

Conducted Energy Device

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device.

303.2 POLICY

The conducted energy device is used to control a violent or potentially violent individual. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

303.3 ISSUANCE AND CARRYING CONDUCTED ENERGY DEVICES

Only members who have successfully completed department-approved training may be issued and may carry the conducted energy device.

Conducted energy devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department inventory.

Officers shall only use the conducted energy device and cartridges that have been issued by the Department. Uniformed officers who have been issued the conducted energy device shall wear the device in an approved holster. Non-uniformed officers may secure the conducted energy device in the driver's compartment of their vehicles.

Members carrying the conducted energy device should perform a spark test prior to every shift but not more than once every 24 hour period.

When carried while in uniform, officers shall carry the conducted energy device in a weak-side holster on the side opposite the duty weapon.

- (a) All conducted energy devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the conducted energy device.
- (c) Officers shall be responsible for ensuring that the issued conducted energy device is properly maintained and in good working order.
- (d) Officers should not hold a firearm and the conducted energy device at the same time.

303.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the conducted energy device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the conducted energy device may be deployed.

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If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required, to display the laser in a further attempt to gain compliance prior to the application of the conducted energy device. The aiming laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the conducted energy device in the related report.

303.5 USE OF THE CONDUCTED ENERGY DEVICE

The conducted energy device has limitations and restrictions requiring consideration before its use. The conducted energy device should only be used when its operator can safely approach the subject within the operational range of the device. Although the conducted energy device is effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

303.5.1 APPLICATION OF THE CONDUCTED ENERGY DEVICE

The conducted energy device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the conducted energy device to apprehend an individual. The conducted energy device shall not be used to psychologically torment, to elicit statements or to punish any individual.

303.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the conducted energy device on certain individuals should be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

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The use of the drive-stun mode should be limited to pain compliance, supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

303.5.3 TARGETING CONSIDERATIONS

The preferred targeting areas include the individual's back or front lower-center mass. The head, neck, chest and groin should be avoided when reasonably practicable. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the conducted energy device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

303.5.4 MULTIPLE APPLICATIONS OF THE CONDUCTED ENERGY DEVICE

Officers should apply the conducted energy device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Officers should not intentionally apply more than one conducted energy device at a time against a single individual.

If the first application of the conducted energy device appears to be ineffective in gaining control of an individual, the officer should evaluate the situation and consider certain factors before additional applications of the conducted energy device, including:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

303.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the conducted energy device. As soon as practicable, officers shall notify a supervisor any time the conducted energy device has been discharged. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

303.5.6 DANGEROUS ANIMALS

The conducted energy device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

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303.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department conducted energy devices while off-duty.

303.6 DOCUMENTATION

Officers shall document all conducted energy device discharges in the related arrest/crime reports and the conducted energy device report forms. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device, other than for testing purposes, will also be documented on the report form.

303.6.1 CONDUCTED ENERGY DEVICE REPORT FORM

Items that shall be included in the conducted energy device report form are:

- (a) The type and brand of conducted energy device and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display or use of laser deterred a subject and gained compliance.
- (d) The number of conducted energy device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the conducted energy device was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The Chief of Police should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Chief of Police should also conduct audits of data downloads and reconcile conducted energy device report forms with recorded activations.

303.6.2 REPORTS

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing conducted energy devices
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

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303.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate law enforcement or medical personnel should remove conducted energy device probes from a person's body. Used conducted energy device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by conducted energy device probes or who have been subjected to the electric discharge of the device or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The conducted energy device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports and any audio and video recordings.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the conducted energy device (see the Medical Aid and Response Policy).

303.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the conducted energy device may be used. A supervisor should respond to all incidents where the conducted energy device was activated.

A supervisor should review each incident where a person has been exposed to an activation of the conducted energy device. The device's onboard memory should be downloaded through the data port by a supervisor or Firearms Instructor, and any reports generated from the downloaded data shall be included with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

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303.9 TRAINING

Personnel who are authorized to carry the conducted energy device shall be permitted to do so only after successfully completing the initial department-approved training.

A reassessment of an officer's knowledge and/or practical skills may be required at any time if deemed appropriate by the Chief of Police. All training and proficiency for conducted energy devices will be documented in the officer's training files.

Command staff, supervisors and investigators should receive conducted energy device training as appropriate for the investigations they conduct and review.

Officers who do not carry conducted energy devices should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Chief of Police is responsible for ensuring that all members who carry conducted energy devices have received initial training.

Application of conducted energy devices during training could result in injuries and should not be mandatory for certification.

The Chief of Police should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the conducted energy device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the conducted energy device.