



ERIE POLICE DEPARTMENT



Written Directives

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Title: <u>Conducted Electrical Weapons (CEW/Tasers)</u>		Pages: 6
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POLICY:

In accordance with the department’s Use of Force Directive (020.000), officers are permitted to use Conducted Electrical Weapons (CEWs/Tasers) when confronted with violent or potentially violent persons.

The Erie Police Department recognizes combative, non-compliant, armed and/or violent subjects cause handling and control problems which require special control tactics and equipment. The Erie Police Department is committed to providing officers with the tools and training which enable them to de-escalate or effect the arrest of a violent or potentially violent subject with as minimal risk of injury to all involved persons. Therefore, a CEW may be deployed in appropriate circumstances.

Conducted Electrical Weapons are not intended to replace any other type of approved or appropriate use of force. Conducted Electrical Weapons help to increase the number of options officers have to respond to potentially combative situations. While a CEW is another tool for officers, officers still need to attempt to gain control through verbal de-escalation in all but the most severe circumstances. Officers should not accelerate the transition from verbal de-escalation to physical force simply because they have a CEW. The use of any force on a person should always be in compliance with Erie Police Department Written Directive 020.000 **Use of Force**. The level of force should be only the amount of force necessary to overcome the resistance encountered. Officers should utilize any opportunity to de-escalate a situation to the point force is not necessary

DEFINITIONS:

CONDUCTED ELECTRICAL WEAPONS (CEW): “Less-lethal” weapons, (commonly referred to as a TASER,) which use propelled wires or direct contact to conduct electric energy to affect the sensory and motor functions of an individual’s nervous system. CEWs are designed to temporarily incapacitate individuals demonstrating active aggression, allowing them to be taken into custody at reduced risk to officers and the subject.

ACTIVE AGGRESSION: Physical actions of assault or attempted assault.

DART PROBE LAUNCH: Activation of a CEW in which darts with attached wires are expelled from a cartridge attached to the CEW at a subject.

DRIVE STUN: Using a CEW as a “stun gun” by removing the cartridge, when utilizing an X26P model, and holding the weapon against a subject’s body while activating the weapon, thus creating pain compliance. The cartridge need not be removed when using other models of Taser CEWs.

ACTIVATION: The actual firing of the CEW, either in dart probe or drive stun mode.

SUBJECT: The person who is the focus of the police action.

EXCITED DELIRIUM: A state of extreme mental and physiological excitement, characterized by extreme agitation, hyperthermia, hostility, exceptional strength and endurance without fatigue.

PROCEDURES:

I. CONDUCTED ELECTRICAL WEAPON AND USAGE

CACP STANDARD 20.7

- A. The type of conducted electrical weapon device authorized by the Erie Police Department is the “Advanced Taser X26P” or “X2.” Only those conducted electrical weapons approved and provided by the department may be used.

- B. CEW’s May Be Used When:
 - 1. A subject has threatened or indicated acts of active aggression and reasonably appears to present the potential to harm officers, him/herself or others;
 - 2. A subject is showing him/herself to be a danger to themselves by self-inflicting injuries, indicating intent to harm themselves, or attempting to commit suicide;
 - 3. An aggressive animal who poses a risk of injury to officers or others; or
 - 4. In an effort to disarm a person who is armed with a weapon or dangerous object.

- C. When using a CEW on a subject, the officer should first attempt to gain compliance by warning the subject of the imminent use of the device. Turning on the red laser dot and pointing it at a subject with verbal warnings is an acceptable method of trying to gain compliance without having to activate the CEW. If there is probable cause for criminal charges, the subject should first be advised they are under arrest.

- D. Before using a CEW on a subject, the officer should first considers the following factors:
 - 1. Seriousness of the offense;
 - 2. Likelihood of the subject being armed with a weapon;
 - 3. Likelihood of injury to the officer or subject;
 - 4. The ability to gain cooperation through other means; and
 - 5. Whether to disarm a person who is armed with a weapon or dangerous object.

- E. A CEW is not appropriate to use:
 - 1. Against handcuffed subjects unless the subject is displaying active aggression toward an officer;

2. When a suspect is fleeing from officers for a misdemeanor or non-violent offense, unless the suspect is armed and poses an immediate threat to the officer or another person;
3. When flammable liquids or gases are present; or
4. Against a woman who is obviously pregnant; a child who, by physical stature and size, appears to be under the age of 14; an obviously disabled individual, or an elderly individual who appears to be over the age of 75. The Erie Police Department recognizes at times it may be difficult to determine the age or special circumstances which may exist.
5. Absent extraordinary circumstances, a CEW will not be used when a person is being physically controlled, (physically restrained), by officers and the subject is not presenting an imminent threat of injury to himself, others, or officers.
6. CEWs should not be utilized on a subject who is in physical control of a motor vehicle which has the engine running and transmission in gear.
7. CEWs shall not be used in any form or method to frighten or cause pain to another as punishment.

II. CONSIDERATIONS

- A. Absent a deadly force situation, officers avoid targeting the subject's head, neck, upper front chest and groin area. When practical, the preferred target area is the back area below the neck. The second most preferred area is the lower front abdomen or thighs.
- B. CEWs are not accurate or reliable enough to become a safe alternative to deadly force in situations where officers or citizens are under attack in a deadly force encounter.
- C. A back-up officer armed with a firearm should be deployed with the officer using the CEW when encountering subjects who are armed with lethal weapons.
- D. Only department-issued CEWs are used and may only be used by officers who have received department-approved training.
- E. A CEW should not be displayed or used solely as a threat unless the situation would call for the use of the CEW.
- F. After using a CEW on a subject, the officer should provide the subject loud verbal commands on how to comply with the arrest.
- G. When a dart probe launch from a CEW is used against an individual, the individual shall be medically cleared at a designated medical facility as soon as possible.
- H. Officers are aware persons under the influence of drugs are at a higher risk of exhibiting symptoms associated with excited delirium. Individuals exhibiting symptoms of excited delirium are at higher risk of sudden death and must be regularly monitored after being restrained.

- I. When the officer knows or reasonably should know the subject is mentally ill and is not posing an imminent threat of injury to anyone, officers will consider other interventions to gain compliance.
- J. No more than one officer at a time activates a CEW against an individual unless the person is considered high risk and armed with a dangerous weapon.
- K. When activating a CEW, officers use it for one standard cycle and then stop to evaluate the situation (a standard cycle being 5 seconds). If subsequent cycles are necessary to control the subject, officers use the minimum number of cycles necessary to gain control of the subject. An exception to this would be when a longer cycle is needed to disarm someone who is carrying a deadly weapon. If more than one cycle is necessary, the exact number and rationale will be documented in the Use of Force report.
- L. If possible, an announcement is made to other officers on the scene when a CEW is going to be activated.
- M. The department maintains certified CEW instructors and provides regular training for approved officers.

III. CARRYING OF CONDUCTED ELECTRICAL WEAPONS

- A. Only those officers who have been trained by a certified TASER instructor in the use of conducted electrical weapons are authorized to deploy such weapons.
- B. Officers who carry a CEW will be responsible for the retention of the CEW and will carry the weapon in a manner which allows the officer to maintain possession of the weapon at all times.
- C. Officers may carry a CEW in a department-approved leg, belt or Molle holster. If worn on the belt, the CEW must be placed on the side opposite the officer's firearm.
- D. The CEW shall be carried with a probe cartridge inserted and with the safety in the "safe" position.
- E. At the beginning of their shift, each officer who carries a CEW will verify the functionality of the device by spark testing the Taser in a safe area after removing the probe cartridge. The CEW should not be spark tested in the Patrol area, Briefing Room or Records area of the police department. It should always be pointed in a safe direction when spark testing.
- F. When not in use, the CEW should be secured properly and treated as a weapon.
- G. Officers who carry a CEW may carry an extra probe cartridge should it be needed because of a miss or a misfire.

IV. AFTER USE OR ACTIVATION OF A CEW

- A. After securing the subject in handcuffs and/or other appropriate restraints, a trained CEW officer shall remove the probes. However, if the probes are imbedded in sensitive tissue areas such as the neck, face, groin, or breasts, medical personnel or Emergency Medical Personnel will remove the probes.
- B. Probes removed from the skin will be handled as a biohazard. Probes should be placed point down into the expended cartridge bores, secured with tape and entered into evidence.
- C. In instances where a Drive Stun technique is used, Officers should photograph the probes or places on the body where the CEW was used.
- D. Officers should be aware of possible injuries to the subject through falls or as a result of the arrest and should summon medical personnel to the scene to assess the subject if needed.
- E. Officers should also be aware of the condition of “Excited Delirium” and seek medical attention or medical evaluation for subjects who may be in this condition once they are in custody.
- F. A supervisor will be notified and will respond to the scene of a CEW activation to review the circumstances of the CEW usage and to ensure this directive was followed. If unable to respond to the scene, the supervisor will meet with the involved officer(s) as soon as practical to ascertain the directive was followed.
- G. Jail personnel will be informed a CEW was used on the subject.

V. RECORD KEEPING

- A. The Command staff will review all Use of Force reports. The Deputy Chief or Commander will maintain and log all Use of Force reports.
- B. Statistics on CEW use will be presented upon request to the Chief of Police.
- C. Data may be downloaded from any CEW for record keeping or analysis upon the request of a member’s supervisor, Commander or Deputy Chief.
- D. A certified Taser Instructor will be responsible for downloading the data.

VI. REPORTING

CACP STANDARD 20.7

Any use of a conducted electrical weapon on a subject will be considered a Use of Force. Refer to Department Directive “020.000 Use of Force” for reporting procedures.

VII. TRAINING

- A. Officers receive training by qualified CEW instructors prior to being authorized to carry or use a CEW.

CACP STANDARD 60.14

- B. All officers will be required to recertify annually in the use of conducted electrical weapons.

RULES:

A CEW will not be used as a form of punishment.

REFERENCES:

Longmont Police Department Policy

Lamar Police Department Directive #500

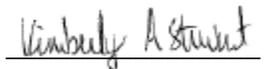
Hennepin County Medical Center Public Safety

St. Cloud Hospital Security

Madison Police Department Taser Report, 2005

Florida State University College of Medicine Drug Abuse Pathology World Wide Web Tutorial, 2005,

Boulder Police Department General Order 228, June 6, 2013



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