

	Department of Emergency Services and Public Protection	
	Administration and Operations Manual	
A&O Section # 13.04.16	<i>Subject:</i> Conducted Electrical Weapons (CEW)	<i>Revision Date:</i> April 8, 2019
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A. PURPOSE (CALEA 1.2.2, 4.1.4, 4.3.1, 4.3.2, and 4.3.4)

- (1) The purpose of this policy is to establish Department of Emergency Services and Public Protection (DESPP) guidelines governing the handling, deployment and use reporting of Conducted Electrical Weapons and Electronic Defense Weapons, collectively referred to as “CEW”, by troopers and police officers under the direction and jurisdiction of the Division of State Police (“police officers”), and to ensure compliance with applicable state statute(s) pursuant to C.G.S. §§ 54-1t and 53-206.

B. POLICY

- (1) It is DESPP policy that any trooper or police officer who applies force through the use of a CEW complete a written report regarding such instance, and that a supervisor conduct an investigation into the facts and circumstances of such use of force.
- (2) All troopers and police officers are responsible for understanding and complying with this policy.
- (3) The Division of State Police utilizes CEW, including the TASER® X26 and X2 devices. Both TASER® X26 and X2 devices shall be referenced throughout this section as CEW unless otherwise specified.

C. DEFINITION

- (1) **Conducted Electrical Weapon (CEW)** — Means a less-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.

D. BACKGROUND

- (1) The TASER® X26 and X2 devices utilized by the Division of State Police are each considered a Conducted Electrical Weapon (CEW) and an Electronic Control Device (ECD) that use a technology called Neuro-Muscular Incapacitation (NMI). Its purpose is to incapacitate someone with minimal risk of serious injury. Prior non-lethal weapons function by merely causing pain or destructive injury. The intention is that the pain or the bodily injury will dissuade the subject from continuing an unwanted behavior and elicit cooperation. However, focused individuals, people under the influence of drugs, or people who are pain insensitive may not feel pain, or may be sufficiently motivated to attack or fight through pain. The proprietary Neuromuscular Incapacitation (NMI) technology in TASER® devices does not rely on pain or injury for its incapacitating effect(s). Rather, the TASER® device uses electrical stimuli to interfere with the signals sent by the command and control systems of the body, at the peripheral nervous system level, to impair the subject’s ability to temporarily control his or her own body.

E. DEPLOYMENT GUIDANCE

- (1) The use of the CEW is authorized in situations where the subject is actively resisting a trooper's/police officer's efforts to gain control of the incident, or imminently likely to do so, and where deployment of the CEW is reasonably likely to minimize the possibility of injury to the subject, all troopers and police officers involved, and/or other members of the public.
 - (a) The Use of Force: Threat Assessment and Response Management Matrix should be the guide by which troopers and police officers respond to the resistance and/or aggression of all subjects.
 - (b) The concept of "objective reasonableness" applies in all instances where the subject's behavior requires troopers and police officers to use force to gain control of the individual.
- (2) The use of the CEW should be considered along with other relevant circumstances in instances where familiarity with the subject and their history of assaultive behavior against police officers is known to the troopers/police officers engaged with the subject. In addition, the training and experience of the troopers/police officers with regard to the current concepts taught at the Connecticut State Police Training Academy in the evaluation and assessment of pre-attack indicators may allow for the use of the CEW on what appears to be a passive resistive subject.
 - (a) The non-verbal, body language cues given by someone that is about to engage police officers in aggression are identifiable and may warrant the use of the CEW where a subject is not actively aggressive, but is reasonably likely to become so.
 - (b) The decision to use the CEW is ultimately the decision of the certified user, and shall be in compliance with all relevant use of force training.

F. DEPLOYMENT AND SAFETY CONSIDERATIONS

- (1) The CEW is ***not*** a replacement for a firearm in instances where deadly physical force is authorized and should not be used without firearm back up when appropriate.
- (2) A trooper or police officer armed with a CEW shall, whenever feasible, advise other troopers and police officers at the scene that a CEW may be used. This is to prevent the chance of a sympathetic discharge of lethal force by other troopers and police officers in deadly force situations. The trooper or police officer shall announce in a loud, clear voice: "Taser, Taser!" prior to deploying the CEW to signal the impending use of the CEW when feasible.
- (3) Always point the CEW in a safe direction when loading, unloading or testing the device.
- (4) When circumstances allow for other reasonable alternatives, troopers and police officers should avoid using the CEW on:
 - (a) Individuals engaged in passive resistance to verbal directives. Every effort should be made to affect the movement of people engaged in passive resistance using other means available. Troopers and police officers should be aware that passive resistance may become active resistance and alternative plans should be in place to deal with the onset of active resistance.
 - (b) A subject that is in control of a moving motor vehicle, a vehicle in gear, or other type of motorized equipment, or in instances where the deployment of the CEW would likely place the vehicle into an uncontrolled motion.
 - (c) A subject standing in proximity to dangerous heights or where the subsequent fall from NMI could cause serious injury or death.

- (d) A subject standing in water where the possibility of drowning may exist.
 - (e) A female that the certified user has reason to believe may be pregnant.
 - (f) A person, regardless of age or gender, that is very small of stature; under one hundred (100) pounds.
 - (g) A person that the certified user has reason to believe is seriously ill or infirm. This includes the reasonable belief or direct knowledge that the subject has a mental illness.
 - (h) A person that the certified user has reason to believe is equipped with a pacemaker.
- (5) The use of the CEW for the extraction of prisoners from cellblocks or when a subject is handcuffed shall be done only at the direction of the on-duty shift supervisor, whenever feasible. When an exigency requires immediate action or the on-duty shift supervisor is not available to grant authorization in this circumstance, the trooper/police officer shall clearly articulate the circumstances that created the necessity for the use of the CEW. These instances shall be limited to the purpose of addressing an immediate threat to the safety of a prisoner or law enforcement personnel.
- (a) The on-duty shift supervisor, or trooper or police officer if necessary, shall document his/her justification for the use of the CEW into a written report to document the circumstances that prompted the decision.
- (6) The CEW shall not be used in the proximity of what is known or a trooper or police officer has reason to believe is a flammable liquid, gas, or any other highly combustible material that may be ignited by the device, including any individual that may have been exposed to highly combustible substance and/or liquids such as gasoline. This prohibition extends to explosive materials that may possibly be ignited by the electrical current of the CEW.
- (7) The CEW shall not be used in situations where the trooper/police officer knows Oleoresin Capsicum (OC) aerosol spray with a flammable carrier has been deployed against a subject due to the ignition possibility of the flammable carrier used in some police issued OC formulas.
- (a) OC spray with a flammable carrier shall not be deployed against a subject who is actively being, or still has the capacity to be (still hooked to the probes), subjected to the CEW, due to the ignition possibility of the flammable carrier used in the OC formula.
 - (b) Troopers/police officers who have deployed OC spray should immediately warn other troopers/police officers who arrive on the scene armed with the CEW that the subject has been sprayed.
- Note:** OC spray issued for carry on the duty belt of a trooper **does not** contain a flammable carrier.
- (8) The simultaneous use of multiple CEW devices on a single subject should be avoided when feasible. This allows a second trooper/police officer an attempt to gain control while the subject is under the effect of the CEW cycle.
- (9) The likelihood of the need for multiple uses of the CEW is possible when attempting to control a subject. In such circumstances, in an effort to minimize the likelihood of extreme physiological stress to the subject, the CEW should be deployed for the shortest time possible and troopers/police officers should make every reasonable effort to immediately move in to restrain the subject while under the effects of the CEW. Troopers/police officers shall then initiate examination by medical first responders as soon as it is safe to do so. Prompt transportation to an emergency medical facility shall be done as soon as practicable.
- (10) These deployment and safety considerations shall be adhered to unless there is a reasonable expectation that the deployment of the CEW would mitigate the likelihood of a more serious injury to the involved subject, all troopers/police officers involved, and/or other members of the public.

G. DEPLOYMENT AREAS

- (1) In situations where the use of the CEW is justified, the CEW shall be fired using the user training guidelines and targeting recommendations of the CEW manufacturer. This shall be in conjunction with appropriate DESPP use of force policies and procedures, relevant court decisions, and state and federal laws.
 - (a) Use the CEW by either discharging the probes or contact (drive stun) mode when and to the extent reasonably necessary.
 - (b) Use the built-in laser and/or fixed sights on the CEW to aim the device per training and per manufacturer's instructions.

H. HANDLING OF INJURED SUBJECTS (CALEA 4.1.5)

- (1) The CEW is a viable force option for subjects who actively resist apprehension as it may bring them under control in the quickest fashion with the least potential for injury to the subject. The CEW is unlikely to cause any permanent injury. However, the probes are designed to penetrate the skin and may cause very minor injuries. The CEW when used in the drive stun mode may cause a minor injury as well. There is also the potential for injury if the subject falls after being struck with the CEW either due to the neuro-muscular incapacitation or the physical reaction to the drive stun mode. Immediate first aid shall be rendered to a subject struck with the CEW, whether in the drive stun mode or by probes, as soon as it is reasonably safe to do so.
 - (a) Regardless of whether the subject has been struck by the CEW in the drive stun mode or by the probes, the subject shall be evaluated by EMS personnel at the scene, and transported by EMS to a medical facility for examination as soon as reasonably possible following his or her apprehension.
 - (b) Probes that penetrate the subject's skin shall be removed under the supervision of medical personnel at an emergency medical facility, unless trained EMS personnel on scene determine that a delay in removal of probes may jeopardize and/or interfere with effective emergency medical treatment of the subject.
 - (c) Considerations should be made regarding the transfer of bodily fluids when dealing with a subject who has been struck by CEW probes.
 - (d) Particular attention shall be paid during circumstances in which a subject shows the signs and symptoms of extreme physiological duress or there is a stated or assessed mental illness. Immediate medical attention should be sought using the EMS system to mitigate the potential for any medical crisis where a subject presents the signs and symptoms of extreme physiological distress or mental illness, whether or not the CEW was deployed.

I. DOCUMENTATION AND INVESTIGATION

Troopers and police officers shall report or cause to be reported all deployments of a CEW to the on-duty shift supervisor as soon as feasible.

- (1) An investigation shall be conducted by the on-duty shift supervisor in response to any situation involving the use or deployment of a CEW on a suspect. The depth of the investigation shall be based on the extent of the suspect's injuries. In addition to any criminal investigation, the Response to Resistance or Aggression / Injury or Complaint of Injury to Prisoner Report, DPS-449-C, shall be completed electronically within the Computer Aided Dispatch (CAD) / Records Management System (RMS) to accommodate deployment tracking requirements.

- (a) In instances when a CEW is deployed **only** to the extent that it is utilized in the arc mode as a warning and/or the illumination of the laser sight onto a subject, **and no physical force was used** in accordance with DESPP Policy, the incident shall still be reported on the DPS-449-C, ensuring that applicable sections are completed. The deploying trooper or police officer shall submit a written report detailing the facts and circumstances of the deployment. The investigating supervisor shall complete a brief written investigation to determine the reasonableness of such non-force deployment of the CEW.
- (2) Serious life threatening or fatal injuries shall follow the required investigative procedures outlined in A&O Manual § 5.2.4, ensuring that the DPS-449-C is also completed. Injuries that are not serious or life threatening shall be reported and documented in the following manner:
- (a) The on-duty shift supervisor shall investigate the response to resistance or aggression incident or reported CEW warning as a Type 07 Call for Service (CFS) event number in CAD.
1. When completing the Response to Resistance or Aggression/ Injury or Complaint of Injury to Prisoner Report, DPS-449-C, the investigating supervisor shall complete each required step, which will generate and fill in the caption guide when the report is printed. The investigating supervisor should upload all photos into the report, and may attach other documents directly into the report.
 2. Both the Type 07 CFS event number and the originating CFS event number (criminal case, etc.) shall be cross referenced to one another.
- Note:** If more than one Type 07 reportable event (i.e.; pursuit, use of force, OSHIR, etc.) originates from the same event/incident, a single Type 07 CFS event number shall be used to collectively document and investigate all related administrative reportables.
- (b) Color photographs shall be taken to show the nature and extent of any injury, to include full body photographs, documenting the nature and extent or absence of signs of physical injury. In the case where the injury sustained by the subject is in an area defined by the strip search protocols defined in C.G.S. § 54-33k, consent to photograph these areas shall be requested. If consent is denied, no further attempts shall be made to photograph the area in question and the report shall clearly document the attempt at consent and the subsequent refusal of the subject.
- (3) The trooper or police officer who used the CEW shall submit a detailed written report to detail the situation, which dictated the use of force to include the trooper's or police officer's observations, any commands given prior to deployment, approximate distance from the subject, physical description of the subject and his/her clothing, point of aim used by the trooper or police officer, point of impact on the subject and a description of the behavior of the subject both before and after deployment.
- (4) The investigating supervisor shall describe any first aid provided to the subject or anyone else that was injured during the event, to include the date, time and medical technician's name, as well as the date, time and location that professional medical attention (services) was provided;
- (5) Written statements from witnesses and subject(s) shall be obtained, if possible;
- (a) Attempt to obtain a medical release utilizing the Authorization to Disclose Health Information Form, DPS-198-C, and a photocopy of the physician's report. In the event the subject refuses to sign the release, document this in the initial report, along with the name of the treating medical personnel. The fact that the subject has been released from medical care after evaluation is sufficient to show the subject has no significant injury.
- (b) A review of the incident including all written reports and any available audio or video footage (including, but not limited to, fixed surveillance, mobile video recorder and body-worn camera footage) shall be performed by the investigating supervisor to determine if the use of the CEW was in compliance with the department's use of force guidelines and current policies.

- (6) The CEW contains software that shall be utilized to download specific information about the device, including the date, time, and duration of exposure.
- (a) Software to facilitate the download of this information for a DESPP-issued CEW is located at the Connecticut State Police Training Academy. Information shall only be downloaded by authorized personnel.
1. Downloadable information shall only be accessible to DESPP sworn personnel involved in investigative functions, unless the disclosure is required by law.
 2. Download arrangements shall be made through the Connecticut State Police Training Academy for state police personnel and shall be performed at the Connecticut State Police Training Academy within five (5) business days of the incident.
 - [a] The trooper who deployed the CEW shall ensure that all reference CFS numbers pertaining to the deployment are provided to academy staff, along with any spent cartridge(s).
 - [b] The investigating supervisor shall be provided a hard copy of the download from the CEW device which will show the device use history, including potential misuse of the equipment and a hardcopy of that data shall be attached to the report. In situations where the report shall be submitted prior to the required download, a supplemental report shall be submitted with the hardcopy of the download detailing the exact number of uses and the duration of each exposure.
- (b) Police officers under the direction and jurisdiction of the Division of State Police shall ensure that following any deployment of his/her authorized CEW, the CEW is downloaded within five (5) business days, and that the supervisor investigating such deployment is provided with a hard copy report of the download, including device use history.
- (c) The serial number(s) of the cartridge(s) that have been used shall be noted in the written report. The serial number(s) of the cartridges used are also necessary for troopers to acquire replacement cartridge(s) and facilitate the adjustment of the inventory record kept at the Connecticut State Police Training Academy.
1. Anti-Felon Identification (AFIDs) tags do not need to be held as evidence and may be discarded.
- (7) When the DPS-449-C has been completed, the investigating supervisor shall electronically sign the report and submit the report for review up the chain of command. The DPS-449-C including any attachments shall be approved through the chain of command up to the District/Bureau Commander or his/her designee and then forwarded to the Bureau of Professional Standards for review and retention.

Note: The DPS-449-C shall not be submitted to the troop/unit clerk or Reports and Records.

- (a) Upon completion of the DPS-449-C within the CAD / RMS system, the form will be available for review by all Division of State Police sworn supervisors and command personnel for statistical and administrative purposes only.

J. PERIODIC REPORTING REQUIREMENTS

- (1) The Division of State Police, Bureau of Professional Standards and Compliance shall complete the Police Officer Standards and Training Council (POSTC) Electronic Defense Weapon Annual Report Form and submit to the State of Connecticut, Criminal Justice Policy and Planning Division within the

Office of Policy and Management (OPM) on an annual basis, no later than 15 days following the end of the calendar year, as required by statute.

- (a) The filing of the POSTC Electronic Defense Weapon Annual Report Form is required for any field deployment of a CEW against any individual within the calendar year; for any department authorizing the deployment of a CEW but not having any deployments within that calendar year; and, by any department not authorizing the deployment of the CEW.
- (2) DESPP shall report all required statistical information regarding deployments of CEW by troopers and police officers as required by the Police Officer Standards and Training Council (POSTC) and applicable state statutes, and shall conduct an annual review of all CEW deployments in the field in order to evaluate DESPP policy compliance.

K. ACCESS TO CEW / CEW STORAGE

- (1) Certified users assigned a CEW shall be allowed to take the CEW home.
- (2) Certified users who take their assigned CEW home shall ensure that non-authorized personnel do not have access to it. The CEW shall be secured so as to avoid inadvertent access.
- (3) Secure the CEW safely with the cartridges separate. Consider the curiosity of others you may come in contact with.
- (4) The CEW shall not be shown off to family members or friends.
- (5) Demonstrations of how the CEW works shall not be conducted with the exception of those authorized through the chain of command, in a training environment, under the supervision of a certified CEW Instructor.

L. CEW MALFUNCTIONS

- (1) A CEW that is not functioning properly shall be taken out of service, and immediately reported to the on-duty shift supervisor.
 - (a) A DESPP-issued CEW shall be returned to the Connecticut State Police Training Academy for repairs or replacement as soon as practicable.
- (2) Physical damage to a DESPP-issued CEW shall be reported by the trooper assigned the CEW by means of a written memorandum and completion of the Report of Equipment Damage, DPS-97-C, to be submitted through the chain of command, with a copy provided to the Connecticut State Police Training Academy.

M. CEW CARTRIDGE REPLACEMENT

- (1) Replacement cartridges are stored at, and shall be disseminated from the Connecticut State Police Training Academy. In the event that a replacement cartridge is needed, the trooper shall contact the Connecticut State Police Training Academy and arrangements shall be made to have a new cartridge issued and assigned.
- (2) In the event that a CEW cartridge is deployed on a subject and a replacement cartridge is needed, the trooper shall provide all reference CFS numbers pertaining to the deployment at the time the new cartridge is issued and assigned.
- (3) In the event that a cartridge requires replacement due to an "unintentional deployment," such as during a spark test, the trooper shall complete the Report of Equipment Damage, DPS-97-C,

explaining the circumstances of the event prior to a new cartridge being issued and assigned. The Report of Equipment Damage, DPS-97-C, shall be reviewed and endorsed by a supervisor.

- (a) **All** unintentional deployments shall require an administrative investigation (AI) to ensure all DESPP policies and procedures were followed.

N. CEW DAILY SPARK TEST PROCEDURES

- (1) A daily on duty spark test should be conducted in accordance with this policy and training that has been received specific to the CEW model that the certified user is assigned.
- (2) The spark test is to verify that the CEW device is working and to ensure that the batteries are performing and are adequately charged. There are components in the high voltage section of the CEW that are more reliable when energized (“conditioned”) on a regular basis.
- (3) To prevent an unintentional discharge of a cartridge for CEW models (such as the TASER® X26) that require a trigger pull in order to perform a spark test, **ensure that the cartridge is removed from the front of the CEW and kept away from the CEW electrodes during the course of the spark test. Holding the cartridge close to the front of the CEW during a spark test may cause the cartridge to fire.** For all CEW, ensure that the CEW is pointed in a safe direction and be aware of your surroundings and any bystanders. Be conscientious that the front of the CEW does not come in contact with any body parts or materials during the spark test. Spark testing the CEW should only be done in a safe and appropriate location.
- (4) Troopers assigned to troops or units that regularly hold roll-calls shall conduct their daily on-duty spark testing, under the direction of the on-duty shift supervisor, as a component of roll call. The on-duty shift supervisor shall ensure that spark testing is conducted in accordance with the specifications of this policy with an emphasis toward personnel safety and the prevention of unintentional discharges. Troopers assigned to troops or units that do not regularly hold roll calls, or for those personnel who are unable to attend roll call, or on occasions when roll call is cancelled, shall conduct their daily spark testing either during on-duty hours, on their own, or when available under the direction of the on-duty shift supervisor, in a DESPP facility, or DESPP vehicle.
- (5) Troopers utilizing the CEW should also be aware of limitations caused by battery fatigue in extreme weather conditions.

O. CEW AUTHORIZED HOLSTERS

- (1) The holsters currently supplied with the DESPP-issued CEW devices are specifically purchased by DESPP for each respective CEW device, and are the preferred carry holster for each respective CEW device.
- (2) Troopers who desire to carry any other holster other than that which is issued or supplied by DESPP for use with the specific CEW which the trooper is assigned shall require approval from the Connecticut State Police Training Academy.
 - (a) Any trooper that requests to use a non-issued, approved holster shall purchase the product at their own expense.
- (4) Any trooper that requests to utilize a non-DESPP issued holster shall demonstrate proficiency in its use by going through the Connecticut State Police Training Academy’s prescribed training drills. The Connecticut State Police Training Academy shall keep a record of the training on file to document proficiency in drawing and holstering the CEW.

- (a) Any trooper that fails to demonstrate proficiency with the non-DESPP issued holster in the prescribed drills shall not be allowed to carry the CEW in the holster until proficiency is demonstrated.
- (5) Troopers shall carry their assigned CEW on duty and wear the device in a cross-draw support side position on the duty belt.

P. TRAINING AND RECERTIFICATION (CALEA 4.3.3)

- (1) Only troopers who have successfully completed a DESPP approved training course in the proper use and deployment of the CEW shall be authorized to use a DESPP issued CEW.
- (2) Training, at a minimum, shall include the following:
 - (a) Knowledge of current DESPP policies on use of force and use of the CEW;
 - (b) Knowledge of preferred target areas and potentially high-risk areas;
 - (c) Accuracy expectations of the CEW;
 - (d) Knowledge of reporting procedures and requirements;
 - (e) An annual re-certification course shall be conducted and documented for all certified users. Troopers who do not annually re-certify shall not be allowed to carry the CEW; and (CALEA 4.3.2 and 4.3.3b)
 - (f) All troopers shall have their initial user training and all subsequent annual recertification completed by certified CEW Instructors within DESPP. (CALEA 4.3.3a)
- (3) For police officers under the jurisdiction of the Resident State Trooper Program requesting authorization to carry a CEW, the Chief Executive Officer of the municipality shall ensure that the guidelines set forth in the Resident State Trooper Program contract are followed and town police officers have completed an approved training course and maintain periodic recertification consistent with the CEW manufacturer's recommendations.