

GENERAL ORDER

G.O. 1-016

SUBJECT: USE OF CONDUCTED ELECTRICAL WEAPONS



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I. **PURPOSE AND RESPONSIBILITY:**

- A. Purpose: To establish Department policy governing the use of Conducted Electrical Weapons (CEW) by sworn members of the Monroe Police Department and to ensure compliance with applicable State statute(s) and regulations adopted by the Police Officer Standards and Training Council.
- B. Responsibility: This policy is intended to provide guidance for proper deployment and use of a CEW by a police officer in the field. This policy is implemented via a Lesson Plan and related Instructor's Addendum compiled in conjunction with this policy as part of a Connecticut CEW Model Policy and Training Module. It will be the responsibility of all officers of this Police Department to follow the procedures and to study, understand, and adhere to the rules and regulations addressed in this

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II. DISCUSSION:

- A. This policy deals with the use of the CEW. Per CGS 53a-22, police officers are justified in using physical force when and to the extent that he or she reasonably believes such to be necessary to : (1) Effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense, unless he or she knows that the arrest or custody is unauthorized; or (2) defend himself or herself or a third person from the use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.
- B. Officers are specifically granted the legal authority to carry weapons under CGS 53-206 “while engaged in the pursuit of such officer’s official duties”.
- C. The reasonableness of a use of force under this policy will be measured by the standards established by the Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989). The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation, and not by the “20/20 vision of hindsight”. The calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation. Factors relevant to the determination of reasonableness include the severity of the crime that the officer believed the suspect to have committed or be committing, whether the suspect presented an immediate threat to the safety of officers or the public, and whether the suspect actively resisted arrest or attempted to escape, along with any other fact or circumstance which reasonably bears upon the decision to use force.

III. DEFINITIONS:

- A. CONDUCTED ELECTRICAL WEAPON: (Also referred to as an ‘Electronic Defense Weapon’ or ‘EDW’). The CEW is a less than lethal weapon designed to disrupt a subject’s central nervous system by deploying battery-powered electrical energy sufficient to cause uncontrolled muscle contractions and override voluntary motor responses.

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- B. PHYSICAL FORCE: Per CGS 53a-22, police officers are justified in using physical force when and to the extent that he or she reasonably believes such to be necessary to: (1) Effect an arrest or prevent the escape from custody of a person whom he or she believes to have committed an offense, unless he or she knows that the arrest or custody is unauthorized; or (2) defend himself or herself or a third person from the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.
- C. LESS-THAN-LETHAL FORCE: A use of force which is not likely to cause death or serious physical injury.
- D. ACTIVE RESISTANCE: Any physical act, or failure to act, undertaken by a subject, that could reasonably interfere with or defeat a lawful attempt by the officer to gain physical control of the subject.
- E. PASSIVE RESISTANCE: The mere failure or refusal to cooperate with the lawful directions of a police officer by one or more unarmed, non-violent persons, such as in the case of an act of civil disobedience or a non-violent handcuffed prisoner.
- F. DEPLOYMENT: Does not include the mere removal of the CEW from the holster, but does include any use of a CEW against any person, including the illumination of the laser sight onto an individual.

IV. POLICY:

- A. It shall be the policy of the Monroe Police Department that all officers will only use the force necessary to accomplish lawful objectives.
- B. It shall be the policy of the Monroe Police Department that when a subject is injured through deployment of a CEW, the officer shall offer the injured party medical assistance. In the case of obvious physical injury or when otherwise prudent, the officer shall request medical dispatch.
- C. Beginning January 1, 2015, it shall be the policy of the Monroe Police Department that following any deployment of a CEW, a written Use of Force report will be generated and filed to accommodate CEW deployment tracking. Reports must be completed in their entirety and specifically describe the justification for the use of

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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.

- D. It shall be the policy of the Monroe Police Department that all written reports generated regarding the deployment of a CEW be promptly reviewed by a supervisor to determine that the deployment of the CEW was appropriate. 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.
- E. It shall be the policy of the Monroe Police Department that all sworn persons have access to the Department 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.
- F. Beginning January 1, 2016, it shall be the policy of the Monroe Police Department 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; 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.
- G. It shall be the policy of the Monroe Police Department to conduct an annual review of all CEW deployments in the field in order to evaluate policy compliance.

V. PROCEDURES:

A. WEARING OF THE CEW:

- 1. 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 or a thigh holster. Officers not assigned to uniformed patrol may be authorized to utilize

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other department approved holsters and carry the device consistent with Department training and the requirement as set out in this paragraph.

2. 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.
3. Officers authorized to deploy the device shall 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 cartridge shall be stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer's expiration requirements.

B. DEPLOYMENT OF THE CEW:

1. As soon as reasonably possible, a supervisor should be requested to respond to the scene of a potential or completed CEW deployment.
2. 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, equipped with a pacemaker, the infirm, or those in obvious ill health.
3. 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.
4. 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

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of the subject.

5. 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 shall 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.
6. 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.
7. The device 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: is minimally effective compared to a conventional cartridge deployment and is more likely to leave marks on the subject's skin.
8. Officers should not intentionally activate more than one CEW at a time against a subject
9. The CEW should not be deployed:
 - a. In a punitive or coercive manner;
 - b. On any subject demonstrating only passive resistance;
 - c. In any environment where an officer knows that a potentially flammable, volatile, or explosive material present (including but not limited to OC spray with volatile propellant, gasoline, natural gas, or propane);
 - d. Where it is likely that the subject may drown or fall from an elevated area.

C. MEDICAL ATTENTION:

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1. Any subject against whom a CEW is deployed shall be evaluated by qualified medical personnel. Qualified medical personnel include medical doctors, license 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) level (formerly known as Medical Response Technician (MRT)). 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.
2. Police officers shall not remove probes which have implanted anywhere on a subject's body unless authorized to do so by competent medical authority or the officer has been certified to do so by a POSTC certified instructor.
3. The following persons shall be transported to a hospital for examination following exposure to a CEW who:
 - a. Loses consciousness, exhibits irregular breathing or is known to be under the influence of drugs or medications;
 - b. Is hit in a sensitive area (e.g., face, head, female breasts, male groin);
 - c. Does not appear to recover properly after being energized;
 - d. Has been energized more than three times or has been subjected to a continuous energy cycle of 15 seconds or more;
 - e. Has had more than one CEW effectively used against him or her in any given incident or a second deployed cartridge from the same unit;
 - f. Has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to CEW deployment;
 - g. 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;

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- h. Exhibits bizarre or violent behavior, including self-mutilation;
- i. Is naked in a public place or exhibits signs of overheating;
- j. Evidences slurring or slowness of speech;
- k. Subject claims to have been injured or in medical distress.