

# Hamden Police Department General Orders

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**Policy Number:** 025-005

**Effective Date:** January 8, 2014

**Section:** Weapons

**Rescinds:** December 12, 2009

**Title:** Electronic Control Weapon.

**Approved By:** Police Commission

**Approval Date:** January 8, 2014

## PURPOSE

To provide members of the Hamden Police Department with proper guidelines for the utilization and deployment of an ECW (Electronic Control Weapon).

## POLICY

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

Members of the Hamden Police Department will follow all guidelines governing the carrying, training in, and use of the ECW device that is reasonable to apprehend or secure a suspect, protect another officer, civilian or himself as governed by Departmental General Order on Use of Less Lethal Force, Section 1, Number 6.

## DEFINITIONS

Actively Resisting: When a subject makes physically evasive movements to interfere with an officer's attempt to control that subject. Evasive movements include, but are limited to, bracing, tensing, pulling away, or pushing.

AFID Cartridge Tracking: TASER™ International'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.

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

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

Electronic Control Weapon ("ECW"): An incapacitating, intermediate weapon used for subduing a person that administers an electric shock for the purpose of disrupting superficial muscle functions. The ECW 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.

Electronic Control Weapon Coordinator (ECWCO): A Hamden Police Department officer charged with the responsibility for overseeing the training, deployment, and maintenance of an ECW.

Force: Any physical strike or instrument contact with a person, or any intentional attempted physical strike or instrument 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, pointing a firearm in the direction of a human being, use of chemical spray, 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 no resistance. Use of force is lawful if it is **objectively reasonable** under the circumstances, and the officer uses the minimum amount of force that is necessary to affect an arrest or protect the officer or other person.

TASER™ Electronic Control 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 ECW 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.

Standard Cycle: A standard cycle is five seconds.

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Less Lethal Force: Any force used by an officer that would not reasonably be expected to cause death.

Passive Resistance: 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.

### PROCEDURES

#### A. Use of Force Standards.

1. The following are applicable use of force standards directly related to the deployment of the ECW:
  - a. The use of a ECW involves the application of force.
  - b. Each application of a ECW involves an additional use of force.
  - c. Multiple applications of a ECW 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 a ECW must take into consideration whether a subject is capable of complying with the officers' commands.
  - e. The Electronic Control Device 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

#### B. Sworn Personnel Responsibilities.

1. Sworn personnel will be issued a Taser®, ECW and either a 21 or 25 foot cartridge. Sworn personnel issued an ECW shall:
  - a. Carry the ECW in a Department approved holster on the opposite side of their firearm, with the cartridge attached, while working their assigned shifts.

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- b. Point the ECW in a safe direction when loading, unloading, or testing the weapon.
- c. Visually and physically inspect the ECW and cartridges at the beginning of their shift.
- d. Officers will secure and store the ECW, 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 ECW.
- e. Any Department ECW kept at home should be secured in a safe place inaccessible to family members, especially children.
- f. Whenever an officer removes his/her ECW, 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.
- g. Any discharge of a ECW must be immediately reported to a shift supervisor.

### **C. Prohibited Use.**

- 1. The ECW shall not be used:
  - a. Against a subject who is passively resisting the lawful commands of the officer.
  - b. Against a female who the officer knows, or reasonably believes, is visibly pregnant, unless deadly force is the only other option.
  - c. Against a person who the officer knows, or reasonably believes, to be under the age of ten (10) or over the age of seventy (70), due to the potential for falling when incapacitated, unless the encounter rises to a deadly force situation.
  - d. Against a person who is at an elevated location where a fall may cause substantial injury or death.
  - e. Against handcuffed persons unless they are actively resisting or exhibiting aggression, and/or to prevent individuals from harming themselves or others.

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- f. Against an operator in physical control of a vehicle in motion, including automobiles, trucks, motorcycles, ATVs, bicycles, and scooters, unless exigent circumstances exist.
- g. Against a subject who is in close proximity to a flammable gas or liquid. (i.e. a meth lab, where gasoline is stored, alcohol based OC Spray, etc.).
- h. To rouse unconscious, impaired, or intoxicated individuals.
- i. For horse play or clowning around, or in an unprofessional manner.
- j. To experiment on a person or allow a person to experience the ECW, even if the person requests it, when the ECW's use would not otherwise be allowed under this policy. This ECW experience does not apply to voluntary ECW training exposures or ECW demonstrations as authorized by the Department.
- k. For illegal purposes (e.g. illegal coercion, torture, etc.).

**Note: It is Hamden Police Department policy that officers who use excessive force will be subject to discipline, possible criminal prosecution, and/ or civil liability.**

### D. Authorized Uses of Electronic Controlled Weapons.

1. The Hamden Police Department authorizes the use of electronic control weapons on subjects under the following situations. Officer discretion of the existing threat level, however, will also dictate use and may in some cases reach beyond the following circumstances in an extreme survival "actively resisting" situation.
  - a. Use on combative or resistant subjects in such a manner as to halt or diminish the chance of further opposition and aggression.
  - b. Use on Subjects refusing to submit to custodial arrest who are physically portraying the willingness to become violent against the officer or innocent third party(s).

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- c. Use on any animal, that poses a threat to the officers or innocent third party.
- d. Use on aggressive prisoners or subjects attempting severe destruction to police property or the personal property of others.
- e. Use on prisoners or subjects attempting to harm the police officer or other innocent third party.
- f. Use on Prisoners restrained with physical bonds who are out of control and violent and still capable and willing to cause harm to the officer or innocent third party or cause severe damage to police property.
- g. To preclude and intervene the actions of suicidal subjects attempting harm to themselves.
- h. On prisoners acting violently in cellblock areas who are not restrained within a cell block and who are willing and capable of causing harm to the attending police officers or matrons.
- i. Prisoners in a cell block who have the capability of causing injury to themselves or officers and who have to be restrained by officers entering the cellblock to intervene and diminish this possibility intervene and diminish this possibility.

### **E. Deployment.**

1. When deploying an ECW, officers will make every effort to comply with the following directives, when reasonable:
  - a. A command for compliance and a warning should be given prior to activating the ECW. The subject should be given time to comply with an officers 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 ECW is being deployed, so that the activation of the ECW will not be mistaken, by sight or sound, as a firearm discharge.
  - b. When feasible, alert other law enforcement officers present that you are about to deploy an ECW by saying "Taser, Taser". This statement will prepare the officers for the ECW deployment and help prevent sympathetic weapon discharges.

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- c. Use the laser and/or fixed sights to aim the ECW, per training and manufacturer's instructions. Officers should attempt to aim for the lower torso for frontal discharges, engaging the balancing muscles of the pelvic triangle for frontal discharges, and center mass for discharges to the back.
- d. In an attempt to minimize the number of ECW discharges necessary for subject compliance, officers should, while deploying the ECW, 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.
- e. Whenever possible the ECW shall be deployed using a back-up officer to assist with handcuffing or providing cover.
- f. After deployment the subject shall be handcuffed as soon as safe.
- g. As soon as the subject is compliant, and the situation is under control, a supervisor shall be notified of the use of force.

### F. Post Deployment Medical Attention.

1. Any subject against whom a ECW is used shall be evaluated by qualified medical personnel. Qualified medical personnel include medical professionals including medical doctors, licensed nurses, EMS first responders, or police officers certified in the use of a ECW 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 ECW's asserted by any medical authority having jurisdiction over the agency in whose jurisdiction the ECW is used.
2. Probes that have entered the skin shall only be removed under proper medical authority.
3. Subjects should be asked whether they suffer from any respiratory diseases or conditions, such as asthma, bronchitis, or emphysema. If a subject complains of, or indicates he/she suffers from a respiratory disease, or if the subject displays respiratory problems, medical attention should be sought immediately.
4. The following persons shall be transported to a hospital for examination following exposure to a ECW. Any person who:

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- 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 ECW effectively used against him or her in any given incident;
- f. Has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to ECW deployment;
- g. Is in a potentially susceptible population category, including children, the elderly, persons of small stature irrespective of age, or those who the officer has reason to believe are pregnant, equipped with a pacemaker, or in obvious ill health;
- 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.

### **G. Evidence Collection.**

1. When lawful and appropriate, photographs should be taken of the probe impact sites and any other related injuries as soon as reasonably possible.
2. 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 ECW use; however, it is also important not to violate any medical, HIPPA, or privacy statutes or other legal restrictions.

### **H. Reporting Required.**

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



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2. After deployment of an ECW, the officer who discharges the ECW shall comply with all reporting and investigation requirements outlined in the Department's 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 ECW;
    - e. Number of discharges, and length of each
    - f. Location of probes on the subject's body;
    - 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 Electronic Control Weapon shall complete an "Incident Report" and submit same through his/her supervisor to the training division for discharge tracking purposes.
- I. Supervisor Responsibilities.
1. Supervisors shall ensure trained personnel, who are issued and carry the ECW, comply with this policy while working their assigned shift.
  2. Supervisors shall immediately respond to any scene in which the ECW has been deployed.
  3. The Shift Supervisor shall ensure that all responsibilities of the officer have been carried out regarding the care of the injured, apprehension of suspect(s) and protection of the scene and evidence.
  4. The Shift Supervisor shall determine if further notifications are to be made (i.e. Chief, Deputy Chief(s), Patrol Division Commander, or Detectives) and to ensure that all reports and related paperwork are completed prior to the officer's shift end.

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5. The Shift Supervisor shall secure the ECW immediately following an actual use and ensure that the ECW is turned over to one of the Department' ECW Instructors.
  6. Department Commanders and supervisors shall comply with all reporting and investigation requirements outlined in the Department's Use of Force Policy. They shall conduct an investigation, including:
    - a. Identifying and obtaining reports from all officers involved;
    - b. Ensuring that photographs are taken of the probe penetration sites and any secondary injuries (caused, for example, by falling to the ground, etc.);
    - c. Obtaining a data port download for all ECWs deployed in the incident; and
    - d. Entering all evidence into the Department's evidence and recovered property inventory system to ensure proper chain of custody.
  7. Review the circumstances surrounding the use of the Electronic Control Weapon to determine if the use of, or deployment of, the ECW was in compliance with policy and procedure. Supervisor must also prepare a report of his/her investigation that includes a determination of whether the use of the ECW is consistent with this policy.
  8. The ECW Instructor shall ensure that the ECW deployment data is downloaded. The deployment data will be forwarded to the property room under the incident case number for safekeeping.
  9. The ECW's that are equipped with the Taser™ Cam (Camera) shall also have their video camera file of the incident downloaded onto a storage disk, which will also be forwarded to the property room for safekeeping.
  10. The ECW Instructor will generate a supplemental incident report stating that the ECW deployment data was placed into the Property Room.
- E. Electronic Control Weapon Coordinator.
1. The Training Sergeant will designate a member of his staff to serve as the ECW Coordinator ("ECWCO").

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2. The ECWCO is responsible for maintaining the equipment and records associated with the deployment of the Department's ECW.
3. The ECWCO will be given time to log ECWs, cartridges, and replacement batteries, and maintain a ECW and cartridge inventory, or access to inventory records.
4. The ECWCO will:
  - a. Be responsible for issuing ECWs and cartridges, and ensure they are recorded in the ECW/cartridge log.
  - b. Ensure cartridges are replaced before their expiration date.
  - c. Conduct data port downloads when requested by investigating supervisors or E/I staff.
  - d. Maintain overall responsibility for coordination of the purchase, repair, and replacement of CEWs and cartridges.

### J. Training and Certification.

1. Officers selected to carry the Department authorized ECW will be required to complete an initial 6 hour certification course and will be required to qualify on an annual basis.
2. Only trained and qualified Department officers may carry and/or use a ECW Weapon.
3. ECW Training: All members of the Department who carry and/or use a ECW must first successfully complete a Department approved and mandated ECW familiarization program, including written and practical tests. Officers shall receive training on the Department's ECW policy prior to the issuance of the weapon. No officer may carry an ECW without first successfully completing the training.
4. ECW Re-Certification: A mandatory annual re-certification program must be successfully completed. Officers who fail to attend training and allow their certification to elapse will not be authorized to carry the ECW.
5. Certified Instructors: All Department ECW certification programs will be presented by a Taser International, Inc. certified (or equivalent) ECW instructor. The ECW instructor must be certified in both the M26 and X26 Weapons.

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6. Training Records: The Department shall maintain ECW training and certification records.
  7. Annual Audit: The Training Sergeant will conduct an annual audit of ECW training records to ensure all officers carrying a CEW have met proficiency training. The Training Sergeant will submit a report to the Chief with his/her findings.
  8. Annual Review: The Training Sergeant will annually review the training curriculum and revise it as necessary. The Training Sergeant will submit a report to the Chief confirming the annual review and updates, if any.
- K. Maintaining the ECW.
1. The ECWCO's responsibilities during the annual retraining session:
    - a. Check the cartridge expiration date;
    - b. Check any cartridges issued to the officer, and that they coincide with the serial numbers on file; and
    - c. Check the remaining percentage of battery life.
  2. Officer's responsibilities:
    - a. Carry the ECW in the supplied holster, or in an otherwise approved holster purchased by the officer.
    - b. Ensure the batteries of the TASER are properly charged.
      - i. Replace cartridges before their expiration date.
      - ii. Extra cartridges should not be carried in pockets due to the risk that static electricity could cause an unintentional discharge of the cartridge.