


<b>STRATFORD POLICE DEPARTMENT</b>  	Type of Directive: <b>Policy and Procedure</b>	Updated: <b>12-21-2023</b>
	<b>Less Lethal Force – Controlled Electronic Weapon (CEW)</b>	No. <b>7.2-C</b>
	Issuing Authority: <b>Chief Joseph McNeil</b>	Issued: <b>10-09-2019</b>
	Reference: 04-01-23 Rescinds 7.1.1, 7.1.1A-1, 7.1.2, 7.2 and 13.4 Tier One Accreditation Chapter 14	

### **PURPOSE:**

The purpose of this policy is to set procedures for the Stratford Police Department regarding the use of less lethal force.

### **POLICY:**

The policy of the Stratford Police Department is to value and protect human life. The public authorizes the police to use that force which is objectively reasonable for the protection of human life. Officers shall use only the minimum amount of force objectively reasonable to bring a person or incident under control, in pursuit of this mission.

### **PROCEDURE:**

Officers shall be ever mindful of the seriousness of the offense for which the person is being arrested and shall use the utmost discretion in determining the necessity for using physical force.

### **CONDUCTED ENERGY WEAPON (CEW)**

#### **Training**

It shall be the policy of the Stratford Police Department that all sworn persons have access to a departmental Conducted CEW policy and receive training as to its content prior to obtaining authorization to carry a CEW. CEW's may only be deployed by sworn personnel who have satisfactorily completed this agency's approved training. Controlled Electronic Weapon training will be offered to all sworn Stratford Police Officers who must demonstrate proficiency with a certified instructor. The Training Lieutenant is responsible for ensuring that all Officers who carry a department issued CEW have received initial and bi-annual proficiency training.

The Training Lieutenant has been appointed by the Chief of Police to be the Taser Program Coordinator who will ensure proper training is provided, all Taser weapons and supplies are accounted for and all Taser usage is properly documented. The Training Lieutenant will record and maintain a record of the serial numbers of all Tasers and cartridges issued by the Stratford Police department that are in service.

## **Wearing the CEW**

Prior to each shift officers shall examine the Taser X26 and Taser X26P and ensure the digital power magazine (DPM) displays energy cell life greater than 20% on the Taser X26. Any officer noting a problem or an energy cell life of less than 20%, shall immediately notify a supervisor and surrender their Taser to the Supervisor who shall in turn issue the officer a temporary replacement Taser unit if available for his/her tour of duty.

For the Taser X26P, prior to each shift, officers shall examine the battery life indicator. If it shows less than one quarter life on the indicator, the officer shall notify a Taser Instructor or the Training Lieutenant to get a new battery replacement.

The **Taser 10** will be signed out prior to shift using the Axon App. on the Sergeant's Cell Phone. Prior to shift, a function test will be performed. Upon completion of shift, the Taser 10 unit will be placed in its assigned cubby hole prior to going home. There are no exceptions for this. If for some reason an officer cannot return the Taser 10 at the end of their shift, they will notify a Sergeant who will have someone retrieve it and do it for them.

If at any point there is a malfunction, the Taser 10 should be taken out of service and placed in its cubby hole with a note affixed to it advising such. Also, notification must be made by e-mail to the Training Lieutenant informing them of the malfunction.

The device shall be carried in an approved holster on the side of the body opposite the service handgun if it is to be worn in a waist holster, a thigh holster or in a holster affixed to a Molle Carrier Vest. Officers not assigned to uniformed patrol may be authorized to utilize other department-approved holsters and carry the device consistent with department training and the requirement as set out in this policy.

The device shall be carried in accordance with manufacturer's recommendations and department training. The CEW shall be pointed in a safe direction during loading, unloading, or when handled in other than an operational deployment.

Officers authorized to deploy the device may 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 cartridges shall be stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer's expiration requirements. They shall not be carried loosely in pockets or in similar fashion as static electricity may cause discharge and serious injury.

Officers shall NOT carry the Taser as an off-duty weapon.

## **Deploying the CEW**

Whenever possible, prior to a CEW deployment, a loud, clear warning of a CEW deployment should be made. When aiming the CEW at a subject, officers should adhere to the manufacturers preferred target zones whenever reasonably possible. Officers should take into consideration the capabilities and limitations of the CEW whenever employing it at close quarters. A CEW should be aimed by use of the aiming laser(s) when possible. Fixed sights shall be used when the laser sight(s) are ineffective or as a secondary aiming tool.

**NOTE: Under NO circumstances shall an officer simultaneously hold a Firearm and a Taser**

As soon as reasonably possible, a supervisor should be requested to respond to the scene of a potential or completed CEW deployment. As in all uses of force, certain individuals may be more susceptible to injury. Officers should be aware of the greater potential for injury when deploying a CEW against persons of small stature irrespective of age, or those who the officer has reason to believe are pregnant, elderly, equipped with a pacemaker, handcuffed subjects, persons physically in control of motor vehicles, vessels, or other forms of transportation, or those in obvious ill health.

Upon discharging the device, the officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective. The subject should be secured as soon as practical while disabled by the CEW to minimize the number of deployment cycles. In determining the need for additional energy cycles, Officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure. Personnel should deploy the CEW for one standard cycle and then evaluate the situation to determine if subsequent cycles are necessary. Each application of the CEW should be independently justifiable. Officers should only deploy the CEW to the extent necessary to gain control of the subject.

The X26 and X26P may also be deployed 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. It is important to note that when the device is deployed in this manner, it is primarily a pain compliance tool and is minimally effective compared to a conventional cartridge deployment; and is more likely to leave marks on the subject’s skin.

When using the **Taser 10** officer shall only deploy the number of probes necessary to induce Neuromuscular Incapacitation (NMI). Once the subject experiences NMI, the officers should monitor for compliance to where officers can safely restrain them. If the subject starts to become combative, officers can then recharge them to stop the aggressive, non-compliant behavior. When practical, always try to restrain the subject as quickly as possible after successful NMI. After deployment, officers shall replace their spent cartridges as soon as possible. The cartridges will be provided by the Shift Commander or the Training Lieutenant.

The CEW shall not be deployed in a punitive or coercive manner or on any subject demonstrating only passive resistance.

In any environment where an officer knows that a **potentially flammable**, volatile, or explosive material is present (including but not limited to OC spray with volatile propellant, gasoline, natural gas, or propane).

An officer shall not deploy a CEW where it is likely that the subject may drown or fall from an elevated area.

### **Medical Attention**

Any subject against whom a CEW is deployed shall be evaluated by qualified medical personnel. Qualified medical personnel include medical professionals including medical doctors, licensed nurses, EMS first responders, or police officers certified in the deployment of a CEW and currently certified at no less than the Emergency Medical Responder (EMR). The Department must also be cognizant of any medical regulations or guidelines regarding CEW’s asserted by any medical authority having jurisdiction over the agency in whose jurisdiction the CEW is deployed.

If a subject is injured through any deployment of a CEW, the officer shall request medical dispatch.

Stratford Police Officers certified to use and carry a Taser may remove probes which have implanted on a subject's body **only under exigent circumstances**. The following persons shall be transported to a hospital for examination following exposure to a CEW. Any person who:

- Is hit in a sensitive area (e.g., face, head, female breasts, male groin)
- Loses consciousness, experiences irregular breathing or seems to be under the influence of some type of mind-altering substance
- Does not appear to recover properly after a Taser incident
- Has been energized more than three times or has been subjected to a continuous energy cycle of 15 seconds or more
- Has had more than one CEW effectively used against him or her in any given incident
- Has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to CEW deployment
- Is in a potentially susceptible population category, including persons of small stature irrespective of age, the infirm, or those who the officer has reason to believe are pregnant, equipped with a pacemaker, or in obvious ill health
- Exhibits bizarre or violent behavior, including self-mutilation
- Is naked in a public place or exhibits signs of overheating
- Evidences slurring or slowness of speech
- Subject claims to have been injured or in medical distress

### **Documentation**

Officers shall document all CEW deployments and compliance submissions (laser pointing without deployment) will be documented in the related arrest/crime report and a POSTC Form-PUOF (Use of Force) shall also be completed and submitted to the Training Lieutenant. Notification shall also be made to a supervisor in compliance with the use of force policy.

Reports must be completed in their entirety and specifically describe the justification for the use of force, including events and communications leading up to the physical confrontation, the subject's behavior, the environment in which the incident took place, and any injuries sustained by anyone during the event. Reports shall be submitted before the completion of shift.

Unintentional discharges of an CEW will also be documented.

### **Supervisor Responsibilities**

A supervisor shall be notified and respond to all incidents where an CEW was deployed or displayed. A supervisor shall review each incident, including Body Cam video where an Officer deployed or displayed an CEW. A supervisor will also verify that all required reports are completed prior to the completion of their tour of duty. Body Cam videos of any deployments or displays of CEW shall be tagged, including

any witness interviews. Should a determination be made by the supervisor that the deployment of the CEW was questionable or inappropriate; the matter shall be immediately referred for further review per department policy. The supervisor's findings regarding the deployment of the CEW shall be documented in the Use of Force Report. The supervisor will ensure that the discharged Taser is taken, as soon as practical, to the Training Lieutenant who will download the data.

### **Taser Downloading Procedures**

All Taser downloading will be accomplished by the Training Division Lieutenant. Training Lieutenant will attach a printout of the downloaded information and attach it to the Taser Usage Report. The training Lieutenant will review the incident reports, including supplements and any other supporting documentation and shall forward his/her findings with any recommendations to the Deputy Chief of Police within three business days.

For the Taser 10, the Training Lieutenant will look-up the deployment on the Axon Evidence App and record the data registered from the deployment.

### **Reporting Requirements**

It shall be the responsibility of the Training Lieutenant to complete the POSTC EDW/CEW Annual Report Form as required by 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 having deployed a CEW against any individual within the calendar year; any department authorizing the deployment of a CEW but not having any deployments within that calendar year; and, finally, by any department not authorizing the deployment of the CEW. Fields are provided on the Annual Report for those departments falling into the latter two (2) categories.

It shall be the policy of the Stratford Police Department to conduct an annual review of all CEW deployments in the field in order to evaluate policy compliance. This will be accomplished by the Training Lieutenant.

