

		DIRECTIVE 6.79			
SUBJECT Taser (Conducted Electrical Weapon) - NEW		NO. PAGES 5			
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ISSUED BY: Chief Bobby L. Cummings, M.S.					
Chief of Police Reviewed: February 17, 2015					

Taser (Conducted Electrical Weapon)

Directive: **6.79**

I. Purpose

The purpose of this policy is to provide guidance and direction on the use of Conducted Electrical Weapons (CEWs) (**CALEA 1.3.10**).

II. Policy

It is the policy of the Wilmington Department of Police to use objectively reasonable force to control or overcome the resistance put forth by individuals who are violent, exhibiting threatening or potentially violent behavior, or physically resisting arrest or detention. CEWs may be used by authorized and trained personnel in accordance with this use-of-force policy and additional guidelines established herein.

III. Definitions

Taser Conducted Electrical Weapon (CEW): A weapon that uses electricity to override voluntary motor responses, or apply pain in order to gain compliance or overcome resistance.

Sensitive Population Group(s): Sensitive population groups include a pregnant female, infirm person, elderly, small children, and low body-mass index people. It should be noted that the use of the Taser CEW on these individuals could increase the risk of serious physical injury or death.

IV. Procedures

A. Authorized Users

Only those who have successfully completed Taser International's Training curriculum for the X26 CEW (6 hour training class for new operator) and/or the

X2 CEW (6 hour training class for new operator) and complete yearly recertification training program with their departmentally assigned Taser CEW device are authorized to use a CEW (**CALEA 1.3.10**).

B. Weapon Readiness

1. The Taser CEW shall be carried in an approved holster on the side of the body opposite his/her service handgun (weak side cross draw). Officers not assigned to a uniformed patrol/assignment may utilize other departmental-approved holsters and carry the weapon consistent with department training.
2. The Taser CEW shall be carried fully armed with the safety on in preparation for immediate use.
3. Officers shall be issued a minimum of one spare cartridge as a backup in case cartridge failure or the need for redeployment (Taser X26 & X2 – 2 cartridges for operator). The spare cartridge shall be stored and carried in a manner consistent with training and the cartridges will be replaced following the manufacturer's expiration requirements.
4. Only manufacturer-approved battery power sources shall be used in the CEW.
5. The CEW shall be subjected to a pre-shift "*spark test*" as defined in Taser training to ensure that the device is working properly.
6. No modifications or repairs shall be performed on the device. Any repairs or modifications needed, will be completed by the Taser Training Coordinator **ONLY**.
7. It will be mandatory for all sworn police personnel to carry the department issued electronic control device at all times when circumstances are such that they may have to perform a police action.

C. Deployment

1. The CEW is generally authorized to be used in circumstances where grounds to arrest or detain are present and the subject's actions cause a reasonable officer to believe that physical force will be used by the subject to resist the arrest or detention. Such actions may include but are not limited to:
 - a. use of force against the officer or another person
 - b. violent, threatening, or potentially violent behavior
 - c. physically resisting the arrest or detention
 - d. flight in order to avoid arrest or detention, in circumstances where officers would pursue on foot and physically effect the arrest or detention
 - e. self-destructive behavior (**CALEA 1.3.4**).
2. The CEW is most effective at overcoming resistance and assisting officers with subject control when used in the "*probe mode*," which is the preferred deployment technique when practical.

3. The device should be aimed at the preferred target area, fired, and cycled in a manner consistent with outlined in training (██████████).
4. The CEW may also be used in limited close-range, self-defense, and pain-compliance circumstances in the “drive stun” mode, if there is no opportunity to use the device in the preferred “probe mode.” When the device is used in “drive stun” mode it is:
 - a. primarily a pain compliance tool,
 - b. generally less effective than when probes are deployed with spread in excess of ██████████, and
 - c. subject to the same deployment guidelines and restrictions as probe deployments.
5. An alternative method of close-range cartridge at close range deployment involves firing the CEW cartridge at close range, then applying the CEW in “contact” mode to an alternate part of the body (3 point stun). This creates a “probe spread” effect between the impact location of the probes and the point where the CEW is placed in contact with the subject’s body, resulting in an increased probability of subject control as compared to the standard “contact” mode. When the CEW is used in this manner, it is:
 - a. potentially as effective at subject control as a conventional cartridge-type probe spread deployment, and
 - b. subject to the same deployment guidelines and restrictions as any other CEW cartridge deployment.
6. The CEW shall not be used on those who passively resist as defined in this policy, and should generally not be used:
 - a. on a handcuffed or secured prisoner, absent overtly assaultive, self-destructive, or violently resistance behavior that cannot reasonably be controlled by other readily available means.
 - b. in any environment where an officer reasonably believes that flammable, volatile, or explosive material is present, including but not limited to OC spray with volatile propellant, gasoline, natural gas, or propane. (The department of police carry’s a water based OC spray).
 - c. in any situation where the officer has a reasonable belief that the subject might fall resulting in death or serious physical injury, and the circumstances presented do not justify that risk.
7. Officers shall be aware of the general concerns raised when a CEW is used on a member of a sensitive population group. Officers are not prohibited from using a CEW on such persons, but use is limited to those exceptional circumstances where the potential benefit of using the CEW (i.e., injury reduction) reasonably outweighs the risks and concerns.

8. Upon activating the device against a person, the officer shall energize the subject no longer than objectively reasonable to overcome resistance and bring the subject under control.
9. 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.
10. If the subject does not respond to the CEW deployment in the anticipated control manner based on training and experience, personnel should consider transitioning to alternative resistance control measures.
11. To minimize the number of cycles needed to overcome and bring the subject under control, the subject should be secured as soon as practical while affected by CEW power or immediately thereafter.

D. Post-Deployment Considerations

1. The CEW darts may be removed from the subject after being restrained following procedures outlined in training. The CEW darts should be treated as a biohazard risk.
2. Officers will transport the subject to a medical facility for examination if any of the following occur:
 - a. He or she requests medical attention, or there is an obvious need for medical attention.
 - b. Any exposure from the CEW (drive stun or probe mode).
3. If the probes penetrate the flesh, photographs of the contact area should be taken after they are removed **(CALEA 1.3.5)**.

E. Reporting

1. The deploying officer shall notify his/her supervisor as soon as practical after using the CEW device, and the appropriate use-of-force report shall be completed. Data from the CEW shall be downloaded by the investigating supervisor following use and the file shall be considered a part of the use-of-force review **(CALEA 1.3.7)(CALEA 1.3.6)**.
2. Officers shall specifically document in their report the facts and circumstances that reasonably required the use of the CEW in the following manner:
 - a. in the “contact” mode (drive-stun or probe)
 - b. subject energized for longer than [REDACTED],
 - c. subject energized for longer than [REDACTED] seconds,
 - d. more than one CEW being used against the subject, or
 - e. used on an individual in a sensitive population group as defined in this policy **(CALEA 1.3.4)**.

F. Auditing

1. All agency CEWs will be subjected to periodic and random data downloading. The data obtained will be reconciled with existing use-of-force reports to ensure accountability between the cycles recorded, and those documented in such reports and occurring in pre-shift testing.
2. Every CEW device will be downloaded once every quarter (once every three months, four times a year), to reduce CEW time drift.

G. Critical Incident Event Analysis and Evidence Collection

1. Contact the Taser Training Coordinator to respond to incident to assist with CEW use, collection of CEW, probes, wires, etc.
2. As soon as possible, download the CEW data and reset the clock if necessary to account for any time drift.
 - a. collect each CEW used or present at the incident for data download and time drift correction
 - b. record each CEW model and serial number
 - c. record each CEW cartridge model and serial number
 - d. identify which CEWs were used/deployed during the incident
 - e. download each CEW present at the incident
 - f. each CEW used on subject into evidence during investigation
3. The Taser Training Coordinator will assist the Criminal Investigations Division and the Evidence Detection Unit with following the “CEW Event Analysis & Evidence Collection Checklist.”