



STATE OF DELAWARE
DEPARTMENT OF SAFETY AND HOMELAND SECURITY
DIVISION OF ALCOHOL AND TOBACCO ENFORCEMENT

POLICY AND PROCEDURE DIRECTIVE

DIRECTIVE 4 - Conducted Electrical Weapons (Taser) Policy

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Approved: Chief John Yeomans

I. PURPOSE:

This policy establishes guidelines for the proper handling, maintenance, employment and deployment of the Conducted Electrical Weapon (CEW).

II. DEFINITIONS:

- A. *Conducted Electrical Weapon (CEW)*: A weapon that uses propelled wires or fixed contact points to conduct energy to a subject, thereby affecting the sensory and motor nervous systems of the body. The CEW utilized by the Division is the Taser Model X26P.
- B. *Discharge*: To fire a CEW or to touch a subject with an CEW causing energy to transmit across the circuit.
- C. *Probe*: Thin metal barbed dart discharged from an CEW.
- D. *Data Port*: Computer interface for the recovery of usage information from the internal memory of the CEW.
- E. *Data Download*: Method of electronic recovery of information saved by the CEW upon each discharge.
- F. *Passive Resistance*: Passive resistance occurs when a subject refuses to comply with a directive from a law enforcement officer but does not attempt to engage in physical action likely to cause bodily harm to the officer or to another person.
- G. *Active Resistance*: Active resistance occurs when an officer encounters behavior which physically counteracts his or her attempt to control and which creates risk of bodily harm to the officer, subject, and/or other persons.
- H. *Active Aggression* - Active aggression occurs when an officer encounters behavior (through physical or verbal means) from an individual or individuals, which he or she believes, is

indicative of actions and behaviors which are about to be committed and are intended to cause physical injury upon himself, herself or others.

- I. *Command Staff*: Refers to the Chief, Deputy Chief, and Lieutenant.
- J. *Employment*: When the CEW is displayed and a subject is warned of its potential use.
- K. *Deployment*: When the CEW cartridge is discharged for the purpose of taking a subject into custody.

III. **POLICY:**

- A. The CEW shall be employed as an additional law enforcement tool and is not intended to replace firearms or other control techniques.
- B. The CEW shall only be used by officers who have completed the required course of instruction and have a current annual certification.
- C. Officers trained and assigned a CEW shall carry the CEW on the duty belt in the issued holster in the manner prescribed in training. When officers are working in an undercover capacity the CEW must be secured on an appropriate belt. While wearing the tactical vest the CEW must be secured in a holster designed for such use.
- D. Officers authorized to use a CEW may use it to overcome active resistance or its threat – beyond passive resistance, to restrain a subject consistent with the Division’s use of force continuum. The CEW shall fall on the same level as OC spray. Officers may also use a CEW against an aggressive animal. **DPAC 1.3.4**
- E. Following a discharge of a CEW, officers shall provide an opportunity for an individual to comply with verbal commands prior to the delivery of another cycle of energy. Officers shall endeavor to limit the number of cycles of energy to the minimum necessary to achieve their lawful objective.
- F. All circumstances surrounding an incident, including but not limited to the display or use of the CEW to gain compliance, shall be documented in the Response to Resistance Report along with the CEW (Taser) supplement. Accidental discharges of a CEW shall be reported in the same manner.
- G. In addition to being documented in the Response to Resistance Report and the CEW (Taser) supplement, the circumstances of the display or use of the CEW shall be documented in a crime report. Each incident in which an officer employs/deploys a CEW shall be recorded on a Response to Resistance Report and CEW (Taser) supplement. It will be reviewed by the Lieutenant and forwarded to the Deputy Chief. Response to Resistance and the use of force and investigative reporting requirements will also be followed as per Division policy.
- H. Discharge of a CEW resulting in serious bodily injury or death shall be immediately reported through the chain of command.

- I. Following a discharge of a CEW, supervisors shall ensure, as soon as practicable, a data download is completed as outlined in this policy.
- J. During the investigation of a CEW incident, it may be necessary for the investigator to take possession of an officer's CEW. The supervisor shall make arrangements for immediate replacement of the CEW.

IV. EMPLOYMENT / DEPLOYMENT:

- A. The CEW may be used when it reasonably appears it will be the most effective force option, after consideration of the totality of the circumstances, to successfully attain lawful objectives. **DPAC 1.3.4**
- B. Prior to deployment of a CEW, a verbal warning should be issued to alert the suspect and other persons that a CEW is about to be deployed unless doing so would place the officer and others at risk.
- C. The primary method of deployment will be the deployment of the probes. The drive stun will be the secondary method.
- D. The drive stun shall not be used as a means to prod or escort a suspect or defendant.
- E. Examples of operation and use of a CEW shall not be demonstrated at any time except during approved training sessions.
- F. Guidelines for the use of a CEW are as follows:
 - 1. Officers shall not intentionally aim laser sights at the eyes of a subject.
 - 2. When practicable or possible, officers should avoid firing probes at a subject's head, neck, chest area near the heart, or genitals.
 - a) When deploying probes to the front of a person's body, the CEW should generally be aimed so as to split the beltline. The preferred target area for front shots is the chest area below the heart and on the legs.
 - b) The back is the most preferred area with the CEW being aimed to place the probes below the neck.
 - 3. The CEW shall not be used in a punitive manner or to rouse an unconscious or intoxicated subject.
 - 4. A CEW shall not be deployed against a passive suspect.
 - 5. No more than one officer should activate a CEW against a person at a time.

6. Officers shall not employ a CEW in or around a confirmed or suspected location of a methamphetamine lab.
7. Officers shall not knowingly discharge a CEW near flammable liquids, gases, fumes, or other highly combustible materials.
8. Officers shall not discharge a CEW against an individual who is in control of a vehicle in motion, unless exigent circumstances exist.
9. The CEW generally should not be used against pregnant woman, elderly persons, young children or visibly frail persons unless exigent circumstances exist. Exigent circumstances shall be defined as circumstances where the need to use the device clearly outweighs the concerns inherent with such a use (concerns involve the potential for enhanced risk of injury, and/or loss of public trust). In situations where such clarity is lacking or in doubt, the decision will be made on behalf of not using the CEW.
10. Officers shall attempt to handcuff or control an individual while they are immobilized from the energy of the CEW. The CEW may be used to control a subject only until he/she is compliant.
11. The CEW should not be used against a suspect who is handcuffed unless he/she is actively resisting.
12. The CEW should not be used when a subject is in a location where a fall may cause substantial injury or death.

V. MEDICAL CONSIDERATIONS

- A. Following the use of a CEW, when a subject is brought under control, the subject shall be monitored for indications of medical problems as outlined in training.
- B. A medical field evaluation will be conducted by the employing officer on any subject to whom the CEW has been deployed. Should the officer observe any adverse effects, as outlined in training (i.e. profuse sweating during cold conditions, continued agitated state, labored/uncontrolled respirations, etc.), or the subject has received three (3) or more activations of the CEW, the officer shall seek medical treatment for the subject immediately. Officers who have been issued the CEW will be provided with training in the phenomenon of excited delirium and should be cognizant of the signs of excited delirium in those subjects while considering the use of the CEW. If such signs are present, emergency medical assistance will be requested immediately.
- C. Any subject requesting a medical evaluation following the deployment of the CEW on that subject will be provided with a medical evaluation as requested immediately.
- D. Probe removal shall be accomplished by the trained officers consistent with the protocol outlined during training and certification.

- E. Probe removal during extenuating circumstances, or from vital areas, shall only be accomplished at a medical facility by medical personnel.

VI. PROPER HANDLING

- A. Testing and maintenance shall be consistent with the specifications outlined during training and certification. All officers issued a CEW will conduct a functional five second “spark test” during the first 30 minutes of their shift.
- B. Officers shall routinely inspect the CEW and the cartridges to ensure they are kept clean and are functioning properly.
- C. Hands shall be kept away from the front of the CEW at all times, unless the safety is on and the unit is deactivated.
- D. Probes and wires should not be touched during activation of a CEW. Any person who comes in contact with a probe or wires during activation may receive the full effect of the electrical current.
- E. An officer who has a damaged or malfunctioning CEW shall remove it from service and turn it over to their supervisor who will then forward the damaged or malfunctioning unit to the Quartermaster. A replacement CEW will be provided.
- F. A lost or damaged CEW shall be documented in accordance with divisional policy and procedure.
- G. Officers shall not remove the battery from a CEW except when required to perform maintenance, to replace the battery, when directed during training or to complete a data download. Officers shall replace the battery when the battery life indicator reads 20%. All batteries shall be returned to the Quartermaster.

VII. DATA DOWNLOAD

- A. Following the deployment of a CEW, a download of usage data from the data port on the device will be performed. A printed copy of the usage data shall be attached to the Division’s copy of the report and the CEW - Taser supplement.
- B. Data downloads will be performed by a member of the command staff, in the presence of the deploying officer.
- C. Access to computers with the data download software shall be restricted to command staff.
- D. Access to cables used to connect the CEW data port to a computer shall be restricted to command staff. Cables shall be stored in a secured area.
- E. Only command staff shall be authorized to correct a time synchronization error on the internal clock of a CEW. Completion of a supplemental report to the appropriate

investigative report indicating time synchronization was conducted may be necessary in some cases.

- F. Every assigned CEW shall undergo a periodic and random data download. During this download a time synchronization of the CEW will be conducted and the unit will be inspected for any damage, defects or wear which may require repair. An inspection report will be completed on each unit containing damage, defects or wear and submitted to the Deputy Chief along with a copy of the data download for that unit.
- G. The member of the command staff shall enter their rank and name in the download report each time a data download is conducted after a deployment.

VIII. ADMINISTRATION

- A. A file for each user shall be maintained. The file shall contain four (4) folders, one for data download print outs, one for employment reports, one for deployment reports and one for certification documentation.
- B. Extra CEW cartridges shall be kept in the supply room. When a user needs a new cartridge, it will be provided to the user by the Quartermaster or member of the command staff.
- C. Any member of the command staff may conduct a data download of each user's CEW during an inspection. At that time the inspector should review the report for any discrepancies. Spark checks should not exceed five seconds.