



Colorado Springs Police Department

Standard Operating Procedure

DL-500-01 Conducted Energy Weapons (CEW)

Section 500 – Use of Force

Effective Date: 3/18/2021

Supersedes Date: 8/9/2018

.01 Purpose

It is the policy of the Colorado Springs Police Department (CSPD) that officers and marshals use only the force that is reasonably necessary to effectively bring an incident under control. A use of force must be objectively reasonable as defined in GO 500 Use of Force.

This directive provides guidelines for the proper storage, maintenance, issue, carry, and deployment of Conducted Energy Weapons (CEW). This directive further defines the appropriate use of this particular use of force tactic. It is important to note that each trigger pull on the CEW or use of the ARC switch to energize a deployed cartridge is considered to be a separate use of force and each deployment must be objectively reasonable.

.02 Cross Reference

[GO 500 Use of Force](#)

[GO 510 Reporting Use of Force](#)

[DL-1011-02 Field Medical Clearances](#)

.03 Definitions

Active Aggression: A threat or overt act of an assault, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent. Threatening body language includes, but is not limited to, blading the body, assuming a boxer stance, circling officer or marshal's position, clenching of the hands from an open to closed position, forming a fist, etc. Active Aggression is a higher level of resistance than Active Resistance.

Active Resistance: Physically evasive movements to defeat an officer or marshal's attempt to control, including, but not limited to, bracing, tensing, pushing, flailing arms, running away, or verbally signaling an intention to avoid or prevent being taken into or retained in custody. Active

Resistance also includes attempting to avoid apprehension and failing to comply with an officer or marshal's order to reveal themselves from concealment or surrender. Walking away may be considered active resistance if the person continues to walk away from an officer or marshal after having been given a lawful order or having been told the person is under arrest. Active Resistance is a higher level of resistance than Passive Resistance.

Arming: Moving the safety switch of the CEW from the safe position to the armed position, activating the CEW for use/ deployment.

Cartridge Types:

Close Quarters (CQ) cartridge deploys at a 12-degree downward angle and is designed for use at a distance within 15 feet.

Stand Off (SO) cartridge deploys at a 3.5-degree downward angle and is designed for use at a distance greater than 11 feet but less than 25 feet.

CEW: Conducted Energy Weapon.

CID: Central Information Display

Deployment: The firing of a cartridge(s) to engage a person (or small animal, i.e. such as a dog, if necessary), by contact with live probes and activation of the five-second electric pulse cycle, one or more times.

Drive-Stun: Deployment of the CEW in direct contact with a person or persons.

Download: The procedure of downloading the internal memory from the CEW, updating firmware, and resetting of the internal clock if required. This occurs when the rechargeable battery is placed into a docking station for charging.

Fleeing: Attempting to evade or avoid police contact through flight. Flight may include, but is not limited to, running, as well as, use of a bicycle, skateboard, or other manner of conveyance.

Laser Painting: A technique used in conjunction with verbal commands, when the operator points the targeting lasers of the CEW on the subject's body as a visual warning of the operator's intent to use the CEW. This terminology was adopted from training practices provided and supported by AXON Enterprises.

Passive Resistance: Physical actions that do not prevent the officer or marshal's attempt to control, for example, a person who remains in a limp, prone position, or passive demonstrators.

Function Test Mode: Is a function-test to verify that the CEW functions properly.

Warning Arc: A sustained press of the ARC Switch on the CEW that initiates an arc across both cartridge bays without discharging the Cartridges. This technique is use in conjunction with verbal commands and is an auditory and visual warning of the operator's intent to the use the CEW.

.04 Procedure

Use of Conducted Energy Weapon (CEW)

The approved conducted Energy weapon for use by officers and marshals of the CSPD is AXON's TASER 7 that is yellow in color. The CEW is designed to stun and override a person's central nervous system, causing contractions of the muscle tissue, leading to temporary incapacitation.

All marshals and police officers at the rank of sergeant and below performing duty in uniform, including voluntary assignments and extra duty, will carry the approved CEW supplied by the department at all times. Lieutenants who choose to work extra duty will also carry the approved CEW during the extra duty assignment. An exception to this mandate is the Tactical Enforcement Unit, which is authorized to deploy CEW with specific officers in an operational deployment as the situation dictates.

Officers performing a non-uniformed assignment have the option of carrying the approved CEW supplied by the department.

AUTHORIZED DEPLOYMENT OF CONDUCTED ENERGY WEAPONS

Officers and marshals are authorized to use CEW if:

1. Officers or marshals have grounds to arrest or detain the person and the person's actions are at a level of Active Resistance or Active Aggression and/or
2. The officer or marshal has a reasonable belief the person poses an imminent danger to themselves or others.

Please note there are limitations on this authorization, found in ["Limitations on Use of CEW,"](#) below, including more stringent requirements when using CEW on a fleeing person.

WARNING BEFORE USE OF CEW

Before using a CEW, an officer or marshal will attempt to deescalate the situation by warning the subject of an impending use of force and give them the chance to comply with verbal orders. This

warning is not required when delaying the CEW discharge would be unsafe, the element of surprise is necessary to minimize the risk of harm, or is otherwise not feasible.

Officers and marshals should also consider attempting the laser painting and/or warning arc techniques, in conjunction with verbal commands, prior to discharging the CEW.

(REDACTED)

LIMITATIONS ON USE OF CEW

- Officers and marshals are prohibited from using a CEW on a driver of a running motor vehicle.
- Absent exigency or supervisory approval, officers and marshals will not deploy CEW in the following circumstances:
 - When a person is handcuffed
 - When a person is in an elevated position or a location where a fall may cause substantial injury or death
 - When near flammable liquids or fumes
 - When a person is in deep water
 - When a person is pregnant, elderly, intellectually or developmentally disabled, a young child, and/or visibly frail
 - When a person is a passenger in a running motor vehicle
 - In a drive stun mode, due to the increased likelihood of causing injury
 - In a crowd control situation
 - More than one officer or marshal deploying a CEW on the same person at the same time
 - When a person offers only passive resistance
- **Fleeing persons:** There is an increased risk of a fleeing person sustaining a serious injury as a result of a CEW application. Officers and marshals are only authorized to use CEW on a fleeing person if one or both of the following situations exist:
 - 1) They have probable cause to arrest the person for a misdemeanor or felony offense, and/or
 - 2) The officer or marshal has a reasonable belief the person poses an imminent danger to others.

As in all cases of officers' or marshals' use of force, the use of a CEW on a fleeing person must be objectively reasonable as described in GO 705 Use of Force. Even if the use of CEW is authorized on a fleeing person, officers and marshals must exercise proper judgment with its use to minimize the risk of injury to an individual falling to the ground unprotected. Officers and

marshals must balance the elevated injury risk with the need for immediate apprehension. If feasible, it is important in the case of a fleeing person that the officer or marshal give the person an order to stop and warn the person of the impending use of force. This allows the person an opportunity to comply before risking injury.

Number of Times Deployed: CEWs should be deployed no more than what is reasonably necessary to accomplish subduing a person until alternate means can be used to ensure compliance. If safe and practical to do so, officers and marshals should consider handcuffing or gaining control of the suspect while the CEW is in its 5-second cycle. Each trigger pull on the CEW or use of the ARC switch to energize a deployed cartridge is considered to be a separate use of force and this justification must be present and articulated in written reports. These separate uses of force are reported in one Blue Team report. Additional justification is required for deploying the CEW more than 3 times on a single individual.

DEPLOYMENT CONSIDERATIONS

Officers and marshals will give special attention to the deployment of a CEW to ensure the safety of all persons involved.

In evaluating tactical situations, marshals, officers, and supervisors **will** consider whether the circumstances at hand might be better addressed by specially trained and equipped personnel or units, such as the Tactical Enforcement Unit, and seek assistance from such specialized units when appropriate.

Use on Suspects in a Prone Position: Because TASER 7 probes spread out when fired, the angle an officer or marshal deploys the TASER 7 from becomes critical in situations where the person may be laying prone. Consider the best angle needed for target acquisition prior to deploying the TASER.

Multiple Officer Deployment: Caution should be used when multiple officers and/or marshals are on scene. When possible, officers and marshals should coordinate their actions to avoid multiple officers or marshals deploying CEWs at the same time.

Aiming: Officers and marshals should avoid aiming or firing probes at a subject's head, neck, breasts, chest area near the heart, and genitalia.

POST-DEPLOYMENT ACTIONS

Reports: As with all uses of force, officers and marshals will complete a detailed case or incident report of the event, describing the circumstances leading to the deployment of a CEW. A Blue Team Use of Force (UoF) report will be completed as required by GO 710 Reporting Use of Force.

When a CEW is discharged in the line of duty, a download will be performed prior to the officer or marshal going off duty. The information obtained from the download will be printed and a copy of the discharge record will be attached to the UoF report in Blue Team. When an officer or marshal enters a CEW use in the UoF report, a submenu will open requiring specific CEW information. This submenu will be completed as thoroughly as possible. (Exception: Officers and marshals do not need to enter the probe cartridge serial number.)

It is important to remember that the initial use of a CEW and each subsequent follow-up use, whether through a probe deployment or use of the ARC switch to energize a deployed cartridge, are independent uses of force which must be independently articulated. When repeated CEW deployments are the result of the same incident, against the same citizen, by the same officer or marshal, they will all be reported on one UoF report.

Accidental Discharge: All accidental firings of a CEW that strike a citizen will be documented on a Use of Force Report.

Medical Considerations: Following a CEW discharge, officers and marshals should avoid using a restraint technique that could impair respiration/breathing.

Following the probe/deployment of a CEW, officer(s) or marshal(s) will secure the subject and request a medical unit response. The subject must be carefully monitored following the use of CEW for signs of medical distress. If distress is observed, the officer will request the medical response to be Code 3. The officer or marshal will brief arriving medical personnel of the CEW usage on the subject. In cases where medical personnel determine that transport to a hospital is not necessary, a *Field Medical Clearance (or Refusal of Treatment)* must be obtained from an on-scene paramedic. If the subject is to be booked into jail, a copy of the Medical Clearance will accompany the arrestee and be provided to booking personnel at the jail. If the CEW probes were deployed in the subject's chest or the subject complains of chest pain, the ECG strip must also be provided to booking personnel at the jail.

Probe Removal and Cartridge Disposal: Only an AXON Probe Removal Tool will be utilized for probe removal. After a subject has been secured in handcuffs or other appropriate restraints, the officer(s) or marshal(s) deploying the CEW will evaluate the subject to determine if the probes have penetrated the skin. An officer or marshal may remove the probes if they have not penetrated a sensitive area (Head/Neck/Breast/ Groin). Photographs of the probe sites will be taken, prior to, and following probe removal, if possible. Officers or marshals may want the on-scene paramedics to remove the probes, while they take appropriate photographs. Only trained medical personnel will remove a probe(s) from sensitive areas.

The removed probes will be secured by inverting the probes and placing them back into the spent cartridge as demonstrated in training. The wires will be wrapped around the cartridge. Both the

probes and wires will then be secured in place by wrapping tape over the cartridge. This will prevent the sharp ends of the probe from penetrating other objects. The cartridge will then be disposed of, in a biohazard container.

In cases involving probe strikes to a sensitive area, or in critical incidents, the probes/cartridge/wires will be placed into evidence after being properly secured. When collecting the probes/wires/cartridges for evidence, avoid breaking the wires by gathering them loosely, and placing them in the appropriate container.

Logistical Considerations

Training and Qualifications: Only those personnel specifically trained in their use will deploy CEWs. All officers and marshals selected will attend and successfully complete an approved course of training prior to deploying these munitions in the course of their duties. Training will include the following:

- Classroom instruction
- Scenario exercises
- Live fire exercises
- Written test(s)

Officers and marshals are required to re-qualify on an annual basis. Re-qualification courses will be developed and administered by the Training Academy and will include the firing of smart cartridges which deploy probes.

All officers and marshals receive training to understand the responsibilities of deploying a CEW - before, during, and after a deployment. Periodic training should include a review of relevant directives, de-escalation techniques, and target area considerations.

The Training Academy will maintain documentation of all CEW training.

Method and Manner of Carry: The CEW will be carried in an approved, specifically designed holster. The CEW will be worn on an officer or marshal's duty-belt or load bearing vest in a loaded condition. Officers must carry the CEW on the opposite side from his/her duty handgun. Officers must make a conscious choice to draw the CEW vs. their sidearm.

The CEW is not to be carried in any other manner by officers or marshals wearing the duty uniform. Officers will carry the CEW in a cross-draw position, unless prior approval is received from the officer's division commander after consultation with the Training Academy lieutenant. An officer will not draw their duty weapon and CEW simultaneously and should never have both in their hands at the same time.

Officers carrying CEW while dressed in plainclothes will wear it holstered and in a position on the opposite side in a cross-draw fashion from where their sidearm is carried. Prior approval from the officer's division commander after consultation with the training academy director is required to carry the CEW in any other manner.

Assignment/ Return of CEWs: All officers and marshals the rank of sergeant and below will be assigned a CEW through the Training Academy. If the department does not have enough CEWs for all officers, marshals, and sergeants, they will be allocated to uniformed officers, marshals, and sergeants first. The Taser Program Manager (usually a Master TASER Instructor) will be assigned by the Training Academy Director and will maintain a record of all of the CEW assignments to officers, patrol divisions, and specialized units. This information will also be updated and tracked through the use of Evidence.com and Quartermaster on Q.

Each patrol division and the Specialized Enforcement Division have been issued a limited number of spare CEWs to issue to officers or marshals who have a broken or malfunctioning CEW. Should an officer's CEW malfunction, a designated officer (usually a TASER instructor) in the respective division for the malfunctioning CEW will complete a Return Merchandise Authorization (RMA) and it will be sent back to AXON for repair or replacement. The spare CEW will then be assigned to the officer in Evidence.com and Quartermaster on Q. The officer assigning the spare CEW will notify the Taser Program Manager at Training Academy of the RMA and new assignment. When AXON returns or replaces the CEW, the designated person from the division will assign it as a spare in Evidence.com and Quartermaster on Q and will notify the Taser Program Manager.

Inspection of the CEW: Each officer and marshal, at the beginning of their shift, will inspect their CEW for any visible damage and will check the battery level and perform a test utilizing the Functional Test Mode. If damage is observed, the officer or marshal will make note of such damage to the division's assigned TASER instructor and will be assigned a spare CEW. Cartridges should also be inspected to ensure there is no apparent damage and that the expiration date remains valid. Batteries should only be recharged when indicated by the Central Information Display (CID), and after the deployment of the CEW for download purposes.

Functional Test Mode Procedures:

- Ensure the weapon is on safe and is pointing in a safe direction.
- Press and release both ARC switches simultaneously.
- The CID will display firmware version and battery percentage remaining.
- Axon Signal is muted.
- Move the safety switch to the armed position and any ARC switch functions that follow will log as Functional Test Mode.
- **DO NOT PULL THE TRIGGER. If the trigger is pulled on a loaded Taser 7, the weapon will immediately exit Functional Test Mode and deploy a cartridge.**

- When the weapon is placed back on safe, it will return to normal operation.

Downloads:

A download is mandatory as a Post-Deployment Action. At a minimum, the battery will be replaced at least once a quarter. For those personnel who do not carry the CEW on a daily basis, the battery will be replaced prior to going into service. The minimum time needed for just a download (not charging the battery) is 30 minutes. Each Division/Unit will be responsible for scheduling of quarterly downloads as to maintain enough spare batteries in the docking station.