

TASER - Conducted Energy Device

305.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the Conducted Energy Weapon (CEW).

305.2 POLICY

The Conducted Energy Weapon (CEW) is used to control a violent or potentially violent individual. The appropriate use of such a device should result in fewer serious injuries to public safety officers and suspects.

305.3 ISSUANCE AND CARRYING CONDUCTED ENERGY WEAPON (CEW)S

Only members who have successfully completed department-approved training may be issued and may carry the Conducted Energy Weapon (CEW) (MCL 750.224a). The CEW Program Coordinator is responsible for maintaining an inventory of all CEW's.

Conducted Energy Weapon (CEW)s are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department inventory.

Public Safety Officers shall only use the Conducted Energy Weapon (CEW) and cartridges that have been approved for use by the Chief of Public Safety and issued by the Department. Uniformed public safety officers who have been issued the Conducted Energy Weapon (CEW) shall wear the device in an approved holster. Non-uniformed public safety officers may secure the Conducted Energy Weapon (CEW) in the driver's compartment of their vehicles.

Members carrying the Conducted Energy Weapon (CEW) should sign out the CEW at the beginning of their shift and back in at the conclusion of their shift. Officers shall perform a spark test prior to every shift.

Public Safety Officers who carry the Conducted Energy Weapon (CEW) while in uniform shall carry it in a weak-side holster on the side opposite the duty weapon.

- (a) All Conducted Energy Weapon (CEW)s shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Public Safety Officers shall be responsible for ensuring that the issued Conducted Energy Weapon (CEW) is properly maintained and in good working order. All malfunctions of a CEW device shall be reported as soon as reasonable to the CEW Program Coordinator.
- (c) Public Safety Officers should not hold a firearm and the Conducted Energy Weapon (CEW) at the same time.

305.3.1 CARTRIDGE ISSUANCE

The Quartermaster will monitor the main supply of CEW cartridges. During normal business hours, officers needing a replacement cartridge shall obtain one from the Quartermaster. During non-business hours, officers needing a replacement cartridge shall obtain one from the Shift

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Commander's office. The Shift Commander shall ensure that there are a small number of cartridges available in the Shift Commanders Office to be assigned out when needed.

The CEW Program Coordinator shall coordinate with the Quartermaster to ensure that additional cartridges are ordered when the supply drops below twenty remaining cartridges.

305.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the Conducted Energy Weapon (CEW) should precede its application, unless it would otherwise endanger the safety of public safety officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other and individuals with a warning that the may be deployed.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the public safety officer deploying the Conducted Energy Weapon (CEW) in the related report and in the KDPS Use of Force Report.

305.5 USE OF THE CONDUCTED ENERGY WEAPON (CEW)

The Conducted Energy Weapon (CEW) has limitations and restrictions requiring consideration before its use. The Conducted Energy Weapon (CEW) should only be used when its operator can safely approach the subject within the operational range of the device. Although the Conducted Energy Weapon (CEW) is effective in controlling most individuals, public safety officers should be aware that the device may not achieve the intended results and be prepared with other options.

Prior to the deployment of a CEW, the officer has the responsibility to visually and physically confirm that the instrument selected is in fact a CEW and not a firearm.

305.5.1 APPLICATION OF THE CONDUCTED ENERGY WEAPON (CEW)

The Conducted Energy Weapon (CEW) may be used in any of the following circumstances, when the circumstances perceived by the public safety officer at the time indicate that such application is reasonably necessary to control a person (MCL 750.224a):

- (a) The subject is violent or is physically resisting (Active Resistance or greater), or
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm public safety officers, him/herself or others.

Mere flight from a pursuing public safety officer, without other known circumstances or factors, is not good cause for the use of the Conducted Energy Weapon (CEW) to apprehend an individual.

The Conducted Energy Weapon (CEW) shall not be used to psychologically torment, to elicit statements or to punish any individual.



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305.5.4 MULTIPLE APPLICATIONS OF THE CONDUCTED ENERGY WEAPON (CEW)

Public Safety Officers should apply the Conducted Energy Weapon (CEW) for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Public Safety Officers should not intentionally apply more than one Conducted Energy Weapon (CEW) at a time against a single individual. Any subsequent application of the CEW requires the officer to articulate in their report the circumstances necessitating the additional application of the CEW. Such articulation shall be reflected in the incident report and the KDPS Use of Force Report.

If the first application of the Conducted Energy Weapon (CEW) appears to be ineffective in gaining control of an individual, the public safety officer should evaluate the situation and consider certain factors before additional applications of the Conducted Energy Weapon (CEW), including:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

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- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

305.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Public Safety Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the Conducted Energy Weapon (CEW). As soon as practicable, public safety officers shall notify a supervisor any time the Conducted Energy Weapon (CEW) has been discharged. That supervisor shall respond to the officer's location. Confetti tags should be collected and the expended cartridge should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork.

Photographs shall be taken of the probes and wires before disposal unless the use of the Taser has resulted in serious injury requiring significant medical treatment or death. In those cases the probes and wire shall be saved as evidence. Place the probes back into the cartridge and secure them inside the spent cartridge with tape. The cartridge, probes and wires shall be placed into evidence using the appropriate packaging procedures. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

Photographs shall be taken of the probe impact sites, any other injuries and the overall body. In the event that the CEW was used in drive stun mode, photos shall include the general area that the CEW was applied and any related signature marks caused by the CEW.

305.5.6 DANGEROUS ANIMALS

The Conducted Energy Weapon (CEW) may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

305.5.7 OFF-DUTY CONSIDERATIONS

Public Safety Officers are not authorized to carry department Conducted Energy Weapon (CEW)s while off-duty.

305.6 DOCUMENTATION

Public Safety Officers shall document all Conducted Energy Weapon (CEW) discharges in the related arrest/crime reports and the Use of Force report forms located in Blue Team. Notification shall also be made to a supervisor in compliance with the Use of Force Policy.

Unintentional discharges shall be reported within 24 hours to the Chief's Office, via memo routed through the chain-of-command. The memo shall include the cartridge number and details of the discharge.

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305.6.1 USE OF FORCE REPORT FORM

Items that shall be included in the Use of Force report form are:

- (a) The type and brand of Conducted Energy Weapon (CEW) and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) The number of Conducted Energy Weapon (CEW) activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (d) The range at which the Conducted Energy Weapon (CEW) was used.
- (e) The type of mode used (probe or drive-stun).
- (f) Location of any probe impact.
- (g) Location of contact in drive-stun mode.
- (h) Description of where missed probes went.
- (i) Whether medical care was provided to the subject.
- (j) Whether the subject sustained any injuries.
- (k) Whether any public safety officers sustained any injuries.

The Training Division Commander should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Division Commander or designee should also conduct audits of data downloads and reconcile Conducted Energy Weapon (CEW) report forms with recorded activations. Conducted Energy Weapon (CEW) information and statistics, with identifying information removed, should periodically be made available to the public.

305.6.2 REPORTS

The public safety officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing Conducted Energy Weapon (CEW)s
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

305.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove Conducted Energy Weapon (CEW) probes from a person's body. Used Conducted Energy Weapon (CEW) probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions

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should be taken. Public Safety Officers are trained Medical First Responders and as such may remove probes from a person's body unless one of the conditions exist below.

All persons who have been struck by Conducted Energy Weapon (CEW) probes or who have been subjected to the electric discharge of the device or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The Conducted Energy Weapon (CEW) probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another public safety officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting public safety officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the Conducted Energy Weapon (CEW) (see the Medical Aid and Response Policy).

305.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the Conducted Energy Weapon (CEW) may be used. A supervisor should respond to all incidents where the Conducted Energy Weapon (CEW) was activated.

A supervisor should review each incident where a person has been exposed to an activation of the Conducted Energy Weapon (CEW). In situations resulting in serious injury or death, the supervisor shall seize the officer's CEW and the device's onboard memory should be downloaded through the data port by the CEW Program Coordinator and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed. The CEW shall be placed into evidence by a supervisor or lab technician or specialist in all instances in which the CEW was used and a death has resulted regardless of the CEW's role in the death.

305.9 TRAINING

Personnel who are authorized to carry the Conducted Energy Weapon (CEW) shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel

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who have not carried the Conducted Energy Weapon (CEW) as a part of their assignments for a period of six months or more shall be recertified by a qualified Conducted Energy Weapon (CEW) instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued Conducted Energy Weapon (CEW)s should occur every year. A reassessment of a public safety officer's knowledge and/or practical skills may be required at any time if deemed appropriate by the Training Division Commander. All training and proficiency for Conducted Energy Weapon (CEW)s will be documented in the public safety officer's training files.

Command staff, supervisors and investigators should receive Conducted Energy Weapon (CEW) training as appropriate for the investigations they conduct and review.

Public Safety Officers who do not carry Conducted Energy Weapon (CEW)s should receive training that is sufficient to familiarize them with the device and with working with public safety officers who use the device.

The Training Division Commander is responsible for ensuring that all members who carry Conducted Energy Weapon (CEW)s have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of Conducted Energy Weapon (CEW)s during training could result in injuries and should not be mandatory for certification.

The Training Division Commander should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the Conducted Energy Weapon (CEW) and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the Conducted Energy Weapon (CEW).