

 <p style="text-align: center;">YALE UNIVERSITY POLICE DEPARTMENT GENERAL ORDERS <i>Serving with Integrity, Trust, Commitment and Courage Since 1894</i></p>	ORDER TYPE: NEED TO KNOW 302B ELECTRONIC CONTROL WEAPONS	
	EFFECTIVE DATE: <p style="text-align: center;">15 APR 2016</p>	REVIEW DATE: <p style="text-align: center;">ANNUAL</p>

PURPOSE

The purpose of this policy is to establish guidelines for the Yale University Police Department (“Department” or “YUPD”) sworn police personnel for the training and use of a TASER® Electronic Control Weapon (ECW).

POLICY

The policy of the Yale University Police Department is that officers shall use only that amount of force reasonably necessary to effect an arrest, control a situation, or defend themselves or others from harm. The use of excessive, unnecessary, unreasonable or unlawful force will not be tolerated. Officers will use only the amount of force they reasonably believe is necessary to overcome resistance. Officers who use excessive or unauthorized force shall be subject to discipline, possible criminal prosecution, and/or civil liability.

Police officers are specifically granted the legal authority to carry weapons under C.G.S. 53-206 while engaged in the pursuit of their official duties.

The YUPD recognizes that assaultive, non-compliant, armed and/or violent subjects cause handling and control problems that require specialized training and equipment. Thus, YUPD officers may find it necessary to use non-deadly force to assist with the de-escalation of potentially violent confrontations. Consistent with this philosophy, the YUPD is authorizing the use of department owned, maintained, and issued TASER® Conducted electrical weapons to trained sworn personnel.

Active Resistance	When a subject makes physically evasive movements intended to interfere with an officer’s attempt to control that subject. Evasive movements include, but are not limited to, bracing, tensing, pulling away, or other assaultive behavior.
AFID Cartridge Tracking	TASER International’s Anti-Felon Identification (AFID) system enforces accountability for each use of a TASER Weapon via the dispersal of tiny unique, coded tags every time the Weapon is fired. These small, confetti-like, microdot identification tags, expelled from the cartridge, contain the serial number of the cartridge fired allowing the department to identify the unit that deployed the AFID.
Data Port	A mechanism that stores the downloadable time and date of any discharge of the ECW.
Deadly physical force	Physical force which can be reasonably expected to cause death or serious physical injury. (Sec. 53a-3(5) C.G.S.)
Deployment	Includes the pointing of an ECW at any person or any use of the ECW against any person.
Drive Stun	Application of the ECW directly to pressure points on the body for a pain compliance technique.
Electronic Control Weapon (ECW)	An incapacitating, intermediate weapon used for subduing a person that administers an electric shock for the purpose of disrupting superficial muscle functions. The ECW is an intermediate weapon that is classified as non-deadly. The weapon should only be used when an officer is met with a certain degree of resistance or aggression through either actions or words.

Electronic Control Weapon Coordinator	A supervisory member of the Department designated by the Chief of Police to maintain records and equipment associated with Department ECW's.
Force	Any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact that does not produce the intended effect (ie: a miss); or any significant physical contact that restricts the movement of a person. The term includes the discharge of a firearm, drawing and pointing a firearm or ECW at or in the direction of another person, use of chemical spray, hard hands, taking of a subject to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with minimal or no resistance. Use of force is lawful if it is objectively reasonable under the circumstances and the minimum amount of force that is necessary to effect an arrest, or protect the officer or other person, is used.
Non-deadly Force	Any force used by an officer that would not reasonably be expected to cause death.
Officer	Any sworn member of the Yale University Police Department.
Passive Resistance	When a subject does not cooperate with an officer's commands, but does not take action to prevent being taken into custody. For example, a protestor who lies down in front of a doorway and must be carried away upon arrest.
Qualified Medical Personnel	For the purposes of this general order, qualified medical personnel include medical doctors, licensed nurses, EMS first responders or Emergency Medical Technicians.
Reasonableness	Reasonableness of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident and whether the officer's actions are "objectively reasonable" in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.
Spark Test	a test conducted to ensure the ECW is functioning properly, and that all batteries and electronic components are performing adequately
Standard Cycle	A standard cycle is five seconds.

USE OF FORCE STANDARDS

The following are applicable use of force standards directly related to the deployment of the ECW:

- The use of an ECW is an application of force.
- Each application of an ECW is a separate use of force.
- Officers shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective.
- Multiple applications of an ECW cannot be justified solely on the grounds that a subject fails to comply with a command, absent other indications that the subject is about to flee, or poses an immediate threat to an officer.
- As in all uses of force, certain individuals may be more susceptible to injury. Officers should be aware of the greater potential for injury when using an ECW against children, the elderly, persons of small stature irrespective of age, or those who the officer has reason to believe are pregnant, equipped with a pacemaker, or in obvious ill health.
- Any decision to apply multiple applications of an ECW must take into consideration whether a subject is

capable of complying with the officers' commands.

- The ECW is not intended to replace the use of firearms when deadly physical force is necessary, but provides a non-deadly alternative within the guidelines of the YUPD Use of Force General Order 302

NOTIFICATION

- Officers will notify their supervisor as soon as possible whenever an ECW is deployed other than in a training scenario.
- A supervisor shall immediately respond to any scene at which the ECW has been deployed.
- The supervisor receiving the notification will immediately notify the Chief of Police through the chain of command.

PROCEDURES FOR USE OF ELECTRONIC CONTROL WEAPONS

TRAINING AND CERTIFICATION

- ECW Authorization:
 - Officers are required to successfully complete training on the **functionality** of the ECW and the Department's policy on its use prior to issuance of the ECW.
 - Only trained and qualified Department officers may carry and/or use an ECW.
- ECW Training:
 - All members of the Department who carry and/or use an ECW must first successfully complete a POSTC approved and mandated ECW training program, including written and practical tests.
 - No officer may carry an ECW without first successfully completing the training.
- ECW Re-Certification:
 - A mandatory re-certification program must be successfully completed every two years.
 - Officers who fail to attend training and allow their certification to elapse will not be authorized to carry the ECW.
- Certified Instructors:
 - All Department ECW certification programs will be presented by a certified ECW instructor.
 - The ECW instructor must be certified in the model of ECW used by the Department.
- Training Records:
 - The Department shall maintain ECW training and certification records.

ELECTRONIC CONTROL WEAPON CORDINATOR

- The Chief will designate a supervisory member of the department to serve as the ECW Coordinator ("ECWCO").
- The ECWCO is responsible for maintaining the equipment and records associated with the deployment of the Department's ECW.
- The ECWCO will log ECWs, cartridges, and replacement batteries, and maintain an ECW and cartridge inventory, and access inventory records.
- The ECWCO will:
 - Be responsible for issuing ECWs and cartridges, and ensure they are recorded in the ECW/cartridge log.
 - Ensure cartridges are replaced before their expiration date
 - Conduct data port downloads when requested by investigating supervisors or PSU staff.
 - Maintain overall responsibility for coordination of the purchase, repair, and replacement of CEDs and cartridges.

Officers issued an ECW shall:

- Carry and use a body worn camera in conjunction with the ECW.

- Carry the ECW in a Department approved holster on the opposite side of their firearm, with the cartridge attached while in uniform. (Plainclothes personnel may be authorized to use other Department approved carry methods.)
- Carry a backup cartridge in case of cartridge failure, the need for redeployment or in case the first cartridge breaks during deployment.
- Carry and use the device and spare cartridges according to the manufacturer's instructions and Department training.
- Point the ECW in a safe direction when loading, unloading, or testing the weapon. Loading, unloading, and testing of the ECW will occur only at a YUPD identified testing station.
- Test the unit at the beginning of their shift by conducting a "spark test", checking the battery power on the display on the unit to verify the unit is functioning properly.
- Secure and store the ECW, both on and off duty, in such a way as to ensure that no unauthorized person will have access to, or gain control over, the ECW.
- Not leave an ECW unattended and must secure it so that it is not readily accessible to civilians, subjects, victims, or witnesses.
- As soon as practicable, request a supervisor to respond to the scene of any ECW discharge.
- Report any discharge of the ECW to a supervisor immediately.

PERMITTED USE

Officers are permitted to use ECW's under the following circumstances:

- Against subjects who are actively resisting in a manner that, in the officer's judgment, is likely to result in injury to themselves or others.
- To incapacitate a subject who poses a threat of physical injury to himself/herself.
- When an officer is engaged in a physical confrontation with an assaultive individual and attempts to control the subject by lower levels of force or tactics are ineffective.
- **"Drive Stun" mode should only be used as a supplement to the probe mode to complete an incapacitation circuit, or as a countermeasure to gain separation between officers and subjects so that officers can consider another force option. The ECW should not be used in drive stun mode to achieve pain compliance.**
- Against aggressive animals that pose a threat of physical injury to officers or others.
- To display an ECW "test arc" or "paint the subject with the ECW laser" to attempt to gain compliance of the subject where resistance, assault, and/or violence is reasonably anticipated.
- During Department authorized training programs and/or demonstrations.

PROHIBITED USE

The ECW shall not be used:

- Against a subject who is passively resisting the lawful commands of the officer.
- Against a female who the officer knows, or reasonably believes, is visibly pregnant, unless deadly force is the only other option.
- Against a person who the officer knows, or reasonably believes, to be under the age of ten (10) or over the age of seventy (70), due to the potential for falling when incapacitated, unless the encounter rises to a deadly force situation.

- Against a person who is at a location where a fall may cause substantial injury or death (ie: elevated location or water).
- Against handcuffed persons unless they are actively resisting or exhibiting aggression, and/or to prevent individuals from harming themselves or others.
- Against an operator in physical control of a vehicle in motion, including automobiles, trucks, motorcycles, ATVs, bicycles, and scooters, unless exigent circumstances exist.
- Against a subject who is in close proximity to a flammable gas or liquid. (i.e. a meth lab, where gasoline is stored, alcohol based OC Spray, etc.).
- To rouse unconscious, impaired, or intoxicated individuals.
- For horse play or in an unprofessional manner.
- To experiment on a person or allow a person to experience the ECW, even if the person requests it, when the ECW's use would not otherwise be allowed under this policy. This ECW experience does not apply to voluntary ECW training exposures or ECW demonstrations as authorized by the Department.
- For illegal purposes (e.g. punishment, illegal coercion, torture, etc.).

DEPLOYMENT

Officers will, to the extent practicable;

- Issue commands for compliance and a warning prior to activating the ECW. The subject should be given time to comply with an officer's verbal command unless to do so would place the officer or any other person at risk. This directive serves a dual purpose: to seek compliance from the subject, and to let other officers who are present know that the ECW is being deployed, so the activation of the ECW will not be mistaken, by sight or sound, as a firearm discharge.
- Alert other law enforcement officers present that an ECW deployment is imminent by saying "Taser, Taser". This statement will prepare the officers for the ECW deployment and help prevent sympathetic weapon discharges.
- Use the laser and/or fixed sights to aim the ECW, per training and manufacturer's instructions. Officers should attempt to aim for the lower torso for frontal discharges, engaging the balancing muscles of the pelvic triangle and center mass for discharges to the back.
- In an attempt to minimize the number of ECW discharges necessary for subject compliance, officers should, while deploying the ECW, clearly and reasonably order the subject as the incident mandates. Such verbal commands may include, "stop resisting, lie flat, put hands behind your back," etc.
- Whenever possible the ECW shall be deployed using a back-up officer to assist with handcuffing or providing cover.
- After deployment the subject shall be handcuffed as soon as it is safe to do so.
- As soon as the subject is compliant, and the situation is under control, a supervisor will be notified of the use of force.

POST ECW DEPLOYMENT MEDICAL ATTENTION

- Anyone against whom an ECW is deployed shall be evaluated by qualified medical personnel.
- The following persons shall be transported to a hospital for examination following exposure to an ECW. Anyone who:
 - Loses consciousness, exhibits irregular breathing or is known to be under the influence of drugs or medications;
 - Is hit in a sensitive area (e.g., face, head, female breasts, male groin);
 - Does not appear to recover properly after being energized;
 - Has been energized more than three times or has been subjected to a continuous energy cycle of 15 seconds or more;

- Has had more than one ECW effectively used against him or her in any given incident;
 - Has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to ECW deployment;
 - Is in a potentially susceptible population category, including children, the elderly, persons of small stature irrespective of age, or those who the officer has reason to believe are pregnant, equipped with a pacemaker, or in obvious ill health;
 - Exhibits bizarre or violent behavior, including self-mutilation;
 - Is naked in a public place or exhibits signs of overheating;
 - Evidences slurring or slowness of speech;
 - Claims to be injured or in medical distress.
- If emergency medical care or transport is not reasonably available, or if the perceived response delay appears excessive, then per department policies the subject may be transported by the officers for medical evaluation. During transport the officers shall reasonably monitor the subject's physical condition.
 - Prisoner Transport and Detention facility personnel shall be informed when a subject has been subdued with an ECW.
 - Probes embedded in the subject's skin shall only be removed by an EMT or other trained and certified medical personnel.
 - ECW probes should be considered as biohazard material and Universal Precautions should be observed to avoid the transfer of bodily fluids from a person struck by an ECW probe to others.

EVIDENCE COLLECTION

Once the subject has been controlled, and the need for medical care has been evaluated, YUPD officers will collect all evidence. Officers are reminded of the importance of respecting human dignity and privacy, taking steps to avoid embarrassment, and preserving confidentiality regarding the subject's medical treatment. Whenever feasible, the following items will be secured as evidence:

- ECW Probes;
- Cartridges;
- Wire Leads; and
- AFIDS

When lawful and appropriate, photographs should be taken of probe impact sites and any other related injuries as soon as reasonably possible. In some instances, however, photographs may not be taken. Such as, in certain juvenile cases, or when probes impacted genitals, female breasts, etc. It is important to preserve evidence of ECW use, however, it is also important not to violate any medical privacy statutes or other restrictions.

REPORTING REQUIREMENTS

Officers who deploy an ECW against another person or who draw the ECW from its holster and aim it at another person will complete a Use of Force Report by the end of the shift during which the deployment occurred.

Reports must be completed in their entirety and specifically describe the justification for the use of force including:

- The facts and circumstances which dictated the officer's use of force;
- Events and communications leading up to the physical confrontation;
- The subject's behavior;
- Commands given to the subject;
- Manner in which the subject refused to comply;
- Witnesses to the discharge of the ECW;
- Number of discharges, and length of each;

- Location of probes on the subject's body;
- Extent, if any, of the subject's injuries;
- Any injuries sustained by anyone else during the event;
- Description of first aid provided and the disposition of the probes; and
- The name of the supervisor notified, and time of such notification.

USE OF FORCE REVIEW

The review and investigation requirements for ECW discharges are the same as the reporting requirements for other uses of force as outlined in GO-302, Use of Force and GO-302A Use of Force Reporting and Investigations.

SUPERVISORY RESPONSIBILITIES

Supervisors shall:

- Ensure trained personnel, who are issued and carry the ECW, comply with this policy while working their assigned shift.
- Immediately respond to any scene in which the ECW has been deployed.
- Secure the expended cartridge with probes and the ECW for data download. Arrange to have the weapon delivered to the ECWCO for downloading of data from the ECW.
- Comply with all reporting and investigation requirements outlined in GO-302-Use of Force.
- Conduct an investigation, including:
 - Identifying and obtaining reports from all officers involved;
 - Identifying and interviewing witnesses;
 - Ensuring that photographs are taken of the probe penetration sites and any secondary injuries (caused, for example, by falling to the ground, etc.);
 - Obtaining a data port download and
 - Ensuring all evidence into the Department's evidence and recovered property inventory system to ensure proper chain of custody.
- Review the circumstances surrounding the use of the ECW to determine if the use or deployment of the ECW was in compliance with policy and procedure.
- Prepare the Supervisory Use of Force Investigation Form of his/her investigation that includes a determination of whether the use of the ECW was consistent with YUPD policy.

DATA DOWNLOAD

When an ECW incident occurs, the supervisor must secure the ECW prior to the end of the shift so that the ECWCO may conduct a data download. A copy of the downloaded data shall be attached to the Use of Force Form. If the download is not available, a notation shall be made on the form. The officer shall forward the download, however, when it is available.

Every three months (January 1, April 1, July 1, October 1), ECWCO is responsible for downloading the data stored on ECW chips for the previous three-month period.

- Each ECW has an internal tracking chip. This chip will store the time and date of the last 2000 times the trigger was engaged on the ECW.
- Supervisors can retrieve the information stored on the data chip by connecting to the data port on the rear of the weapon and downloading the information into the YUPD computer system.
- The downloaded information will be stored under the control of the ECWCO.

Annual Audit:

The ECWCO will conduct an annual audit of ECW training records to ensure all officers carrying a ECW have met proficiency training. The ECWCO will submit a report to the Chief of Police with his/her findings.

Annual Review:

The Professional Standards Officer will review the training curriculum annually and revise it as necessary and will submit a report to the Chief of Police confirming the annual review and updates, if any.

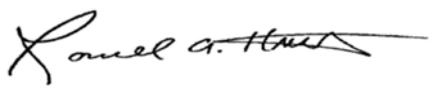
Annual Report:

Effective January 1, 2016, the ECWCO will complete the POSTC EDW/ECW Annual Report Form which will be forwarded to the Chief of Police for submission to the State of Connecticut Criminal Justice Policy and Planning Division of the Office of Policy and Management no later than January 15 covering the preceding calendar year.

MAINTAINING THE ECW

The ECWCO shall be responsible to insure that ECW's are maintained in accordance with the manufacturer's instructions.

PER ORDER OF



RONNELL A. HIGGINS
DIRECTOR OF PUBLIC SAFETY AND CHIEF OF POLICE

REFERENCES: CONNECTICUT GENERAL STATUTES: SEC 53a-22, 53a-3; GRAHMAN v CONNOR (490.US.386;109S. CT 1865)