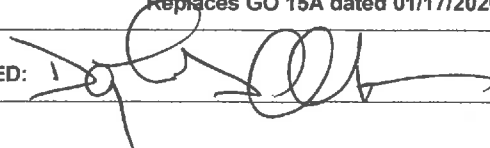




# COLCHESTER POLICE DEPARTMENT

<b>SUBJECT: Use of Conducted Electrical Weapons</b>	
<b>EFFECTIVE DATE:</b> 10/01/2021	<b>NUMBER:</b> General Order #15 A
<b>SPECIAL INSTRUCTIONS:</b> Includes Appendix A	Replaces GO 15A dated 01/17/2020
<b>REEVALUATION DATE:</b> as needed	<b>APPROVED:</b>  <b>NO. PAGES:</b> 7
<b>Notes:</b>	

**POLICY:** This policy sets forth recommended minimum standards for training officers on using Conducted Electrical Weapons (CEWs), the circumstances under which officers should use CEWs, and the procedures officers should follow after using CEWs. Although this policy contains provisions and principles that may apply to several different types of force, it focuses on CEWs and does not specifically address all other lawful types of force law enforcement officers may use in a given situation. This CEW policy is designed to supplement rather than replace any existing use of force policies. The use of a CEW is a use of force that is governed by this policy as well as the Statewide Use of Force Policy found in CPD General Order 15.

- CONTENTS:**
- I. Definitions
  - II. CEW Use & Deployment Procedures
  - III. Post Deployment Procedures
  - IV. Training
  - V. Measurement & Calibration

**I. DEFINITIONS:**

- A. Conducted Electrical Weapon (“CEW”): A less-lethal law enforcement device that delivers an electrical pulse to the body of a subject in either a “drive stun” or “probe” mode. When used in “probe mode” the device discharges two probes that remain connected to the CEW via wire and which upon impact, deliver an electrical pulse designed to temporarily incapacitate that subject. When used in “drive stun” mode, the device makes direct contact with and delivers an electrical pulse to the body of a subject, but does not result in the same temporary incapacitation of a subject as when used in “probe” mode. CEWs include “Electronic control devices” which are defined at 20 V.S.A. § 2367 (a)(1) as “device[s] primarily designed to disrupt an individual’s central nervous system by means of deploying electrical energy sufficient to cause uncontrolled muscle contractions and override an individual’s voluntary motor responses.

- B. Special populations: Members of special populations include persons an officer has reason to believe are:
  - 1. Cognitively impaired such that they are unable to comply with an officer's instructions.
  - 2. Experiencing an emotional crisis that may interfere with the ability to understand the consequences of their actions or follow directions.
  - 3. Persons with disabilities whose disability may impact their ability to communicate with an officer, or respond to an officer's directions.
  - 4. Under 18 years of age.
  - 5. Pregnant.
  - 6. Over 65 years of age.
  - 7. Physically infirm, subject to or diagnosed with a heart condition, or epilepsy or a seizure disorder.
- C. Special circumstances: include situations where an officer has reason to believe the subject is:
  - 1. Operating a motor vehicle.
  - 2. Standing in an elevated area, near water, or near flammable materials (including but not limited to alcohol-based chemical sprays).
  - 3. Restrained.
- D. Special consideration: A consideration of: (i) the potential additional risk of harm posed by deploying a CEW against a member of a special population or a subject in special circumstances; and (ii) whether other types of force are reasonably available to effectuate custody of or facilitate control over a member of a special population or a subject in special circumstances while still preserving the safety of that person, third parties, and the responding officer(s).
- E. Critical Incident: A deployment of a CEW that results in serious bodily injury or death of the subject.

## **II. CEW USE & DEPLOYMENT PROCEDURES**

- A. Only officers who complete training on the use of CEWs containing the minimum elements set forth in Section 4 of this policy, as approved by the Vermont Criminal Justice Council, shall be authorized to carry CEWs.
  - a. Officers must carry a CEW in a "cross draw" manner that is over the midline of their body toward their non-firearm side or on their non-firearm side in a "support hand draw" manner.
- B. Prior to the start of each shift, an officer authorized to carry a CEW shall conduct a spark test of the CEW to ensure that it is properly functioning. Only properly functioning CEWs shall be carried for use. CEWs that are not properly functioning shall be taken out of service and sent for repair.

- C. When it is safe to do so, law enforcement should display and provide a warning prior to deploying a CEW.
- D. Officers may only deploy CEWs in response to the following circumstances:
  - 1. A subject exhibiting active aggression as defined in G.O. #15.
  - 2. A subject actively resisting in a manner that, in the officer's judgment, is likely to result in injury to the subject, the officer, or third persons.
  - 3. If, without further action or intervention by the officer, injuries to the subject, the officer, or others will likely occur.
  - 4. To deter vicious or aggressive animals that threaten the safety of the officer or others.
- E. Neither an officer, a subject, nor a third party has to actually suffer an injury before use of a CEW may be justified.
- F. An officer should attempt to avoid deployment to a suspect's head, neck, chest, genitals, female breast, and stomach of a pregnant woman.
  - 1. When targeting a subject from the front, the preferred target area is a horizontal line approximately 2 inches lower than the sternum and below. An ideal probe deployment from the front will "split the hemispheres" having one probe strike a subject above the belt line and the other probe striking the subject in the thigh or leg thereby activating the hip flexor.
  - 2. When targeting a subject from the back, the preferred target area is below a horizontal line drawn even with the shoulders across the neck and below.
- G. Officers should use the minimum number of cycles necessary to take a suspect into custody or mitigate their assaultive behavior.
- H. CEWs shall not be used in a punitive or coercive manner and shall not be used to awaken, escort, or gain compliance from passively resistant subjects. The act of fleeing or destroying evidence, in and of itself, does not justify the use of a CEW.
- I. When it is safe to do so, officers should attempt to deescalate situations. However, officers are not required to use alternatives to a CEW that increases the danger to the officer, another person or the public.
- J. Officers should avoid deploying more than one CEW on a single subject at the same time unless circumstances exist such as an ineffective probe spread on the first CEW or the first CEW fails to achieve immobilization of the subject and a second deployment is independently justified. Before deploying a second CEW, officers should consider the feasibility and safety of attempting to control the subject with a lesser type of force.
- K. Officers having reason to believe they are dealing with a member of a special population or are dealing with special circumstances shall give special consideration to deploying a CEW. Officers having reason to believe

they are dealing with an individual with a psychiatric disability shall consider consulting with the area designated mental health agency.

### III. POST DEPLOYMENT PROCEDURES

- A. Following CEW use, officers should only use restraint techniques designed to minimize the risk of impairing a suspect's respiration. Once restrained, the subject should be moved into a recovery position that facilitates breathing.
- B. As soon as practicable after CEW deployment, the CEW probes shall be removed from the subject. The probes shall be treated as a biohazard. In the following cases, officers should wait for medical personnel to remove the probes:
  - 1. The probes embedded in a sensitive area such as the face, neck, throat, groin, female breast, or stomach of a pregnant woman.
  - 2. The officer encounters problems when attempting to remove the probe.
- C. Medical attention at a medical facility shall be **offered** to all individuals subjected to a CEW deployment. Further, Emergency medical services **shall be contacted** if:
  - 1. A subject suffers an obvious injury
  - 2. Does not appear to recover properly and promptly after deployment
  - 3. If the person is a member of a special population
  - 4. Has been subjected to three or more CEW deployments or a continuous deployment exceeding 15 seconds
  - 5. Has been subjected to a deployment to his or her chest
  - 6. Exhibits signs of extreme uncontrolled agitation or hyperactivity prior to the CEW exposure or the subject was involved in a lengthy struggle or fight prior to the CEW exposure.
- D. If a subject refuses additional medical attention, that refusal should be documented.
- E. When an officer has reason to believe (s)he is responding to a situation that may necessitate emergency medical services, (s)he shall make reasonable efforts to summon such services in advance.
- F. With the exception of the required spark test, training and accidental discharges that do not connect with any living being, each time a CEW is deployed and/or displayed it shall be documented in a use of force report prior to the end of the officer's shift unless otherwise authorized by a supervisor. This use of force report shall contain the following, at a minimum:
  - 1. The date, time, and location of the incident
  - 2. The officer(s) involved in the incident, identifying which officer(s) used CEWs.
  - 3. The type of CEW deployment, i.e., display, drive stun, or probe mode.

4. Identifying and descriptive information for the subject, including any information indicating if the person is a member of a special population or was encountered during an incident involving special circumstances. If law enforcement consulted with any mental health agencies that fact should be noted.
  5. A list of other known witnesses.
  6. The number of CEW cycles used, the duration of each cycle, and the duration between cycles.
  7. The level and description of resistance encountered.
  8. Whether CEW use was effective.
  9. The type of crime/incident the suspect was involved in.
  10. The approximate range at which the CEW was used.
  11. The point of impact.
  12. Whether law enforcement used or attempted to use any other types of force.
  13. The medical care provided to the subject, including any refusal of additional medical attention after initial screening by EMS.
  14. The type of injuries, if any, sustained by any of the involved persons including the officer(s).
  15. When possible, photographs of the CEW probe entry sites.
- G. The department shall also collect the download data, cartridges, AFIDs, probes, and wires from the CEW that was deployed and shall maintain them pursuant to its evidence policies. The download shall occur as soon as reasonably practical after the CEW is deployed. When possible, in instances in which more than one CEW has been deployed, a sampling of the AFID tags should also be collected and maintained pursuant to the department's evidence policies.
- H. Accidental discharges that do not connect with any living thing shall be documented in a departmental memorandum explaining in detail how the discharge occurred within 48 hours of the alleged accidental discharge unless otherwise authorized by a supervisor.
- I. All use of force reports and departmental memorandum required under this policy shall be reviewed by the officer's supervisor. The department shall conduct an administrative review of the use of force in the following situations:
1. The department receives a complaint of excessive use of force.
  2. The supervisor recommends conducting an admin review.
  3. The encounter resulted in death or serious bodily injury.
  4. The individual exposed to the CEW is a member of a special population.
  5. An individual was exposed to three or more CEW cycles or a cycle that lasted longer than 15 seconds.
- J. Upon request, a suspect subjected to a CEW deployment, or his/her next of kin, shall be kept informed of the procedural status and final result of the review.

- K. Annually each law enforcement agency shall report to the Vermont Criminal Justice Council all incidents involving the use of a CEW in a form to be determined by the Council. The Council shall make this information available on its website.

#### IV. TRAINING REQUIREMENTS

- A. Training for officers authorized to carry CEWs shall be conducted annually. Training shall not be restricted solely to training conducted by the manufacturer of the CEW. However, training shall include the recommendation by manufacturers for the reduction of risk of injury to subjects, including situations where a subject's physical susceptibilities are known.
- B. Training shall emphasize that CEWs may be less-lethal, but are not non or less-than lethal.
- C. Training shall also incorporate, at a minimum:
  - 1. Instruction on the use of force continuum.
  - 2. Techniques to avoid or deescalate confrontations.
  - 3. The underlying technology and operation of CEWs and the physiological effects upon an individual against whom such a CEW is deployed.
  - 4. The proper use of the weapon, including both the proper mechanical use of the weapon and the circumstances under which it is appropriate to use the weapon.
  - 5. Scenario-based training.
  - 6. Proper removal of CEW probes.
  - 7. The potential medical needs of a subject who has been subjected to a CEW deployment.
  - 8. The post-deployment reporting requirements.
  - 9. Instruction on interacting with individuals experiencing a mental health crisis, emotional crisis or other type of crisis, as recommended by the Vermont Criminal Justice Training Council.
  - 10. Departments should also evaluate the value of requiring or allowing officers to feel the effects of a CEW as part of training. If an officer decides to feel these effects, the training shall include an explanation of the potential differences between that officer's experience and the experience of a subject in the field. Departments requiring or allowing its officers to undergo a CEW deployment shall, beforehand, provide a thorough explanation of the potential injuries an officer could incur as a result of the deployment even within a controlled training environment.

## V. MEASUREMENT & CALIBRATION

- A. CEWs shall be calibrated at the factory prior to shipping to ensure the electrical output of the device is within manufacturer's specifications. They should also be calibrated under the following circumstances:
  - 1. Upon receipt by a law enforcement agency and prior to use in the field, only if measurement and calibration equipment is available in the state;
  - 2. Annually, only if measurement and calibration equipment is available in the state; and,
  - 3. After a critical incident, regardless of whether there is measurement and calibration equipment available in the state or the unit needs to be sent back to the manufacturer for testing.
  
- B. Exception – CEWs that are self-calibrating are not subject to these provisions unless a law enforcement agency requires calibration pursuant to its own policies and procedures or there are reasonable grounds to believe that the self-calibration is not functional.
  
- C. If a CEW's electrical output is determined to be outside of manufacturer's specifications it shall not be used in the field until it has been found to have output within manufacturer's specifications.

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# CEW Incident Reporting Form

To be completed by any Vermont Law Enforcement Officer after the display or deployment of a Conducted Electrical Weapon

1. Case number: \_\_\_\_\_

2. Use of CEW (check all that apply):

display  probes shot  drive stun mode

Where did probes hit subject? \_\_\_\_\_

How many cycles: \_\_\_\_\_ Where was CEW held against subject's body \_\_\_\_\_

3. Date and time of display or deployment: \_\_\_\_\_ at \_\_\_\_\_ hours.

4. Location of display or deployment (city, town or village): \_\_\_\_\_

5. Was the subject **human** or **animal**? (circle one) *If animal, complete only questions 14 – 20.*

6. Sex of subject: **male** **female** (circle one)      7. Age of subject (if unknown, give an approximate guess): \_\_\_\_\_

8. Perceived race of subject: **White / Hispanic or Latino / Black or African-American / Am. Indian or Alaska Native / Asian**

9. Before deployment, did you have reason to believe the subject was a member of a special population? If so, check all that apply. **If none apply, complete only questions 12-20:**

pregnant  elderly (over 55)  child (under 16)  low body-mass index (thin)  disability

mental health condition  developmental/intellectual disability  traumatic brain injury

emotional crisis to extent subject may have had difficulty understanding requests or orders

epilepsy/seizure disorder  heart condition  deaf/hard of hearing  low vision/blind

10. If any box was checked in question 9, how did you obtain information leading to your belief the subject was a member of a special population? Check all that apply:

subject notified officer  civilian witness notified officer  professional witness notified officer

dispatch notified officer  personal perception of subject

11. Were mental health care or developmental disabilities professionals contacted for assistance with the subject? (If no, go to question 12)  **No**  **Yes**, contacted by  Officer or  someone else (list whom):

\_\_\_\_\_

If yes, when?

Prior to the display or deployment

During the display or deployment

After the display or deployment

Other comments: \_\_\_\_\_

If you answered "yes" to question 11, what was the outcome of that attempt to contact mental health care or developmental disability professionals? Check all that apply:

Professional assisted to resolve situation more promptly or with less coercion than without contact;

Professional did not result in any positive or helpful impact on the situation;

Professional provided limited positive or helpful impact on the situation;

Contact was attempted but no one could be reached;

Professional helped reduce the time officers had to be at the scene;

Intervention helped avoid involuntary placement in detention or emergency department;

Intervention helped provide appropriate follow-up and service provision;

Intervention was ineffective.



12. Was the training "Interacting with People Experiencing a Mental Health Crisis" (also known as Act 80 training) useful in dealing with this incident?  Yes  No  N/A

13. To the best of your knowledge, was the person under the influence of alcohol or other drugs at the time of the event?  Yes  No  N/A

14. Decision to use CEW was based on:

- active aggression of subject;
- active resistance of subject, with injuries to others or subject likely to occur;
- anticipated injuries to subject, officer, or others at scene.

15. What was the subject's response to the use of the CEW?

- Subject was compliant directly after use of CEW;
- Subject was not compliant directly after use of CEW, requiring additional force;
- CEW failed; subject had to be handled through other means. State reason for failure if known: \_\_\_\_\_

16. Was any other force used in addition to the CEW? Check all that apply:

- OC or other chemical  firearm  physical force  baton
- other (describe): \_\_\_\_\_

Was this additional use of force before or after use of the CEW?  Before  After

17. Was medical assistance provided to the subject following the use of the CEW?  Yes  No  
If yes, by whom?  Officer  Paramedic

18. Check any box below relating to noteworthy details not already described:

- Incident occurred on an elevated location such as a roof, stairs, or bridge;
- Subject was near or in water at time of incident;
- Subject was wearing heavy clothes;
- Subject was more than 25 feet away when CEW probe shot;
- Subject was fleeing when CEW probe shot.

19. Was a recording device running at the time of the incident?  Yes  No

If yes, was it a  body cam  dashboard cam  other (describe): \_\_\_\_\_

20. CEW model and serial number: \_\_\_\_\_

21. Was the subject charged?  Yes  No

If yes, what charge(s)? \_\_\_\_\_

**Return this completed form to Gail Williams at [gail.williams@state.vt.us](mailto:gail.williams@state.vt.us)**

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