

	<b>SFASU POLICE DEPARTMENT</b>	
	<b>Policy 6.3 Less-than-Lethal Weapons</b>	
	<b>Effective Date: 12/11/2019</b>	<b>Updated: 05/04/2021</b>
	<b>Approved: John Fields, Jr. Chief of Police</b>	
	<b>Reference: TBP 3.04 / IACLEA 7.2.1</b>	

## I. POLICY

In the interest of public safety, the department provides officers with a range of less-than-lethal options. The department's policy intends to ensure that officers are properly trained in the use of non-lethal and less-than-lethal weapons, and that they will adhere to the department's policy for the circumstances of their use. Supervisors shall rigorously enforce departmental weapons standards.

All sworn personnel shall qualify at least every two years with departmental non-lethal and less-than-lethal weapons. Officers shall not carry or use any non-lethal or less-than-lethal weapon if they have not received training and been qualified. Officers will carry only those non-lethal and less-than-lethal weapons that have been approved by the department (TBP: 3.04).

## II. PURPOSE

The purpose of this policy is to establish procedures governing the issuance, training, care and maintenance, and proper use of non-lethal and less-than-lethal weapons as well as the standards that officers must meet to qualify for carrying and using such weapons.

## III. GENERAL PROCEDURES

### A. Approved Weapons

1. Non-lethal and less-than-lethal weapons currently approved by the department include:
  - a. ASP baton (personal issue)
  - b. Conducted energy weapon (CEW) (duty issue)
2. Based on the needs of the agency, the Chief of Police determines which non-lethal or less-than-lethal weapons will be used by the department.

3. Officers will not carry or use any weapon that has not been approved by the Chief of Police (IACLEA 7.2.1).

#### B. Security of weapons

1. Officers are responsible for the care and security of departmental weapons issued to them.
2. Officers shall make a written report of any weapon loss or malfunction to the Chief of Police via the armorer or supervisor.
3. Officers shall not use a weapon after it has malfunctioned until it has been repaired and approved for use by the armorer or supervisor.

#### C. Modification and maintenance of weapons

1. Departmental weapons shall not be modified or altered without written approval of the Chief of Police.
2. Any modification or alteration shall be in accordance with the manufacturer's recommendation.
3. Officers are responsible for cleaning and maintenance of the non-lethal or less-than-lethal weapons issued to them.
4. All non-lethal or less-than-lethal weapons shall be plainly distinguishable from lethal weapons.

#### D. Weapon inspections

1. Officers shall inspect issued weapons at the beginning of each duty assignment to ensure that they are in proper working order.
2. Supervisors shall inspect issued weapons at least monthly and shall document the inspections in a memorandum to the Chief of Police indicating which officers' weapons were inspected and the results of the inspection.
3. Weapons that fail inspection shall be returned to the armorer and not reissued to the officer until repairs are made.

## IV. QUALIFICATION REQUIREMENTS

### A. Required instruction and qualification

1. All department personnel shall receive training with any non-lethal and less-than-lethal weapons that they will carry.
2. Training shall cover the mechanics of the weapon, sound safety practices, and departmental policy governing the use of the weapon and the use-of-force.
3. Tactical considerations shall be a part of this training.
4. Officers will receive training and demonstrate proficiency (qualify) every two years on all departmental non-lethal or less-than-lethal weapons systems. Failure to qualify with a non-lethal or less-than-lethal weapons will be cause for remedial training. The officer will not carry or utilize the non-qualifying weapon until properly trained and qualified (TBP 3.04).
5. Instructors for any non-lethal or less-than-lethal weapon where the manufacturer recommends the instructors be certified before providing initial or refresher training shall be certified before providing the said training (TBP 3.04).

### B. Qualification rules

1. The firearms instructor or armorer shall be in charge at all times when officers are qualifying with non-lethal or less-than-lethal weapons.
2. The armorer will maintain records of each officer's qualifications with non-lethal and less-than-lethal weapons including:
  - a. The officer's name and identification number
  - b. The date of qualification and the name of the weapon system.

## V. ASP BATON

- A. The department authorizes the carrying and use of the ASP baton as the only striking weapon for officers. All other forms of striking or punching weapons are prohibited, including but not limited to saps, blackjacks, brass knuckles, slapjacks, nunchaku, and similar sticks.

- B. Flashlights carried by officers are not to be used as striking instruments, unless and to the degree that, the officer reasonably believes its use is immediately necessary to protect the officer from injury.
- C. Officers who carry the ASP shall be trained and demonstrate proficiency in its use. The weapon may be used in quelling confrontations involving physical violence where higher levels of force are unnecessary or inappropriate and lesser levels are inappropriate or ineffective.
  - 1. The ASP should not be used to strike handcuffed individuals or to threaten or intimidate people.
  - 2. Officers shall not raise the ASP above the head to strike a blow to a person's head.
- D. All uses of the ASP baton will be immediately reported to a supervisor and documented in an incident report as well as a use-of-force report.

## **VI. CONDUCTED ENERGY WEAPON**

### **A. Conducted Energy Weapon**

- 1. A conducted energy weapon (CEW) is used to electrically disrupt muscular control. It allows officers to quickly subdue a resisting subject without having to resort to the use of deadly force.
- 2. As with any other weapon, precautions must be observed in the use of CEWs. Any subject who has been controlled with the CEW must be monitored for any medical problems.
- 3. The duties of supervisors of officers issued the CEW include active supervision, maintaining managerial controls, and ensuring that officers are in compliance with this order.

### **B. Training and Qualification Procedures**

- 1. Only personnel who successfully complete the department's training course and demonstrate the required proficiency in the use of the CEW shall be certified and allowed to carry the CEW.

2. All training and qualification for the CEW shall be conducted by certified instructors.
3. It shall be the responsibility of the Taser instructor to train and certify all eligible officers on the proper techniques for using the CEW.
4. The Taser instructor shall be responsible for compiling and analyzing data from incidents involving the use of the CEW to identify training related needs and issues.
5. In order to maintain proficiency in the use of the CEW, all officers certified to carry the weapon shall receive mandatory in-service training annually.

#### C. Carrying the CEW

1. Certified officers shall carry the CEW on their duty belts.
2. The CEW shall never be left unsecured.
3. Only holsters approved by the training unit will be utilized.
4. The CEW shall always be carried on the side opposite the duty handgun.
5. Personnel issued the CEW shall be responsible for the proper maintenance and care of the weapon. This shall include periodically checking battery life and the expiration date of air cartridges, wiping away dirt and dust, and insuring the rubber stopper is secured on the data port.

#### D. Authorized Use of the CEW

1. The CEW may be utilized in situations when necessary to subdue a noncompliant subject when lesser means of control have not been successful and the suspect is physically resisting officers.
2. The act of verbal non-compliance shall not justify the use of the CEW weapon.
3. The CEW may be utilized to incapacitate a subject who poses an immediate threat of serious bodily injury or death to himself/herself, the officer, or others.

## E. Prohibited Use of the CEW

1. Use of the CEW is strictly prohibited under the following circumstances.
  - a. When flammable gases or liquids are known to be in close proximity to the subject.
  - b. Cumulative Exposure: No more than one officer at a time should activate a CEW against any person.
  - c. Where the suspect is at an elevated location and there exists risk of serious injury or death from a fall. This includes proximity to deep water or other similar locations.
  - d. On higher risk populations unless the situation would justify a high level of force, including deadly force, and the use of the CEW is an effort to avoid using the higher level of force. Higher risk populations refer to visibly pregnant females; young children or obvious juveniles; the visibly frail or infirm; elderly (over 65); those who appear to weigh less than 100 pounds. This requirement is promulgated out of an abundance of caution as there is no scientific evidence to suggest that higher risk populations have been clinically established to be at greater risk from CEW deployment than the general population.
  - e. Handcuffed prisoners, without the expressed authority of a supervisor. Exigent circumstances must exist, such as to prevent the subject from injuring himself or others and other means of control are ineffective or unavailable.
  - f. On a subject who is confined to a wheelchair unless it is objectively clear that CEW is needed to prevent serious injury to the individual and/or if deadly force is justified.
  - g. On a subject in control of a vehicle.
  - h. On individuals with known neuromuscular disorders, such as muscular sclerosis, muscular dystrophy, or epilepsy.
  - i. On persons known to be wearing pacemakers or other biomedical devices sensitive to electrical current.
  - j. On a person known to have a heart condition.

## F. CEW Deployment

1. Prior to deploying the CEW, whenever reasonable and practical, verbal warnings shall be issued to the subject, which will allow the subject the opportunity to comply with the officer's commands.

2. In situations where CEW use is a possibility, officers should consider requesting EMS before use.
3. Prior to deploying the CEW, the deploying officer shall announce the word **“Taser”**, **“Taser”**, **“Taser”** (a verbal notification consistent with the training received by the officer deploying the weapon) to alert others of the impending use of the weapon.
4. “Clear” shall be announced by the deploying officer subsequent to the use of the CEW and prior to affecting the arrest, so as to alert others that the weapon is no longer being deployed.
5. When activating a CEW, the officers should use it for one standard cycle and stop to evaluate the situation (a standard cycle is five seconds). If subsequent cycles are necessary, only the number and duration of cycles necessary to place the subject in custody will be used. Therefore, officers should consider that CEW exposure lasting longer than 15 seconds (whether due to continuous or multiple cycles) may increase risk of death or serious bodily injury. Therefore, applications of more than 15 seconds should be weighed against other force options.
6. Officers will be particularly alert for medical distress of the subject.
7. Officers should make every effort to avoid firing darts or directing the contact stun method at a subject's head, neck, front chest area, or genitalia. Preferred targeting is the center mass of the subject's back. Where back targeting is not possible, officers should avoid chest shots unless deadly force would otherwise be justified.
8. The CEW direct contact stun method may be utilized as an alternative deployment method when both probes fail to make contact with the subject and its effectiveness is reduced or the regular deployment method is either not possible or likely to be ineffective.
9. The CEW shall not be used in any manner that constitutes torture or torment.
10. It shall not be used to elicit statements, awaken an intoxicated subject, or punish any individual.

#### G. Post Deployment

1. Immediate Restraint: The subject will be restrained immediately to prevent additional resistance or injury. The subject will not be restrained in a manner that impairs respiration (move subject to a seated position). If other restraints are unavailable, the subject may be handcuffed in front using a belt or strap to secure the cuffs to the body.
2. Medical Monitoring. Emergency medical services (EMS) shall be requested to respond to all instances where the CEW has been deployed. The requesting officer shall monitor the subject until EMS personnel have arrived.
3. Supervisor Response. The on-duty supervisor or command officer will immediately respond to the scene of any CEW use. The supervisor will review the circumstances of the use and conduct a preliminary investigation.
4. Removal of Probes. CEW probes shall be removed as soon as possible. CEW probes that are imbedded in a subject's skin (as opposed to just clothing) shall be removed only by EMS personnel, other medical personnel, or police personnel who are trained in the removal of the probes.
5. Police personnel shall not remove CEW probes that have struck a subject's head, throat, groin, or any other sensitive area.
6. A CEW probe that has penetrated a person's skin shall be considered a biological hazard and shall be handled with the appropriate care.
7. All persons who have been subjected to a CEW activation should be monitored regularly while in police custody even if they received medical care.
8. Anyone subject to CEW deployment showing any signs of physical distress shall be transported immediately to a medical facility.

#### H. Reporting and Investigation

1. A use-of-force report shall be completed on all CEW incidents. Personnel must clearly articulate the reasons for the initial use and all subsequent cycle(s) in the use-of-force report. This includes the actual or threatened use of the CEW by an officer.
2. The supervisor responding to the scene shall conduct an immediate preliminary investigation that should include the following:
  - a. location and interview of witnesses (including other officers);



- b. photographs of subject and officer injuries;
  - c. photographs of cartridges/darts; and
  - d. collection of CEW cartridges, darts/prongs, data downloads, car video, body camera video, confetti ID tags, and copies of the device data download.
3. Photographs of the subject shall be taken in all instances involving the use of a CEW. Photographs should depict overall condition of the suspect, any injuries, and the locations where the probes made contact.
4. All CEW deployments or discharges, including test firings, shall be recorded in a CEW log. A supervisor must sign the CEW log verifying that the information contained therein is accurate. The presence of a supervisor during testing is not required.
5. Expended CEW cartridges shall be submitted to the property unit as evidence. After showing the property clerk a completed CEW report signed by a supervisor, the officer shall be provided with a replacement cartridge.
6. The Chief of Police may request an outside investigation by the Nacogdoches Police Department, Nacogdoches Sheriff's Department or Department of Public Safety when any of the following factors are involved:
- a. a subject experiences death or serious injury;
  - b. a person experiences prolonged CEW activation;
  - c. the CEW appears to have been used in a punitive or abusive manner;
  - d. there appears to be a substantial deviation from training;
  - e. a person in a high-risk population category has been subjected to activation (see list above); and
  - f. any other activation as determined by a supervisor.

#### I. Inspection

Supervisors shall, on a monthly basis, inspect their officer's CEW log and data port to determine if there have been any discharges since the previous inspection. Any undocumented discharges shall require the officer to prepare a memorandum to the Chief of Police explaining the circumstances surrounding the discharge.

#### J. General Considerations

1. Officers should be aware that multiple activations and continuous cycling of a CEW appear to increase the risk of death or serious injury and should be avoided where practical.
2. Officers must be aware of the limitations of the CEW and be prepared to transition to other force options as needed.
3. Officers should be aware that there is a higher risk of sudden death in people under the influence of drugs and/or symptoms associated with excited delirium.
4. Officers should also be aware that CEW cartridges have experienced firing problems in extremely cold weather.

#### K. Defense Against CEW Use

1. When a subject is armed with a CEW and attacks or threatens to attack a police officer, the officer may defend himself when he/she reasonably believes it is immediately necessary to avoid becoming incapacitated and risking the possibility that the subject could gain control of the officer's firearm. When possible, officers should attempt to move outside the device's range (approximately 21 feet) and seek cover, as well as request back-up officers to mitigate the danger.