



JEFFERSON PARISH CONSTABLE'S OFFICE, 1ST JUSTICE COURT

**SOP-
2019-001**

TITLE: CONDUCTED ELECTRICAL WEAPON (CEW)

EFFECTIVE: June 20, 2019

PURPOSE

- The purpose of this regulation is to establish the Department's guidelines for the authorized carrying and certification of a Conducted Electrical Weapon (CEW); including the retrieval and storage of firing data downloaded from a CEW; define circumstances under which a CEW may be intentionally discharged; and to establish systems to record all instances where a CEW has been used, either intentionally or accidentally. The proper use of CEW force technology can reduce the need for a deputy to apply a higher level of force, which might increase suspect injury or death.
- Any use of a CEW contrary to the direction of this policy will result in the revocation of the deputy's right to carry such a weapon and subject the deputy to additional disciplinary action.

DEFINITIONS

- **Active Aggression** - A threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.
- **Active Resistance** - A subject's physical actions to defeat a deputy's attempt at control and to avoid being taken into custody. Verbal statements alone do not constitute active resistance.
- **Application** - The actual contact and delivery of electrical impulse to the subject via probe discharge or drive-stun.
- **Arcing** - Pulling the trigger to activate a CEW without discharging the probes. This may be done as a warning to the subject or to test the CEW prior to deployment (sometimes referred to as a spark test).

- **Cartridge** - A replaceable vessel that generally contains compressed gas, probes, connecting wires, and confetti tags.
- **Complete the Circuit** - When there is not adequate spread between probes attached to a subject, or one probe misses the subject or dislodges, the CEW may be used in drive-stun mode to incapacitate the subject. This allows for the electrical pulse to travel between the attached probe(s) and the point where the front of the CEW makes contact with the subject. This tactic is sometimes referred to as a third-point contact.
- **Confetti Tags** - Small identifying cards expelled from a CEW cartridge when probes are discharged. Each confetti tag contains a serial number unique to the specific cartridge used. Confetti tags are sometimes referred to as Anti-Felon Identification (AFID) tags.
- **Cycle** - The period during which electrical impulses are emitted from the CEW following activation. In each model a standard cycle is 5 seconds for every activation. The duration of a cycle may be shortened by turning the CEW off, but may be extended in certain models by continuing to pull the trigger.
- **Discharge** - Pulling the trigger of a CEW resulting in probe release and/or drive-stun.
- **Display** - Drawing and exhibiting the CEW as part of a warning tactic, typically accompanied by appropriate verbalization.
- **Drive-Stun** - Drive-Stun (also known as Touch-Stun) mode is possible whether or not the cartridge has been expended or removed from the CEW. (If the cartridge is not removed, the probes will enter the body.) This action requires pulling the trigger and placing the CEW in direct contact with the subject, causing the electric energy to enter the subject directly. Drive-Stun is frequently used as a non-incapacitating pain compliance technique. It may also be used to incapacitate the subject where at least one probe is attached to the subject's body and the CEW contact will complete the circuit.
- **Duration** - The aggregate time that the CEW is activated. It is important to note that the duration of activation may differ from the duration of time that a subject is subjected to the electrical impulse from the CEW.
- **Conducted Electrical Weapon (CEW)** - A weapon designed primarily to discharge electrical charges into a subject that will cause involuntary muscle contractions and override the subject's voluntary motor responses.
- **Exigent Circumstances** - Circumstances that would cause a reasonable person to believe that prompt and unusual action is necessary to prevent physical injury to self or others.
- **Firing** - Discharging CEW probes at an intended target.

- **Laser Painting** - The act of unholstering and pointing a CEW at a subject and activating the CEW's laser dot to show that the weapon is targeted at the subject.
- **Less-Lethal Weapon** - Any apprehension or restraint tool that, when used as designed and intended, is less likely to cause death or serious injury than a conventional police lethal weapon (i.e., firearm).
- **Passive Resistance** – Non-compliant and/or physical actions that prevent the deputy's attempt to control, for example, a person who remains in a limp-prone position, passive demonstrators, etc.
- **Positional Asphyxia** - Death that occurs when a subject's body position interferes with breathing, either when the chest is restricted from expanding properly or when the position of the subject's head obstructs the airway.
- **Probe Discharge** - Pulling the trigger to release the probes from the cartridge to make contact with the subject and achieve neuromuscular incapacitation.
- **Probes** - Projectiles with wires contained in a CEW cartridge. When the CEW is discharged, probes are expelled from the CEW and penetrate the subject's clothing and/or skin, allowing application of the electric impulse.
- **Sensitive Areas** - An area of the subject's body that may cause more serious injury to the subject if struck with a CEW probe (i.e., head, face, neck, breast, genitalia, or groin).
- **Serious Bodily Injury** - An injury to a person that involves unconsciousness, extreme physical pain or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty, or substantial risk of death.

GENERAL

- A "Conducted Electrical Weapon" (CEW) is a conducted energy weapon which functions as follows:
- **X26, X26P, or X2 handheld model CEWs:**
 - Uses compressed nitrogen to project two probes a maximum of thirty-five (35) feet depending on the cartridge used. An electrical signal is then sent to the probes, via small wires, which disrupts the body's ability to communicate messages from the brain to the muscles and causes motor skill dysfunction.
 - Can be used in a drive-stun mode when brought into immediate contact with a person's body.

SCOPE OF USE

- The CEW is an alternative use of force weapon considered to be a less-lethal weapon, which is listed as an intermediate weapon in the force continuum (at the same level as OC Spray).
- A CEW may be used to control a violent or potentially violent suspect when lethal force does not reasonably appear to be justifiable and/or necessary; and attempts to subdue the suspect by other conventional tactics, such as verbal commands and/or physical presence, have been or will likely be ineffective in the situation at hand; or there is a reasonable expectation that it will be unsafe for deputies to approach the suspect within contact range due to active aggression or active resistance by the suspect. The decision to utilize a CEW must be made dependent on the totality of the circumstances or any exigent circumstances surrounding the incident, including the actions of the subject and/or the imminent threat that the deputy reasonably believes he/she is faced with.
- CEWs shall **only** be used in accordance with Jefferson Parish Constable, 1st Justice Court (JPCO-1) training as taught by a certified instructor and in accordance with JPCO1 policy and Local, State, and Federal law.
- The CEW is **not intended to be used as a substitute weapon in deadly force situations.** The CEW should not be used without a firearm back-up in those situations where there is a substantial threat towards the deputy or others present.
- The CEW shall **never** be used in a punitive or reckless manner. It is to be used as a way of averting a potentially injurious or dangerous situation.
- The CEW shall **not** be used in an indiscriminate manner when working a parade assignment or other situation involving a large crowd.
- CEWs should be used in drive-stun mode only to supplement the probe mode to complete the incapacitation circuit, or as a countermeasure to gain separation between a deputy and the subject so that deputy can consider another force option.
- CEWs shall **not** be used on handcuffed subjects, unless doing so is necessary to prevent them from causing imminent serious bodily injury to themselves or others.
- If a CEW is confiscated as evidence or as part of any investigation, the battery source shall **only** be removed by Internal Management personnel.

- The CEW **shall not** be generally used against pregnant women, elderly persons, young children, visibly frail persons, or in circumstances where the CEW would probably necessitate a water rescue (i.e., person on a boat in open water, at the edge of a swimming pool, etc.). Personnel should evaluate whether the use of the CEW is reasonable, based upon all circumstances, including subject's age and physical condition. In some cases, other control techniques may be more appropriate as determined by the subject's threat level to themselves or others. Nevertheless, each situation is unique; therefore, the deputy's actions should be dictated by the circumstances of each situation and the training he or she has received prior to being authorized to carry and use the CEW. Deputies shall be required to justify each application of a CEW.

DEPLOYMENT OF A CEW ON TARGET PERSON

- In conformity with all other departmental guidelines set forth in this policy, deployment of a CEW may be permitted, but is not limited to, situations where other means of controlling the subject are unreasonable or have been ineffective, **AND** the deputy reasonably believes that use of a CEW is necessary to enhance safety of individuals; or the lawful detention of a subject.
- The CEW has an effective probe deployment range of up to thirty-five (35) feet depending on the cartridge. A range of less than three (3) feet may not provide adequate probe spread to allow the unit to function to its full effectiveness. **Nevertheless, discharging the CEW at a range closer than three (3) feet to the target does not inherently present a greater risk of injury to the subject resulting from probe impact.**
- The CEW shall **only** be worn on the **opposite** side of the duty firearm (non-dominant side) in a cross draw mounting on the duty belt.
- Prior to the deployment of the CEW, the deploying deputy **must**:
 - Confirm the tool selected is in fact a CEW and not a firearm;
 - Notify any on-scene assisting deputy that they intend to deploy a CEW, if possible and feasible; and
 - Issue a verbal warning to the subject that the CEW will be used prior to deployment, unless doing so would place any person at risk. Warnings may be in the form of verbalization, arcing, laser painting or a combination of these tactics. Such a warning may induce the suspect to comply and surrender without having to deploy the CEW.

TARGETING A PERSON WITH A CEW

- Where it is necessary, pursuant to this policy, to use a CEW on a person, the deploying deputy shall adhere to the following guidelines:

Anatomical Instructions:

- The preferred target areas recommended when firing the CEW are the lower chest/abdomen area if facing the front of the target or the center mass of the back if facing the back of the target, as clothing tends to be tighter on these parts of the body. Nonetheless, a deputy is permitted to target the center mass of the back or the central area of the chest if he/she is legally justified in using force.
- When a target-subject is wearing heavy or loose clothing on the upper body, the deputy should consider targeting the legs if possible.
- Under no circumstances should a deputy intentionally target sensitive areas, such as the **head**, **face**, **neck**, **breast**, **genitalia**, or **groin**, unless it can be justified as the appropriate level of force based on the totality of circumstances or exigent circumstances.

PRECAUTIONS

- CEWs **shall not** be used where such deployment may cause serious injury or death from situational hazards, including drowning, losing control of a moving vehicle, or becoming ignited from the presence of a potentially explosive or flammable material or substance, **except** where lethal force would be permitted.
- Proper consideration and care should be taken when deploying the CEW on subjects who are in an elevated position or in other circumstances where a fall may cause substantial injury or death.
- After one standard CEW cycle (5 seconds), the deputy shall re-evaluate the situation to determine if subsequent cycles are necessary. Deputies are to be cognizant of the risks of prolonged or repeated CEW exposure, including that exposure to the CEW for longer than 15 seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury. Deputies shall independently justify each cycle used against a subject in a written incident report.
- Personnel should not intentionally activate more than one CEW at a time against a subject unless the first CEW activation was ineffective.

- Personnel should be cognizant of the risk of positional asphyxia following a CEW application and avoid using a restraint technique or position that would impair a subject's respiration. Once controlled, the target subject should be monitored closely for any signs of distress.

POST-APPLICATION RESPONSIBILITIES

- Following the application of a CEW, immediate action should be taken to secure the suspect, provide necessary medical care for any injuries sustained, and protect the scene.
- Once the subject is restrained or if he/she has complied, the CEW should only be reactivated if the subject poses a threat or attempts escape.
- A deputy **shall** be responsible for monitoring any subject who has received CEW application while in JPCO1 custody.
- A CEW **shall not** be left unattended except in exigent circumstances where the deputy is forced to act alone in taking custody of an immediate threat.
- As soon as practical, a Communications Dispatcher **shall** be notified of the CEW discharge and a supervisor **shall** to respond to the scene.
- Whenever a CEW is deployed, either through actual discharge or accidentally, a supervisor **shall** be notified and approve the deputy's CEW Discharge/Use Report.
- Deputies should refrain from discussing the incident until the arrival of an on-scene supervisor. The involved deputy will brief the on-scene supervisor of the circumstances surrounding the incident and what actions have taken place.
- Medical/Emergency Medical Service (EMS) personnel should be summoned to the scene. Medical care shall not be refused for anyone who requests it.
- All subjects who have been exposed to a CEW discharge (probe or drive-stun modes) are required to be treated at a hospital, **if directed by EMS**.
- Involved personnel shall attempt to locate and identify any witnesses to the incident.
- A subject controlled by the use of a CEW shall be transported according to departmental policy.

- Corrections personnel shall be informed that the subject was controlled by use of a CEW.
- In the event of serious bodily injury or death involving a subject who has been exposed to a CEW discharge, the on-scene supervisor will notify the Office of Professional Accountability (TRAINING DIVISION) and request the Criminal Investigations Bureau (CIB) to respond to the scene for investigative purposes, to include processing the scene and the collection of evidence. Photographs shall be taken of the impact sites of the CEW probes. All CEW probes, confetti tags (also referred to as Anti-Felon Identification (AFID) tags), cartridges, wires, and photographs shall be placed into evidence. **For the purposes of this procedure, serious bodily injury is defined as an injury to a person that involves unconsciousness, extreme physical pain or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty, or substantial risk of death.**

REMOVAL OF PROBES

- Hospital medical personnel will remove any probes located in **sensitive areas** such as the **head, face, neck, breast, genitalia, or groin**.
- Deputies who are trained may remove probes in other areas. Deputies shall ensure first aid is available if necessary following the removal of the probes. Deputies should inspect the probes after removal to ensure the entire probe barb has been removed. In the event a probe or probe barb has broken off and is still imbedded in a subject's skin, the subject must be provided appropriate medical attention at an appropriate medical facility to facilitate the removal of the object.
- Probes that have been removed from the skin will be treated as biohazard sharps. They should be placed point down into the expended cartridge bores and secured with tape before being given to medical personnel for disposal in a biohazard sharps box. **In the event of serious bodily injury or death involving a subject who has been exposed to a CEW discharge, the probes and cartridge shall be collected as evidence.**

USE OF A CEW ON DANGEROUS ANIMAL

- A CEW may be deployed on a dangerous animal where:
 - Other conventional means to control the animal have been exhausted, may be unreasonable, or unavailable; **AND**
 - The deputy reasonably believes that use of a CEW is necessary where a dangerous animal either:
 - Is threatening or attacking a citizen, a deputy, or another animal; or

- Has threatened or attacked a citizen, a deputy, another animal, or has caused a continuing public nuisance and needs to be controlled for reason of public peace and safety, preservation of property, or other legitimate purpose; and the animal poses an active threat to deputies in their efforts to perform their duty.
- Targeting a dangerous animal with a CEW:
 - Deputies should target the center mass of the animal. Care should be taken to ensure the head and other sensitive areas on the animal are not targeted, if possible. It is understood that deployment against vicious animals may be very dynamic in nature and the probes may impact unintentional areas. Deputies should exercise due care when removing probes from the animal.
 - It is generally understood that as long as the deputy acted appropriately, the owner of the animal will be responsible for any medical attention needed by the animal.
- Immediately after the deployment of a CEW on a dangerous animal that temporarily disables the animal, the deputy should be prepared to act quickly with control weapons or restraints, if available. As such, conventional means of controlling the animal (i.e., control sticks, collars, cages) should be on hand at the scene, if available, prior to the use of the CEW.
- Although the full effect of the use of CEWs on animals is not yet proven, field applications have shown positive results, and the CEW has proven to be an effective tool against dangerous animals. Furthermore, using the CEW against dangerous animals may reduce the need for greater, more injurious force against such animals.

CEW ISSUING PROCEDURE

- Department personnel shall only carry and use CEWs approved by the Constable or his designee. Members of the department may have a CEW assigned to them upon completion of the CEW training program as authorized by the Constable or his designee. Deputies may carry their personally owned CEW, which must be the weapon currently approved by the Constable or his designee, with approval from the Director of Training. They must supply the weapon for inspection and supply the serial number to the Director of Training for record keeping purposes.
- **Members may only use Department issued CEW cartridges.** A record of cartridge serial numbers provided with each weapon shall be maintained in a database accessible to the Director of Training and the Office of Professional Accountability (TRAINING DIVISION). All replacement cartridges will be issued through the Director of Training.

Routine audits of the CEW database may be conducted periodically by the Director of Training and Office of Professional Accountability (TRAINING DIVISION) personnel.

- A record shall be kept of all CEWs, their serial numbers, and to which deputy or division they have been issued. The Director of Training will issue all department owned CEW units. In the event that a CEW is returned for repairs or no longer remains the property of the JPCO1, the use history of that particular CEW will be downloaded using the data port access and appropriate software. The use history will be maintained for a period of three years from the time the CEW was taken out of service, or until the completed adjudication, or any pending criminal or civil litigation.
- All personnel carrying a TASER CEW shall check the Central Information Display (CID) prior to each tour of duty to ensure that the Power Performance Magazine (PPM) registers higher than 20%. Power Performance Magazines must be replaced when the power supply registers 20% or below.
- CEWs, Power Performance Magazines, cartridges and replacement needs shall be handled by the Director of Training.
- Use histories may be periodically downloaded on each CEW unit. Any indication of misuse of the weapon may result in disciplinary action or revocation of the deputy's certification. The Director of Training and/or the Office of Professional Accountability (TRAINING DIVISION) may conduct this process, either at annual recertification or upon demand.
- Deputies shall only use CEWs and cartridges that have been assigned to him/her. If exigent circumstances exist where the CEW cartridge is used by someone other than the assigned deputy, the reporting requirements set forth in this policy must still be completed by the assigned deputy and the on-scene supervisor.

TRAINING AND CERTIFICATION

- All members who carry and/or use a department or personally owned CEW must first successfully complete the JPCO1 CEW certification program, to include written and practical skills. Each member seeking initial certification **will be required** to experience an exposure from the CEW in order to carry the weapon. Certifications should consist of physical competency; weapon retention; JPCO1 policy, including any policy changes; technology changes; legal updates; and scenario-based training.

- After the initial certification, all members must attend a mandatory TASER recertification program that will be completed annually by the Director of Training.

REPORTING PROCEDURES – JPCO1 CEW DISCHARGE/USE REPORT FORM

Deputy Responsibilities:

- **Application/Discharge** - After a CEW is discharged for any reason other than spark testing or training (i.e., probe deployment or drive-stun), the deputy who deployed the CEW shall:
 - Complete a CEW Discharge/Use Report;
 - Have an on-scene supervisor sign the CEW Discharge/Use Report; and
 - Deliver the following to the Director of Training, Monday through Friday, between the hours of 8:00 a.m. – 4:30 p.m.; as soon as practical:
 - CEW
 - Spent cartridge
 - Completed CEW Discharge/Use Report
- **Accidental Discharge** - Any accidental discharge involving a CEW shall require the deputy to:
 - Complete a CEW Discharge/Use Report;
 - Have their immediate supervisor or an on-duty supervisor sign the CEW Discharge/Use Report;
 - Deliver the following to the Director of Training, Monday through Friday, between the hours of 8:00 a.m. – 4:30 p.m.; as soon as practical:
 - CEW
 - Spent Cartridge
 - Completed CEW Discharge/Use Report
 - The Director of Training will review the CEW Discharge/Use Report and complete a CEW Discharge Interview Form with the deputy. Internal Management personnel will then download the firing data and issue another cartridge if needed.

Supervisor Responsibilities:

- In addition to Use of Force reporting requirements previously described in this Policy, the supervisor **shall**:

- Make sure proper care is given to the injured deputies and/or citizens;
- Make sure the proper notifications of the Department Command Staff are made as soon as possible by notifying the Communications Center of the CEW deployment;
- Make sure all responsibilities of the deputy have been carried out regarding care for the injured, apprehension of the suspects, and protection of the scene;
- Notify both the District/Division Commander and Office of Professional Accountability (TRAINING DIVISION) if any serious bodily injury or death has resulted due to the use-of-force involving the CEW; and
- Ensure the CEW Discharge/Use Report and all other written reports associated with the incident are completed and delivered to the Director of Training by the deputy according to established protocol.

Director of Training Responsibilities:

- The Director of Training shall be responsible for identifying training issues and conduct all follow-up training. If a deputy has an accidental discharge, the deputy may lose the privilege of carrying a CEW or face other disciplinary action as directed by the Constable.
- The Director of Training will be responsible for notifying the Office of Professional Accountability (TRAINING DIVISION) of all accidental CEW discharges.

DISCHARGES OUTSIDE JEFFERSON PARISH- 1ST JUSTICE COURT

Deputy Responsibilities:

- A member involved in a CEW discharge which occurs outside of Jefferson Parish-1st Justice Court shall:
 - **Accidental / Non-Contact Discharge:**
 - As soon as practical, the member shall notify their immediate supervisor or an on-duty supervisor from within their chain of command;
 - Complete a CEW Discharge/Use Report; and
 - Follow the “Accidental Discharge” procedure listed in this Policy.
 - **Intentional or Accidental / Contact Discharge:**
 - Immediately notify the Police Department/Constable’s Office within the jurisdiction where the deployment occurred and have a police report completed;

- Contact their immediate supervisor or an on-duty supervisor from within their chain of command;
- Obtain the police report item number; and
- Follow appropriate reporting procedures listed in this Policy.

Supervisor's Responsibilities:

- Upon notification of an accidental or intentional discharge outside the Parish of Jefferson, the supervisor shall:
 - Notify the Communications Center of the CEW discharge;
 - Ensure the deputy completes a CEW Discharge/Use Report and sign the report;
 - Ensure required documentation is delivered by the Director of Training as soon as practical.

SPARK TESTING

- Each CEW **SHALL** be spark tested prior to the deputy beginning his/her tour of duty in the following manner in a safe location out of public view:
 - Remove all cartridges;
 - Point in a safe direction;
 - Disengage the safety;
 - Observe battery power percentage;
 - Ensure the low intensity light (LIL) and laser beam is activated;
 - Pull the trigger, and release and allow the CEW to discharge;
 - Observe a visible spark between the electrodes during the cycle (approximately one (1) second);
 - Reengage the safety;
 - Re-insert the cartridges for field use.

MALFUNCTIONS

- If the CEW malfunctions during normal business hours (8:00 a.m. – 4:30 p.m.), the deputy should **immediately take the CEW out of service** and bring it to the Director of Training.

- If the CEW malfunctions when the Director of Training is not available, the deputy is to remove the CEW and holster from his/her belt and not carry a malfunctioning CEW. The deputy shall bring the CEW to the Director of Training on the first day the Director of Training is available after the malfunction is discovered during the Director of Training's normal hours of operation.
- If the deputy is on extended leave prior to the next open day of the Director of Training, he/she shall make arrangements with his/her supervisor to leave the CEW with the supervisor, who shall make arrangements to have the CEW delivered to the Director of Training on the next business day the Director of Training is available.

OFFICE OF INTERNAL MANAGEMENT RESPONSIBILITIES

- The Office of the Internal Management may perform an administrative review of all CEW uses.
- If this review is conducted, a determination shall be made as to whether any violation of departmental policy or procedure has occurred, and the INTERNAL MANAGEMENT shall determine whether an administrative or internal disciplinary investigation shall be conducted.
- If the INTERNAL MANAGEMENT secures a CEW from a deputy as part of an investigation:
 - The INTERNAL MANAGEMENT Commander or his/her designee shall notify the Director of Training of the involved deputy's name, the CEW serial number, and any CEW cartridge serial numbers.
 - Once it is determined that the CEW is no longer needed for the investigation or will not be needed as evidence, it shall be returned to the Director of Training.
- The INTERNAL MANAGEMENT should make every effort to respond to all CEW deployment scenes involving serious bodily injury or death and handle in accordance with established "Use of Force Investigation" protocols. TRAINING DIVISION's primary purpose will be for observation and adherence to policy and procedure. The Criminal Investigations Bureau (CIB) will be responsible for the investigation.