



RICHMOND POLICE DEPARTMENT GENERAL ORDER



Subject: CONDUCTED ENERGY WEAPONS		Chapter 1	Number 21	Pages 7
References: CALEA Standards: 1.2.2, 4.1.4, 4.1.5, 4.2.1b, 4.2.1c, 4.3.1a, 4.3.1c, 4.3.1d, 4.3.1e, 4.3.2, 4.3.3a, 4.3.3b, 4.3.3c, 4.3.4, 17.5.2	Related Orders: 01-05, 01-07, 01-08, 01-20, 04-04, 07-22 EO 19-12 EO 19-15	Effective Date: 07/28/2021 Revised By: New Standard Prv. Rev. Date: 07/09/2019 Amending EO 19-12 (08/23/19) ████████████████████ ████████████████████ Amending EO 19-15 (11/15/19) ████████████████████ ████████████████████		
Chief of Police: <div style="text-align: center; margin-top: 10px;"></div>				

I. PURPOSE

The purpose of this directive is to establish the policy and procedure for the training, issuance, carry, use and maintenance of Conducted **Energy** Weapons issued to Officers of the Richmond Police Department. [CALEA 1.2.2, & 4.1.4]

II. SUMMARY OF CHANGE

This revision updates the CALEA numbering of standards. There was a modification request to change the wording from Conducted Electrical to Conducted Energy. All changes are in bold and italicized throughout the document.

III. POLICY

It is the policy of the Richmond Police Department to ensure that Officers are properly trained and equipped for the appropriate use of CEWs.

IV. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

This directive is for internal use only, and does not enlarge an employee’s civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

V. DEFINITION

- A. CONDUCTED **ENERGY** WEAPON (CEW) – An electroshock weapon that delivers an **energy** current via two probes or electrodes to disrupt voluntary control of the muscles causing temporary neuromuscular incapacitation.
- B. CONDUCTED **ENERGY** WEAPON (CEW) COORDINATOR - Employee designated by the Chief of Police to manage the conducted **energy** weapon program.
- C. NEURO MUSCULAR INCAPACITATION (NMI) – A physical state that occurs when a CEW is able to cause involuntary stimulation of both the sensory nerves and the motor nerves to render an attacker temporarily unable to control muscle movement.
- D. FUNCTION TEST – A test that should be performed once a week each shift to ensure proper function of the core electronics of the CEW. Commonly referred to as a “spark test”.
- E. DRIVE STUN – A pain compliance technique in which NMI is not achieved.
- F. CARTRIDGE – A detachable container, which houses a pair of electrode probes and propellant for a single deployment of the CEW.
- G. ELECTRODE – **Energy** contact on the CEW used to deliver a shock with the drive stun technique.
- H. PROBE – Projectile fired from a cartridge by a CEW.

VI. PROCEDURE

- A. Conducted **Energy** Weapon (CEW): [CALEA 4.1.4]
 - 1. Prior to Officers receiving the CEW, the qualified weapon instructor(s) shall inspect the weapon prior to issuance. The CEW coordinator or designee shall also maintain the tracking system through [REDACTED] and [REDACTED]. [CALEA 4.3.1c, 4.3.1e, 4.3.3a, 17.5.2]
 - 2. The Department has authorized the [REDACTED] for use. No other CEW is authorized for use by department personnel. [CALEA 4.3.1a]
 - 3. The CEW shall be assigned to select Officers within the Department. All personnel the rank of Sergeant and below shall carry their CEW. Officers assigned a CEW are responsible for the care and maintenance of the unit.
 - 4. The CEW shall be used pursuant to all applicable departmental policies and procedures regarding use of force.

NOTE: Officers who are assigned CEWs shall make every effort to record the CEW deployments for any purpose other than a function test with a Body Worn Camera (BWC).

5. The CEW shall not be worn on the same side of the duty belt as the primary service weapon.
6. Officers whose duty belt does not accommodate Taser Holsters, due to the lack of space necessary to facilitate the holster may purchase their own. The CEW Coordinator would have the authority to approve or disapprove the holster. The Taser Holster must be approved before it can be worn.
7. The use of the CEW is limited only to those instances where attempts to subdue the subject by verbal communication or other less lethal force has been or will likely be ineffective.

NOTE: Officers shall modify their level of force in relation to the amount of resistance offered by the subject.

8. Officers should consider the subject's threat level to others and the risk of serious injury to the subject before using a CEW.

NOTE: Avoid multiple, repeated, prolonged, extended, or continuous CEW exposures unless necessary and justifiable to counter reasonably perceived threat(s).

9. Verbal threats of violence alone do not justify the use of the CEW.
10. Officers may remove CEW probes, EXCEPT in cases where probes have landed in sensitive areas of the body, i.e. face, head, neck, groin area, etc. Alternatively, officers may wait for medical assistance to remove probes. If there is any concern or question whether to remove probes, wait for medical assistance. Officers are NOT allowed to remove probes until they have reviewed and signed the revised CEW general order and completed the associated training in Power DMS.
11. The CEW will log all discharges as a function of its design. This discharge log will be downloaded quarterly for the [REDACTED] and after a deployment. The [REDACTED] discharge graph of the deployment will be printed by the CEW Coordinator or authorized designee and will become part of the Use of Force packet. The software will be synched/updated at that time using [REDACTED].

B. Post-Deployment Procedure:

1. Officers shall notify a supervisor immediately after a CEW has been discharged. The officer will also notify DEC to request that EMS respond to their location.

NOTE: In the event of an accidental discharge, a supervisor will still be notified. The deploying officers will complete a Uniform/Equipment Replacement Request (PD-21) with a Complainant/Officer Statement (PD-118) attached and submit

them with their supervisor's signature/approval through the chain of command. A copy shall also be submitted to the CEW Coordinator.

2. As soon as possible, all persons to whom the CEW has been applied shall be taken to an appropriate medical facility for examination and appropriate medical care/treatment. The officer shall document all actions to provide medical treatment for the suspect in both the PD-35 and the IBR. [CALEA 4.2.1b, 4.1.5]
3. The officer utilizing the CEW shall complete a Use of Force Report (PD-35) and forward the original through channels prior to the end of his/her tour of duty. The spent cartridge shall be recovered and placed into Property & Evidence with the probes inserted into the portal and secured with tape. The evidence bag shall be marked with a biohazard sticker. [CALEA 4.2.1c]
4. The officer shall notify a supervisor and BWC/CEW coordinator after a deployment so metadata can be uploaded by the CEW coordinator or designee. To replace cartridges and or batteries after hours, contact Unit Nine (9) who will retrieve new cartridges from the Property and Evidence Unit for the officer.

C. CEW Deployment Restrictions:

1. The CEW may not be used when the following circumstances exist:
 - (a) When it is unsafe for officers to approach within contact range of the suspect;
 - (b) When any chemical agent containing an alcohol base has been or is being used in an effort to subdue the suspect;

NOTE: RPD uses a water-based OC spray. In the event the type of chemical agent deployed to subdue a suspect is unknown, for any reason, the CEW will not be deployed.
 - (c) When officers have knowledge that a female suspect is pregnant;
 - (d) When officers have knowledge that the suspect has a pacemaker;
 - (e) When the suspect is fleeing and/or refuses to obey commands, but poses no immediate threat or danger to him/herself or others;
 - (f) When the suspect is effectively restrained by hand cuffs, leg irons, a belly chain, flex cuffs, or any other restraint device; and,
 - (g) When the suspect is in a position or engaging in an activity which may result in collateral injury (e.g. fall from height, operating a vehicle, located in water);
 - (h) Officers should avoid using repeated drive-stuns on any person who has a known or suspected mental illness if compliance is not achieved. (A 2013 study by Taser International concluded that drive-stun use may not be effective on emotionally disturbed persons or others who may not respond to pain due to a mind-body disconnect.)

2. While in schools, nursing homes, retirement homes, or other locations primarily occupied by obvious juveniles, elderly individuals, or frail people, the use of the CEW should be limited to situation where the officer has no other means of controlling the situation or to avoid injury to the public, officer or suspect.
3. While in a hospital setting, officers should take into account medical staff, hospital equipment and overall surroundings before utilizing the CEW. The use of the CEW in a hospital setting should be limited to situations where the officer has no other means of controlling the situation or to avoid serious injury to the officer, suspect or public.
4. CEWs MAY NOT be used in place of a flashlight to illuminate an area.

D. CEW Training:

Use of the CEW is only authorized for Officers who have been properly trained, and are currently certified in its operation. Officers must attend *and receive Use of Force policies with related instructions on* annual re-certification training to maintain their CEW certification, and authorization to carry the CEW. [CALEA 4.1.4, 4.3.2, 4.3.4]

NOTE: Initial CEW Training and Re-certification training will be documented and monitored by the CEW Coordinator. [CALEA 4.3.3a, 4.3.3b, 4.3.3c]

E. CEW Administration:

1. No replacement cartridge will be issued until the requesting officer has submitted a Uniform/Equipment Replacement Request (PD-21) and a Complainant-Officer Statement (PD-118) with their supervisor's signature/approval through the chain of command.
2. CEW function tests shall be retained for one year after the data log has been downloaded. Records of actual CEW deployment video shall be retained and disposed of in accordance with General Schedule 17 of the Records Retention Schedule.

F. Supervisory Responsibilities

1. Supervisory personnel shall ensure that officers equipped with CEW devices utilize them in accordance with the policy and procedures defined herein.
2. As per GO 07-22, Inspections, Supervisors shall inspect the CEWs twice a month and complete the appropriate sections of the Uniform, Equipment, Service Weapon & Ammunition Condition Inspection Report (PD-144A) during the first and third week of every month.
3. The CEW Coordinator will provide CEW assistance and technical support to CEW equipped Officers.
4. Upon receiving notification of any damage or malfunction of a CEW, the supervisor will ensure the CEW is immediately removed from service. The

supervisor will also ensure that the officer has contacted the CEW Coordinator or designee. [CALEA 4.3.1d]

5. After a CEW deployment, the supervisor shall email the CEW Coordinator and/or designee prior to the end of the shift so that they may respond no later than the next day to download the metadata from the CEW.

Note: In the event of a negligent discharge, the supervisor will ensure that the officer completes a PD-21 and PD-118 and will email the CEW coordinator and designee prior to the end of the shift. The officer may deploy the CEW through the rest of the shift, but it will be secured at the division by the supervisor prior to the officer marking EOT so that the metadata may be downloaded.

6. Supervisors are reminded of the application of GO 07-21 Internal Investigations, Citizen Complaints, and Integrity Tests:

“Any employee, after observing or learning of alleged misconduct, or policy violation shall notify IAD by the end of his/her tour of duty. All employees have the right and the ability to make such notifications to IAD without fear of reprisal or retaliation. After normal business hours, they will contact the on call IAD supervisor to make that notification.”

VII. USE AND MAINTENANCE

Officers are responsible for the proper use and maintenance of the CEW. Equipment malfunctions shall be brought to the attention of the officer’s supervisor as soon as possible, so a replacement unit may be procured and to ensure the availability of the equipment for that officer. In the event the CEW equipment is malfunctioning, in any way, the equipment will immediately be taken out of service and turned in to a supervisor to facilitate repair. The supervisor will store the CEW in the gun safe and notify the CEW Coordinator. Officers shall not attempt to repair a CEW suspected of malfunctioning.

VIII. ACCESS/STORAGE

- A. The CEW and all metadata recorded by an RPD issued CEW is the property of the Richmond Police Department and shall only be used for official business. Accessing, copying, or metadata for non-law enforcement purposes is strictly prohibited.
- B. All requests for access to CEW metadata must be specifically authorized by the Chief of Police or designee.
- C. The CEW Coordinator and/or designees will annually review CEW test logs/recordings to ensure that the equipment is operating properly and that the officers are using the devices appropriately and in accordance with Department policy.

Exception: The CEW Unit Coordinator will conduct the random review ANNUALLY for the [REDACTED] model.

IX. RETENTION

A. After a CEW deployment, the metadata from the CEW will be securely stored on [REDACTED] in accordance with the records and retention schedules issued by the Library of Virginia.

1. The CAD number will be formatted as follows: ID example for the CAD#: YYYYMMDD-####.

X. FORMS

- A. PD-21, Uniform/Equipment Replacement Request
- B. PD-35, Use of Force Report
- C. PD-118, Complainant-Officer Statement
- D. PD-144A, Uniform, Equipment, Service Weapon & Ammunition Condition Inspection Report