

# DALTON POLICE DEPARTMENT

		<i>Effective Date</i> <b>November 23, 2010</b>	<i>Number</i> <b>GO10-5.3</b>
<i>Subject</i> <b>Conducted Energy Weapons</b>			
<i>Reference</i> <b>CALEA Standards – 1.2.2, 4.1.4, 4.1.5, 4.3.1, 4.3.2, 4.3.4</b>		<i>Revised</i> <b>June 22, 2021 June 27, 2023</b>	
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## I. Policy

It is the policy of the Dalton Police Department to utilize conducted energy weapons as a less-lethal option for responding to resistance to lawful law enforcement activities.

## II. Definitions

- A. *Active Resistance* – The use of non-assaultive physical measures by an unarmed person, including flight, to resist and or prevent an Officer from gaining control.
- B. *Conducted Energy Weapon (CEW)* – A hand-held, battery-operated device designed to deliver electrical pulses across two electrodes to over-stimulate the motor nerves causing uncontrollable muscle contractions and reduced ability to perform voluntary movements.
- C. *Elevated Risk Population Groups* – Individuals who are potentially at greater risk of injury or death following an exposure to a CEW, including those who reasonably appear or are known to be elderly, medically infirm, pregnant, users of internal cardiac devices, or who have low body mass, such as small children.
- D. *Exigent Circumstances* – Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.
- E. *Passive Resistance* – A refusal by an unarmed person not reasonably perceived to be an immediate threat or flight risk to comply with an Officer's verbal commands or physical control techniques that does not involve the use of physical force, control, or resistance of any kind.
- F. *TASER* – The brand of CEW, produced by Axon Enterprise, Inc., that is utilized as a less-lethal weapon by the Department.

## III. Authorized Users and Training Requirements

### RESTRICTED LAW ENFORCEMENT DATA

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- A. Officers that have successfully completed the Department-approved CEW training shall be authorized to carry and use the Department-issued CEW in compliance with this directive.
- B. All Department CEW training shall be taught by a certified CEW instructor and documented in each Officer's training file.
- C. Officers attending initial CEW training shall be issued a copy this policy to be reviewed by the certified CEW instructor. This instruction shall be documented, and the documentation shall be forwarded to the Training Coordinator.
- D. Prior to an Officer carrying a CEW, the weapon shall be reviewed, inspected, and approved by a certified CEW instructor.
- E. All Officers that are issued a CEW shall receive annual refresher / in-service training. This training shall require the Officer to demonstrate proficiency in using the CEW.
- F. If an Officer fails to demonstrate proficiency with the CEW, the Officer shall not be authorized to carry the CEW until remedial training is completed and proficiency achieved. The Training Coordinator shall be responsible for coordinating the remedial training with the Officer, as outlined in policy GO88-2.11, Training.

IV. **Weapon Readiness**

- A. All Department-issued CEWs shall be carried in a Department-approved holster.
- B. Uniformed Officers shall carry the CEW holster on the support side (opposite of the duty firearm) of their duty belts in a cross-draw position.
- C. Non-uniformed Officers shall carry the CEW holster on their support side (opposite of the duty firearm) or on a tactical vest in a cross-draw position.
- D. The CEW shall be carried fully armed, with the safety switch placed in the safe position, in preparation for immediate use.
- E. The CEW shall be inspected and tested prior to each tour of duty to ensure the operability of the device. The testing procedure shall consist of a full, five-second spark test of the CEW.
- F. The CEW shall be pointed at the ground in a safe direction, with the safety switch placed in the safe position, during loading, unloading, handling, or inspecting of the device. During the testing procedure, the CEW shall be pointed at the ground in a safe direction.
- G. If a CEW is determined to be unsafe or not operational, the Officer shall immediately notify his / her Supervisor.
  - 1. If another CEW is available, the Officer shall be issued a replacement weapon after it has been reviewed, inspected, and approved by a certified CEW instructor.

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2. If there is not a replacement available, the Supervisor shall determine if the Officer can continue to work in a sworn capacity without a CEW.
  3. The Supervisor has the authority to allow the Officer to borrow an operable CEW from another Officer or Supervisor until a replacement becomes available.
- H. Modifications and repairs to the CEW shall only be performed by a trained technician and consistent with the manufacturer's recommendations. Only manufacturer-approved battery power sources shall be used in the CEW.

V. **Unintentional Discharge**

- A. An unintentional discharge of the CEW shall be immediately reported to the Officer's Supervisor, and a report of the incident shall be made within twenty-four (24) hours.
- B. After an unintentional discharge, the Officer shall turn over the CEW to his / her Supervisor. The Officer is not authorized to carry a CEW until he / she demonstrates proficiency with the weapon during a documented remedial training session conducted by a certified CEW instructor.
- C. After completing the remedial training session, the documentation shall be forwarded to the Training Coordinator to be filed in the Officer's training file.

VI. **De-escalation**

- A. De-escalation tactics and techniques are actions used by Officers, when safe and feasible without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance.
- B. When safe, feasible, and without compromising law enforcement priorities, Officers shall utilize de-escalation tactics, such as those listed in policy GO88-5.1, Use of Force, in an attempt to reduce the need to use force.
- C. Officers are not authorized to point the subject with the CEW's lasers as a mere de-escalation tactic. The pointing of the CEW at another person is viewed by this Department as a use of force and shall be reviewed by a Supervisor as such.
- D. Officers should utilize a contact and cover approach to de-escalation tactics in which one Officer focuses on communication with the subject while other Officers are positioned to quickly respond with lethal and / or non-lethal force, if necessary.
- E. The Watch Commander or other Supervisor shall respond to any incident in which prolonged attempts to de-escalate a situation are occurring.
- F. De-escalation tactics shall not be attempted if the safety of Officers or others may be jeopardized.

VII. **Procedures**

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- A. The Department-issued CEW is the X2 Advanced TASER. The specifications for the Department-issued cartridge are listed in Appendix A.
- B. The decision to use a CEW shall be dependent upon the actions of the subject, the threat facing the Officer or others, and the totality of the circumstances surrounding the incident. Because the CEW's function is to cause neuromuscular incapacitation, which leaves a subject unable to brace or soften falls, Officers shall weigh the risk of injury to the subject versus the need to secure the subject through the use of the CEW, especially if the subject is fleeing on foot.
- C. Officers must assess the effectiveness of each application of the CEW and determine whether further applications are warranted or a different tactic should be employed.
- D. The CEW is authorized to be used:
  - 1. To protect the Officer or others from a reasonably perceived immediate threat of physical harm from the subject to be exposed to the CEW
  - 2. To restrain or subdue an individual who is actively resisting or evading arrest
  - 3. To bring an unlawful situation safely and effectively under control
- E. The CEW shall not be used:
  - 1. On subjects who only offer passive resistance and are not reasonably perceived as an immediate threat or flight risk.
  - 2. On subjects in restraints, except as objectively reasonable to prevent their escape or prevent immediate bodily injury to the subject, the Officer, or another person; however, in these situations, only the minimal amount of force necessary to control the situation shall be used.
  - 3. When the Officer has a reasonable belief that deployment of the CEW may cause serious injury or death from situational hazards, such as falling, drowning, or igniting of a potentially explosive or flammable material or substance, except in situation where deadly force would be justified.
  - 4. When the subject's movement or body positioning prevents the Officer from aiming or maintaining appropriate body part targeting, unless the risk of increased injury to the subject is justified because of a reasonably perceived threat or flight risk.
  - 5. As a mere tactic for coercion or intimidation, to escort or prod a subject, or to awaken unconscious or intoxicated subjects.
  - 6. In situations where deadly force is clearly justifiable, unless another Officer is present and prepared to use deadly force to protect the Officers and any bystanders, as necessary.

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- F. Officers shall be aware of the general concerns present when a CEW is used on a member of an elevated risk population group. Officers are not prohibited from using a CEW on such persons but shall limit its use to those exceptional circumstances where the potential benefit of using the device reasonably outweighs the enhanced risks involved.
- G. Unless exigent circumstances exist, Officers shall not intentionally deploy more than one CEW simultaneously against a subject.
- H. Unless exigent circumstances exist, Officer shall not deploy the CEW at or from a moving vehicle.
- I. Unless exigent circumstances exist, Officers shall not deploy the CEW at a subject that is evading arrest by fleeing on foot while that subject is traveling across any terrain, such as asphalt, concrete, or gravel, that would present a greater risk of injury to the subject if that subject were to become incapacitated from the force used.
- J. In preparation of deploying the CEW probes, when reasonable to do so, the CEW shall be pointed in a safe direction, the safety switch placed into the armed position, and aimed at the subject.
  - 1. Fixed sights should be used as the primary aiming device and the laser dots used as the secondary aiming device.
  - 2. On a subject's rear, the preferred target zone is below the neck, which includes large muscle groups in the back. On a subject's front, the preferred target zone is the lower torso, which includes large muscle groups in the upper legs. If possible, the Officer should try to "split the beltline" to increase the potential for neuromuscular incapacitation.
  - 3. CEW probes shall not be intentionally fired at a subject's face, head, neck, chest area, groin, genitals, or known pre-existing injury areas, unless the use of deadly force is justified.
  - 4. Prior to deploying the CEW probes, when reasonable to do so, a verbal warning shall be given to the subject and other Officers that the weapon is about to be used, and a reasonable amount of time shall be allowed for the subject to comply with commands.
  - 5. Immediately prior to deployment, the Officer shall visually and physically confirm that the device selected is a CEW and not a firearm.
- K. The X2 Advanced TASER is designed to load two (2) cartridges at the same time. If the first cartridge's wire leads break during engagement, the probes miss their target, or there are multiple subjects, the second cartridge may be deployed.
- L. During and immediately after the initial five-second cycle of the CEW, the Officer shall verbally give instructions for the subject to follow.

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1. The Officer should be aware that a subject that is being exposed to a CEW might not be able to respond to commands during or immediately following the exposure.
  2. The Officer shall allow a reasonable amount of time to assess the effectiveness of the cycle and to give the subject the opportunity to comply with the instructions given.
  3. The Officer shall evaluate, under the totality of circumstances presented, whether additional cycles are reasonably necessary and whether additional cycles appear reasonably likely to be effective in accomplishing the Officer's lawful objectives. The evaluation shall include consideration of the enhanced risks to subjects exposed to multiple and / or prolonged CEW cycles.
  4. The Officer should consider deploying a second cartridge or transitioning to alternative force options if the Officer reasonably perceives that the subject has not responded to the CEW in the anticipated manner based on training and experience.
  5. To reduce the number of cycles and duration of exposure, the subject should be secured as soon as practical while exposed to the CEW cycle or immediately thereafter.
- M. Using the drive-stun application of the CEW is discouraged except in situations where the probe deployment is not possible. If the initial drive-stun application is not effective, the Officer shall reassess the situation and consider other available options.
- N. Additional Safety Considerations
1. Officers are prohibited from loaning CEWs to any person that is not a sworn Department member who is certified to carry a CEW. CEWs may be handed-off or loaned to another sworn Department member only in emergency situations.
  2. Officers, to whom a Department CEW is issued, are responsible for the safety and security of the weapon while in the Officers' possession.
  3. Officers shall secure their Department-issued CEW out of the reach of children and others not familiar with the use and danger of the weapon to prevent possible injury to family members and others.
  4. Officers should be aware of the great burden of responsibility and liability that accompany the issuance of Departmental CEWs.

### VIII. **Post-Deployment**

- A. Any subject that has been exposed to a CEW deployment, whether through the probes or a drive-stun, shall be evaluated by EMS, if in the field, or by trained medical staff, if at a medical facility.

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- B. Any subject that has been exposed to a prolonged application of the CEW (more than fifteen (15) seconds), shall be transported to the hospital emergency room to be evaluated by trained medical staff. The medical staff shall be notified by Officers that the subject has been exposed to a prolonged CEW application.
- C. After the CEW has been deployed against a subject, the probes should be removed from the subject as soon as practical after the subject is handcuffed and secured.
  - 1. If there is an indication that there is a serious injury or complications from exposure to the CEW, EMS shall be summoned to the scene to evaluate the subject prior to the probes being removed.
  - 2. If the CEW probes have penetrated the subject's skin in a sensitive area, including the head, neck, groin, or breast of a female, or the Officer has difficulty removing all or part of the probes, the subject shall be transported to the hospital emergency room to have the probes removed.
  - 3. If the CEW probes are embedded in non-sensitive areas, a trained Officer may remove them. **The officer shall inspect the probes after removal to ensure that the probes are still intact.**
  - 4. With the subject's consent, photographs of the affected areas, whether due to probe deployment or drive-stun, shall be taken. Those photographs shall be saved in the Department's Records Management System and copies attached to the Supervisory Review of Use of Force report.
- D. All subjects that have been exposed to an application of the CEW shall be monitored while in custody, even if the subject has received medical care.
- E. When the CEW probes have been deployed in a use of force incident, the Officer shall collect the used cartridge, wire leads, probes, and AFID tags as evidence and submit them to the Property and Evidence Section.
- F. Upon arrival at the Whitfield County Sheriff's Office, the transporting Officer shall notify detention personnel that the subject has been exposed to a CEW application, the type of CEW application used, if medical treatment has been provided to the subject, and if the subject has suffered any injuries or complications from the exposure.

IX. **Reporting**

- A. A Supervisory Review of Use of Force report shall be completed any time a CEW is deployed or pointed at a subject, except while in training. The review shall contain, at a minimum:
  - 1. The Officer's approximate range from the subject at which the CEW was deployed
  - 2. The point(s) of impact on the subject

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3. The number of five-second cycles used
  4. The type of clothing encountered by the probes
  5. The serial number of the CEW used
  6. The serial number of the cartridge(s) used
  7. The type of discharge by the CEW (probe deployment, drive-stun, or both)
  8. An evaluation of the effectiveness of the CEW
  9. Post-deployment actions taken by the Officer(s)
  10. If aware, a description of any injuries sustained by the subject or Officer(s) as a result of the response to resistance
- B. The Watch Commander or other Supervisor shall be notified, as soon as practical, of the deployment of a CEW. If available, a Supervisor shall respond to the location of the incident to conduct a review of the use of force, as outlined in policy GO88-5.1, Use of Force.
- C. As part of the review process, a Supervisor shall download the CEW prior to the end of the shift in which a CEW incident occurs and attach the recorded data to the review form.
- D. Officers shall document in an incident / supplement report the facts and circumstances that justified their use of the CEW. Specific justification shall be documented when the CEW has been used in any of the following manners:
1. In a drive-stun mode.
  2. The subject is exposed to more than three (3) cycles or longer than fifteen (15) seconds.
  3. The subject is exposed to more than one (1) simultaneous CEW exposure.
  4. The CEW is used on an individual in an elevated risk population group.
- E. A CEW may also be effective against aggressive animals. The same reporting protocols shall be followed when a CEW is deployed on an animal.

X. **Annual Download**

Supervisors shall annually download the data record of each CEW carried by those under their command, regardless of the usage of the CEW. The downloaded data shall be tabulated and a summary prepared for inclusion in the Department's annual use of force report.

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*This policy supersedes any previous policies issued.*

**BY ORDER OF**

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**CHIEF OF POLICE**

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## **Appendix A**

### **Dalton Police Department Specifications for Issued Conducted Energy Weapons and Cartridges**

**Item:** X2 Advanced Taser

**Description:** A hand-held, battery-operated, conducted energy weapon designed to temporarily incapacitate a subject by delivering electronic pulses to the person.

**Item:** X2 Advanced Taser Cartridges

**Description:** A 21 ft or 25 ft cartridge manufactured by TASER International and designed for use with the X2 Advanced Tasers.

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