

LEESBURG POLICE DEPARTMENT REGULATIONS AND GENERAL ORDERS MANUAL		
General Order Number: 124	Section: ADMINISTRATION	Effective Date: NOVEMBER 2022
Title: CONDUCTED ENERGY WEAPONS		
Accreditation Standards: ADM.05.01; ADM.05.02; ADM.05.03; ADM.06.01		
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I. PURPOSE

The purpose of this policy is to provide officers with guidance and direction on the use of conducted energy weapons.

II. POLICY

It is the policy of the Leesburg Police Department to use only that level of force reasonably necessary to control or otherwise subdue violent or potentially violent individuals. Conducted Energy Weapons have been proven effective in furtherance of this policy and are authorized for use in appropriate circumstances by trained personnel who are approved by the department to carry the weapon.

III. DEFINITION

The department-issued Conducted Energy Weapon (CEW), currently the CEW, is a protective instrument which utilizes neuro-muscular incapacitation technology to temporarily incapacitate an individual in order to enable officers to gain control and/or custody of that person.

IV. PROCEDURES

A. Authorized Users.

Only officers who have satisfactorily completed this agency's approved training and certification course shall be authorized to carry CEW's. All personnel authorized to carry these Devices shall complete the required annual in-service refresher training.

B. Carrying the CEW.

1. Only department issued CEW's will be carried by members of the department. Officers will carry the CEW in a department issued holster on their side opposite their handgun.
2. The Device shall be carried with the safety on in preparation for immediate use when necessary.
3. Only battery power sources recommended by the manufacturer shall be used in the CEW.

C. Deployment.

1. The following objective test **SHALL** be used when considering the application of the CEW:
 - a. Whether an officer's actions are "objectively reasonable" considering the facts and circumstances confronting them, without regard to their underlying intent or motivation.
 - b. CEW should only be deployed when an officer is confronted with an exigency that creates an immediate safety risk, and should not be used in the face of stationary and non-violent resistance to being handcuffed
 - c. Emotionally disturbed person (EDP) or mentally ill alone does not indicate an immediate threat. Choose a force option reasonably likely to resolve the immediate safety risk.
 - d. Considerations for CEW use when subjects are attempting to evade seizure by flight:

1. Whether or not the flight is from a serious event;
 2. Availability of alternative methods of capturing, controlling, restraining, or subduing the subject.
 3. Whether or not the subject poses a significant risk to officers, himself, or others if not immediately captured.
2. a. After deployment officers should evaluate the subjects' reactions to the use of force and determine if the desired effect has been accomplished. Each trigger pull will be considered a separate use of force and will require justification.
 - b. If there are assisting officers they must secure the subject as soon as practical. It is the policy of the department whenever possible, to handcuff the subject when they are "under power." This means applying handcuffs to a subject who is experiencing a **Neuro Muscular Incapacitation** (NMI) discharge.
 - c. Subjects will be removed from the prone position as soon as practical after a CEW deployment
3. Prohibited CEW Uses.
The CEW will not be used:
 - a. In a punitive or coercive manner.
 - b. To rouse unconscious, impaired, or intoxicated individuals.
 - c. Against pregnant women, elderly persons, young children, and visibly frail persons unless exigent circumstances exist.
 - d. Upon a subject in a location where a fall may cause significant injury or death.
 - e. Upon handcuffed persons unless the subject poses an imminent threat to the officer, the subject, or others and other techniques have been or would likely be ineffective (specific articulation of exigent circumstances is required).
 - f. Upon subjects in physical control of a vehicle in motion unless exigent circumstances exist.
 - g. In the known presence of combustible vapors and liquids or other flammable substances including but not limited to alcohol-based Oleoresin Capsicum.
 - h. To experiment on a person or allow a person to experience the CEW even if the person requests it, when the CEW's use would not otherwise be allowed by this policy. This prohibition does not apply to voluntary CEW exposures during training or demonstrations that are authorized by the department.
 - i. Or intentionally aimed or discharged at the eye, face, or groin unless such use occurs in exigent circumstances when deadly force is authorized.
 - j. In any circumstances when flight from apprehension is the sole cause for deployment.
- D. Deployment Guidelines.
1. Verbal Notifications: When Practical, the CEW operator will: Give verbal warnings to a subject the CEW is about to be deployed. Verbally announce "TASER, TASER, TASER" before the CEW is discharged. This will allow the subject to comply with the knowledge there is an impending use of force.
 2. No more than one officer should activate a CEW against a person at a time. This does not preclude more than one officer from activating a CEW against a person in succession in the event previous deployments are unsuccessful in subduing the subject.
 3. Officers should not be utilizing more than three standard 5-second cycles (maximum total 15 seconds) of exposure on a subject without exigent circumstances. Consider alternative options if the CEW is ineffective.
 4. The CEW may be used during department-authorized training programs and/or demonstrations.
- E. Aftercare.
1. Once the subject has been secured with handcuffs the officer deploying the CEW shall assess the condition of the subject and need for medical attention.

- a. The officer shall have rescue personnel respond to the scene for a medical checkout or transport the subject to a location where the medical checkout can occur (a detention facility, medical facility, or the police department).
 - b. Officers shall take photos of all visible signs of injury or lack thereof.
 2. If the probe method was utilized and the darts did not penetrate the skin of a sensitive area (neck, face, throat, groin, or breast), the officer may remove them in accordance with training guidelines.
 - a. Remove the cartridge from the CEW;
 - b. If it is not safe or feasible to do this on scene, and if the probes are positioned in such a manner that transporting the subject is not likely to cause injury, the officer may transport the subject to a suitable location where police personnel may remove the barbs.
 3. If the darts did penetrate the skin of a sensitive area they shall be treated as a biohazard and the officer shall do the following:
 - a. Remove the cartridge from the CEW;
 - b. The officer shall have rescue personnel respond and transport the subject to the hospital for probe removal and evaluation.
 4. Once the subject has been medically cleared, the officer may proceed in accordance with arrest and booking procedures.
 5. Care shall be given to ensure that the detained subject is not positioned in any manner that may restrict breathing.
 6. Photographs of the affected area should be taken after the dart is removed as well as any areas where contact was made with the CEW if the direct stun method was utilized.
 7. When the device has been used operationally, the officer will collect the cartridge, wire leads, darts, and AFIDS as evidence. If possible, the cartridge, wire leads, and darts should be collected intact.
- F. Reporting.
1. The on-duty supervisor shall respond to the scene anytime a CEW is deployed.
 2. The supervisor will secure the cartridge, wire leads, darts, and AFIDS as evidence and secure them in the property room.
 3. The officer deploying the CEW will complete a use of force supplement/narrative for the incident documenting the conditions in which the CEW was deployed and the outcome. This report shall be completed by the completion of the shift the incident occurred.
 4. The shift supervisor shall obtain digital evidence from the incident (photographs, audio recordings) to be attached to the case.
 5. The lead CEW instructor should be contacted in the case of a deployment. If feasible the CEW should be turned over to one of the CEW Instructors for downloading at the completion of the shift.
 6. The report created by the lead CEW instructor will then be turned over directly to the supervisor conducting the use of force review and shall not be disseminated elsewhere.
- G. Administrative Review.
1. An administrative review of all use of force incidents involving a CEW will be conducted consistent with the provisions outlined in General Order 104, Response to Threats/Resistance.