

## Conducted Energy Device

### 304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Conducted Energy Weapons.

#### 304.1.1 DEFINITIONS

Definitions related to this policy include (Washington State Office of the Attorney General Model Use of Force Policy):

**Conducted energy device** - A portable device that fires darts/electrodes that transmit an electrical charge or current intended to temporarily immobilize a person (e.g., CEW).

### 304.2 POLICY

The CEW is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

### 304.3 ISSUANCE AND CARRYING CEWS

Only members who have successfully completed department-approved training and have demonstrated satisfactory skill and proficiency may be issued and carry the CEW.

An officer that is issued a CEW is expected to carry it when in the field as an option to be considered when deadly force is not justified (Washington State Office of the Attorney General Model Use of Force Policy).

CEWs 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's inventory.

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

When consistent with training, an officer carrying a CEW shall perform a function check on the weapon and check remaining battery life prior to every shift. An officer should report any malfunction to a supervisor or other appropriate personnel.

An officer shall carry a CEW on the support side of the body, and in all but extreme circumstances, shall draw, exhibit, and use the device with the support (i.e., non-handgun firing) hand (Washington State Office of the Attorney General Model Use of Force Policy). [Officers may use their dominant hand to support or steady the CEW as needed.](#)

- (a) All CEWs 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 CEW.

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- (c) Officers shall be responsible for ensuring that their issued CEW is properly maintained and in good working order.
- (d) Officers should not hold both a firearm and the CEW at the same time.

### **304.4 VERBAL AND VISUAL WARNINGS**

A verbal warning of the intended use of the CEW 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 CEW may be deployed.

If, after a verbal warning, an individual is unwilling 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 electrical arc (~~provided that a cartridge has not been loaded into the device~~), or the laser in a further attempt to gain compliance prior to the application of the CEW. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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 CEW in the related report.

### **304.5 USE OF THE CEW**

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

#### **304.5.1 APPLICATION OF THE CEW**

The CEW 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, themselves, or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the CEW to apprehend an individual.

#### **304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the CEW on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would

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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 (Washington State Office of the Attorney General Model Use of Force Policy):

- (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) In any environment where an officer knows or has reason to believe that a potentially flammable, volatile, or explosive material is present that might be ignited by an open spark, including but not limited to OC spray with a volatile propellant, gasoline, natural gas, or propane.
- (f) Individuals who are situated on an elevated surface (e.g., a ledge, scaffold, near a precipice) unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g., deploying a safety net).
- (g) Operators in physical control of vehicles in motion, including automobiles, trucks, motorcycles, all-terrain vehicles, bicycles, and scooters unless deadly force is justified.

The primary use of a CEW is not as a pain compliance tool. Drive-stun mode should only be used when necessary to complete the incapacitation circuit where only one probe has attached to the person, where both probes attached in close proximity, or when no other alternatives to deadly force are available and appropriate (Washington State Office of the Attorney General Model Use of Force Policy).

The CEW shall not be used to psychologically torment, elicit statements, or to punish any individual.

### 304.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the CEW 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.

### 304.5.4 MULTIPLE APPLICATIONS OF THE CEW

Officers shall apply the CEW for only one standard cycle of five seconds or less and then evaluate the situation before applying any subsequent cycles (Washington State Office of the Attorney General Model Use of Force Policy). Multiple applications of the CEW against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the CEW appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the CEW, including:

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- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

Multiple applications of the CEW increase the risk of serious bodily injury or death. Officers should not intentionally deploy multiple CEWs at the same person, unless the first deployed CEW clearly fails. An officer shall consider other options if the officer has used a CEW three times against a person and the person continues to be a threat, as the CEW may not be effective against that person (Washington State Office of the Attorney General Model Use of Force Policy).

#### 304.5.5 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 CEW. As soon as practicable, officers shall notify a supervisor of all CEW discharges.

- (a) (a) Whenever a CEW is applied, an Aid or Medic Unit shall be called to the scene. Fire/Medical unit attention is required for all CEW applications whether or not the officer removes the probe(s). Medical treatment will not be refused for anyone who has requested it.
- (b) Immediate action should be taken to care for the injured, to apprehend any suspects, and to protect the scene.
- (c) Once the subject is restrained or has complied, the CEW will be turned off.
- (d) Expended CEW darts and cartridges shall be handled as a biohazard and (unless required to be retained as evidence or to document malfunction) shall be disposed of in properly marked biohazard containers.
- (e) Barring emergency, qualified medical personnel at an authorized medical facility shall be responsible for removing CEW darts that penetrate an individual's skin located in a sensitive area such as the face, neck, groin, or breast. Removal of probes in other areas will be done by the officer(s). Officers will insure necessary first aid is administered following the removal of the probes.
- (f) Photographs will be taken of the probe impact sites and other related injuries.
- (g) Attempt to locate and identify any and all witnesses to the incident. (existing Policy 2.3)

#### ~~Post-application procedures~~

- (a) ~~Whenever a CEW is applied, an Aid or Medic Unit shall be called to the scene. Fire/Medical unit attention is required for all CEW applications whether or not the officer removes the probe(s). Medical treatment will not be refused for anyone who has requested it.~~
- (b) ~~Immediate action should be taken to care for the injured, to apprehend any suspects, and to protect the scene.~~

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- (c) ~~Once the subject is restrained or has complied, the CEW will be turned off.~~
- (d) ~~Expended CEW darts and cartridges shall be handled as a biohazard and (unless required to be retained as evidence or to document malfunction) shall be disposed of in properly marked biohazard containers.~~
- (e) ~~Barring emergency, qualified medical personnel at an authorized medical facility shall be responsible for removing CEW darts that penetrate an individual's skin located in a sensitive area such as the face, neck, groin, or breast. Removal of probes in other areas will be done by the officer(s). Officers will insure necessary first aid is administered following the removal of the probes.~~
- (f) ~~Photographs will be taken of the probe impact sites and other related injuries.~~
- (g) ~~Att~~

#### 304.5.6 DANGEROUS ANIMALS

The CEW 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.

#### 304.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department CEWs while off-duty.

Officers shall ensure that CEWs are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

### 304.6 DOCUMENTATION

An officer shall clearly articulate and document the justification for each individual application of the CEW in the related arrest/crime report and the CEW report form (Washington State Office of the Attorney General Model Use of Force Policy). 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 at a person, and arcing the device [in the presence of a suspect](#) will also be documented on the report form [even if these events do not rise to the level of reportable use of force.](#) -

#### 304.6.1 CEW FORM

Items that shall be included in the CEW report form are:

- (a) The type and brand of CEW and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of CEW activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

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- (e) The range at which the CEW 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 Personnel and Training Sergeant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Personnel and Training Sergeant should also conduct audits of data downloads and reconcile CEW report forms with recorded activations. CEW information and statistics, with identifying information removed, should periodically be made available to the public.

### 304.6.2 REPORTS

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

- (a) Identification of all personnel firing CEWs
- (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

### 304.7 MEDICAL TREATMENT

At the earliest safe opportunity at a scene controlled by law enforcement, officers shall remove CEW probes, unless probes are in a sensitive area, such as the head, breast, or groin. Probes in sensitive areas shall be removed by an emergency medical technician (EMT), paramedic, or other health care professional (Washington State Office of the Attorney General Model Use of Force Policy). Used CEW 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 CEW 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.

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- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The CEW 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. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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

### **304.8 SUPERVISOR RESPONSIBILITIES**

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

A supervisor should review each incident where a person has been exposed to an activation of the CEW. The device's onboard memory should be downloaded through the data port by a supervisor or department CEW trainer and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

### **304.9 TRAINING**

Personnel who are authorized to carry the CEW shall be permitted to do so only after successfully completing the initial department-approved training and demonstrating satisfactory skill and proficiency. Any personnel who have not carried the CEW as a part of their assignment for a period of six months or more shall be recertified by a department-approved CEW instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued CEWs should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Personnel and Training Sergeant. All training and proficiency for CEWs will be documented in the officer's training file.

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

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

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The Personnel and Training Sergeant is responsible for ensuring that all members who carry CEWs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEWs during training could result in injury to personnel and is not mandatory for certification.

The Personnel and Training Sergeant 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 CEW and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the CEW.