The Pennsylvania State University
Police and Public Safety Department

SUBJECT
5.14 Electronic Control Weapons

CALEA REF.
4.1.5, 4.2.1c, 4.2.2, 4.3.1b, 4.3.2, 4.3.3 (a-b)

EFFECTIVE DATE
11/15/18

REVISED DATE

APPROVED BY
Assistant Vice President Charles Noffsinger

This Policy is for departmental use only and does not apply in any criminal or civil proceeding. This Policy should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this Policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

This purpose of this policy is to establish guidelines and limitations for the Pennsylvania State University Police and Public Safety (P&PS) Department sworn police personnel for the training and use of a Conducted Electrical Weapon (CEW).

II. POLICY

It is the policy of P&PS to use only that amount of force reasonably necessary to effect an arrest, control a situation, or defend themselves or others from harm. P&PS recognizes that combative, non-compliant, armed, and/or violent subjects cause handling and control problems that require specialized training and equipment. Thus, P&PS has adopted a less lethal force philosophy to assist with the de-escalation of potentially violent confrontations. Consistent with this philosophy, P&PS is authorizing the use of department owned, maintained, and issued Conducted Electrical Weapons to trained sworn personnel.

III. DEFINITIONS

A. Activey Resisting: When a subject makes physically evasive movements to interfere with an officer’s attempt to control that subject, including bracing, tensing, pulling away, actual or attempted flight, or pushing.

B. AFID Cartridge Tracking: Axon Enterprise’s Anti-Felon Identification (AFID) system enforces accountability for each use of a TASER Weapon via the dispersal of tiny unique, coded tags every time the Weapon is fired. These small, confetti-like, micro-dot identification tags expelled from the cartridge contain the serial number of the cartridge fired allowing the department to identify the unit that deployed the AFID.

C. Conducted Electrical Weapon (CEW): An incapacitating, intermediate weapon used for subduing a person that administers an electric shock for the purpose of disrupting superficial muscle functions. The CEW is an intermediate weapon that is classified as less lethal. The weapon should only be used when an officer is met with a certain degree of resistance or aggression through either actions or words.

D. Conducted Electrical Weapon Coordinator (CEWCO): A P&PS Taser instructor charged with the responsibility for overseeing the training, deployment, and maintenance of an CEW.

E. Data Port: A mechanism that stores the downloadable time and date of any discharge of the CEW.

F. Deployment: Includes removal of the CEW from the holster, as well as any use of an CEW against any person, including the illumination of the laser sight onto an individual.

G. Drive Stun: When the CEW is applied directly to pressure points on the body for a pain compliance technique.

H. Force: Any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any
significant physical contact that restricts the movement of a person. The term includes the discharge of a firearm or pointing a firearm at or in the direction of a human being, use of chemical spray, use of impact weapons, use of conducted electrical weapons (CEW), chokeholds or hard hands, taking of a subject to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with minimal or no resistance. Use of force is lawful if it is objectively reasonable under the circumstances to effect an arrest or protect the officer or other person.

I. **Non-Deadly Force:** Any force used by an officer that would not reasonably be expected to cause death.

J. **Passively Resisting:** When a subject does not cooperate with an officer’s commands but does not take action to prevent being taken into custody. For example, a protestor who lies down in front of a doorway and must be carried away upon arrest.

K. **Spark Test:** A test conducted to ensure the CEW is functioning properly, and that all batteries and electronic components are performing adequately.

L. **Standard Cycle:** A standard cycle is five seconds.

M. **Taser Conducted Electrical Weapon:** A weapon that uses pulses of electricity to incapacitate subjects. The weapons are designed to deliver up to a 50,000-volt charge with low power and can incapacitate at a distance. Two metal probes connected by thin insulated wires are propelled by nitrogen gas into the targeted subject. An electrical signal is transmitted through the wires to where the probes attach to the body or clothing, resulting in an immediate loss of the person’s neuromuscular control, and the ability to perform coordinated action for the duration of the impulse. Once the connection is made electrical pulses are conducted through the wires for several seconds. The electrical pulse delivered by CEW incapacitates subjects by causing the muscles to contract, resulting in the loss of body control. The weapon may, in limited circumstances, also be discharged as a contact weapon based on training and the officer’s need to bring an incident under control.

N. **University Police Officer:** A sworn member of the University Police who is granted law enforcement authority from the Pennsylvania Municipal Police Officers Education and Training Commission and who is specifically named a Police Service Officer by the Director of the University Policy.

IV. **USE OF FORCE STANDARDS**

The following are applicable use of force standards directly related to the deployment of the Conducted Electrical Weapon (CEW):

A. The use of an CEW involves the application of force.

B. Each application of an CEW involves an additional use of force.

C. Multiple applications of an CEW cannot be justified solely on the grounds that a subject fails to comply with a command, absent other indications that the subject is about to flee or poses an immediate threat to an officer.

D. Any decision to apply multiple applications of an CEW must take into consideration whether a subject is capable of complying with the officers’ commands.

E. The CEW is not intended to replace the use of firearms when deadly physical force is necessary, but rather to provide a less lethal alternative within the guidelines of the Department's Use of Force Policy.
V. PROCEDURES FOR USE OF CONDUCTED ELECTRICAL WEAPON

A. Sworn Personnel Responsibilities:

An CEW shall be carried in accordance with the manufacturer’s recommendations and Department training. **Sworn** personnel will be issued the Taser (X26P and two or more 25-foot cartridges (4.3.1b). **Sworn** personnel issued an CEW shall:

1. Carry the CEW in a Department approved holster on the opposite side of their firearm, with the cartridge attached, while working their assigned shifts and/or functions. Officers not assigned to uniformed patrol may be authorized to utilize other Department-approved holsters and carry the device consistent with Department training.
2. Point the CEW in a safe direction when loading, unloading, or testing the weapon.
3. Visually and physically inspect the CEW and cartridges at the beginning of their shift.
4. Prior to taking a Taser into the field, the officer will test the Taser according to protocol.
5. Officers will secure and store the CEW, both on and off duty, in such a way as to ensure that no unauthorized person will have access to, or gain control over, the CEW.
6. The spare cartridges shall be stored and carried in a manner consistent with training and will not be carried unprotected in a shirt or pants pocket. Cartridges will be replaced consistent with the manufacturer’s expiration requirements.
7. Whenever an officer removes his/her CEW, the item must not be left in the open, and must be secured so that it is not readily accessible to civilians, subjects, victims, or witnesses.
8. Any discharge of an CEW must be immediately reported to a supervisor.
9. The main housing of the X26P carried and used by Department sworn officers will be yellow in color so as not to be mistaken for a firearm.
10. All Department CEWs will be carried on duty with one (1) 25-foot Taser XP duty cartridge loaded in the CEW and one (1) 25-foot Taser XP duty cartridge carried as a back-up duty cartridge.

B. Permitted Use:

Authorized personnel are to use an CEW in accordance with training in the following instances:

1. An CEW should only be used against subjects who are actively resisting in a manner that, in the officer’s judgment, is likely to result in injuries to themselves or others.
2. To incapacitate a subject who poses a threat of physical injury to himself/herself.
3. An CEW may be used when an officer is engaged in a physical confrontation with a combative individual and attempts to control the subject by lower levels of force or tactics are ineffective. See the Department’s Use of Force Policy 5.2 for clarification.
4. Against aggressive animals that pose a threat of physical injury to officers or others
5. During Department authorized training programs and/or demonstrations.

C. Prohibited Use:

The CEW shall not be used: 

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1. Against a subject who is passively resisting the lawful commands of the officer.
2. Against a female who the officer knows, or reasonably believes, is visibly pregnant, unless deadly force is the only other option.
3. Against a person who the officer knows, or reasonably believes, to be under the age of fourteen (14) or over the age of seventy (70), due to the potential for falling when incapacitated, unless the encounter rises to a deadly force situation.
4. Against a person who is at an elevated location where a fall may cause substantial injury or death.
5. In an area where it is likely that the subject may drown.
6. Against handcuffed persons.
7. Against an operator in physical control of a vehicle in motion, including automobiles, trucks, motorcycles, ATVs, bicycles, and scooters.
8. Against a subject who is in close proximity to a flammable gas or liquid. (e.g. a meth lab, where gasoline is stored, alcohol-based OC Spray, etc.).
9. To rouse unconscious, impaired, or intoxicated individuals.
10. In an unprofessional manner.
11. To experiment on a person or allow a person to experience the CEW, even if the person requests it, when the CEW's use would not otherwise be allowed under this policy. This CEW experience does not apply to voluntary CEW training exposures or CEW demonstrations as authorized by the Department.
12. Officers should not intentionally activate more than one CEW at a time against a subject.
13. For illegal purposes (e.g. illegal coercion, torture, etc.).

Note: It is P&PS policy that officers who use excessive force will be subject to discipline, possible criminal prosecution, and/or civil liability.

D. Deployment

When deploying an CEW, officers will make every effort to comply with the following directives, when reasonable:

1. A command for compliance and a warning should be given prior to activating the CEW. The subject should be given time to comply with an officer’s verbal command unless to do so would place the officer or any other person at risk. This directive serves a dual purpose: to seek compliance from the subject, and to let other officers who are present know that the CEW is being deployed, so that the activation of the CEW will not be mistaken, by sight or sound, as a firearm discharge.

2. When feasible, alert other law enforcement officers present that you are about to deploy an CEW by saying “Taser, Taser.” This statement will prepare the officers for the CEW deployment and help prevent sympathetic weapon discharges.

3. 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. An CEW should be aimed by use of the aiming laser(s) when possible. Fixed sights can be used when the laser sight(s) are ineffective or as a secondary aiming tool.
4. 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.

5. To minimize the number of CEW discharges necessary for subject compliance, officers should, while deploying the CEW, clearly and reasonably order the subject as the incident mandates. Such verbal commands may include, "stop resisting, lie flat, put hands behind your back," etc.

6. 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.

7. Whenever possible the CEW shall be deployed using a back-up officer to assist with handcuffing or providing cover.

8. 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.

9. The subject shall be handcuffed as soon as safe; which may be prior to, during or after deployment.

10. As soon as the subject is compliant, and the situation is under control, a supervisor and communications shall be notified of the use of force.

E. Post CEW Deployment Medical Attention (4.1.5)

1. Any subject against whom an CEW is deployed shall be evaluated by qualified medical personnel. Qualified medical personnel include medical professionals including medical doctors, licensed nurses, or EMS first responders. 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. P&PS Officers certified to carry the CEW may remove prongs that have embedded in a subject's skin, clothing or any other objects. Consideration should be given prior to prong removal from a sensitive area (e.g., face, head, female breasts, male groin). If the probes are in a vulnerable location or the officer otherwise feels they cannot safely remove the barbs, additional EMS assistance will be needed.

F. Evidence Collection

1. Once the subject has been controlled, and the need for medical care has been evaluated, officers will collect all evidence resulting from Taser discharge. Offices are reminded of the importance of respecting human dignity and privacy, taking steps to avoid embarrassment, and preserving confidentiality regarding the subject's medical treatment. Whenever feasible, the following items will be secured as evidence:
   a. CEW Probes;
   b. Cartridges;
c. Wire Leads; and
d. AFIDS (Anti-Felon Identification)

2. When lawful and appropriate, photographs should be taken of the probe impact sites and any other related injuries as soon as reasonably possible.

3. In some instances, however, photographs may not be taken. Such as, in certain juvenile cases, or when probes impacted the suspect’s genitals, female breasts, etc. It is important to preserve evidence of CEW use; however, it is also important not to violate any medical, HIPAA, or privacy statutes or other legal restrictions.

4. The CEW cartridges and probes used shall be processed and logged in as evidence. Officers shall wear latex gloves when handling the probes as they may have blood on them (biohazard).

5. Deployed CEW wires shall be wrapped around the expended cartridge. The probes shall be placed “barbs” first into the portals from which they were fired to prevent sharp ends from penetrating the evidence envelope. Tape should be placed over the portals to secure the probes in the cartridge.

6. If possible, a minimum of two (2) AFIDs will be placed inside the evidence envelope along with the expended duty cartridge. The identification number from the AFIDs shall be logged on the Use of Force Incident Report.

7. The CEW shall then be turned over to the department CEW Coordinator, or his/her designee, for downloading of all stored firing and video/audio data.

G. Reporting Required (4.2.1c)

1. After deploying an CEW, the officer must notify a supervisor as soon as it is practical to do so.

2. After deployment of an CEW, the officer who discharges the CEW shall comply with all reporting and investigation requirements outlined in the Department’s Reportable Use of Force Policy, and shall include:
   a. The facts and circumstances which dictated the officer’s use of force;
   b. Commands given to the subject;
   c. Manner in which the subject refused to comply;
   d. Witnesses to the discharge of the CEW;
   e. Number of discharges, and length of each;
   f. Location of probes on the subject’s injuries;
   g. Extent, if any, of the subject’s injuries;
   h. Description of first aid provided; and
   i. The name of the supervisor notified, and time of such notification.

3. In addition, the officer who discharges the Conducted Electrical Weapon shall complete an incident report and “Use of Force Report Form,” and submit same through his/her supervisor.

4. The Administrative Lieutenant will be notified of any deployment for discharge tracking purposes.

H. Supervisory Responsibilities

Supervisors shall:

1. Ensure trained personnel, who are issued and carry the CEW, comply with this policy while working their assigned shift.

2. If available and on duty, immediately respond to any scene in which the CEW has been deployed.
3. Secure the expended cartridge with probes and the CEW for data download. Arrange to have the weapon delivered to the Administrative Lieutenant for downloading of firing and video recording data from the CEW.

4. Deputy Chief's and other supervisors shall comply with all reporting and investigation requirements outlined in the Department's Reporting and Investigating Force Policy. They shall conduct an investigation, including:
   a. Identifying and obtaining reports from all officers involved;
   b. Identifying and interviewing witnesses;
   c. Ensuring that photographs are taken of the probe penetration sites and any secondary injuries (caused, for example, by falling to the ground, etc.);
   d. Obtaining a data port download for all CEWs deployed in the incident; and
   e. Entering all evidence into the Department's evidence and recovered property inventory system to ensure proper chain of custody.

5. Review the circumstances surrounding the use of the CEW to determine if the use of, or deployment of, the CEW was in compliance with policy and procedure. Supervisors must also prepare a report of his/her investigation that includes a determination of whether the use of the CEW is consistent with this policy (4.2.2)

6. Assemble and forward copies to the Administrative Lieutenant an information package that includes: the officer's incident report, Use of Force Report Form, witness statements, photographs, the CEW data download, CEW video, if available, and the collection of AFIDS.

7. The Administrative Lieutenant will prepare an overview of the incident and confer with the appropriate Deputy Chief for a policy review of incident. Once the overview has been completed, the Administrative Lieutenant will forward the report to the AVP for final review.

I. Data Download

1. When an CEW incident occurs, personnel shall present the weapon to a Taser Instructor (if available/on duty) for firing recording data download, prior to the end of shift. If an instructor is not on duty, the CEW will be immediately secured for a later download and the closest instructor will be notified. A copy of the firing data download shall be attached to the Use of Force Report Form. If the Taser firing or video recording data download is not available, a notation shall be made on the Use of Force Report Form. The officer shall forward the download, however, when it is available.

2. Quarterly, the Quartermaster or if assigned to do so by the Quartermaster, the department TASER Instructors are responsible for downloading the data stored on Department personnel's X26P Taser chip for the previous quarter.
   a. Each X26P Taser has an internal tracking chip. This chip will store the time and date of the last 2000 times the trigger was engaged on the X26 Taser.
   b. The CEW Coordinator or department TASER Instructors can retrieve the information stored on the data chip by connecting to the data port on the rear of the weapon and downloading the information into our current computer system.
   c. The downloaded information will be stored under the control of the Electronic Control Weapon Coordinator.

VI. CONDUCTED ELECTRICAL WEAPON COORDINATOR
A. The Administrative Lieutenant will designate a Taser Instructor to serve as the CEW Coordinator (CEWCO).

B. The CEWCO is responsible for maintaining the equipment and records associated with the deployment of the Department's CEW.

C. The CEWCO will be given time to log CEWs, cartridges, and replacement batteries, and maintain an CEW and cartridge inventory, or access to inventory records.

D. The CEWCO will:
   1. Be responsible for issuing CEWs and cartridges, and ensure they are recorded in the CEW/cartridge log. The CEWCO will record the serial number of each issued CEW, and to whom it is issued;
   2. Ensure cartridges are replaced before their expiration date;
   3. Conduct data port downloads when requested by investigating supervisors or Command Staff; and
   4. Maintain overall responsibility for coordination of the purchase, repair, and replacement of CEDs and cartridges.

VII. TRAINING AND CERTIFICATION

A. CEW Authorization: Officers are required to successfully complete training on the functionality of the CEW and the Department’s policy on its use prior to issuance of the Weapon. Only trained and qualified Department officers may carry and/or use an CEW Weapon (4.3.2).

B. CEW Training: All members of the Department who carry and/or use an CEW must first successfully complete a Department approved and mandated CEW familiarization program, including written and practical tests. No officer may carry an CEW without first successfully completing the training.

C. CEW Re-Certification: A mandatory annual (calendar year) re-certification program must be successfully completed. Officers who fail to attend training and allow their certification to lapse will not be authorized to carry the CEW (4.3.3).

D. Certified Instructors: All Department CEW certification programs will be presented by an Accred Enterprise, Inc. certified (or equivalent) CEW instructor (4.3.3a).

E. Training Records: The Department shall maintain CEW training and certification records (4.3.3b).

F. Annual Audit: The Training Coordinator will conduct an annual audit of CEW training records to ensure all officers carrying an CEW have met proficiency training. The Training Coordinator will submit a report to the Administrative Lieutenant with her/his findings.

G. Annual Review: The Administrative Lieutenant will annually review the training curriculum along with the CEWCO and revise it as necessary. The department Administrative Lieutenant will submit, via the chain of command, a report to the Assistant Vice President confirming the annual review and updates, if any.

VIII. MAINTAINING THE CEW

A. The CEWCO’s responsibilities during the annual retraining session:
   1. Check the cartridge expiration date;
   2. Check that there are two cartridges that were issued to the officer, and that they coincide with the serial numbers on file; and
   3. Check the remaining percentage of battery life.

B. Officer’s responsibilities:
   1. Carry the CEW in the supplied holster.
2. Ensure the batteries of the CEW are properly charged.
   a. Replace cartridges before their expiration date.
   b. Extra cartridges should not be carried in pockets due to the risk that static electricity could cause an unintentional discharge of the cartridge.