



**Division of State Patrol
Policy and Procedure**

Number
2-5

Subject USE OF CONDUCTED ELECTRICAL WEAPONS	
Author/Originator Bureau of Field Operations	Approved by  Superintendent
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I. POLICY

It is the policy of the Division of State Patrol (DSP) to use effective measures to reduce the likelihood of potential injury to its officers and non-compliant or resistive/combative subjects during a confrontational incident, or its threat. The Conducted Electrical Weapon (CEW) is an additional tool provided to trained personnel in order to assist them in controlling subjects effectively.

II. BACKGROUND

It is important for law enforcement agencies to provide their personnel with the best available tools to perform the functions of their job in a safe and effective manner. With advances in technology, and application of those technologies to law enforcement, tools such as the CEW have become available as an option to assist in controlling a non-compliant, resistive or combative subject(s). It has been shown through a number of studies that the use of the CEW not only reduces the likelihood of injury to the officer, but also reduces the likelihood of injury to the subject being controlled. The implementation of this weapon within the DSP is not intended to replace verbal communication or any other tools, but to supplement them. The CEW is not 100% effective, as with any tool, therefore, personnel must be prepared to transition to other appropriate force options as dictated by the situation. The use of the CEW should never compromise the basic rules of officer safety.

III. OBJECTIVE

This policy outlines the training, device care, storage, deployment, follow-through considerations, and reporting utilized by Division personnel authorized to carry and deploy the Division issued CEW. The use or carry of non-division CEWs is prohibited.

IV. DEFINITIONS

- A. **Air Cartridge** – a disposable housing bay for the probes, insulated wires and discharging mechanism connected to the end of the CEW to be deployed at distances of up to 25 feet, with the optimum distances being between 7 to 15 feet, or less.
- B. **Conducted Electrical Weapon (CEW)** – a weapon which is designed to use propelled wires or direct contact to conduct energy to affect the sensory and/or motor functions of the nervous system.
- C. **Deployment** – the activation of a CEW resulting in an arcing of the unit not associated with a spark test, a contact maneuver on a person or animal, and/or the discharge of an air cartridge, whether or not the probes strike their intended target. The activation of a CEW by powering the unit on and pointing it at a person or animal is considered a deployment for reporting purposes.
- D. **Division CEW Coordinator** – the sworn supervisor assigned the duty by the Colonel or designee for all related training, CEW equipment, and materials.
- E. **Drive Stun** – the act of firmly pressing the front of the CEW against the subject's body and "driving" it into them, when the cartridge has been deployed or removed from the end of the weapon. Normally the drive stun will be utilized as a follow-through consideration, due to either an effective discharge (to increase the area affected) or ineffective discharge (to complete the electrical circuit) of an air cartridge deployment. Generally, the air cartridge should be deployed prior to a drive stun and not removed from the end of the weapon.
- F. **Electronic Controlled Device (ECD)** – instrument in which a safe amount of electricity is used to affect the sensory and/or motor nervous system of the body.
- G. **Elevated Risk Group** – includes young children, the elderly and pregnant women.
- H. **Region CEW Coordinator** – the sworn supervisor assigned the duty by the region Commander to monitor the region CEW program.
- I. **Spark Test** – a function check performed prior to the start of a shift, with the air cartridge removed, in which the trigger is activated and a test arc is conducted as defined in training. A visible spark between the two electrodes should be present and rapid indicating proper operation of the CEW.
- J. **TASER** – a CEW which is software upgradeable. By definition, this weapon is identified as an ECD within the Intervention Options of the Disturbance Resolution model. Used as a control alternative against resistive or combative subjects, or aggressive animals.

V. PROCEDURE

A. Training

1. Certification

For Division authorization to carry a CEW, an officer must successfully complete a minimum of six hours of CEW training sponsored by the Division. This training shall include, but not be limited to, the following topics:

- a. Division Use of Force Policy and the Intervention Options
- b. Definitions
- c. Technology overview
- d. Electrical and medical background (Sudden In-custody Death – Excited Delirium)
- e. Specifications and device operation procedures
- f. Hands-on training
- g. Field application
- h. Safety considerations
- i. Exposure to the CEW through full deployment of probes is voluntary, but highly recommended.
- j. Score of 80% or higher on the final written exam
- k. Successful completion of scenario testing exercises

2. Re-certification

An officer must successfully complete a two hour re-certification process biennially, or as directed by the Superintendent. The re-certification process will be based on, but not limited to, the following topics:

- a. An overview of the initial information received during certification
- b. Physical competency/retention
- c. Deployment successes and failures

- d. Current trends in the area of CEW

B. Device Storage and Care

1. CEWs will be stored in the “safe/off” position with the air cartridge removed. The battery shall remain inserted into the unit. The CEW shall be secured the same as a Division firearm while off-duty.
2. Prior to the beginning of each shift the officer shall perform the following function check:
 - a. Ensure that the safety switch is in the down (safe) position.
 - b. In the prescribed manner, remove the air cartridge, if not previously done.
 - c. Point the device in a safe direction and place the safety switch in the up (fire) position.
 - d. Check remaining battery life. If less than 20%, the battery should be removed from service and contact made with a supervisor to obtain a new battery.
 - e. The CEW shall be subjected to a pre-shift “spark test” to ensure that the device is functioning properly. There should be a visible spark and rapid between the electrodes. If the spark test is not satisfactory, as established by previous training, the device should be removed from service and a supervisor notified.
 - f. Place the weapon in the down (safe) position.
 - g. Reattach the air cartridge keeping hands clear of the blast doors.
3. CEWs shall be maintained in accordance with the manufacturer’s specifications and guidelines relating to CEW maintenance and cleaning.
4. Personnel should take the necessary steps to protect the CEW from moisture for extended periods of time (i.e., exposure to rain, snow).

C. Device Carry

1. The CEW shall be carried on the duty belt, in a holster designed for CEW carry on the reaction side of the body in a cross-draw configuration. This does not restrict the use of other holster configurations that may be utilized under special circumstances (i.e., tactical thigh holsters for crowd control). This holster configuration must be approved by the Division CEW Coordinator.

2. When the CEW unit is being downloaded or repaired, the employee may be without a CEW for the duration of the download or repair exchange process.
3. A second air cartridge, if practical, shall be carried on the duty belt in the provided carrier or on the device itself.
4. The CEW shall have an air cartridge attached to it when the officer is on-duty and the device is being transported in the holster in preparation for a deployment.
5. Personnel shall maintain all other tools on the duty belt as required by policy (Oleoresin Capsicum, Baton, Handcuffs, Portable Radio and Firearm). In those cases of a smaller waistline or medical condition, and upon approval from the Region Commander, the baton may be removed from the duty belt and transported in the officer's patrol vehicle, ready for deployment if needed. This approval shall be in writing and a copy forwarded to the Division CEW Coordinator at the Wisconsin State Patrol Academy.
6. Under exigent circumstances and upon approval from the Region Commander, the CEW may be carried when an officer is off-duty. This approval shall be in writing and a copy forwarded to the Division CEW Coordinator at the Wisconsin State Patrol Academy.

D. Device Deployment

As with any tool in the Use of Force Intervention Options, justification for use of the CEW must be objectively reasonable under the parameters of *Graham v. Connor*, Division Policy, and the Wisconsin Department of Justice Disturbance Resolution Model (See P&P 2-1, Attachment 1).

1. The placement of the CEW in the Intervention Options is at the same level of force as Oleoresin Capsicum Aerosol Spray and is justified under the same circumstances for the purpose of overcoming active resistance or its threat. The use of the CEW is also justified to prevent individuals from harming themselves or others (the CEW, however, is not a substitute for the use of deadly force when such force is justified).
2. When an officer approaches a subject with the intent to deploy a CEW, an additional officer should also approach whenever possible to provide lethal cover should it become necessary for the protection of life.
3. The CEW shall be deployed in the manner and under the circumstance outlined during the original certification and re-certification training. It is understood that exigent circumstances may exist that have not been addressed or even thought of during initial training and re-certification. Those deployments will need to be reviewed under the "objectively reasonable" criteria.

4. When deploying the CEW, officers need to make a reasonable assessment of potential for injury to subjects who are running, operating a motor vehicle, in a position of risk (i.e., at an elevated height), in or near water, or in an elevated risk group.
5. Whenever an air cartridge from a CEW is about to be deployed, the officer deploying the air cartridge should attempt, whenever possible, to advise other officers on scene that the use of less-than-lethal force is being deployed. The announcement “TASER, TASER, TASER” is appropriate.
6. Whenever possible, the fixed sights of the CEW should be used as the primary aiming device with the laser dot as the secondary aiming device. Although the whole body is an effective target zone, the head and throat are not aiming points, unless the situation dictates that a higher level of injury risk is justified.
7. The CEW should not be used in an area or on a subject where the potential for flammability exists.
8. The activation of a CEW will normally consist of one 5-second cycle, unless circumstances dictate continuous or multiple activation, which will need to be articulated and meet the requirements of objectively reasonable.
9. Generally, only one CEW unit should be deployed on a subject at a time.
10. A CEW shall not be used on handcuffed persons unless they are actively resisting or exhibiting active aggression or to prevent individuals from harming themselves or others.
11. The drive stun maneuver is permissible.
12. Utilization of the CEW on a subject, when in proximity of an unrestrained K9 unit which is near or in a bite scenario is not recommended.
13. The deployment of the CEW is permissible against animals.
 - a. Officers should be prepared to act quickly with other restraint devices once a CEW has been deployed against an animal. In all cases the safety of the officer and public shall be considered first prior to deployment.
 - b. Officers may use a CEW if the officer reasonably believes that the animal is vicious and is threatening/attacking another person or animal or if the animal is a public nuisance and needs to be controlled and other options would not be safe or appropriate.

E. Follow-through Considerations

The CEW is not a compliance tool. It is intended to disrupt an individual's motor functions allowing assisting officers the opportunity to move in and gain control over the subject.

1. After the deployment of a CEW, and during its cycle, assisting personnel should be directed to move in and attempt to control a resistive subject if safe to do so.
2. Officers moving in to gain control should be conscious of the probes and insulated wires being sure not to break or disconnect them.
3. Once control has been gained and a subject handcuffed, the subject should be debriefed for the determination of injuries and/or the need for medical assistance.
4. After having been handcuffed, the probes from the air cartridge may be removed from the subject by the deploying officer as outlined by training. Universal precautions should be taken by the officer to protect themselves from the transfer of body fluids.
5. The air cartridge probes shall be separated from the insulated wire and placed in a "sharps" container for disposal with an Emergency Medical Services (EMS) provider or at medical facility.
6. In the case where probes have penetrated sensitive tissue areas such as the subject's groin, eye, neck, face, or the female breast, the subject should be transported to a medical center and the probes removed by qualified medical personnel.
7. When practical, photographs should be taken of the affected area after the probes have been removed.

F. Reporting Requirements

1. Officers will need to notify the Post Communications Center as soon as practical of any deployment of the CEW, which will then need to be forwarded by the Law Enforcement Dispatcher to the duty supervisor.
2. In addition to completing of the electronic Subject Management Report, the officer will need to complete a CEW Deployment Worksheet (see Attachment) to be forwarded to the Post CEW Coordinator and the Division CEW Coordinator at the Wisconsin State Patrol Academy. Electronic reports will be completed in accordance with applicable reporting procedures and directives.
3. In the case of an actual air cartridge deployment or drive stun, the CEW should be removed from service as soon as practical in order to accommodate the downloading of data from the CEW to a CEW data port. The Post CEW Coordinator or designee will conduct the download of the deployment report.

4. A copy of the deployment printout shall include the date prior to the deployment, the date of deployment and the day after, if available. This report will be forwarded to the Division CEW Coordinator.
5. In the case of an unwanted discharge:
 - a. The officer shall contact a duty supervisor and report the discharge and any issues associated with it.
 - b. The discharge will need to be followed up with a memorandum from the officer answering the following questions:
 - 1) Were there any injuries? What was the extent of the injuries and/or damage to property?
 - 2) Describe your daily spark test routine.
 - 3) What were you doing prior to the unwanted discharge?
 - 4) Was this activity outside of your daily spark test routine? How did it differ and why?
 - 5) Were the CEW and the cartridges stored separately?
 - 6) What could have been done differently now and in the future to prevent this from occurring?
 - c. The Region/Post CEW Coordinator shall collect the CEW for an Evidence Sync Download as soon as practical.
 - d. A copy of the download and officer's memorandum shall be forwarded to the Division CEW Coordinator at the Academy to address potential training issues.
 - e. An investigation should be conducted into the incident per Policy and Procedure 11-15.
 - f. Corrective action or remedial training will be determined on a case-by-case basis contingent on the outcome of the investigation.

G. Region/ Post CEW Coordinators Responsibilities

1. Training and Equipment
 - a. Ensure that officers currently certified in CEW use are scheduled to attend in-service and training updates as directed by the Division and the Division CEW Coordinator.
 - b. Ensure that any training conducted regarding the CEW is done so in conformity with the original certification training and conducted by a Certified CEW instructor.

- c. Ensure that there are no modifications, substitutions for, or additions to any CEW equipment, including but not limited to: the carrying device (holster), cartridge storage device, and/or the CEW itself, without prior approval from the Division CEW Coordinator.
- d. Report any outage or problems with the equipment to the Division CEW Coordinator for troubleshooting or forwarding of the device to the manufacturer for evaluation and repair.

When forwarding the CEW for service, the Coordinator should download the CEW data and forward the CEW with the battery still in the unit and safety switch taped in the "Safe" position in accordance with Division Policy and Procedure 2-7, Assignment, handling and storage of Division Weapons.

- e. The Region/Post CEW Coordinator shall download every CEW within the Region on a quarterly basis and forward the results of those downloads to the Division CEW Coordinator.
- f. During the quarterly downloads the Region/Post CEW Coordinator shall ensure that the dates and times displayed are brought back to current if deviated.
- g. The Region/Post CEW Coordinator shall ensure that the most current software is installed on all Region/Post CEWs as provided by the Division CEW Coordinator.
- h. The Division CEW Coordinator will conduct an annual inspection and download of all Division CEWs during annual in-service training.

2. Deployments

In the event of a CEW Deployment, as outlined by this policy, the Region/Post CEW Coordinator shall:

- a. Electronically notify the Division CEW Coordinator of the deployment as soon as practical.
- b. Download the memory of the CEW and electronically forward a copy of the file to the Division CEW Coordinator as soon as practical, after the deployment. This step (2) will be required only in the case of an actual air cartridge deployment or drive stun.
- c. Obtain and provide the Division CEW Coordinator copies of the deployment worksheet, the subject management report, the Offense/Incident report and any video or audio associated with such deployment, as soon as practical.

VI. REFERENCES

Wisconsin State Statutes
DSP Policy and Procedure 2-1, Use of Force
DSP Policy & Procedure 2-7, Assignment, Handling and Storage of Division Weapons
LESB UTS Manuals (DAAT, Firearms, EVOC Vehicle Contacts and PCS)
TASER International User and Training Manual
PERF Center on Force & Accountability, CED Policy and Training Guidelines for
Consideration – October 2005
eSP4500, Offense/Incident Report
eSP4504, Subject Management Supplement Report



DSP CONDUCTED ELECTRICAL WEAPON (CEW) DEPLOYMENT WORKSHEET

P & P 2-5

Deployment- The activation of a CEW resulting in an arcing of the unit (excluding test arcs), a contact maneuver on a person or animal, and/or the discharge of an air cartridge whether or not the probes strike their intended target. The activation of a CEW by powering the unit on and pointing it at a person or animal is considered a deployment for reporting purposes.

For the documentation of the deterrent value of the CEW **please mark the appropriate box in section 2** of this worksheet in any instance where the subject complies with physical presence or verbal requests where you believe the recognition of the CEW was a determining factor (would not include events that would meet the definition of a Deployment under P & P 2-5).

Forward Copy to Post Headquarters and Academy

SECTION 1- Officer & Incident Information

Officer			WSP Number	Date	Report Number
Incident Location			Incident County		Time (Use Military)
Incident Location Type <input type="checkbox"/> Indoors <input type="checkbox"/> Outdoors		Incident Type <input type="checkbox"/> Self-Initiated <input type="checkbox"/> Dispatched <input type="checkbox"/> Assisted <input type="checkbox"/> Other:			Officers Utilized During Incident <input type="checkbox"/> Single Officer <input type="checkbox"/> Multiple Officers: ____
Officer Injured? <input type="checkbox"/> YES <input type="checkbox"/> NO		If Officer injured, when did injury occur? <input type="checkbox"/> Prior to Deployment of CEW (Explain on back): <input type="checkbox"/> After Deployment of CEW (Explain on back):			

SECTION 2- Deployment Information

Deployment Distance <input type="checkbox"/> 0- 6 Feet <input type="checkbox"/> 7- 15 Feet <input type="checkbox"/> 16- 20 Feet <input type="checkbox"/> 21- 24 feet		Deployment Success <input type="checkbox"/> Successful <input type="checkbox"/> Failed (Explain on back)	Deployment Type: <input type="checkbox"/> Laser Activated/ Device On <input type="checkbox"/> Probes Deployed <input type="checkbox"/> Drive Stun <input type="checkbox"/> Drive Stun with Probes Deployed
<input type="checkbox"/> Presence/ ECD Holstered but Recognized by subject Non- Deployment (Explain on back)			
Serial Numbers: CEW		Other Force used PRIOR to Deployment <input type="checkbox"/> Physical <input type="checkbox"/> Baton <input type="checkbox"/> Impact Munitions <input type="checkbox"/> Chemical <input type="checkbox"/> Firearm	
Cartridge(s)		Other Force used AFTER Deployment <input type="checkbox"/> Physical <input type="checkbox"/> Baton <input type="checkbox"/> Impact Munitions <input type="checkbox"/> Chemical <input type="checkbox"/> Firearm	

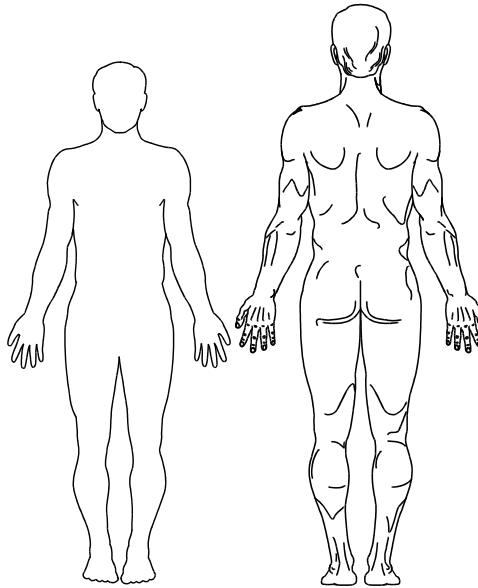
Section 3- Subject Information

Subject Type <input type="checkbox"/> Human <input type="checkbox"/> Animal		Animal Type and Deployment Disposition <input type="checkbox"/> Dog <input type="checkbox"/> Other:			<input type="checkbox"/> Released <input type="checkbox"/> Escaped <input type="checkbox"/> Turned over to Animal Control <input type="checkbox"/> Other		
Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	Age	Weight	Height	Race	Under Influence <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs	EDP <input type="checkbox"/> Yes <input type="checkbox"/> No	Suicidal <input type="checkbox"/> Yes <input type="checkbox"/> No
Subject Injured? <input type="checkbox"/> YES <input type="checkbox"/> NO		If Subject injured, when did injury occur? <input type="checkbox"/> Prior to Deployment of CEW (Explain on back): <input type="checkbox"/> After Deployment of CEW (Explain on back):					
Nature of Injuries and Treatment Required if known (Describe):							
Transported to Hospital <input type="checkbox"/> YES <input type="checkbox"/> NO		Transported to Jail <input type="checkbox"/> YES <input type="checkbox"/> NO					

Section 4 Probe Placement and Removal

Did Probes Penetrate Skin? <input type="checkbox"/> YES <input type="checkbox"/> NO	Were the Probes Removed On Scene? <input type="checkbox"/> YES <input type="checkbox"/> NO	Probes Removed By: <input type="checkbox"/> Officer <input type="checkbox"/> EMT <input type="checkbox"/> Nurse <input type="checkbox"/> Medical Doctor
Were Photos Taken? <input type="checkbox"/> YES <input type="checkbox"/> NO		

Placement of Probes upon Deployment
(Place "X's" where probes struck the subject AND "O" where the subject was drive stunned)



Provide a brief Synopsis of the Incident:

Section 1 Officer Injuries Prior to or After Deployment Explanation:

Section 2 Deployment Success or Failure Explanation:

Section 2 Presence/ CEW Holstered but Recognized by subject Non- Deployment (Officer Opinion)

Section 3 Subjects Injuries Prior to or After Deployment Explanation:

Other Comments: