




Clayton County Police Department PROCEDURES

Subject CONDUCTED ENERGY WEAPON (TASER)		Procedure # D30	
Authorizing Signature 	Effective 02-14-2023	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Rescinds	Total Pages 10

I. PURPOSE

To provide officers with the requirements and guidelines for the use of the Conducted Energy Weapon (CEW), which is synonymous with the terms Electronic Control Device (ECD), Electronic Control Weapon (ECW), or by the trademark name, TASER.

II. POLICY

Consistent with the Clayton County Police Department's policy of using the level of force reasonable and necessary to control or otherwise subdue violent or potentially violent individuals, the Department authorizes the use of less-lethal options, such as the CEW, by designated officers with this Department. The deployment or use of the CEW shall strictly follow the guidelines in this procedure, the Department's CEW training program, and the Department's use of force policy.

III. DEFINITIONS

Active Resistance: Resistance that poses a threat of harm to the officer or others, such as when a subject attempts to attack or does attack an officer; exhibits combative behavior (e.g., lunging toward the officer, striking the officer with hands, fists, kicks, or any instrument that may be perceived as a weapon such as a knife or stick); or attempts to leave the scene, flee, hide from detection, or pull away from the officer's grasp. Verbal statements alone do not constitute active resistance. Bracing or tensing alone ordinarily do not constitute active resistance, but may if they pose a threat of harm to the officer or others.

Conducted Energy Weapon (CEW): An electro-muscular disruption device that disrupts the body's ability to communicate messages from the brain to the muscles causing temporary motor skill dysfunction to a subject.

Elevated Risk Population Groups: Individuals who are potentially at greater risk of injury or death following an exposure to a CEW, including those who reasonably appear or are known to be elderly, medically infirm, pregnant, users of internal cardiac devices, or who have low body mass, such as small children.

Less-Lethal Force: Physical control techniques or implements that a reasonable officer would not normally expect to cause death or serious bodily injury, involving a physical effort to control, restrain, or overcome the resistance of another. Impact weapons and the conducted energy weapon (CEW) and similar objects are generally considered less-lethal.

Neuro Muscular Incapacitation (NMI): Occurs when a CEW is able to cause involuntary stimulation of both the sensory nerves and the motor nerves. It is not dependent on pain and can be effective on subjects with a high level of pain tolerance.

Offender Control: Based upon appropriate law enforcement response to a specific action of resistance generated by the offender. Control is achieved when all of the offender's resistance to a legitimate arrest or detention has ceased.

Passive Resistance: Non-compliance with officer commands that is non-violent and does not pose an immediate threat to the officer or the public. Such actions may include, but are not limited to, bracing, linking arms, tensing, or verbally signaling an intention to avoid or prevent being taken into custody constitute passive resistance.

IV. PROCEDURES

A. General

1. The CEW is deployed as an additional law enforcement tool, and is not intended to replace firearms or other Department recognized defensive tactics and controlling techniques. It is a less-lethal force option that can be used to control violent or potentially violent suspects, as well as those who actively resist arrest.
2. The CEW can be used in two (2) modes: probe and drive-stun. The most effective way to use the CEW is in the "probe" mode, because it has the ability to cause neuro-muscular incapacitation (NMI). Drive stuns alone cause only localized pain, not NMI.
3. The primary objective of the CEW is to prevent a continuing escalation of a suspect's resistance or violence and to minimize injury to the officers, suspect and/or others.
4. In each instance when the CEW has been applied, the officer must be able to clearly articulate why other means of physical control were either inadequate or impractical under the circumstances.
5. Any time an officer observes another officer using a CEW that is beyond what is objectively reasonable force under the circumstances will, when in a position to do so safely, intervene to end and prevent the use of such excessive force. Furthermore, when it is safe and reasonable to do so, the officer will notify their immediate and/or on-duty supervisor, as soon as practicably possible.
6. Any officer who makes an unlawful, excessive, or unauthorized use of a CEW will be subject to disciplinary action(s) and may be subject to civil and criminal liability.

B. Issuance and Carrying

1. **Only** officers who have successfully completed the Department's CEW training program are authorized to carry and use the device.
2. **Only** Department-owned CEWs and cartridges will be issued to and used by authorized personnel. The TASER is the **only** CEW authorized for use by the Department.
3. Officers who are issued a CEW will carry it while on duty, unless they are required to secure the device in certain locations (e.g., detention facility, courthouse). The CEW shall be stored in a safe and secure location when not under the officer's immediate control.
4. The CEW will be inspected and checked for proper function prior to every shift. To ensure the device is functioning properly, the CEW shall be subjected to a pre-shift "spark test" consisting of a full, five (5) second cycle. Officers shall consider all safety precautions in accordance with the CEW manufacturer and Department training while conducting any inspection or "spark test."
5. The CEW shall be carried with the cartridge in place and with the safety in the "safe" position, and secured within a Department-issued or approved holster on the side of the body opposite the firearm.
6. The CEW probe-deployment shall be the primary setting option with the drive-stun mode used as a secondary option.
7. CEWs shall be handled carefully and according to the manufacturer's guidelines. **Only** battery power sources recommended by the manufacturer shall be used with the CEW.
8. If at any time an officer or supervisor determines that a CEW, battery or cartridge is defective and/or damaged, it shall be taken out of service immediately. The defective and/or damaged CEW, battery or cartridge shall not be used until it is repaired and/or replaced by the Logistics & Operations Unit Commander, or authorized designee.

C. General Considerations for Use

1. The use of the CEW is considered a use of force and will be deployed in a manner consistent with this policy and the Department's use of force policy. For further information on use of force, refer to CCPD SOP: *A5: Use of Force*.
2. An officer is authorized to use Department-approved, less-lethal force techniques and issued equipment:
 - a. To protect the officer and/or others from immediate physical harm;
 - b. To restrain or subdue a suspect who is actively resisting or evading arrest; or
 - c. To bring an unlawful situation safely and effectively under control.

Mere flight from a pursuing officer, without other known circumstances or factors, is not sufficient cause for the use of the CEW to apprehend an individual. Severity of the offense and other circumstances will be considered before an officer uses a CEW on a fleeing person.

3. The CEW may be used to control a dangerous or violent suspect when deadly force does not appear to be justified and/or necessary; or attempts to subdue the suspect by other

conventional tactics, including verbal communications, have been, or will likely be ineffective in the situation at hand, or there is reasonable expectation that it will be unsafe for officers to approach within the contact range of the suspect. The CEW may be utilized at a safe distance to maximize officer safety and limit injuries to the suspect and/or others.

4. The CEW shall not be used:
 - a. Against a suspect who is passively resisting the lawful commands of the officer, unless there is an articulable reason why it would be unsafe to approach the suspect, and other options are not practical.
 - b. On suspects in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the suspect, officer or another person; however, in these situations, only the minimal amount of force necessary to control the situation shall be used.
 - c. Against a suspect actively running on foot from officers, unless exigent circumstances exist that endanger the safety of the officer, suspect, or other individuals.
 - d. When the suspect's movement or body positioning prevents the officer from aiming or maintaining appropriate body part targeting, unless the risk of increased injury to the suspect is justified because of a reasonably perceived threat to the officer or others.
 - e. When the officer has a reasonable belief that deployment may cause serious injury or death from situational hazards, including, but not limited to: uncontrolled fall or falling from an elevated position; adjacent to traffic; operating machinery or conveyances (e.g., cars, trucks, motorcycles, ATVs, scooters, bicycles); or near a body of water because of the risk of drowning, except when deadly force would be justified.
 - f. In a situation where deadly force is clearly justifiable, unless another officer is on-scene and capable of providing deadly force to protect the officer deploying the CEW and/or other individuals.
5. Officers shall be aware of the general concerns present when a CEW is used on individuals who are potentially at greater risk of injury or death following an exposure to a CEW, including those who reasonably appear or are known to be elderly, medically infirm, pregnant, users of internal cardiac devices, or who have low body mass, such as small children (i.e., elevated risk population groups). Officers are not prohibited from using the CEW on such persons but shall limit use to those exceptional circumstances where the potential benefit of using the device reasonably outweighs the enhanced risks involved.
6. Absent exigent circumstances, officers shall not intentionally activate more than one (1) CEW complete circuit at a time against a suspect.
7. Officers shall energize a suspect no longer than objectively reasonable to overcome resistance and bring the suspect under control.
8. The CEW has limitations and restrictions requiring consideration before its use. The CEW should only be used when an officer can safely approach the suspect within the operational range of the device. Although the CEW is generally effective in controlling most suspects, officers should be aware that the device may not achieve the intended results and prepared to transition to other reasonable use of force options.

D. Primary Deployment Mode

1. **The CEW is most effective at overcoming resistance and gaining subject control when used in the probe mode, and from adequate distance consistent with training to allow sufficient probe spread on contact. Accordingly, this is the preferred method of deployment.**
2. Immediately prior to deployment, the officer shall visually and physically confirm that the device selected is the CEW and not a firearm.
3. Officers shall issue verbal and/or visual warnings (e.g., verbalization, display, laser painting, arcing, or a combination of these tactics) consistent with training prior to deploying the CEW, when feasible, and allow a reasonable amount of time for the suspect to comply, unless doing so would increase the risk of injury to officers, the suspect, or others individuals involved. When practical, officers should also notify assisting officers and/or others involved that they intend to deploy the CEW.

The fact that a verbal and/or visual warning was given or the reasons it was not given shall be documented by the officer deploying the CEW in their report.

4. When multiple officers are present and a CEW is to be used, only one (1) officer shall deploy the device. In the event, the officer reasonably believes the CEW is ineffective (e.g., device malfunction, loose/thick clothing worn by the suspect, miss/single probe hit, low nerve/muscle mass, limited probe spread, wires break), another officer may deploy a CEW, if compliance from the suspect has not been achieved. Officers shall verbally coordinate with each other on who will deploy the CEW and who shall act to take the suspect into custody.
5. When practical, the officer applying the CEW should target the back of the resisting suspect, anywhere below the neckline. If the suspect must be targeted from the front the recommended point of aim is lower center mass (below the chest), where the probes of the CEW will engage the balancing muscles of the pelvic triangle.
6. The CEW shall not be intentionally aimed at sensitive areas, which includes the suspect's face, eyes, head, throat, chest area, female breasts, groin, genitals, or known pre-existing injury areas, absent reasonable belief by the officer that they are facing an immediate risk of serious physical injury or death.
7. Officers shall consider the totality of circumstances, including suspect movement, limited sighting capability, and their ability to accurately deploy the device, to reduce the risk of accidental probe contact to an unintended body part.
8. The CEW shall be discharged for an initial five (5) second cycle; during and immediately after this cycle, the officer shall verbally give resistance control instructions to the suspect.
 - a. The officer shall be aware that an energized suspect might not be able to respond to commands during or immediately following exposure; hence, the officer shall allow a reasonable amount of time to assess the effectiveness of the cycle, and to give the suspect an opportunity to comply with the instructions given.
 - b. The officer shall evaluate, under the totality of circumstances presented, whether additional cycles are reasonably necessary and whether additional cycles appear reasonably likely to be effective in accomplishing the officer's lawful objectives. The

evaluation shall include consideration of the enhanced risks to suspects exposed to multiple and/or prolonged CEW cycles.

Note: Repeated, prolonged and/or continuous exposure(s) to the CEW's electrical discharge may impair breathing and respiration (particularly if the probes are placed across the chest or diaphragm), cause cumulative exertion and/or exhaustion effects or results. Hence, evaluation of compliance during the application process becomes a necessity.

- c. The officer should consider deploying a second cartridge or transitioning to alternative force options if the officer reasonably perceives that the suspect has not responded to the CEW in the anticipated manner based on training and experience.
 - d. To reduce the number of cycles and duration of exposure, the suspect should be restrained as soon as practical while exposed to the CEW cycle or immediately thereafter.
9. **Officers should consider that exposure to the CEW for longer than fifteen (15) seconds (whether due to multiple applications or continuous cycling) may increase the risk of serious injury or death and should be avoided, unless the officer reasonably believes that the need to control the suspect outweighs the potentially increased risk posed by multiple applications. All applications must be independently justifiable, and the risks should be weighed against other force options.**
10. Officers shall transition to different force options if the CEW deployment is determined to be ineffective.

E. Secondary Deployment Mode

1. All secondary deployment techniques are subject to the same guidelines and restrictions as initial deployments.
2. The CEW may also be used in close-range, self-defense, and brief distraction situations in the drive-stun mode with the cartridge removed, or expended cartridge in place. **When the device is used in the drive-stun mode it is primarily a coercive tool, and less effective than when probes are deployed with adequate probe spread.**
3. Use of the drive-stun is discouraged, and officers should avoid using the CEW drive-stun except for the following:
 - a. A brief application to attempt compliance or distraction;
 - b. A "break-contact" or distraction tactic when tied up with a suspect; or
 - c. A three (3) or four (4) point contact to complete circuit or increase probe spread.
4. A preferred method of close-range secondary deployment with a CEW involves firing the probes at close range with the cartridge on, then applying the device in drive-stun mode consistent with training to an area of the body away from the probe location. This potentially creates a greater "probe spread" effect between the probe location and the point where the CEW is placed in contact with the suspect's body. When used in this manner the CEW is potentially as effective as a primary cartridge-type probe spread deployment, though more difficult to maintain continuity during the cycle due to the need to hold the device in contact with the suspect's body.

F. Post-Deployment

1. Once the suspect is in custody or the situation is safe to do so, E911 Communications should be notified immediately that the CEW was deployed.
2. Officers shall request Emergency Medical Services (EMS) to respond anytime electrical energy is transferred from a CEW to a suspect via probe-mode and/or drive-stun mode, when a probe/probes penetrate the flesh, when the suspect is injured or requests medical attention (e.g., visible, complaints), or when an officer determines it is necessary.
3. Officers shall render aid as necessary.
4. When subject to a CEW deployment, persons falling into the following categories should be transported to a medical facility for examination:
 - a. If exposed to more than one (1) simultaneous CEW exposure;
 - b. If exposed to more than three (3) standard five (5) second cycles, or more than (15) seconds of total exposure;
 - c. Individuals who are potentially at greater risk of injury or death following an exposure to a CEW (i.e., elevated risk population groups);
 - d. If the person complains of pain in the chest, has abnormal breathing, is unconscious, and is nauseous or vomiting; and
 - e. If exhibiting signs similar to or associated with excited delirium as described in training, prior to and/or during CEW exposure.

When exigent circumstances exist, considerations must be made relative to immediate transportation to a medical facility, if EMS personnel anticipate a prolonged response. Officers shall notify their supervisor immediately before transporting any such individual.

5. EMS will medically evaluate the condition of the suspect prior to them being transported to a detention facility. The EMS evaluation will determine whether or not the suspect needs to be transported to a medical facility for treatment by a physician. The suspect will not be booked into a detention facility until they have been medically evaluated.
 - a. The probes should be removed from the suspect immediately following handcuffing.
 - b. Probes which are embedded in sensitive areas such as the face, eyes, head, chest area, neck, throat, groin, genitals, breasts (female) or known pre-existing injury areas, shall be removed by EMS or other professional medical personnel.
 - c. Probes which are embedded in non-sensitive areas may be removed by Department trained personnel. If an officer experiences difficulty removing the probes, they shall be removed by EMS.
 - d. If possible, photographs and/or video (i.e., Body-Worn Camera) of the affected area (e.g., probe and drive stun sites) and any other injuries or lack of injuries should be taken before and after probe removal.
6. All subjects who have received a CEW application should be monitored regularly while in police custody even if they received medical care. If an officer has any reason to believe that the health of any subject is at risk, even after EMS treatment, then such officer shall

notify their supervisor immediately before transporting the suspect to a hospital for further evaluation.

7. When transporting a suspect who has been subjected to a neuro-muscular stun, the transporting officer shall provide this information and/or documentation to personnel at the Clayton County Jail or any other detention facility during the booking process.

G. Reporting/Documentation

1. CEW application is considered a use of force and requires the completion of a *Use of Force Report*. Any deployment of the CEW will be reported, whether on or off duty, except those connected with agency training functions.
2. The deploying officer shall notify their supervisor, or respective on-duty supervisor, to respond to the scene, as soon as practical after using the CEW, to ensure that a *Use of Report* is completed.
3. The deploying officer shall fully document in their *Incident Report* or *Supplemental Report* the facts and circumstances (e.g., suspect's threats, behaviors, actions) that reasonably justified the use of the CEW.
4. In any incident in which the CEW is displayed to gain compliance or attempt to gain compliance, but is not utilized to apply force, a *Use of Force Report* shall not be completed. In such incidents, the officer that displayed the CEW shall complete an *Incident Report* or *Supplemental Report* justifying such action in the narrative section.
5. Normally, accidental discharges that occur during inspections or "spark tests" will be reported in memorandum format and forwarded through the chain of command.
6. The investigating supervisor is responsible for the following:
 - a. Interviewing the suspect against whom the force was applied;
 - b. Interviewing and identifying all Department officers who were involved in and/or present for the use of force incident;
 - c. Interviewing and identifying parties who assisted, witnessed or were involved in the use of force incident, to include personnel from other law enforcement agencies;
 - d. Gathering any evidence related to the use of force incident; and
 - e. Forwarding documentation and information through the chain of command.

H. Evidence

1. When a CEW is used in probe mode, the compressed air cartridge, wire leads, anti-felon identification (AFID) tags, and used probes have evidentiary value; hence, such items shall be collected, properly labeled, documented, and secured as evidence by sealing the probes within the used cartridge case and following procedures as demonstrated during training. Officers shall take into consideration the potential health and safety hazards when handling such items (e.g., sharp objects and biological materials). Officers should wear gloves when handling the expended probes to reduce the chance of injury and/or exposure to biological materials.

2. The CEW has an internal memory that stores the operating firmware and a deployment record. Once a CEW has been deployed, its data, including audio and video recordings, if so equipped, will be downloaded **before** the CEW is returned to service, and the file shall be considered a part of the use-of-force review. Immediately following deployment, the assigned officer will turn over the CEW to the investigating supervisor.
3. The concerned Captain is responsible for downloading the data from the CEW into Evidence Sync using assigned username/password login information in order to store it in www.evidence.com. The Captain will convert the generated CEW report to a .PDF document for departmental filing. The Captain will forward the .PDF document to the supervisor who generated the *Use of Force Report* so they can attach it to the report through the Blue Team Field Entry Support application.

If the concerned Captain will be unavailable for more than two (2) business days, a designated Shift/Unit Commander will complete the downloading procedures and CEW report conversion. Certain departmental components and subcomponents have been pre-arranged to specifically utilize a member of the Office of Professional Standards (OPS) for completing the downloading procedures and CEW report conversions; they will meet with OPS on a pre-scheduled date and time to adhere to these procedures.

I. Training

1. Officers must successfully complete the Department's approved CEW certification course prior to being authorized to carry, use or deploy the device.
2. In order to maintain their certification, officers must successfully complete the Department's CEW refresher training at a minimum of once per year (annually), to include training on this procedure.

All personnel shall have access to this procedure via PowerDMS which is accessible through the Department's intranet site (<http://ccpd/>).

3. Officers who do not carry the CEW should receive training that is sufficient to familiarize them with the device while working with officers who use the CEW.
4. To become a CEW instructor for the Department, an officer must be a POST-certified General Instructor, Defensive Tactics Instructor, and complete a Department-approved CEW instructor certification course.

J. Restrictions

1. Officers shall not touch the wires, probes or the area on the suspect between the probes while the CEW is activated.
2. If the laser on the CEW is used in a further attempt to gain compliance, the aiming laser should **never** be intentionally directed into the eyes of another as it may permanently impair their vision.
3. Officers shall not knowingly use a CEW in the presence of any explosive or flammable substance. The CEW can ignite explosive or flammable materials, liquids, fumes, gases, or vapors (e.g., gasoline, vapor or gas found in sewer lines or methamphetamine "meth" labs, butane-type lighters or flammable hair gels). Furthermore, the CEW should not be used on

an individual who has been sprayed with Oleoresin Capsicum (OC) spray or other self-defense spray. Some OC sprays and self-defense sprays are flammable and would be extremely dangerous to use in conjunction with the CEW.

4. The CEW will not be used under the following circumstances:
 - a. As coercion in the questioning or interrogation of a subject;
 - b. Solely for pain compliance or to escort, prod, or jab subjects;
 - c. To rouse unconscious, impaired or intoxicated subjects;
 - d. For psychological intimidation, to elicit statements or to punish any individual; or
 - e. Any other reason that would not be legally justified or comply with the guidelines set forth in this policy and the Department's use-of-force policy.

K. Dangerous Animals

1. The CEW is an effective tool in stopping the aggressive behavior of wild and/or domesticated dangerous animals. It is to be used when possible and practical, but should not be substituted for a higher force option if the situation warrants such action. If deployed on a domestic animal, officers should have an animal control officer on scene, if feasible, to restrain the animal. **Note: Aggressive animals may only be incapacitated or stunned momentarily, but recover quickly. After the initial cycle, the animal may break the wires and flee the scene.**
2. The deploying officer shall notify their supervisor, or respective on-duty supervisor as soon as practical after using the CEW on any animal.
3. The deploying officer shall document in their *Incident Report* or *Supplemental Report* the facts and circumstances that reasonably justified the use of the CEW.

L. Off-Duty Considerations

1. Officers are not authorized to carry a Department CEW while off-duty unless working in a pre-approved off-duty law enforcement employment situation as described in CCPD SOP B6: *Off-Duty/Secondary Employment*.
2. Officers will ensure CEWs 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.

V. CANCELLATION

- A. This procedure amends and supersedes the following standard operating procedure: *D30: Electronic Control Devices & Weapons*, dated September 11, 2017.