

BRISTOL CT POLICE DEPARTMENT

TYPE OF DIRECTIVE: General Order	SUBJECT: Conducted Electrical Weapons (Taser)	EFFECTIVE DATE: February 1, 2015	
ISSUING AUTHORITY: Chief Brian Gould <i>Brian Gould</i>	POLICY NUMBER: 4.09	RESCINDS: N.A.	
DISTRIBUTION: All Sworn Personnel	REISSUE DATE: September 24, 2020	# OF PAGES: 5	
POSTC ACCREDITATION STANDARD: N/A			

PURPOSE AND SCOPE:

A. To establish Department policy governing the use of Conducted Electrical Weapons (CEW) by sworn members of the Bristol Police Department and to ensure compliance with applicable State statute(s) and regulations adopted by the Police Officer Standards and Training Council.

B. This policy is intended to provide guidance for proper deployment and use of a CEW by a police officer in the field. This policy is implemented via a Model Lesson Plan and related Instructor's Addendum compiled in conjunction with this policy as part of a Connecticut CEW Model Policy and Training Module. Public Act 14-149 requires the implementation of a State model policy to be adopted by all police departments.

LEGAL AUTHORITY: (Also see Use of Force Policy)

A. Officers are specifically granted the legal authority to carry weapons under C.G.S. 53-206 "while engaged in the pursuit of such officer's official duties."

B. The reasonableness of a use of force under this policy will be measured by standards established by the Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989). The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation, and not by the '20/20 vision of hindsight.'" The calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation. Factors relevant to the determination of reasonableness include the severity of the crime that the officer believed the suspect to have committed or be committing, whether the suspect presented an immediate threat to the safety of officers or the public, and whether the suspect actively resisted arrest or attempted to escape, along with any other fact or circumstance which reasonably bears upon the decision to use force.

DEFINITIONS:

A. **CONDUCTED ELECTRICAL WEAPON:** (Also referred to as an 'Electronic Defense Weapon' or 'EDW.' The CEW is a less than lethal weapon designed to disrupt a subject's central nervous system by deploying battery-powered electrical energy sufficient to cause uncontrolled muscle contractions and override voluntary motor responses.

B. **LESS-THAN-LETHAL FORCE:** A use of force which is not likely to cause death or serious physical injury.

C. **ACTIVE RESISTANCE:** Any physical act, or failure to act, undertaken by a subject, against an officer, that could reasonably interfere with or defeat a lawful attempt by the officer to gain physical control of the subject.

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D. **PASSIVE RESISTANCE:** The mere failure or refusal to cooperate with the lawful directions of a police officer by one or more unarmed, non-violent persons, such as in the case of an act of civil disobedience or a non-violent handcuffed prisoner.

E. **DEPLOYMENT:** The use of the CEW in drive stun mode and / or the firing of the probes. Also considered a deployment is the illumination of the laser sight onto an individual and / or the use of the warning arc. It does not include the mere removal of the CEW from the holster.

POLICY:

A. The use of the CEW is governed by the Bristol Police Department’s Use of Force policy and the terms of this policy. Each BPD Taser training session will include a review and instruction in the Department’s Use of Force Policy.

B. The Bristol Police Department issues, trains, and deploys the Taser brand of CEW. Those authorized and who have successfully completed a BPD authorized Taser training program can carry / deploy the Taser.

C. Any subject against whom a CEW is deployed shall be treated in accordance with the Medical Attention section listed below.

D. Beginning February 1, 2015, following any deployment of a CEW, a written Subject Aggression & Resistance Report will be generated and filed to accommodate CEW deployment tracking. Reports must be completed in their entirety and specifically describe the justification for the use of force, including events and communications leading up to the physical confrontation, the subject’s behavior, the environment in which the incident took place, and any injuries sustained by anyone during the event.

E. All written reports generated regarding the deployment of a CEW will be promptly reviewed by a supervisor to determine that the deployment of the CEW was appropriate. Should a determination be made by the supervisor that the deployment of the CEW was questionable or inappropriate, the matter shall be immediately referred for further review per Department policy. The findings regarding the deployment of the CEW shall be documented in the Subject Aggression & Resistance Report.

F. All sworn persons have access to the Departmental CEW policy and receive training as to its content prior to obtaining authorization to carry a CEW. CEW’s may only be deployed by sworn personnel who have satisfactorily completed this agency’s approved training.

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G. Beginning February 1, 2015, Officers will complete the POSTC EDW/CEW Annual Report Form (4th page of the Bristol Police Subject Aggression & Resistance Report) as required.

The BPD Records Division will be responsible for annually submitting page 4 to the State of Connecticut Criminal Justice Policy and Planning Division within the Office of Policy and Management no later than January 15th covering the preceding calendar year.

H. The Bristol Police Department will conduct an annual review of all CEW deployments in the field in order to evaluate policy compliance.

PROCEDURES:

WEARING OF THE CEW:

A. The device shall be carried in an approved holster on the side of the body opposite the service handgun if it is to be worn in a waist holster or a thigh holster. Officers not assigned to uniformed patrol may be authorized to utilize other Department-approved holsters and carry the device consistent with Department training and the requirement as set out in this paragraph.

B. The device shall be carried in accordance with manufacturer's recommendations and Department training. The CEW shall be pointed in a safe direction during loading, unloading, or when handled in other than an operational deployment.

C. Officers authorized to deploy the device shall be issued a minimum of one spare cartridge as a backup in case of cartridge failure, the need for redeployment, or in case the first cartridge's leads break during engagement.

The spare cartridges shall be stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer's expiration requirements.

Deployed cartridges can be replenished through the Shift Commander or the Training Division.

DEPLOYMENT OF THE CEW:

A. As soon as reasonably possible, a supervisor should be requested to respond to the scene of a potential or completed CEW deployment.

B. As in all uses of force, certain individuals may be more susceptible to injury. Officers should be aware of the greater potential for injury when deploying a CEW against persons of small stature irrespective of age, or those who the officer has reason to believe are pregnant, equipped with a pacemaker, the infirm, or those in obvious ill health.

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C. Upon discharging the device, the officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective.

D. The subject should be secured as soon as practical while disabled by the CEW to minimize the number of deployment cycles. In determining the need for additional energy cycles, officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure. Personnel should deploy the CEW for one standard cycle and then evaluate the situation to determine if subsequent cycles are necessary. Each application of the CEW should be independently justifiable. Officers should only deploy the CEW to the extent necessary to gain control of the subject.

E. Whenever possible, prior to a CEW deployment, a loud, clear warning of a CEW deployment should be made. When aiming the CEW at a subject, officers should adhere to the manufacturers preferred target zones whenever reasonably possible. Officers should take into consideration the capabilities and limitations of the CEW whenever employing it at close quarters.

F. A CEW should be aimed by use of the aiming laser(s) when possible. Fixed sights shall be used when the laser sight(s) are ineffective or as a secondary aiming tool.

G. The device may also be deployed in certain circumstances in a “drive stun” mode. Deployment of the CEW in drive stun mode, from a policy perspective, is no different than a cartridge deployment. It is important to note that when the device is deployed in this manner, it is primarily a pain compliance tool: is minimally effective compared to a conventional cartridge deployment; and is more likely to leave marks on the subject’s skin.

H. Officers should not intentionally activate more than one CEW at a time against a subject.

I. The CEW should not be deployed:

1. In a punitive or coercive manner;
2. On any subject demonstrating only passive resistance.
3. In any environment where an officer knows that a potentially flammable, volatile, or explosive material is present (including but not limited to OC spray with volatile propellant, gasoline, natural gas, or propane);
4. Where it is likely that the subject may drown or fall from an elevated area.

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MEDICAL ATTENTION:

A. Any subject against whom a CEW used (either drive stun or cartridge / probes) shall be evaluated by qualified medical personnel defined as: medical doctors, licensed nurses, or EMS responders at the level of EMT or higher.

B. Police officers shall not remove probes which have implanted on a subject's body.

C. The following persons shall be transported to a hospital for examination following exposure to a CEW. Any person who:

1. Loses consciousness, exhibits irregular breathing or is known to be under the influence of drugs or medications;
2. Is hit in a sensitive area (e.g., face, head, female breasts, male groin);
3. Does not appear to recover properly after being energized;
4. Has been energized more than three times or has been subjected to a continuous energy cycle of 15 seconds or more;
5. Has had more than one CEW effectively used against him or her in any given incident;
6. Has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to CEW deployment;
7. Is in a potentially susceptible population category, including persons of small stature irrespective of age, the infirm, or those who the officer has reason to believe are pregnant, equipped with a pacemaker, or in obvious ill health;
8. Exhibits bizarre or violent behavior, including self-mutilation;
9. Is naked in a public place or exhibits signs of overheating;
10. Evidences slurring or slowness of speech;
11. Subject claims to have been injured or in medical distress.

REPORTING REQUIREMENTS

A. Each Officer deploying a Taser will complete the following:

1. BPD Subject's Aggression and Resistance Report including the State of CT Electronic Defense Weapon Annual Report section.
2. BPD incident report to include justification of use, description of injures, and medical assistance efforts. (This information will be included in the arrest / incident report – it does not have to be in a separate report).
3. Photographs of injuries.