. In a punitive or coercive manner.
 2. On a subject demonstrating only passive resistance.
 3. On a handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
 4. On any suspect who does not demonstrate an overt intention (1) to use violence or force against the officer or another person, or (2) to flee in order to resist or avoid detention or arrest (in cases where officers would pursue on foot), (3) actively resist arrest.

5. In any environment where an officer knows that a potentially flammable, volatile, or explosive material is present (including but not limited to gasoline, natural gas, or propane).
6. Where it is likely that the subject may drown or fall from an elevated area.

VII PROCEDURES (MEDICAL ATTENTION & AFTERCARE)

- A. When a subject is injured through any deployment of a CEW, the officer shall offer the injured party medical assistance
 1. The officer shall request medical assistance in the case of obvious physical injury or when otherwise prudent.
- B. Any subject against whom a CEW is deployed shall be evaluated by qualified medical personnel (i.e. doctors, EMS first responders, police officers authorized to carry the CEW and who are EMR certified). Such evaluation shall be in accordance of medical authority guidelines.
- C. Officers shall not remove probes which have implanted anywhere on a subject's body unless authorized to do so by competent medical authority and only after the subject is properly restrained.
- D. The following persons shall be transported to a medical facility/hospital for examination following exposure to a CEW. Any person who:
 1. In the case of obvious physical injury or when otherwise
 2. Is hit in a sensitive area (e.g., face, head, female breasts, male groin);
 3. Does not appear to recover properly after being energized or has been subjected to a continuous energy cycle of 15 seconds or more;
 4. Has been energized more than three times;
 5. Has had more than one CEW effectively used against him or her in any given incident;
 6. Has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to CEW exposure;
 7. Loses consciousness, exhibits irregular breathing or is known to be under the influence of drugs or medications;
 8. Exhibits bizarre or violent behavior, including self-mutilation;
 9. Is naked in a public place or exhibits signs of overheating;
 10. Evidences slurring or slowness of speech;
 11. Is in a potentially susceptible population category, including children, the elderly, persons of small stature irrespective of age, or those who the officer has reason to believe are pregnant, equipped with a pacemaker, or in obvious ill health;
 12. The subject claims to have been injured or in medical distress.

- E. When the dart(s) actually penetrate the suspect's skin, photographs of the affected area are required to be taken after the darts are removed.
- F. After deployment of the CEW, the officer shall collect the cartridge, wire leads, darts, and dispose of in accordance to bio-hazard and/or sharps guidelines.

VIII PROCEDURES (REPORTING)

- A. If not already on scene, the deploying officer shall notify his or her supervisor as soon as practical after using the CEW and complete ~~as~~ Case/Incident, Use-of-Force and State of Connecticut – Office of Policy and Management, Electronic Defense Weapon Report in their entirety. The report must include at a minimum;
 - 1. Specific justification for the use of the CEW;
 - 2. Events and communications leading up to the physical confrontation;
 - 3. The subjects behavior;
 - 4. The environment in which the incident took place;
 - 5. Any injuries sustained by anyone during the incident and medical aid provided
 - 6. Photographs of any injuries sustained from the deployment of the CEW
- B. All reports pertaining to the deployment of a CEW shall be promptly reviewed by the shift supervisor and a copy forwarded to the Commander of Operations in order to determine if;
 - 1. The deployment was justified.
 - 2. Appropriate medical aid was provided.
 - 3. The CEW deployment conformed to this policy and training requirements.
 - ~~3-4.~~ The Commander of Operations shall insure that a copy of each State of Connecticut, Electronic Defense Weapon Report is forwarded to the Office of Policy and Management after his/her review.
- C. Should a determination be made by the supervisor that the use of the CEW was questionable or inappropriate; said supervisor should take the appropriate disciplinary action in accordance with G.O. 91-08-96, Disciplinary Procedures. The shift supervisor's findings regarding the deployment of the CEW shall be documented in the Use of Force Report.
- D. ~~As of January 2016,~~ The Commander of Staff Services or designee, shall complete the POSTC/EDW/CEW Annual Report Form as required by state statute. Said report form is to be submitted to the State of Connecticut Criminal Justice Policy and Planning Division within the Office of Policy and Management, no later than January 15th covering the preceding calendar year. The report is required for any department who;
 - 1. Has deployed a CEW against any individual within the calendar year, or
 - 2. Has authorized the carrying/deployment of a CEW, but hadn't had any deployments during the calendar year, or

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3. Has not authorized the use/deployment of the CEW.
- E. The Commander of Operations shall review all CEW deployments as part of his/her annual analysis on the use of force.
 - F. Accidental deployments shall be documented in an Incident/ArrestCase / Incident report.

IX PROCEDURES (TRAINING & CERTIFICATION)

- A. Only certified CEW instructors shall be permitted to instruct and certify officers in the use and care of the CEW. All training will be conducted in accordance with departmental protocols and CEW manufacturer guidelines.
- B. Only officers who successfully complete an initial certification training course, to include written and practical tests, shall be authorized to carry a CEW.
- C. Once certified, officers are required to satisfactorily attend re-certification training on an annual basis.
- D. Officers shall receive training on and have access to this policy in the PowerDMS software program for reference at any time.

X PROCEDURES (EQUIPMENT CARE & HANDLING)

- A. The CEW shall be carried in an approved holster on the side of the body opposite the duty-weapon if it is to be worn in a waist holster or a thigh holster. It shall be carried in accordance with the manufacturer's recommendations. Officers not assigned to uniformed patrol may be authorized to utilize other holsters and carry the device consistent with departmental training as authorized by the Chief of Police or designee and in accordance with his general order.
- B. Officers authorized to carry a CEW shall be issued a minimum of one spare cartridge as a backup in case of cartridge failure, the need for redeployment, or in case the first cartridge's leads break during engagement. The spare cartridge shall be stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer's expiration requirements.
- C. Officers shall, at the beginning of their shift, inspect their CEW, cartridges and holster for any signs of damage. As part of that inspection, officers shall;
 1. Point the CEW in a safe direction during loading, unloading, or when handled in other than an operational deployment.
 2. Perform a battery check. A reading of 20% or less will require the battery pack be changed. The battery pack is not to be removed and replaced by a fresh battery from the CEW except when the reading is 20% or less. At no time should a CEW be stored without a battery pack installed.
 3. Conduct a spark check on the CEW in order to ensure that it functions properly. When checking the X26 Taser, it is conducted by removing the cartridge, test firing the weapon and observing the electrical arc. In the case of the X2 Taser, it is

conducted by pressing and holding the arc switch for several seconds and observing the electrical arc. This check is conducted while leaving the cartridges installed in the Taser. The spark test shall be conducted in the shotgun/CEW storage room. A spark check does not require completion of a use of force report.

4. When a CEW fails to operate correctly, officers shall promptly take the Taser out of service and forward equipment malfunction form to the Commander of Staff Services so that the unit may be repaired.

XI DISTRIBUTION

This general order will be reproduced in electronic and traditional media. All sworn personnel shall have access to Department general orders through a read-only file on their individual domain of the Department's computer network. Printed copies and/or CD's will also be placed in locations throughout headquarters so that they are easily accessible to all personnel.

This General Order shall also be disseminated and reviewed with each recruit prior to initiating their Field Training Program.

V EFFECTIVE DATE

This General Order was approved by the Police Commission on December 19, 2007 and is effective on January 19, 2007.

Revised July 2014
Revised January 2015
Revised January 2016

Per Order,

Leon Krolikowski
Chief of Police