



Warrensburg Police Department

General Order: 2019.02

Effective Date: January 31, 2019

CONDUCTED ELECTRICAL WEAPON POLICY

I. Purpose:

To set forth the Warrensburg Police Department's guidelines regarding the training, maintenance, use and reporting of the TASER X26 conducted electrical weapon.

II. Policy:

To Place the highest value on human life and the safety of the public and Warrensburg Police employees, thereby using only the amount of force which is objectively reasonable to accomplish lawful purposes.

III. Definitions:

Active Aggression: Any offensive physical action that is directed at the member, which is intended to or could reasonably result in physical injury, or has the potential to place the member in a position of tactical disadvantage (e.g. physical strikes, tackling/takedown attempts, grabbing/"bear hug", grappling, biting, scratching, shoving).

Approved CEW: The department issued TASER X26 is the only department approved conducted electrical weapon.

Conducted Electrical Weapon (CEW): A weapon primarily designed to disrupt a subject's central nervous system by means of deploying electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.

Defensive Resistance: Any physical action designed or intended to thwart the control/arrest efforts of the member (e.g. pulling away, tensing of the arms, stiffening the body, hiding/laying on hands).

Passive Resistance: General verbal and low level physical uncooperativeness to lawful commands, direction, or attempts to control/restrain (e.g. refusal to disperse, argumentative during arrest, failing to move or assume a handcuffing position, dead weight).



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IV. General Provisions for CEW

- A. Any approved CEW may be issued for use by members as authorized by the Chief of Police.
- B. Only members who have first been properly trained and annually re-certified in the use of the specific type of CEW will carry or use such a weapon
- C. Criteria for Use

As with any use of force, members will base their decision to use an CEW on the facts and circumstances known to them at the time of deployment. When determining the reasonableness of using an CEW members should consider the severity of the crime, the immediacy of the threat posed by the subject, and the level of resistance. Use of an CEW by a member will be for purposes of accomplishing lawful objectives while seeking to minimize the risk of injury to both the member and subject in circumstances where:

1. The use of empty hand controls was ineffective and it is reasonably necessary to overcome defensive resistance by use of a CEW
2. A member or another person is faced with an immediate or imminent threat of physical injury (does not need to be serious physical injury).
3. CEW use on passive resistant subjects will require articulable facts, leading the member to reasonably believe the attempted use of empty hand controls would subject the member to an elevated risk of physical injury based on factors that include, but are not limited to: words or demeanor indicating a propensity to be violent, articulable indicators of drug and/or alcohol intoxication, significant size/strength disparities, known or perceived fighting ability, high-risk felons, lack of available back-up, etc.
4. Members should evaluate the age, size, gender, apparent physical capabilities, and visible or known health concerns of the subject before applying force through use of a CEW. Except where lethal force would be justified, or where the member has reasonable cause to believe there is an imminent risk of serious bodily self-harm and lesser force options are not feasible, a CEW should not be used against pregnant women, elderly persons, children, visibly frail individuals, or persons in **nonviolent** medical or mental crises. Use of a CEW may be necessary to subdue and gain control of individuals experiencing extreme mental/physical



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irregularities to effect immediate treatment, e.g., excited delirium resulting from legal and illegal drug ingestion, diabetic reactions, or other unidentified causes.

5. Members should de-escalate their use of force upon generating compliance and/or accomplishing their lawful objective. Force de-escalation does not mean officers should stop using force; but rather, it is a decrease in the severity of force used in direct response to a decrease in the level of subject resistance. A subject is deemed to be compliant when they are adhering to lawful commands and all physical efforts to resist control/arrest have ceased.
6. A verbal warning of the member's intent to use the CEW should be used to provide the subject with a reasonable opportunity to comply with lawful directives and/or provide other members with sufficient warning that a CEW may be deployed. A verbal warning should not be used if it would create a danger to the member or others, or compromise a tactical advantage needed by the member to effectively deploy the CEW. The verbal warning may be used in conjunction with a spark demonstration.
7. Should a subject continue resistance to the extent multiple CEW activations are employed, members will assess the continued resistance after each standard CEW cycle and should limit use to no more than **three** standard five-second cycles. Members will continually reevaluate after each single activation to determine if further activations are necessary. If more than one CEW is deployed on a suspect at the same time, each member will immediately communicate to ensure only one CEW remains activated to maintain control of the suspect. Assessments and limits on use are considered in total whether one or multiple CEW devices are used.
8. Members should not use the drive-stun function of the CEW except in the following circumstances:
 - a. As a "break contact" tactic when a suspect binds, fastens, or attaches with a member or another person.
 - b. To achieve neuromuscular interruption by establishing a "3-point contact" when a clothing disconnect or a single probe hit situation occurred
 - c. In exigent circumstances.



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9. Use on Restrained Persons

Use of a CEW on a suspect who is controlled by handcuffs or other restraints will be limited to situations where the level or type of continued resistance by the suspect is overwhelmingly violent, posing an imminent likelihood of injury to any person, and other justifiable methods of overcoming the resistance are not effective or feasible.

10. Members should not hold both a firearm and an CEW at the same time.

D. Considerations in CEW Use – Situational Hazards

Members should carefully weigh the risk of secondary injury to the subject against the necessity of subduing a fleeing suspect by use of a CEW. Mere flight by a subject, absent articulable facts supporting a reasonable belief that a fleeing subject is a felon or poses a threat to the member or others, does not automatically justify the use of a CEW. A CEW will not be used where such deployment may cause serious injury or death from certain situational hazards unless deadly force is justified; **however, the CEW is not intended to be used as a substitute weapon in deadly force situations.** Situational hazards will include persons encountering the following circumstances:

1. In areas where falling would pose an unreasonable risk, e.g., elevated areas and locations where a subject may land in the path of vehicular traffic.
2. When a subject is swimming and neuromuscular interruption would likely result in drowning.
3. When a subject is driving a motor vehicle and neuromuscular interruption would result in loss of control.
4. After a subject is contaminated with a chemical substance having a known flammable or explosive content, e.g., exposure to chemical irritants deployed by a tactical team (SWAT), or in any other environment containing combustible chemical vapors (methamphetamine lab).
5. After a subject is contaminated with a chemical substance having an unknown flammable or explosive content, e.g., OC spray and other chemical agents.



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E. Post Deployment Considerations

The member using a CEW will ensure the subject upon whom the technique was applied is offered appropriate medical aid, if an injury is immediately apparent. When injury is not immediately apparent, the subject must be carefully observed for signs of distress and should be medically evaluated at the earliest opportunity. Consideration should be given to the following:

1. The subject requests medical attention, or there is an obvious need for medical attention.
2. The subject was hit in a sensitive area (i.e.: eye, face, head, breasts, genitals).
3. The member has difficulty removing the probe(s).
4. The subject does not appear to recover in a reasonable period of time after being exposed, as determined by the member following training guidelines.
5. The subject has been exposed to more than three CEW cycles.
6. The subject has been exposed to more than one CEW device.
7. The subject is reasonably believed to have been exposed to a continuous cycle of 15 seconds or more.
8. The suspected diminished capacity of the person as a result of drug/alcohol intoxication or mental condition.
9. Members may elect to transport injured suspects by patrol car to a medical facility for examination or treatment based on potential security risks, danger presented by the suspect, and other articulable facts.
10. Medical assistance afforded will be the same as for any other individual with similar injuries, including:
 - a. First aid administered by the member within the limits of the member's level of training.
 - b. Calling or offering to call emergency medical services as appropriate.

F. Procedure After Deployment

1. If the probe is imbedded in the following areas of soft tissue: face, neck, ear, breast, or groin, members will NOT attempt to remove the probe. The probe should be removed by medical personnel only.
2. Prior to removing the darts, personal protective equipment (PPE) should be utilized, i.e., gloves.
3. If the probes penetrate the flesh, photographs of the contact area should be taken after they are removed.



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4. Remove the darts from the person's skin and examine the ends to make sure the barbs are fully intact.
5. If any part of a barb becomes separated and remains in the skin, the subject should be transported to a medical facility for removal.
6. As soon as practicable, after deployment digitally upload all CEW deployment data.

G. Placing Cartridges into Evidence

As a general rule, expended cartridges, wires, probes, darts, and barbs, should not be retained as evidence, unless serious physical injury or death occurs during CEW deployment or in cases where any part of the barbs become dislodged in the suspect's body. In cases where these items are placed into evidence, the member using the CEW will:

1. Remove the cartridge from the CEW and wrap the wires loosely around the hand. Do not wrap the wires around the expended cartridge as it may kink and damage them from being wrapped too tight around the corners.
2. Place the probes, darts, and barbs inside the expended cartridge with the sharp end down.
3. Place evidence tape over the expended cartridge to ensure the probes, darts, and barbs remain inside.
4. Place the cartridge with the probes, darts, and barbs inside a plastic bag before placing in an evidence bag.
5. Place the wires loosely in a manila envelope and place inside the same evidence bag as the expended cartridge with the probes, darts, and barbs.
6. If there is any type of failure while deploying the CEW, the expended cartridge will be retained so it can be returned to the manufacturer for diagnostic testing.



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V. Training:

- A. The TASER X26 shall only be issued to and used by Officers who have successfully completed a department approved CEW training program.
 - 1. All Officers shall complete an initial seven (7) hour course of training on proper deployment, safety, and usage of the TASER X26.
 - 2. The training will include demonstrating proficiency with the TASER X26, both through written testing and practical application that is in accordance with guidelines set forth by Axon (formerly known as TASER).
- B. The department will conduct training on CEW applications annually.
 - 1. The department training coordinator is responsible for:
 - a. Ensuring all commissioned personnel receive the required training.
 - b. Documenting and maintaining all related training records.
 - c. Downloading the activity of each CEW deployment by an Officer involved incident from the TASER X26 and maintaining these usage reports.

VI. Remedial Training:

- A. When deemed necessary, the department CEW instructor will provide remedial training. Remedial training may be determined necessary as the result of use of force incidents, review of department's use of force, or at the direction of a supervisor.
- B. If, after remedial training, the officer is unable to successfully complete the remedial training course, the Chief of Police will evaluate the situation and take action deemed appropriate.

VII. Maintenance and Inventory Records:

- A. The department's armorer will keep an inventory of all department CEWS, including cartridges, and will identify each device by a designated number.
- B. The inventory of CEW cartridges will be secured in the department armory.
- C. The Patrol Commander will be responsible for management of the inventory to ensure there is an adequate supply of cartridges, batteries, related accessories, and to ensure all cartridges are properly accounted.



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- D. The Patrol Commander will be responsible for maintaining a logbook that records the serial number of each cartridge, and the date it was placed in stock. The logbook will also contain other pertinent information such as date of issuance, by whom, etc.
- E. The Patrol Commander will be responsible for auditing the inventory and logbook at least once a month.

VIII. Storage and Inspection:

- A. CEWS, when not assigned to an Officer, shall be stored in a secure location.
- B. CEW cartridges, when not assigned to an Officer, shall be stored in the weapons armory or a designated secure location.

IX. Service and Repair:

- A. Should an CEW malfunction or be damaged, the weapon shall be rendered unsafe and placed into the weapons armory in a manner to sufficiently identify is as inoperable. The shift supervisor will be responsible to send by electronic mail a detailed description of the malfunction of the CEW to the CEW Instructor, armorer and Patrol Commander.
- B. The standard equipment repair work order shall be completed by the CEW instructor and forwarded to the Patrol Commander.
- C. When damaged or broken CEWS are sent out for repairs and/or servicing, the TASER X26 data port information should be downloaded and saved as a word file in the computer system. A paper copy shall also be printed and maintained in a secure file.
 - 1. Prior to being sent out for repairs/servicing, the Patrol Commander is to be notified via electronic mail.
 - 2. The CEW instructor will be responsible for downloading the information from the data port and forwarding this information to the Patrol Commander.
 - 3. The Patrol Commander will keep the information in a secure file on the computer system and will also maintain a secure paper file.



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X. Issuance:

- A. To maintain control of the CEWS, each shift supervisor shall:
 1. Assign each officer an CEW.
 - a. All available CEWS shall be issued by the shift supervisor at the beginning of their respective shift. However, an officer shall not be issued a CEW, if they have not successfully completed a department approved training course.
 - b. Upon being issued a CEW, CEWS shall be carried and used as outlined in this General Order.
 2. Note on the Vehicle Assignment form to whom each CEW was assigned. If an officer is not issued a CEW, then this portion of the form will be left blank for the respective officer.
 3. At the end of each shift, the shift supervisor shall:
 - a. Ensure that all issued CEWS and cartridges are returned.
 - b. Note this information in an email to the appropriate commander.
- B. Inspections
 1. Officers shall conduct a function test on the CEW at the beginning of their shift.
 2. The function test will consist of:
 - a. Point CEW in a safe direction, and put the safety switch in the up (armed) position.
 - b. Check the CID to ensure there are no fault icons.
 - c. Depress the arc switch, visually and audibly inspect the arc from arm's length.
 - d. Listen for typical spark pulse rate, if pulse rate is slow or abnormal, replace battery and retest. If pulse rate is still slow or abnormal, take CEW out of service immediately and notify CEW Instructor.
 - e. If CEW functions normally, put the safety switch in the down (safe) position. Then secure the CEW into the department issued CEW holster.
- C. Weapon Control
 1. Holster: When carried, the CEW shall be worn on the duty belt/or vest in its holster, on the non-dominant side, opposite of the Officer's duty weapon. The holster used shall be department issued holster unless permission is granted by the Chief of Police for an alternate holster or secure device.



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2. Vehicle: An Officer having occasion to leave the CEW in their patrol vehicle shall secure the CEW in its holster, and shall lock it in either the glove compartment or trunk of the patrol vehicle. At no time will the CEW be placed in a glove compartment, vehicle trunk, or on the duty belt/vest without first being secured in a CEW holster.
3. Other Locations: If the CEW issued to an Officer is not being carried by the Officer, and is not secured in the Officer's vehicle, the Officer will be responsible for ensuring that the weapon is safely secured back into the weapons armory to prevent access by other unauthorized individuals.
4. The CEW will be secured in a department issued holster, regardless of the method of control, unless permission is granted by the Chief of Police, or exigent circumstances prohibit otherwise.

XI. Notification/Reporting:

- A. Except when conducted for approved testing or training purposes, whenever an Officer discharges a CEW for any reason, whether intentional or not, they shall:
 1. As soon as practical, notify a supervisor and request their response to the discharge location.
 2. Request the response of an EMS unit if applicable.
 3. Prepare a written report of the incident.
 4. Complete and attach to the report the "CEW Use of Force Form".
 5. Complete any other forms or documents that may be required.

XII. Supervisor Responsibilities:

- A. Respond to scene.
- B. If not already done, and if applicable, summon EMS personnel.
- C. Ensure proper collection of evidence, gathering of witness information and other investigative responsibilities.
- D. Ensure all required reports, forms, etc., are completed and forwarded to the appropriate commander, and all other necessary personnel for review.



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XIII. Annual Review:

In January of each year, an analysis of all use of force incidents for the preceding year, including those involving the use of the TASER X26, will be conducted by the Patrol Commander and reported to the Chief of Police. The intent of the review is to determine whether there are policy, training, weapon/equipment, or discipline issues which should be addressed.

This General Order supersedes all prior directives and orders inconsistent therewith.

By Order of:

**Rich Lockhart
Chief of Police**