

## RESPONSE TO RESISTANCE OR ASSAULTIVE BEHAVIOR

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### CONDUCTED ENERGY WEAPON (CEW)

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**Purpose:** This policy aims to establish procedures for the carrying and use of Conducted Energy Weapons by members of the North Little Rock Police Department.

**Policy Statement:** It is the department's policy to provide the tools and training necessary for officers to perform their duties to minimize the risk of injury to any person. A Conducted Energy Weapon (CEW) has been added to the department resources to facilitate the safe arrest of combative, resisting, or violent individuals. The CEW is not a replacement or substitute for other less-lethal devices or tactics and should only be used when it is determined to be the best available tool or tactic under the given circumstances, following the law and department policy. [CALEA 4.1.4]

**Summary of Changes:** Added requirements for previously certified officers to 1.1 and the wearing of the CEW to 4.2

**Definitions:**

**Conducted Energy Weapon:** A weapon primarily designed to disrupt a subject's central nervous system by deploying electrical energy to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.

**Activate:** The depressing of the trigger of a CEW, causing it to arc or fire probes

**CEW Cycle:** Duration of a CEW electrical discharge following activation.

**Drive Stun:** To stun a subject with a CEW by directly contacting the body after a CEW cartridge has been expended or removed for pain compliance.

**Sensitive Areas:** A person's head, neck, genital area, and a female's breast area are considered sensitive areas.

**Spark Test:** Non-contact testing of a CEW by arcing it to ensure property working order.

**Standard CEW Cycle:** A 5-second electrical discharge occurs when a CEW trigger is pressed and released. Officers may shorten the standard 5-second cycle by turning the CEW off.

**Active Resistance:** Resistance that is verbal, non-verbal, or physical, indicating the refusal of a subject to follow a lawful command issued by a police officer.

**Procedure:**

**1. General**

- 1.1 Only officers trained and certified by a qualified NLRPD Taser Instructor, who have completed the class in full (to include training exposure), may carry or use a CEW. If an officer has been previously certified by another department; they will still be required to go through the classroom portion of the training. The Training Unit will accept a quality video of the previous training exposure. If there is no video, training exposure will be necessary to complete the training. [CALEA 4.3.2]
- 1.2 Only department-issued or approved CEWs will be used.
- 1.3 Officers may use a CEW to:
  - 1.3.1 To defend against imminent physical attack;
  - 1.3.2 To prevent injury to any person; and
  - 1.3.3 To control vicious animals when necessary.
- 1.4 Active resistance from an individual should exist before the decision is made to deploy the CEW.
  - 1.4.1 The use of directional control will not be a prerequisite to using a CEW if a subject demonstrates assaultive, combative, or threatening behavior.
- 1.5 The use of a CEW will be documented in a general report, Arrest Disposition Report (ADR), and supplements outlined in PD 11-02. [CALEA 4.2.1 c, d]
- 1.6 The CEW should be deployed when lesser forms of force have not worked or are reasonably deemed inappropriate or not likely to be effective.
- 1.7 CEW cartridges will be issued only to officers certified in the use of the CEW. Each cartridge has a specific serial number for identification purposes. Officers are to ensure they maintain possession of their assigned cartridges. Therefore, officers will not share the cartridges unless articulable exigent circumstances exist.

- 1.8 Officers will indicate on an ADR and notify detention personnel that officers used a CEW on the arrested party. Officers will note the deployment time so detention personnel observe the subject and contact the appropriate medical personnel if needed. [CALEA 4.1.5]

## **2. Restrictions on Use of a CEW**

- 2.1 A CEW will only be used as a control and compliance measure and will not be used as a means of punishment or interrogation.
- 2.2 Officers will use only the amount of control reasonably needed to control the situation. Once obtained, officers will discontinue the use of a CEW immediately.
- 2.3 Intentionally applying a CEW to sensitive areas is not permitted except in a confrontation where deadly force would be justified.
- 2.4 Officers using a CEW must take all possible precautions to ensure they deploy the device only on the intended violator.
- 2.5 When an officer assigned a CEW enters another agency's facility, the officer will comply with that agency's policy concerning the wearing of the CEW within the facility. The CEW must be secured as you would your firearm before entering any facility that prohibits the use of a CEW.
- 2.6 A CEW usually is not the most effective less-lethal device to use when encountering a large gathering of people.

## **3. Defense Against the Use of a CEW**

- 3.1 The officer confronted must understand that if the person successfully utilizes the CEW against an officer, the officer will be at the mercy of the person, the person's companions, or others for the duration of the activation of the CEW. It is foreseeable and reasonable to believe that the officer may be disarmed, killed, or seriously injured during this time.
- 3.2 If the officer confronted by a suspect wielding or threatening the officer with a CEW cannot safely retreat from the scene, the officer may use reasonable force against the CEW attacker up to and including deadly force.

## **4. Carrying and Handling of a CEW**

- 4.1 Officers will carry the CEW and cartridges in the issued case or holster.
- 4.2 The CEW will be worn on the utility belt to enable the officer to draw the weapon using a cross draw, strong hand technique. Additionally, all personnel assigned to patrol duties will be required to carry a CEW (Taser).
- 4.2.1 The officer will keep at least one extra cartridge readily available. Officers can store an additional cartridge in the device's handle for easy access or an approved cartridge case.
- 4.3 Officers will conduct a spark test at the beginning of each shift or assignment to ensure the device is functioning correctly.
- 4.3.1 A spark test is conducted by first ensuring the CEW is not loaded with a live cartridge, then test firing the device for the entire five-second cycle to observe an electrical discharge.
- 4.4 The CEW will be inspected for damage and cleanliness before each shift or duty assignment; this includes a daily inspection of the cartridge before loading the device. Officers will not attempt to make any repairs on the CEW or cartridges. Any defects noted or suspected will be reported to a supervisor immediately.
- 4.5 When the reading on the LCD Display indicates battery strength of less than 20% (one (1) bar for X26P), the Training Unit will replace the battery before the device is put back in service.
- 4.6 When the CEW is not used, it will be stored unloaded in a secure, climate-controlled environment. Note: "not in use" refers to being off duty.

## **5. Deployment of CEW**

- 5.1 When practical, before firing the CEW, the officer will:
- 5.1.1 Warn the suspect that they will be "Tased" if they do not cooperate.
- 5.1.2 In a safe manner, unholster the CEW, pointing it in a safe direction, disengage the safety device, aim at the target, and
- 5.1.3 Loudly announce that the CEW is being deployed to avoid confusion by assisting members.
- 5.2 Center mass of the subject's back is the primary aiming point, and the lower center mass or legs are the secondary targets.
- 5.3 The officer will not intentionally fire the CEW at sensitive areas or the chest area, nor will they direct the laser aiming device into the eyes of anyone.
- 5.4 Once deployed, the CEW should cycle for the entire 5-second cycle. The CEW will not be applied additional times unless doing so is reasonably necessary to control the subject.
- 5.5 In close-quarters confrontations, the officer can deploy the CEW at close range. The officer must keep in mind that when using the CEW in this manner, only a concentrated muscle group will be affected, and the CEW may not achieve the desired result.

- 5.6 Once the CEW has been deployed and the desired results have been achieved, the officer must take measures to secure the individual in restraints as quickly as possible to minimize the need for additional cycles of the CEW.
- 5.7 Officers may use the CEW during exigent circumstances in a drive stun mode.
  - 5.7.1 If the probes do not strike the intended target upon deployment, officers may use the device in drive stun mode.
  - 5.7.2 While in drive stun mode, target areas should be the abdominal region, hips, thigh, and the brachial plexus on the side of the neck or the pelvic girdle.
  - 5.7.3 Multiple applications of the CEW by the drive stun method are discouraged unless doing so is deemed reasonable and can be articulated.
- 5.8 Officers will point the CEW in a safe direction during loading, unloading, or when handled in other than an operational deployment.

**6. Circumstances when officers will not use the CEW except when deadly force is the only alternative.**

- 6.1 When the officer recognizes the threat of sparks discharged, the CEW could contact flammable liquids or substances; (i.e., meth labs, gasoline, alcohol-based OC spray, or any similar accelerants)
- 6.2 When the subject could suffer a fall from a significant height or on objects likely to cause serious injury.
- 6.3 When the subject is visibly pregnant.
- 6.4 When the effect of the CEW would present an increased risk of serious injury due to the age or physical disability of an individual.
- 6.5 When the subject is operating a motor vehicle.
- 6.6 When the subject holds a firearm, knife, or any object that can be used as a deadly weapon.
- 6.7 When the subject flees from officers unless the officer reasonably believes the person has committed a violent offense or will likely commit a violent crime if not apprehended promptly.

**7. Responsibilities after a CEW Deployment**

- 7.1 Contact an on-duty supervisor who will immediately respond to the scene.
- 7.2 MEMS will be requested at the scene to provide medical aid to anyone injured in the incident. [CALEA 4.1.5]
- 7.3 Only trained medical personnel will be permitted to remove a probe embedded in any person's skin.
  - 7.3.1 Officers may remove probes embedded in clothing.
- 7.4 See to the medical needs of the affected individual. They should be transported to a medical facility if deemed necessary by the first responding medical personnel or requested by the affected individual. [CALEA 4.1.5]
- 7.5 Photograph the site of probe impact and any related injuries. If practical, photograph the location of the probe impact before removing the probe.
- 7.6 All discharged cartridges, probes, and a few particles of confetti dispersed upon deployment should be collected as evidence. Use only the storage box provided to contain a used cartridge safely. The storage box must be labeled as "BIO-HAZARD."
  - 7.6.1 Upon deployment, each cartridge disperses approximately 40 pieces of confetti, which are specific to that cartridge. Use a piece of tape, if practical, to collect several confetti pieces to be turned in as evidence.
  - 7.6.2 Carefully return the probes to the ports they were projected from by inserting the sharp end first and then wrapping the attached wire around the cartridge.
- 7.7 Complete a general report and Response to Resistance or Assaultive Behavior Supplement. Identify the serial number of the CEW cartridge used on both documents.
- 7.8 Ensure the medical personnel at the receiving facility know that officers struck the subject with a CEW.
- 7.9 Notify the custodian of the replacement CEW cartridges of deployment and arrange to get a replacement cartridge as soon as possible.

**8. Supervisor's Responsibilities**

- 8.1 A supervisor will immediately respond to the scene of a CEW deployment.
- 8.2 The on-scene supervisor will ensure the medical needs of the affected individual are addressed.
- 8.3 The on-scene supervisor will obtain photographs of the probe impact site and pictures of any related injuries. If practical, photograph the location of the probe impact before removing the probe.
- 8.4 The on-scene supervisor will complete a *CEW Use Report* (Attachment #1)
- 8.5 The reporting supervisor will ensure that the data from the CEW is copied and included in the file.