

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS 72702

GENERAL ORDER # 23

SUBJECT: Conducted Energy Weapon (CEW)

CROSS-REFERENCE: 1.3.1 USE OF FORCE AND 1.3.4 LESS LETHAL WEAPONS AND DEFENSIVE TACTICS

DATE APPROVED BY COP: August 16, 2021


Chief Mike Reynolds

PURPOSE: The purpose of this general order is to establish specific guidelines for the use of the Conducted Energy Weapon (CEW) [CALEA 4.1.4].

ORDER: The CEW provides officers with additional use-of-force options for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations that occur in the line of duty. It is the policy of this department that officers use the CEW when warranted, but only in accordance with the guidelines of the general order set forth here and in the Fayetteville Police Department's Use of Force and Less Lethal Weapons and Defensive Tactics policies. The CEW will be used at the same level in the use-of-force continuum as other intermediate weapons. It will be the officer's discretion as to which device is used. The Chief of Police will determine the specific conducted energy weapon to be used by Fayetteville police officers. The administrative lieutenant will maintain an official list of weapons approved for use by the Chief of Police, including CEWs [CALEA 4.3.1.a.].

PROCEDURES:

A. Authorization

1. Only certified officers who have completed the prescribed course of instruction on the use of the CEW are authorized to carry or use the device. Officers must demonstrate proficiency in the use of the CEW during the prescribed course of instruction [CALEA 4.3.2].
2. Officers must receive in-service training on the CEW and demonstrate proficiency with the CEW on an annual basis after receiving the initial prescribed course of instruction. Proficiency training must be monitored by a CEW instructor [CALEA 4.3.3.a.].
3. Uniformed officers whose normal duties/assignments may require them to make arrests or supervise detainees shall be required to carry or have immediately available departmentally authorized CEW units while on duty, unless released from this requirement by the Chief of Police.

4. Uniformed officers shall carry only department authorized CEWs in the prescribed manner on the duty belt. Non-uniformed officers may carry the CEW in alternative forms authorized by the agency.

B. Usage Criteria

1. At the beginning of each shift, a function test shall be completed. This will be accomplished by removing the cartridge, turning the safety to the ON position, checking the battery level on the Central Information Display, verifying the laser sight system is operational and performing a five second arc test.
2. The CEW may be used when:
 - a. Verbal dialogue has failed to bring about the subject's compliance, and
 - b. The subject has signaled his intention to actively resist the officer's efforts to make the arrest, and
 - c. The use of empty hand techniques has been ineffective, or the officer believes they are likely to be ineffective or not reasonable under the circumstances.
 - d. Confronted with an aggressive animal.
3. Whenever practical and reasonable, officers should issue a verbal warning prior to using the CEW against a suspect. The CEW will not be used in a punitive or coercive manner.
4. Officers should consider the suspect's age, mental capacity, known medical conditions (such as pregnancy, heart disease, pacemaker, and/or seizure history) and physical ability to resist arrest in making the decision to use the CEW.
5. An officer may use deadly force to protect himself or others from the use or threatened use of a CEW when the officer reasonably believes that deadly force will be used against him or others if he becomes incapacitated.
6. The CEW is not designed, nor expected, to be used in place of deadly force when deadly force is justified. The CEW is another tool in the use-of-force continuum to assist in preventing injury to officers and others.
7. Once a suspect has been controlled or restrained, the use of the CEW is no longer justified absent overtly assaultive or destructive behavior that cannot reasonably be dealt with or controlled.

C. Usage Procedures

1. The CEW operates much like a handgun. It is equipped with standard sights and a laser sight system. The laser dot will be the approximate point of impact for the top probe. The CEW

fires probes in line with an eight-degree probe spread. The CEW must be held level on vertical targets. The exception to this rule is on an angled or prone target where the CEW should be tilted to allow the probes to strike the target properly. An example of this would be if the target were lying on the ground or behind some type of barrier. The CEW should be aimed at the preferred target zone. The back is the most preferred target area when reasonably practicable because it contains larger muscle groups and reduces risk of hitting sensitive body areas. The target zone on the back is below the neck, in the large muscles, avoiding the head and neck. If the back cannot be reasonably and safely targeted, the lower torso in the front, below the chest can be targeted. Avoid intentionally targeting the CEW on sensitive areas of the body such as the head, throat, breast/chest or area of the heart, genitals, or known pre-existing injury areas without legal justification.

2. The CEW may also be applied as a Drive Stun as a distracting or breaking maneuver to gain control and effect compliance of a suspect. In addition, the CEW may be applied as a Drive Stun after the probes have been deployed or a non-deployed cartridge has been removed.
3. Officers should maintain a safe distance from the suspect. The optimum shot range is seven to fifteen feet. If the suspect is running / rolling, the officer must keep pace with the suspect to prevent the CEW wires from breaking.
4. When the CEW is turned on, the signal performance power magazine (SPPM) should activate the officer's body-worn camera.
5. When the CEW is deployed, it should complete the full five-second cycle without interruption. Typically, the initial deployment changes the behavior of the suspect. After the CEW is deployed, the officer should assess and evaluate the suspect while giving verbal commands. If the suspect continues to be aggressive, additional applications may be given. Any additional applications must be justified. The suspect should be handcuffed as soon as practical while disabled by the CEW to minimize the number of deployment cycles.
6. Absent a deadly force situation, the CEW is prohibited from being used:
 - a. In a punitive or coercive manner.
 - b. On a handcuffed or secured prisoner absent assaultive behavior that cannot be reasonably dealt with or controlled.
 - c. On any suspect who does not demonstrate his or her overt intention to use violence or force against the officer or another person(s).
 - d. In an environment where an officer knows that a potentially flammable, volatile or explosive material is present, including but not limited to OC spray with volatile propellant, gasoline, natural gas, propane or a clandestine laboratory.
 - e. In any environment where the subject's fall could reasonably result in death or serious injury (e.g. on an elevated structure or in a location with sharp objects).
 - f. In or on a moving vehicle.

7. As soon after deployment as possible, CDC should be notified that the CEW has been deployed.
8. Deployed cartridges must be submitted to evidence and handled with caution as explained and instructed in the CEW user course. Deployed cartridges are considered to be a biohazard and must be handled with extreme caution.

D. Effects of the CEW

1. The CEW is a Conducted Energy Weapon that uses propelled wires to conduct energy that affects the sensory and motor functions of the central nervous system resulting in incapacitation and does not rely on pain compliance. The CEW creates Neuro-muscular incapacitation and causes the contraction of the muscles and overrides the central nervous system.
2. After deployment, the suspect may fall immediately to the ground, which is the greatest risk of injury to the suspect.
3. The CEW will cause slight signature marks that resemble surface burns, appear red or may blister.
4. The CEW does not damage nerve tissue, does not cause serious burns and does not cause electrocution in a wet environment.

E. Reporting Procedures

1. Every deployment of the CEW will require the officer to complete a use of force report. The only exception to this will be during training classes, use of force presentations or demonstrations and or inspections. A supplemental page for the CEW must be attached to the Use of Force Report. This page will be for documenting the location on a person's body where the CEW probes made contact [CALEA 4.2.1].
2. The Use of Force Report must indicate if multiple deployments occurred and the justification for each five second cycle of multiple deployments [CALEA 4.2.1].
3. If an officer performs an "Arc Display" to gain control of a suspect or crowd, a Use of Force Report must be completed explaining the reason for the display.
4. If an accidental discharge should occur, a memorandum to the officer's direct supervisor must be completed explaining the circumstances of the discharge.
5. A photograph of the individual and the area or areas where probes penetrated or a CEW contacted (drive-stun) the skin of the individual must be taken of each person on whom a CEW was used. The photos will be submitted to evidence with the used air cartridge and

probes. Photos of no injuries can be just as important as photos depicting signature marks.

6. A CEW shall be brought to a designated CEW supervisor certified as a CEW instructor/Chief's designee for download as soon as possible after use.
7. The CEW has a built-in microprocessor that records the date, time, and duration of the cycle and the battery status of each pull of the trigger for the last 2000 trigger pulls.

F. Probe Removal

1. CEW probes should be removed from an individual as soon as possible after the person has been handcuffed or properly restrained.
2. As soon as possible after the CEW has been deployed on an individual, dispatch will be contacted, and they shall request the Fayetteville Fire Department to respond to the scene for probe removal. Fire Department personnel will remove probes. Observations for additional medical aid will be made at this time [CALEA 4.1.5].
3. If any of the probes are located in the head, neck, breast (females only) or the groin area of an individual, if the Fire Department personnel is not able to remove the probes, the individual will be transported to medical health facility for probe removal [CALEA 4.1.5].
4. After the probes have been removed, the probes and spent cartridge will be turned over to the officer who deployed the cartridge for submission to evidence.

G. Maintenance

1. Officers shall keep their assigned CEW maintained and operationally ready.
2. Officers shall not remove the CEW's SPPM without the approval of the on-duty supervisor or CEW instructor.
3. CEWs shall have firing information downloaded on a bi-annual basis by a CEW instructor.
4. Officers shall immediately report any malfunction or abnormal activity of a CEW to the on-duty supervisor. The on-duty supervisor will make the determination if the CEW should be removed from service and will issue a temporary replacement if needed.
5. The on-duty supervisor shall forward any damaged or malfunctioning CEW to department personnel who have been assigned CEWs on the duty assignment list.