

McLennan Community College

POLICIES AND PROCEDURES

Subject: Conducted Electrical Weapons (CEW's) Reference: E-XXXX

Source: Vice President, Finance & Admin Eff. Date: March 4, 2019

Approval Auth.: President Approved: _____

Remarks: New Policy

Date: March 4, 2019

I. Purpose

The purpose of this policy is to establish guidelines regarding the McLennan Community College (College) Police Department (Department) use of Conducted Electrical Weapons (CEW's.) Only certified police officers (Officers) will be issued CEW's.

II. General Considerations

- a. Officers will be trained by an authorized CEW instructor.
- b. Officers only deploy College owned CEW's unless exigent circumstances exist which justify an Officers use of a CEW owned by another agency or officer.
- c. Unless an emergency situation exists, only Officers who have successfully completed a CEW certification course may deploy CEW's and cartridges.
- d. Officers who have been issued an authorized CEW are required to carry their device while on-duty and in uniform.
- e. CEW's shall be kept in a secure location to prevent unauthorized access by other persons.
- f. Officers must carry their CEW in a Department approved holster.
- g. Officers are to wear the CEW holster on the opposite side of the body from the officer's duty firearm.
- h. Officers must conduct a spark check once a week to ensure the device is functioning properly. This should be done out of the public's view.

- i. An Officer's CEW shall be pointed in a safe direction during loading, unloading, spark testing or when the device is handled in any manner other than an actual deployment.
- j. An Officer must inform the person or entity that receives custody of a suspect if a CEW has been used on that suspect.
- k. If a suspect who had a CEW used on them is booked into jail, Officers must write in capital letters "CEW USED" and the time the device was used in the Injury Information box on the Arrest Report.
- l. All rules and regulations regarding CEW usage apply whether an Officer is on-duty or off-duty.
- m. Unless the use of deadly force is justified or the Officer can articulate why the use of their CEW was objectively reasonable for the situation, CEW's should not be deployed in the circumstances listed below:
 - i. On handcuffed or restrained persons (unless the person is actively resisting the Officer, about to harm another person or trying to escape).
 - ii. On young children, elderly persons, visibly pregnant females or visibly frail persons.
 - iii. On persons operating a motor vehicle, motorcycle, ATV, scooter, bicycle or similar conveyance while the vehicle is in motion.
 - iv. On persons to prevent them from swallowing evidence.
 - v. On persons who, due to their location, would likely receive serious bodily injury or death as a direct result of the deployment (i.e. from elevated locations, while in deep bodies of water, etc.)
 - vi. In an improper or abusive manner.
 - vii. In environments known by the officer to be flammable or explosive (natural gas, gasoline, meth lab, etc.) or on persons the officer knows has recently come in contact with a dangerous amount of flammable liquids or substances; or
 - viii. On passively resistant persons (i.e. persons offering no physical resistance).
- n. Those officers assigned a CEW that is equipped with dual head cartridges (i.e. TaserX2) will not deploy the CEW on two suspects simultaneously unless the Officer believes it is necessary to protect himself or a third party from imminent bodily injury.

III. Deployment Considerations

- a. CEW's may only be deployed or used for official police business and/or when necessary to accomplish a legitimate police purpose.
- b. CEW's may be used in the following situations:
 - i. On persons displaying aggressive or assaultive behavior towards the Officer or another person;
 - ii. On fleeing persons who have committed a Class "B" Misdemeanor or higher offense (there must be a charge other than Evading Detention);
 - iii. To disarm a person;
 - iv. On aggressive animals that are threatening people or other animals; or
 - v. During authorized MCC Police Department training programs and/or demonstrations.
- c. Officers should assess the suspect's reaction each time a CEW is used on a suspect to decide if the CEW should be activated again or if its use should be discontinued and/or an alternate tactic used.
- d. The following notifications are made after a CEW has been used on a person:
 - i. An ambulance is called to the scene to medically check the person affected by the CEW. If the officer learns that the ambulance's response will be delayed, the Officer may request that Fire Personnel respond to the scene to check the person's condition.
 - ii. The involved Officer's immediate supervisor is notified to respond to the scene. If that supervisor is unavailable, another supervisor is dispatched to the scene.
- e. Probes that have penetrated a person's skin are considered a biohazard and must be removed by ambulance or Emergency Room personnel.

IV. Evidentiary Issues

- a. Photographs must be taken of all persons on whom the CEW was used. An overall photograph of the individual is taken for identification purposes as well as of all probe or contact stun impact areas even if no penetration of the skin occurred. Photographs should be taken before and after probe removal (if applicable). Photographs are handled and retained as evidence following established Police Department procedures.

- b. All components of the CEW shall be collected per established procedures and tagged into the Property Room. Components to be collected include: CEW expended cartridge, wires, probes and several AFID tags. (Every effort will be made to collect the expended cartridge with the wires and probes still intact.)
- c. Tagged CEW components should be maintained as evidence in the Property Room and are not disposed of until the following minimum amount of time has elapsed from the date the CEW was used on a person:
 - i. 3 years from the date the device that was used on an adult; and
 - ii. 3 years after the juvenile's 18th birthday from the date the device was used on a juvenile.
- d. If it appears that a person has had a serious adverse reaction to a CEW (serious bodily injury or death), the involved supervisor ensures that he/she secures the Officer's CEW and all its components (AFIDs, cartridges, wires, etc.) and tag them into the Property Room pending further evaluation and analysis.
- e. The involved supervisor at the scene is responsible to download data from the discharged CEW as soon as possible, print the results and attach a copy to the case in Records. The original is attached to the Use of Force Form.
- f. The Police Department's Training Officer will schedule certification and periodic re-certification classes on the use of these devices.

V. Procedure for Collection of Conducted Electrical Weapon (CEW) Evidence

- a. Make every effort to keep the cartridge and wires connected to the probes.
- b. While following established procedures, remove the expended cartridge from the CEW
- c. Once the probes have been photographed in place, have the emergency medical personnel remove the probes from the individual without breaking the wires if possible. Ask the emergency medical personnel to insert each probe into each of the holes in the end of the cartridge.
- d. While wearing gloves, slide a hard plastic cartridge onto the cartridge. This will secure the probes inside the cartridge.

- e. The wires can now be wrapped around the cartridge which will secure the cartridge cover in place.
- f. The cartridge can now be either placed in an appropriately sized cardboard box or paper bag. These cartridges are bio hazardous evidence and should be handled and marked as such.
- g. Tag the cartridge as any other bio hazardous evidence would be tagged.