

**VSP-DIR-421****Use of Conducted Electrical Weapons**

1.0 PURPOSE

1.1 This policy is intended to provide general guidelines for the use of the Electronic Control Device (ECD). For the purposes of this policy "Electronic Control Device" is synonymous with the current term of "Conducted Electrical Weapon" (CEW). The CEW will be used as an additional police tool and is not intended to replace firearms or other self-defense techniques. The CEW may reduce the need for other types of physical force by the member.

2.0 POLICY

2.1 Members may use a CEW only in compliance with the Vermont State Police's use of force policy, and only:

- (A) against subjects who are actively resisting in a manner that, in the member's judgment, is likely to result in injuries to others or themselves; or
- (B) if, without further action or intervention by the member, injuries to the subject or others will likely occur.
- (C) against animals, provided such use is necessary to deter vicious or aggressive behavior that threatens the safety of the member or others. CEWs shall not be used on animals in any other circumstance.

2.2 CEWs shall be used in a manner that recognizes the potential additional risks that can result from situations:

- (A) involving persons who are in an emotional crisis that may interfere with their ability to understand the consequences of their actions or to follow directions;
- (B) involving persons with disabilities whose disability may impact their ability to communicate with a member, or respond to a member's directions; and
- (C) involving higher risk populations that may be more susceptible to injury as a result of conducted electrical weapons.

2.3 Neither a member, a subject, nor a third party has actually to suffer an injury before the member is permitted to use a CEW, and members are not required to use alternatives that increase the danger to the public or themselves.

2.4 When it is safe to do so, members shall attempt to de-escalate situations and shall provide a warning prior to deploying a CEW, as set out by subsection 3.1(3), below.

2.5 The use of CEWs (as well as the training for such use) shall comply with all recommendations by manufacturers for the reduction of risk of injury to subjects, including situations where a subject's physical susceptibilities are known.

2.6 Only members who have attended and obtained certification by a Department approved training program may carry the CEW while on duty. Certification records will be kept on file at the Office of Professional Development.

2.7 Only CEWs that have been authorized for use by the department and have been inspected for proper functioning may be used while on duty.

2.8 CEW recertification training by members assigned a CEW will occur annually based upon the manufacturer's recommendation.

2.9 CEWs are not to be carried or used by a member who is off duty.

3.0 PROCEDURE

3.1 Use and Deployment Procedures

(1) Only properly functioning and charged CEWs shall be carried for use. The CEW will be worn on the duty belt in a cross draw fashion on the opposite side of the duty belt that the Department service weapon is carried.

(2) With the exception of the daily spark test and accidental discharges, each time the CEW is actively displayed at a person for the purpose of influencing an subject's behavior it must be documented on the Vermont State Police Use of Force report. Accidental discharges shall be documented on a departmental memorandum explaining in detail how it occurred and submitted through the member's chain of command. A copy of the memorandum shall be e-mailed to: Taser@vermont.gov to address training issues.

(3) When it is safe to do so, prior to the use of the CEW members should display the CEW and verbally notify those on the scene by saying "Taser/Taser/Taser" indicating the use of the CEW is imminent.

(4) At the beginning of each shift, members shall initiate a spark test on the CEW to ensure it is in good operating condition. CEWs that are not

functioning properly shall be taken out of service and sent to the Department armorer for repair.

3.2 Tactical Considerations and Limitations

(1) CEWs are less-lethal, but not necessarily nonlethal, alternatives to lethal force. The CEW should be used in conjunction with the ability to reasonably apply lethal force.

(2) Special consideration must be given to special populations that may be more susceptible to injury from CEW use, including but not limited to: the elderly, children, and those who the member has reason to believe are in ill health or are pregnant.

(a) Persons with cognitive impairments shall be included within special populations identified as requiring special consideration before being subjected to the use of an CEW.

(b) For the purposes of the policy, a person with cognitive impairments shall be defined as a subject whom the officer, based on training, experience and other available information, perceived to be a person with a disability detrimentally impacting the ability of the person to communicate, to move voluntarily, to understand or to comply with directions.

(c) CEW use shall be authorized if a person with cognitive impairment has a weapon or presents an articulable, imminent risk of harm to self or others, and without further action by the member, injuries to the subject or others will likely occur.

(3) A member should use a reasonable number of CEW "cycles" in order to gain a subject's compliance.

(4) No more than one member should deploy a properly functioning and effective CEW against a single subject at the same time.

3.3 Do not use the CEW in any of the following situations

(1) CEWs are not to be used in a punitive or coercive manner, and shall not be used to awaken, escort, or gain compliance from passively resistant subjects.

(2) CEWs are not to be used on any subject who is in contact with or in the presence of highly flammable or combustible materials and liquids (including but not limited alcohol-based chemical sprays).

(3) Members should attempt to avoid the facial area of the head, neck, groin and female breast. Consideration should be given to the preferred target area of the center mass of a subject's back or lower center mass of a subject's front side.

(4) CEWs are not to be used on any person that is shackled and/or handcuffed, unless there is an immediate threat to the member, subject or bystander, or unless active resistance by the subject cannot otherwise be controlled.

(5) CEWs are not to be used in an environment where the subject's fall could reasonably result in death or serious bodily injury, or where the subject is operating a motor vehicle.

(6) The act of fleeing or destroying of evidence, in and of itself, does not justify the use of an CEW.

3.4 Post Use Procedures

(1) After securing the subject in handcuffs, the CEW probes will be removed using the prescribed methods. However, if the probes are imbedded in soft tissue such as the neck, face, female breast area or groin, the member shall require the subject to be treated at a medical facility by medical personnel. The probes are #8 straightened fish hooks that penetrate a maximum of 1/4 inch.

(2) Members will have medical personnel at a medical facility examine all subjects who fall under any of the following categories:

(A) The subject has an obvious injury, which, in the opinion of the deploying member requires treatment.

(B) The subject requests medical treatment for an injury, whether obvious or not.

(C) The subject does not appear to recover properly after deployment.

(D) The subject has been the subject of three or more Taser deployments, or a continuous deployment exceeding 15 seconds.

(3) Members shall comply with department infection control policies when removing or handling used probes (VSP-DIR-315)

(4) Members will complete a CEW Deployment Advisory Questionnaire (DPS 294A) after each deployment.

(5) Members who utilize/deploy the CEW, must submit a copy of Use of Force Report (DPS 294) within 24 hours to the members chain of command. The narrative portion of the 294 Form, any supporting documents and DVDs shall be submitted within 72 hours of the incident to the Field Force Administrative Assistant, via the chain of command, giving the details of the incident and commenting on the effectiveness of the CEW. Members shall report all incidents involving the use of an conducted electronic weapon, to the Criminal Justice Training Council in a form to be determined by the Council.

(6)The original Use of Force Report and DVDs (if applicable) shall be filed with the case at the local level.

(7) All Data from the CEW shall be downloaded prior to replacing the DPM (battery) and emailed to: TASER@vermont.gov.

(8) In the event that a member deploys his/her CEW in the field, the data stored in the CEW will be downloaded and include the time period for the past month up to the deployment as soon as possible. This downloaded information will be attached to the Use of Force Form submitted by the member who deployed the CEW. A copy of the Use of Force report and download shall be emailed to: TASER@vermont.gov as soon as possible.

(9) Members shall make a reasonable attempt to collect all probes and expended cartridge(s) after a CEW deployment. The deployed probes and expended cartridge(s) will be secured and stored in permanent evidence at the respective station until the case has been resolved and the statute of limitations has expired in accordance with training guidelines.

(10) Photographs of the CEW probe entry sites shall be taken (when possible) prior to releasing the subject from custody.

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The Vermont State Police Manual is not intended to apply in any criminal or civil proceeding outside of internal Department proceedings. No policy included in this publication should be construed as creating a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.