



REGULATIONS FOR USING ELECTRONIC DEFENSE WEAPONS BY POLICE OFFICERS

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POLICE USE OF EDWS

- Beginning January 15, 2016, police officers who use EDWs must document their use on a POST-developed form
- Any police department that allows the use of EDWs must have a written policy that meets or exceeds POST's model policy

ISSUE

What are the laws and regulations governing police officers' use of electronic defense weapons (EDWs)?

SUMMARY

[PA 14-149](#) requires the State Police and local police departments that authorize their officers to use EDWs to document their use and annually, beginning January 15, 2016, report the information to the Office of Policy and

Management (OPM) for posting on its website.

An "EDW" is a weapon that, by electronic impulse or current, is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury, including a stun gun or other conductive energy device ([CGS § 53a-3\(20\)](#)).

It also required the Police Officer Standards and Training Council (POST), by January 1, 2015, to develop and promulgate a (1) standardized form for departments to report the data and (2) model policy providing guidelines on police use of EDWs.

Additionally, the act requires any police department that authorizes its officers to use EDWs to adopt and maintain a written policy that meets or exceeds the model policy.

POST's standardized form and model guidelines are available at: http://www.ct.gov/post/lib/post/publications/gn_14-02_use_of_electronic_weapons_public_act_14-149.pdf. A copy of the policy is also attached.

EDWS' USE, DOCUMENTATION, AND REPORTS

Under [PA 14-149](#), any police department that authorizes its officers to use EDWs must require the officers to document their use in the department's "use-of-force" reports. By January 15 following the end of each calendar year in which an EDW is used, the department must prepare an annual report, using the POST form, detailing the use of the weapons. The report must include (1) data downloaded from the weapons after their use, (2) data compiled from the use-of-force reports, and (3) statistics on each use of these weapons. The statistics must include the:

1. race and gender of each person on whom the weapon was used, based on the observation and perception of the police officer who used the weapon;
2. number of times the weapon was activated and used on the person;
3. injury, if any, the person suffered; and
4. mode used on the person, if the weapon had different usage modes.

By January 15, 2016, and annually thereafter, agencies that authorize the use of these weapons must submit the reports to OPM's Criminal Justice Policy and Planning Division. Any agency that does not authorize their use must submit a report to that effect. The act requires OPM to post the reports on its website.

POST'S EDW MODEL POLICY

On December 22, 2014, POST adopted the model policy required by law. The policy is intended to guide police officers on the proper use of EDWs. The major provisions address department policy, the way officers should wear EDWs, EDW deployment, and how to respond medically to subjects that an EDW is used on.

Policy

The major policy provisions are as follows:

1. Police officers must use only the level of force necessary to accomplish lawful objectives, considering such factors as (a) the severity of the crime, (b) whether the suspect was an immediate threat to the safety of the officer or

the public, (c) whether the suspect actively resisted arrest or attempted to escape, and (d) any other relevant fact or circumstance.

2. Officers must offer the injured party medical assistance, and in the case of obvious physical injury, or when otherwise advised, request medical dispatch.
3. Departments must complete a "use-of-force" report after each EDW use. The report must describe the justification for the use of force and include (a) events and communications that led to the physical confrontation, (b) the subject's behavior, (c) the environment where the incident took place, and (d) any injuries sustained by anyone involved. A supervisor must promptly review the report and refer the matter immediately for further review based on department policy if he or she determines the EDW-use was questionable or inappropriate. The supervisor's findings must be documented in the "use-of-force" report.
4. All sworn officers must have access to their department's EDW policy and receive training on the policy before being authorized to carry an EDW.
5. Departments must annually review EDW deployments in the field to evaluate policy compliance.

Wearing EDWs

The major provisions addressing how EDWs must be worn are as follows:

1. Police officers must carry the EDW in an approved holster on the side opposite to where they carry their handgun. When not on uniformed patrol, an officer may use other department-approved holsters and carry the EDW in a manner consistent with his or her training and other EDW requirements.
2. EDWs must be carried according to the manufacturer's recommendations and department training. This includes pointing the EDW in a safe direction when loading, unloading, or handling it.
3. Officers authorized to use EDWs must be given at least one spare cartridge in case the cartridge fails or breaks during an engagement or there is a need to redeploy the weapon.

EDW Deployment

The major provisions on EDW deployment are as follows:

1. Police officers, as soon as reasonably possible, must request a supervisor to respond to a scene where an EDW was deployed or is likely to be deployed. They should be aware that certain people may be more susceptible to potential injury (e.g., pregnant women).
2. Officers should deploy the EDW the least number of times needed and secure the subject as soon as practicable while he or she is disabled. They should deploy the weapon once and then evaluate the situation to determine if additional deployment is needed. Each EDW use should be independently justifiable, and officers should use the EDW only to the extent needed to gain control of the subject.
3. Officers should, when possible and before deploying an EDW, provide a loud, clear warning.
4. Whenever reasonably possible, officers should aim the EDW at the preferred target zones as specified by the EDW manufacturer. They should also consider the EDW's capabilities and limitations when using it in close quarters.
5. Officers may use an EDW in "drive stun" mode (i.e., hold the weapon against the subject's body without firing projectiles). This is primarily a pain compliance tool and is minimally effective compared to a conventional cartridge deployment.
6. Officers should not intentionally use more than one EDW on a subject at one time and should not deploy the weapon:
 - a. in a punitive or coercive manner;
 - b. on any subject demonstrating only passive resistance;
 - c. when any potentially flammable, volatile, or explosive material is present (e.g., gasoline, natural gas, or propane); and
 - d. when it is likely the subject may drown or fall from an elevated area.

MEDICAL TREATMENT

The major provisions on medical treatment are as follows:

1. Qualified medical personnel (e.g., doctors or nurses) must evaluate any subject on whom an EDW is used.
2. Officers should not remove probes implanted in the subject's body unless they are certified or authorized by a competent medical authority to do so.
3. Subjects must be transported to a hospital if he or she:
 - a. loses consciousness, exhibits irregular breathing, or is known to be under the influence of drugs or medications;
 - b. is hit in a sensitive area (e.g., face or head);
 - c. does not appear to recover properly after being hit by the EDW;
 - d. was hit by the EDW more than three times or been subject to one continuous energy cycle of 15 seconds or more;
 - e. was hit by more than one EDW during one incident;
 - f. has exhibited signs of extreme uncontrolled agitation or hyperactivity before EDW deployment;
 - g. is in a potentially susceptible population category (e.g., those small in stature or who may be pregnant);
 - h. exhibits bizarre or violent behavior;
 - i. is naked in a public place or exhibits signs of overheating;
 - j. evidences slurring or slowness of speech; or
 - k. claims to have been injured or is in medical distress.

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