

CHAPTER 10.0

ARRESTS, DETENTION, PRISONER PROCESSING AND TRANSPORTATION

10.3 LESS LETHAL WEAPONS

10.3.1 General Regulations/Authorized Less Lethal Weapons

These procedures on the use of less lethal weapons shall be read and interpreted with and subject to the provisions of C.G.S. 53a-22 and Chapter 10.1 of the department directive manual, Response to Aggression/Resistance. Officers should especially be familiar with and understand directive 10.1.2, paragraph G, use of force continuum.

Less lethal force is a force which is less likely than a firearm to cause death or serious physical injury. Less lethal weapons offer an alternative to resolve an incident in a less lethal manner, and to protect both officers and others from harm, to include the subject on whom the weapon is being used. Officers are specifically granted the legal authority to carry and use weapons under C.G.S. 53-206 while engaged in the pursuit of such officer's official duties.

Only officers who have demonstrated a proficiency in the use of less lethal weapons shall be authorized to carry such weapons. Officers shall be trained and evaluated at least once each year on their proficiency in the use of the Taser CEW. Officers shall be trained at least every two years with the baton and pepper spray. Officers not meeting proficiency standards shall be remediated pursuant to directive 10.2.3. Training shall be monitored and documented by a certified weapons instructor.

The authorized less lethal weapons for the Coventry Police Department are:

- oleoresin capsicum, 1.47 oz. size, 4% solution.
- the ASP 26 inch friction-lock expandable baton or the Manadnock Autolock 26" baton
- the Taser Model X26 or X26P conducted electrical weapon (CEW)

Officers who use oleoresin capsicum (pepper spray), a Taser CEW, and/or an expandable baton, shall file a detailed written report of the incident to include the nature of the act which justified the use of said methods/devices. Reports must specifically describe the events leading up to the confrontation, the subject's behavior, the environment in which the incident took place and any injuries sustained by anyone during the event. In addition, a Response to Resistance/Aggression report (CPD form 001) shall be completed as soon as possible after the event.

Medical assistance shall be provided and/or summoned for any person affected by a less than lethal weapon (including pepper spray). If the person refuses transport, note the refusal in the written report. Medical assistance shall be summoned for any person taken into custody who has been affected by a less lethal weapon. If treatment is refused, include the name of the medical personnel who accepted the refusal in the written report.

Officers who take a person into custody who has been affected by a less than lethal weapon shall notify the dispatcher in addition to the on duty supervisor. Dispatch personnel shall monitor detainees who have been affected by a less lethal weapon and ensure that the detainee receives additional medical treatment if necessary or requested.

When a complaint is made related to the use of any less than lethal weapon the civilian complaint procedure shall be followed.

10.3.2 Oleoresin capsicum (pepper spray)

Oleoresin capsicum shall only be used in those circumstances in which the use of force is justified and then only to the extent necessary to effect an arrest. Oleoresin capsicum shall never be used indiscriminately or punitively and shall not be applied to any person once that person is under control.

Officers shall carry only pepper spray that has been issued by the department. The agency shall issue only pepper spray that does not contain volatile propellant that may be ignited by Conducted Electrical Weapons. Pepper spray shall be carried at all times when on uniform patrol. It is the officer's responsibility to report damaged or expired units to their supervisor for repair or replacement.

Officers are cautioned against using pepper spray at a distance of less than three (3) feet to avoid contaminating themselves. Officers must also take into consideration the environment before using pepper spray, (i.e. ventilation, bystanders, other officers).

Pepper spray shall be applied in quick bursts to the area of the face, specifically the eyes, nose and mouth. Officers should attempt to control the subject with the least amount of pepper spray necessary. It is recommended initial applications be made in two (2) quick bursts. If the application of pepper spray fails to subdue the subject, the officer should consider other means that are in compliance with departmental regulations and law.

After gaining control of a subject that has been affected by pepper spray, officer's shall monitor and verbally reassure that person that they are safe and will recover from the effects if they remain calm and try to breath normally. Initial treatment can begin by moving exposed subjects to fresh air and flush the contaminated areas with large amounts of cool water. If any subject(s) sprayed with pepper spray is wearing contact lenses, they should be permitted to remove them. When handling a subject whose clothing has been contaminated by the pepper spray, precautions should be taken that the dried oleoresin capsicum residue does not get transferred and contaminate the officer. Contaminated clothing should be removed and a change of clothing arranged for the subject as soon as possible. Medical attention for persons affected by pepper spray shall be handled according to the provisions of this directive under general regulations. Persons exposed to pepper spray should be seated in an upright position whenever possible and their condition monitored to reduce the possibility of positional asphyxia.

10.3.3 Expandable Baton

Members of the department shall be issued a 26 inch expandable baton which shall be carried when on duty in a uniform patrol assignment. The officer may choose to carry either the ASP friction-lock baton or the Manadnock Autolock baton.

The officer may choose to carry the baton either on their duty belt in an approved holder or carry the baton readily accessible in their equipment bag carried with them in a police vehicle.

Members of the department are required to complete the basic certification course in the use of the expandable baton at the POST Training Academy or be certified by department instructors in the use of the expandable baton.

The expandable baton is more versatile and effective when the structural weaknesses of the human body as demonstrated during training is considered. Only strike non-lethal areas unless deadly physical force is justified by the circumstances. Whenever lethal force is not justified, avoid a person's head and neck area entirely as per training received.

10.3.4 TASER Model X26 or X26P Conducted Electrical Weapon

Definitions

Anti-Felony Identification Device (AFID): AFID are confetti-like identification tags. Each cartridge contains up to forty (40) identification tags that are ejected when the CEW is discharged. The tags contain the serial number of the cartridge used, allowing for identification of the officer assigned to the cartridge.

Air Cartridge: A single-use item that contains compressed nitrogen, AFID tags, two darts and the insulated wires. It is identified with a tamper-resistant serial number.

Conducted Electrical Weapon (CEW) – A Less lethal weapon designed to disrupt a subject's nervous system by deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override voluntary motor responses. The CEW may also be used in the drive-stun mode which is designed for pain compliance techniques.

Data Port: The CEW is designed with a data port located on the back of the unit. This data port allows for the downloading of the usage record of that weapon.

Drive Stun: The process of utilizing the CEW as a pain compliance technique. This is done by activating the CEW and placing it against an individual's body. This can be done without an air cartridge in place or after an air cartridge has been deployed.

Extended Digital Power Magazine: Lithium battery power pack with extra cartridge holder.

Taser: A brand name for a non-lethal Conducted Electrical Weapon (CEW) device that utilizes a battery-powered electrical discharge that disrupts the body's ability to communicate messages from the brain to the muscles, causing motor skill dysfunction. Upon deployment, an air cartridge uses compressed nitrogen to project two probes into the targeted offender. The probes are attached to the power source by insulated wire leads.

Carry Procedures

The Taser X26 or X26P shall be carried only by sworn personnel in an agency approved holster consistent with the officer's training. The officer may choose to carry the device in an approved holster on his or her duty belt or in a thigh model drop holster. Regardless of which holster is used, the Taser shall be carried on the side of the body opposite that of the handgun. Only cartridges manufactured by Taser International with a 25 foot cartridge shall be used. The device shall be carried with the safety on.

If an officer chooses to carry the Taser on the holster, the Taser shall be equipped with an Extended DPM (Digital Power Magazine) inserted into the device and a cartridge loaded into the deployment port. An additional cartridge will be carried on the extended DPM. If the officer chooses to use the thigh model drop holster, the Taser shall be equipped with a standard DPM (Digital Power Magazine) and two extra cartridges shall be carried in the holster.

Officers will perform a readiness check of the device prior to their tour of duty to determine if there is sufficient battery strength for deployment.

Each Taser will be inspected semi-annually by a Taser certified instructor to ensure the device continues to be functionally and operationally safe. If at any time, a member of the department discovers a Taser to be defective or unsafe, that Taser shall be removed from use and the department Taser instructor will be notified in writing as soon as possible. The defective Taser will not be returned to service until the Taser is brought back to safe and proper operating condition.

Officers shall ensure that they point the Taser in a safe direction when loading, unloading or testing the device.

Officers may take the Taser home along with the other equipment on their duty belt if they choose, but they may not wear the Taser while off duty or bring it anywhere other than their home or vehicle. It may be used only for lawful and authorized purposes.

Deployment

Officers shall deploy the Taser consistent with law, the agency's Response to Aggression/Resistance policies, and the training the officer received. When other officers are present, the loud verbal command of "Taser" shall be given by the deploying officer prior to deployment, when feasible.

The device may also be used in certain circumstances in a 'drive stun' mode. Use 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 used 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. The drive stun technique may be an option if deployment of the air cartridge was ineffective.

Consistent with training, the Taser may also be deployed by utilizing the laser pointing device or by conducting a 'spark test' without a cartridge in order to warn a subject that deployment of the Taser is imminent. Using the Taser in either of these manners is intended to stop aggressive behavior. Like any force option tool, the CEW (Taser) shall not be drawn or displayed unless its use is authorized or authorized use appears imminent.

When aiming the CEW at a subject, officers should adhere to the manufacturer's preferred target zones whenever reasonably possible. The CEW should be aimed by use of the aiming laser when possible. Fixed sights shall be used when the laser sights are ineffective or as a secondary aiming tool. Upon deploying the CEW, the officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective. Each trigger pull of the Taser that the officer deploys on a subject is considered a separate use of force and must be legally justified. In determining the need for additional cycles of the CEW, officers shall evaluate whether the use of force is still justified and necessary.

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.

As soon as reasonably possible, the on-duty supervisor shall respond to the scene of a potential or completed CEW deployment. If there is no supervisor on-duty, the senior officer on duty shall be requested to respond.

After deployment, the deploying officer shall ensure that the probes, cartridge, wire leads and AFIDS are collected if feasible or if needed as evidence.

The Taser shall not be used:

- in a punitive or coercive manner
- on a handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion
- in proximity to flammable liquids, gasses, blasting materials or any other highly combustible materials that may be ignited by the device
- In any environment where the subject's fall could reasonably result in death (such as in water or on an elevated structure)

Officers should, if possible, and time permits, obtain backup before using the Taser to control the subject. The Taser should not be pointed at any individual unless the officer involved reasonably believes it may be necessary to use the device.

As in all response to aggression instances, certain individuals may be more susceptible to injury. Officers should be aware of the greater potential for injury when using the Taser against:

- pregnant women
- children, or those under eighty pounds
- elderly or persons with apparent debilitating illness
- persons having known heart problems
- persons in wheelchairs or in control of a vehicle
- individuals with known neuromuscular disorders such as muscular sclerosis, muscular dystrophy or epilepsy

Medical Treatment

Officers deploying the Taser by energizing a subject will provide and/or summon qualified medical assistance as necessary and appropriate for the given situation. In the event a subject is injured as the result of the use of the Taser, this shall be documented in the case report. If the darts are lodged into the skin of a subject, the ambulance will be summoned for medical assistance. Darts which have become dislodged from an affected subject will be handled using universal precautions. If visible injuries are sustained as a result of the use of the Taser, photos shall be taken of the injuries and preserved as evidence.

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

- Loses consciousness, exhibits irregular breathing or is known to be under the influence of drugs or medication
- Is hit in a sensitive area (e.g., face, head, female breasts, male groin)
- Does not appear to recover properly after being energized
- Has been energized more than three times or has been subjected to a continuous cycle or 15 seconds or more

- Has had more than one CEW effectively used (energized) against him or her in any given incident
- Has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to CEW deployment
- Is in a potentially susceptible population category, including children, the elderly, persons of small stature irrespective of age, or those who an officer has reason to believe are pregnant, are equipped with a pacemaker, or in obviously ill health
- Exhibits bizarre or violent behavior, including self-mutilation
- Is naked in a public place or exhibits signs of overheating
- Evidences slurred or slowness of speech
- Subject claims to have been injured or in medical distress.

Reporting and Review Requirements

Officers deploying the Taser shall notify a supervisor as soon as possible. Officers deploying a Taser will complete CPD Use of Force/Response to Aggression Form 001 and attach it to the case report. In addition, the officer is required to contact the firearms instructor to download the Taser usage report using the data port download system in the sergeant's office. The officer completing the download shall print a copy of the report and submit it with the Use of Force report.

In addition to the Use of Force/Response to Aggression Form,, the officer is required to complete a narrative report specifically describing the justification for the use of force including events leading up to the use of force.

The immediate supervisor of the officer deploying the Taser shall promptly review the officer's report and the circumstance of the deployment. The supervisor shall make an evaluation on the appropriateness of the usage and make a determination of his or her findings. Should the supervisor determine that the deployment of the CEW was questionable or not consistent with agency policy, the officer's training and/or law, the supervisor shall immediately notify the chief of police for further action pursuant to agency policy. The supervisor shall fill out the corresponding section of the Use of Force/Response to Aggression form and forward it to the chief of police.

The chief of police is responsible for submitting any reports required by law regarding deployment of CEWs.