



INTER-OFFICE MEMORANDUM

To: Chief of Police James E. Craig, Detroit Police Department (Through Channels)
Assistant Chief of Police James E. White, Administrative Operations, Detroit Police Department (Through Channels)
Deputy Chief Todd Bettison, Chief's Neighborhood Liaison, Detroit Police Department (Through Channels)
Captain John Serda, Civil Rights Bureau, Detroit Police Department
Lieutenant Richard Firsdon, Civil Rights Bureau, Detroit Police Department

Copy: Honorable Board of Police Commissioners
Commissioner Lisa Carter, Chairperson, Detroit Board of Police Commissioners
Commissioner Eva Garza Dewaeslsche, Vice-Chairperson, Board of Police Commissioners
Commissioner Willie E. Bell, Immediate Past Chairperson, Board of Police Commissioners

From: Melanie White, Interim Secretary to the Board of Police Commissioners, Board of Police Commissioners

Re: Questions in Preparation for the Upcoming Body-Worn Camera and Conducted Energy Weapons' Audit Presentation – Thursday, January 30, 2020, at 3:00 p.m.

Date: Friday, January 24, 2020

In preparation for the upcoming presentation to the Board, please find below a list of questions from the Board of Police Commissioners for the Department's presentation on Conducted Energy Weapons' Audit & Body-Worn Camera Audits. In addition to the Department's prepared presentation on these areas, the Board submits the following questions for discussion. The presentation is scheduled for Thursday, January 30, 2020, at 3:00 p.m., at the Detroit Public Safety Headquarters.

Body-Worn Camera (BWCs) Presentation Questions:

1. **Timeframe of Video Upload:** Please explain how soon after the Department member returns at the end of the shift is the BWC video available to view, download, and extract? Is there a delay in the BWC video upload between the time the member returns the equipment to the



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- docking station and the time the video uploads to the WatchGuard System? If so, please explain and discuss any proposed resolutions.
2. When there is a delay between the above-mentioned upload time period, are there any edits, alterations, etc. with the video footage?
 - a. Often times, the BWC video/audio is not available on the WatchGuard Server for days or weeks after the BWC initially records the incident. However, after a period of time, the BWC becomes available. Please provide an explanation on this item.
 3. BWC Audits: What are the specific types of audits the Department conducts on BWCs?
 - a. Do those audits include when a member only records part of his or her shift or only part of an incident?
 - b. What are the results after identifying these types of BWC violations, deficiencies, or malfunctions (i.e. replacement of BWC equipment; discipline imposed on members; repairing BWC; etc.)?
 4. Adherence to State Law Guidelines: Is the Department adhering to the State enacted retention guidelines of retaining all video for a minimum of 90 days; in the case of formal complaints at least 3 years, and retaining the BWCs until an investigation is completed when the video is flagged by administrative or department personnel for investigatory purposes?
 5. Are there any lessons learned since initial deployment of Body-Worn Camera technology? If so, please explain and discuss resolutions or remedies.
 6. Are there any proposed changes to the Body-Worn Camera Policy Directive? Please cite if applicable.
 7. Does the Department allow members to access his or her body-worn camera video evidence at the precinct or command prior to the scheduled *Garrity Interviews* at the Office of the Chief Investigator? Are supervisors monitoring the usage?
 8. Are all Department members equipped with body-worn camera? If some members are not equipped, please provide rationale.



**CITY OF DETROIT
BOARD OF POLICE COMMISSIONERS**

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9. Please also share whether Detectives and Investigators at the precinct will be equipped with body-worn cameras? If so, when is the projected date of deployment?

10. Please discuss any other important items for the Board's information.



Conducted Energy Weapons (CEWs) Presentation Questions:

1. How many discharges have occurred since the initial deployment of Department-issued weapons?
2. How many deployments have occurred since the initial deployment of Department-issued weapons?
3. How are discharges and deployments tracked and recorded?
4. Whether there have been any CEW citizen/officer complaints received and the results.
5. Whether any disciplinary measures involving CEWs have occurred. If applicable, please indicate those disciplinary results.
6. Have there been any bodily injuries (serious or otherwise) as a result of CEW deployment and discharge? If so, what were the results of those incidents?
7. Please cite any lessons learned through the risk-mitigation period or since initial deployment of weapons.
8. Discuss whether supervisors conducting SIR (supervisory investigator reports) have observed any department violations and if so, what were the results of the observations?
9. Are there any proposed changes since the last CEW draft policy was submitted?
10. Please discuss any other important items for the Board's information.



Series 300 Support Services	Effective Date 10/19/2017	Review Date Annually	Directive Number 304.6
Chapter 304 - Training			
Reviewing Office Civil Rights			<input checked="" type="checkbox"/> New Directive <input type="checkbox"/> Revised
References			

BODY-WORN CAMERAS

304.6-1 PURPOSE

The purpose of this directive is to establish guidelines and procedures governing the use of body-worn camera (BWC) systems by department members and the preservation of the digital media created by such equipment.

304.6-2 POLICY

It is the policy of the Detroit Police Department to increase member safety, protect the department from unwarranted citizen complaints, and ensure exceptional police service by members of the Detroit Police Department by using BWC systems to securely record policing activities on video/audio media. The use of body-worn cameras does not replace the requirement to provide thorough written documentation of an incident. All data, images, video and metadata captured, recorded or otherwise produced is the property of the Detroit Police Department and is subject to State and Local law and City policies regarding retention of records.

304.6-3 PROCEDURE

- 1) All members at BWC equipped commands who have citizen interactions in the daily performances of their duty are mandated to wear a body-worn camera.
- 2) Prior to using a body-worn camera, members shall receive Department approved training on its proper operation and care in addition to the Department's policy with respect to the use of the body-worn camera.
 - a. Additional training shall be provided during in-service training to ensure the continued effective use of body-worn cameras.
- 3) At the beginning of each shift, the shift supervisor shall ensure each member is assigned and wearing an operable body-worn camera.
 - a. The serial numbers of each BWC assigned to each member shall be recorded on the Activity Log Sheet.
 - b. Body-worn cameras shall not be shared between members on the same shift.
 - c. Body-worn cameras and equipment shall be used with reasonable care to ensure proper functioning.

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- 4) Members shall sync their assigned BWC with their assigned vehicle at the beginning of each shift.
- 5) Members assigned a body-worn camera shall make a verbal introduction by recording his/her name and badge number, the date, time, and then state, "Audio/visual check from scout...e.g. four eight." Members shall make the introduction while standing in the front of their assigned car with the in-car video camera pointed outside toward them. Members shall label this as a "Test Recording".
- 6) Members who are BWC equipped, but not in-car video equipped, shall make the introduction utilizing their BWC while pointing the BWC at their facial area in order to be identified during the introduction. Members shall label this as a "Test Recording".
- 7) In the event a body-worn camera is found to be or becomes inoperable, lost or stolen, the assigned member shall immediately notify the shift supervisor and document the event on his/her Activity Log. The shift supervisor shall perform an immediate inspection of the member's BWC system. Should the supervisor determine that the officer's BWC system is defective, the supervisor shall assign the member a replacement device and forward the defective unit to the Technical Services Bureau for repairs.
- 8) Members shall wear BWCs affixed to their Department issued uniform in the chest area above the belt line and below the neck, centered to optimally capture all recording.
- 9) Members shall only use department-issued BWC. Members shall not use personally-owned body-worn cameras while on duty.
- 10) Members shall not utilize body-worn cameras while off duty. Members shall utilize BWCs if they are assigned to a Secondary Employment assignment or are involved in an incident in which they, or another DPD member takes police action.

304.6-3.1 When to Activate Body-Worn Cameras

The BWC shall be activated prior to initiating, or as soon as practical after initiating the following police actions:

- 1) Except as otherwise provided in this policy, members shall activate their body-worn cameras to record all contacts with citizens in the performance of his/her official duties (i.e. calls for service, vehicle stops, execution of search and/or arrest warrants, observed events, and casual encounters).
- 2) Once a body-worn camera is activated, the device shall remain on until the event is completed in order to ensure the integrity of the recording.
- 3) If a member fails to activate his/her body-worn camera, fails to record the entire event, or interrupts the recording, the member shall document on his/her Activity Log why the recording was not made, interrupted, or terminated.
- 4) If a member purposely de-activates his/her body-worn camera without justified cause, he/she may be subject to disciplinary action.
- 5) Members shall inform citizens immediately upon contact that they are being

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recorded.

304.6-3.2 When to Stop Recording

Whether a member must comply with a citizen's request to stop recording with a body-worn camera depends on the location, whether the member is at the location pursuant to a valid search warrant, and whether or not exigent circumstances exist. The following rules apply:

- 1) When a member is in an area open to the public, and a citizen objects to the recording, the member shall not stop recording.
- 2) When a member is in an area where an individual has a reasonable expectation of privacy (such as a private home), pursuant to a valid search warrant, and the individual objects to the recording, the member shall not stop recording.
- 3) When a member enters an area where an individual has a reasonable expectation of privacy (such as a private home), without a valid search warrant, but where exigent circumstances exist (hot pursuit of fleeing felon; imminent destruction of evidence, need to prevent suspect's escape; or a risk of danger to the police or others) and an individual objects to the recording, the member shall not stop recording.
- 4) When a member enters an area where an individual has a reasonable expectation of privacy (such as a private home), without a valid search warrant, and where exigent circumstances do not exist, but the owner consents and a person with authority over the premises such as a renter objects to the recording, this shall be regarded as a revocation of the consent to enter, and the member should either turn off the camera (after recording the objection) and remain, or leave the premises. Revoking consent for a search does not constitute probable cause to arrest.
- 5) When a member is taking a witness statement from a victim of an alleged rape, other victim of a violent crime, or if there is a rational belief by that member that the recording would place the witness in danger of harm. This discretion is solely left to the responding member.
- 6) Any interruption of a BWC recording under this section must be properly documented as set forth in Section 304.6-3.1(3) of this Policy.

304.6-3.3 Restrictions on Use of Body-Worn Cameras

BWCs shall be used only in conjunction with official law enforcement duties. However, BWCs shall not be used to record the following:

- 1) Members shall not use BWCs to secretly record conversations that are not investigative in nature or are unrelated to official police activities (i.e. casual "shop-talk" conversations between members).
 - a. A violation of this prohibition would be considered serious in nature and could result in discipline, up to and including termination.
 - b. If such a conversation is recorded, the member shall immediately notify

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a supervisor and document on his/her Activity Log. The supervisor shall take any and all necessary steps to ensure that the recorded conversation is not repeated or played unless required by law.

- 2) Performance of non-enforcement functions or administrative duties within a Department facility.
- 3) During departmental investigations and/or interviews involving any of the following: Command level interviews, Office of the Chief Investigator (OCI) interviews, Force Investigations interviews, and/or Internal Affairs interviews.
- 4) Undercover members or their confidential informants.
- 5) When on break or otherwise engaged in personal activities.
- 6) Locations where department personnel have a reasonable expectation of privacy, including but not limited to hospital or emergency rooms, locker rooms and restroom facilities.

If an activity or conversation is recorded that falls within one of the above-listed restrictions, the desk supervisor shall be notified immediately, the event documented on the member's Activity Log and the supervisor shall take any and all necessary steps to ensure the recorded event is not repeated nor played unless required by law.

A violation of these restrictions is considered serious in nature and could result in the implementation of progressive discipline up to and including termination from the Detroit Police Department.

304.6-4 REPORTING

- 1) The use of the BWC will be recorded in all department reports. This notation of the use of the BWC does not replace the member's responsibility to fully complete Department reports.
- 2) Whenever a member obtains a recording of a statement, the event shall be documented in all Department reports. A video statement is a supplement to, and not a replacement or substitute for, a written statement.
- 3) A member may not exclusively use "please see video" or any similar language on any Department mandated reports.

304.6-5 SUPERVISOR'S RESPONSIBILITY**Inspection of Body-Worn Camera Equipment**

Supervisors shall visually inspect the BWC equipment assigned to their subordinates being deployed at the start of each shift to ensure that the equipment is operational. Supervisors shall document the results of the inspection, as well as any reports from members of non-functioning BWC equipment, on his/her DPD 250, and the actions taken to remedy the non-functioning equipment.

304.6 BODY-WORN CAMERAS**Supervisory Reviews of Video**

Supervisors shall review audio/video of all incidents involving:

1. Injuries to a detainee or an officer;
2. Use of force;
3. Vehicle pursuits; and
4. External complaints;

The reviewing supervisor shall document the results of the review of the audio/video in his/her investigative report on the incident. The reviewing supervisor shall also ensure that the correct classification of the "event" is selected for the incident. Supervisors shall ensure that events are properly categorized.

Random Reviews of Video

- 1) Commands will be notified of specific dates, times, and incidents to review by the Office of Civil Rights. The supervisor shall review audio/video recordings for training and integrity purposes. The Office of Civil Rights shall identify traffic stop events wherein a DPD member had some type of interaction with a citizen that would necessitate the event to be recorded on audio/video in accordance with DPD policy.
- 2) Under no circumstance shall any footage captured and reviewed outside of Departmental and procedural protocols, e.g. personal conversation, be used in a manner solely to substantiate misconduct.

Office of Professional Standards

The department reserves the right to make all video accessible to the Office of Professional Standards for any reason it deems necessary including but not limited to random video review, review for criminal complaints, review for policy compliance and internal investigations.

Office of the Chief Investigator

The department reserves the right to make all video accessible to the Office of the Chief Investigator in order to conduct OCI investigations emanating from citizen complaints.

304.6-6 MEDIA STORAGE

- 1) At the end of each shift, each member shall return the BWC equipment to docking stations for video upload and battery charging.
- 2) The media captured by the BWC shall be securely stored and maintained by DPD or a third-party vendor according to the record retention policy set forth in Section 304.6-8 of this policy.
- 3) Any and all media captured by the BWC shall only be used for official department purposes.
- 4) Members may use media captured via BWC for official duties including completion of department-mandated reports. Members shall be allowed to review the recording

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from their own BWC. Furthermore, the determination of when a member may view another member's BWC footage shall be determined on a case-by-case basis at the discretion of the officer in charge of the case.

- 5) If any material discrepancy is identified between media captured via BWC and a department report, a supplemental report shall be filed.
- 6) Unless authorized by subpart 7 below, DPD personnel shall not alter, edit, erase, share or otherwise distribute in any manner any BWC information, images, sound or content without the prior written approval of the Chief of Police or his/her designee.
- 7) Unless otherwise required by law, DPD personnel shall not duplicate, copy, share or distribute in any manner, any BWC information, images, sound or content without the prior written approval of the Chief of Police or his/her designee.
- 8) Each BWC file shall contain information related to the date, BWC identifier, and assigned member.

304.6-7 INTEGRITY CONTROL SAFEGUARDS

- 1) Requests to archive BWC recordings shall be forwarded to the commanding officer of the respective command on an Inter-Office Memorandum. Requests shall contain the relevant BWC serial number, uniformed member's name, justification for the request and date and time of occurrence.
- 2) All digital media collected using body-worn cameras shall be subject to the same security and chain of custody restrictions as evidence and shall not be released to any other agency or individual without the written approval of the Chief of Police, his/her designee and the Office of Professional Standards.
- 3) Access to stored recordings shall be limited to department personnel for administrative or law enforcement purposes only. The releasing of any media for any other purpose without authorization from the Chief of Police, his/her designee and the Office of Professional Standards is strictly prohibited and subject to disciplinary action.
- 4) After adjudication, BWC recordings may be used in conjunction with Professional Education and Training to aid in training Department personnel.
 - a. Examples of inappropriate and unauthorized use of body-worn cameras include, but are not limited to:
 - i. Publishing the digital media on internet sources such as Facebook, YouTube, or any other social media, web hosting or internet sites.
 - ii. Using a secondary recording device such as a phone to record media from the body-worn cameras or any other source where captured media is stored.
 - iii. Allowing unauthorized personnel to view or listen to any portion of the digital media captured by any member's body-worn camera.

304.6 BODY-WORN CAMERAS**304.6-8 RECORDS RETENTION**

- 1) All files from body-worn cameras shall be securely stored on the DPD's local storage server for a period of ninety (90) days. Files flagged by administrative or legal department personnel shall be maintained after ninety (90) days and saved to a separate storage medium.
- 2) Any files retained longer than ninety (90) days shall be saved and maintained on a separate storage medium.
- 3) Files flagged for extended retention under subpart 1 shall be retained on a separate storage medium until the investigation is concluded, or allegations of misconduct are fully investigated and resolved, or litigation is completed, or the statute of limitation for a claim has expired as dictated by the State of Michigan, Department of Technology, Management and Budget, General Schedule #11, Retention and Disposal.
- 4) All BWC files involving a formal complaint against a law enforcement officer and/or the Detroit Police Department shall be maintained for not less than three (3) years.

304.6-9 REQUEST(S) FOR COPY OF VIDEO RECORDING(S)

- 1) Upon receipt of a request for a copy of the video recording, the custodian of the recording shall:
 - a. Notify the Law Department immediately of the request by providing a copy of the written request, which should contain the date when the custodian received the request.
 - b. Record the following information:
 - i. Type of request (FOIA, subpoena, etc.);
 - ii. When was the request made;
 - iii. Who made the request (Law Unit, Law Department, IA, OCI, WCPO, etc.);
 - iv. Which custodian received the request and when;
 - v. If applicable, when was the Law Department notified;
 - a. Identity of DPD personnel who notified the Law Department;
 - b. Identity of Law Department personnel who was notified by DPD;
 - vi. When the recording was duplicated and by whom; and
 - vii. When and to whom was the copy sent.
 - c. Immediately locate the requested video recording and duplicate the recording within five (5) business days of receipt of the request.

304.6 BODY-WORN CAMERAS

- d. Forward the copy of the recording to the requesting party upon a signed receipt of same.
- 2) For purposes of request(s) submitted under the Michigan Freedom of Information Act (the Act or FOIA), it should be noted that the images and audios recorded by the member's body-worn camera are a "public record" within the meaning of the Act.
- a. Therefore, the images and audios recorded by the BWC while the member was performing his/her official duty are public record and subject to disclosure, unless otherwise exempt from disclosure under the Act or other applicable statute.
 - b. No video recording shall be disclosed or released to any third-party without the following:
 - i. A review by the DPD to verify that the recording is the correct video which was requested; and
 - ii. A review by the Law Department to make the necessary legal determination whether a portion or the entire video can be exempt from disclosure.
 - c. Labor Time and Costs under the Michigan Freedom of Information Act.
 - i. Since locating and verifying the correct video can be time-consuming, and because the Act permits the City to request and to collect limited costs incurred by the City under certain circumstances, the DPD personnel who searches, retrieves, and reviews the video to verify the correctness shall keep track of his/her time spent in such actions and report the time spent to the Law Department when a copy of the recording is being delivered to the Law Department.
 - ii. The costs for the duplication of the video may only be charged by the Law Department in accordance with the Act.

**PLANNING, RESEARCH AND DEPLOYMENT
TRANSMITTAL OF WRITTEN DIRECTIVE**

FOR SIGNATURE OF: James E. Craig, Chief of Police

TYPE OF DIRECTIVE: Manual Directive 304.7

SUBJECT: TASER X2 CONDUCTED ENERGY WEAPON (CEW)

ORIGINATED OR REQUESTED BY: Planning, Research and Deployment

APPROVALS OR COMMENTS:

This is a new Directive. The Training Directive is attached for reference.

APPROVED
MAR 22 2019
[Signature]
SECOND DEPUTY CHIEF
POLICE LEGAL ADVISOR

APPROVED
MAY 2 2019
[Signature]
1st ASSISTANT CHIEF
OFFICE OF THE CHIEF

Approved
Cmdr. M
4/7/19

APPROVED
[Signature]
ASST. CHIEF
ADMIN. & OPERATIONS

RECEIVED
MAY 06 2019
BOARD OF POLICE COMMISSIONERS

**AFTER THE DIRECTIVE IS APPROVED AND SIGNED, PLEASE RETURN TO
PLANNING, RESEARCH AND DEPLOYMENT.
1301 Third Avenue, 7th Floor, Detroit MI 48226**

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Series 300 Support Services	Effective Date	Review Date Three Years	Directive Number 304.7
Chapter 304 - Training			
Reviewing Office Office of Support Operations			<input checked="" type="checkbox"/> New Directive <input type="checkbox"/> Revised
References			

TASER X2 CONDUCTED ENERGY WEAPON (CEW)

304.7 - 1 PURPOSE

The purpose of this directive is to establish guidelines and procedures governing the use of the TASER X2 CEW by Department members and the preservation of the evidence, digital information, and/or media resulting from their use.

304.7 - 1.1 Proper Use of Force Decision Making

1. In *Graham v. Connor*, the United States Supreme Court explained that the objectively-reasonable standard is to be applied from the perspective of a reasonable law enforcement officer on the scene and include an allowance for the fact that law enforcement officers are often forced to make split-second decisions about the amount of force necessary in circumstances that are both uncertain and rapidly evolving. Although the test of reasonableness is not capable of precise definition or mechanical application, the following factors must be considered:
 - a. The severity of the crime at issue;
 - b. Whether the suspect poses an immediate threat to the safety of Department members or others; and
 - c. Whether the suspect is actively resisting arrest or attempting to evade the arrest by flight.

2. Notwithstanding any provision below, which constitutes only guidelines for the purpose of informing a Department member's decision on whether to resort to the TASER X2 CEW, the question of whether the member's discharge or use of the device in drive-stun mode will always depend on the totality of the circumstances surrounding each particular incident.

304.7 - 2 POLICY

1. The TASER X2 CEW is the only Department-approved CEW. No other CEW or comparable device may be carried while a member is on duty or working Secondary Employment. Only those members who have been trained may carry and use the TASER X2 CEW. Force used by members shall be in accordance with the DPD's use of force policies. (Refer to Directive 304.2 [Use of Force] and Training Directive 04-03 [Use of Force Continuum]).

304.7 TASER X2 CONDUCTED ENERGY WEAPON (CEW)

2. All on-duty members shall be equipped with the Department approved CEW. Those members assigned to field assignments (e.g. investigations, patrol, etc.) shall carry the Department approved CEW at all times. Those members assigned to administrative duties (e.g. desk, records, etc.) must have the Department approved CEW available.
3. Subject to the objectively reasonable standard set forth in *Graham v. Connor* and discussed above, the TASER X2 CEW may be discharged against persons who are actively resistant, actively aggressive, or self-destructive.
4. Members shall target the lower center mass of the body on the front of the body and below the neckline of the back because clothing is usually tighter across the back. If the suspect is wearing loose or heavy clothing on the upper body, the legs may also be considered a target.

304.7 - 3 Definitions

304.7 - 3.1 Beneficial Use

Un-holstering the CEW with the intent of discharging it, warning a subject of imminent CEW discharge against them, the utilization of warning arcs, and/or acquiring a target with a CEW.

304.7 - 3.2 Cycle

The amount of time that an electrical current passes through the probes of the TASER X2 CEW.

304.7 - 3.3 Cartridge

A replaceable device that houses the CEW probes, wires and confetti tags.

304.7 - 3.4 Discharge

The act of pulling the CEW trigger to discharge the probes or utilize the drive-stun mode.

304.7 - 3.5 Drive-Stun Mode

A mode of the TASER X2 CEW that involves holding the front of the device against the body of an individual and causing an electric current to form between the device's four metal electrodes. The drive-stun mode is not designed to cause incapacitation and generally becomes primarily a pain compliance option.

304.7 - 3.6 EVIDENCE.com

A cloud-based repository of all data created by the TASER X2 CEW and the TASER CAM HD.

304.7 - 3.7 Evidence Sync

A software program that enables members granted the appropriate access to (1) transfer device event records and video from a TASER X2 CEW and TASER CAM HD to a computer or the Evidence.com website, and (2) to adjust certain settings on the

304.7 TASER X2 CONDUCTED ENERGY WEAPON (CEW)

TASER X2 CEW or the TASER CAM HD. The software is only for use with Microsoft Windows-based computers.

304.7 - 3.8 Excited Delirium

Excited delirium is characterized by agitation, aggression, acute distress, and sudden death. It is typically associated with the use of drugs that alter dopamine processing, hyperthermia, and, most notably, sometimes with death of the affected person in the custody of law enforcement.

304.7 - 3.9 Neuro Muscular Incapacitation (NMI)

A condition that occurs when the CEW is able to cause involuntary stimulation of both the sensory nerves and the motor nerves.

304.7 - 3.10 Positional Asphyxia

Occurs when an individual's breathing is restricted from pressure exerted against their chest, or the position of a person's head causes obstruction of their airway. Either of these conditions can result from a body position that interferes with breathing and may result in death.

304.7 - 3.11 Probe Mode

When a discharge occurs in probe mode, two probes are launched and (ideally) attach to a person's clothing or skin to complete the circuit back to the CEW initiating a cycle.

304.7 - 3.12 Probes

Small dart-like electrodes, which stay connected to the main unit by conductors, to deliver electric current to disrupt voluntary control of muscles causing neuromuscular incapacitation.

304.7 - 3.13 Self-Destructive

Harmful, injurious, or destructive to oneself; reflecting or exhibiting suicidal desires or drives.

304.7 - 3.14 Sensitive Areas

Areas of the body such as the head, face, neck, groin, or breast.

304.7 - 3.15 Special Population

Individuals, who because of some condition (e.g. age, a medical or mental condition, size, or stature), are unable to comply with a member's verbal commands.

304.7 - 3.16 Taser CAM HD

A camera/recording accessory to the TASER X2 CEW that is equipped with a microphone and light-sensitive camera. Recording is activated when the safety is in the up (ARMED) position and stops when the safety is in the down (SAFE) position.

304.7 TASER X2 CONDUCTED ENERGY WEAPON (CEW)

There is an approximate 2-second delay between the safety switch being placed in the up (ARMED) position and when the TASER CAM HD begins to record.

304.7 - 3.17 Taser X2 CEW

A software upgradable, 2-shot CEW manufactured by TASER International, Inc. that uses propelled wires or direct contact to conduct energy to affect the sensory and motor functions of the nervous system. The Department-issued TASER X2 CEW is yellow in color to clearly distinguish the device from the member's firearm.

304.7 - 3.18 Un-holster

To un-holster the CEW, readying it for discharge.

304.7 - 3.19 Warning Arc

Activation of the TASER X2 CEW's "ARC switch" that results in electrical energy sparking across the electrodes.

304.7 - 3.20 Wires

When the CEW is discharged in the probe mode, two small dart-like electrodes (probes) stay connected to the main unit by conductive wires.

304.7 - 4 Procedure**304.7 - 4.1 TASER X2 CEW**

1. CEWs use propelled wires or direct contact to conduct energy to affect the sensory and motor functions of the nervous system. CEWs are less-than-lethal devices used to gain control of actively resistive and actively aggressive subjects or those who pose a risk to themselves or others. The TASER X2 CEW is a software upgradable, 2-shot CEW.
2. The TASER X2 discharges "Smart Cartridges" one at a time. The TASER X2 CEW carries two (2) Smart Cartridges containing compressed nitrogen to discharge two (2) small probes that are attached to the X2 insulated conductive wires. The TASER X2 transmits electrical pulses along the wires and into the body affecting the sensory and motor functions of the nervous system, resulting in Neuro Muscular Incapacitation (NMI).
3. Subject to the limitations below, a member may apply energy beyond the initial burst to a discharged cartridge without using the remaining cartridge. The TASER X2 CEW is also designed to allow the member to display a Warning Arc to a suspect or to deliver a "drive stun" without discharging cartridges loaded in the device.
4. The TASER X2 CEW has an internal memory that stores the operating software and a record of every use of the device. The internal memory may be downloaded to a computer through Evidence Sync software and then uploaded into EVIDENCE.com, which serves as a cloud-based storage system.
5. Any member not regularly issued a body camera will have their TASER X2 CEW outfitted with a TASER CAM HD. Similar to the data contained on the TASER X2

304.7 TASER X2 CONDUCTED ENERGY WEAPON (CEW)

CEW; the media contained on the TASER CAM HD may be downloaded to a computer through Evidence Sync and then uploaded into EVIDENCE.com.

304.7 - 4.2 TASER X2 CEW Use

1. In order to gain compliance prior to discharging the TASER X2 CEW or using the TASER X2 CEW in drive-stun mode, members shall, absent exigent circumstances, adhere to the following:
 - a. Verbalize their intent to use the TASER X2 CEW (e.g. because of assaultive or actively resistant behavior, etc.);
 - b. Determine whether the individual is complying with verbal directions (e.g. raising hands, getting on the ground, etc.);
 - c. Display and/or point the TASER X2 CEW at the person; and
 - d. Point the red laser lights at the person, ensuring that the laser light is never pointed in the area of the eyes.
2. Members must, if possible, obtain backup and issue a loud verbal warning to the person before the initial cycle and every subsequent cycle of the TASER X2 CEW to control the person.
3. Members shall have their trigger finger outside the trigger guard unless actively engaged in discharging their TASER X2 CEW or using the TASER X2 CEW in drive-stun mode. Trigger fingers inside the trigger guard may lead to unintended CEW activation, especially if the incident is still actively evolving.
4. Members shall avoid hitting sensitive tissue areas, such as the head, face, neck, groin, or breast. Absent exigent circumstances, only EMS personnel or medical personnel at a medical facility shall remove probes penetrating these sensitive areas.
5. Given that medical professionals under optimal circumstances cannot unequivocally diagnose excited delirium and that in such fast evolving circumstances where confrontations or physical struggles spike in intensity and outcomes are uncertain at best, members shall be held only to the "objective reasonableness" standard as established by the U.S. Supreme Court in *Graham v. Conner* (1989).
6. Caution is urged when dealing with exhausted individuals or persons exhibiting symptoms of excited delirium. Physical struggles that involve intense high levels of exertion beyond 45 seconds should be minimized if there is the possibility TASER X2 CEW use. High intensity struggles should be expeditiously resolved by either the use of the TASER X2 CEW or by way of another approved use of force.
7. Persons under the influence of drugs (prescription or illegal), alcohol, or a combination of both, may be at a heightened risk of medical complications or death following a CEW contact. In dealing with such individuals, members shall adhere to the guidelines set forth in the most recent TASER X2 CEW certification/recertification training sessions.
8. Generally, members should not attempt to activate more than one (1) CEW at a given time against a subject.

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9. If an initial TASER X2 CEW discharge does not make contact or is ineffective, subject to the limitations explained below, the same or another member may attempt an additional discharge as needed or practical in order to make successful contact on a person.
10. Multiple, continuous, or cumulative cycling may increase the risk of serious bodily injury or death to a subject. As such, once a successful CEW contact is made, a member, or if there are multiple members who have made successful CEW contacts on a person, shall not exceed three (3), five (5) second cycles in total. Rare exceptions may exist. In circumstances where member(s) exceed the three (3), five (5) second cycle threshold, members shall complete a well-articulated Use of Force Report explaining why each successive cycle of the CEW was administered. These exceptions include but are not limited to the following:
 - a. Persons whose continuing physical aggression is so intense that the member is forced to weigh the use of deadly force as one of the remaining use of force options;
 - b. Persons who are aggressively resisting being taken into custody and where alternate uses of force such as baton strikes, striking, punching, kicking are ineffective or may be causing greater harm to the person than the continued use of the CEW; or
 - c. Situations where lone members, while waiting for backup to arrive, are facing aggressively resisting persons who pose a reasonable perceived risk of serious physical harm to the member or others and there is no other reasonable alternative to diminish that risk.
11. A CEW in the hands of a suspect is considered deadly active force when no other member is present to provide deadly force cover. A lone member risks the possibility that the CEW may be used against them and that deadly force may be forthcoming as a result of the member's incapacitation. If multiple members are present, the presence of a CEW in the hands of a suspect is in and of itself not cause to use deadly force unless it can be clearly articulated that a member or innocent party was in imminent danger of serious physical injury or death.

304.7 - 4.3 Prohibited Use

The CEW shall not be used in the following circumstances:

- a. To threaten or elicit information from a person;
- b. To prevent the destruction of evidence;
- c. Flight unaccompanied by any reasonable suspicion or probable cause to believe that an individual has committed, is committing, or is about to commit a crime or a seizure is otherwise lawful under local, state, or federal law;
- d. On women known or believed to be pregnant unless deadly force is the only option;

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- e. On a person that has come in contact with highly flammable liquids, substances, or volatile gases (e.g. chemical spray, gasoline, propane, natural gas, etc.); or is in a flammable atmosphere;
- f. On a person that is in a position where falling could cause injury that exceeds the reasonableness of the use of the TASER X2 CEW;
- g. On a person operating a motor vehicle or heavy machinery. The TASER X2 CEW may be used against individuals situated in parked vehicles or machines but only where there is no foreseeable risk that the suspect will be able to place the vehicle or machinery into motion;
- h. On a person riding a bicycle (or other similar object [e.g. skateboard]) and the use of the TASER X2 CEW has the potential to cause injury that exceeds the reasonableness of the stop; and
- i. On a person that appears to be under the age of 13 or over the age of 60, due to the potential of falling when incapacitated, unless the encounter rises to a deadly force situation.

304.7 - 4.4 Special Populations

As a general matter, members shall avoid using the TASER X2 CEW against "special populations" (i.e. individuals who, because of some condition [age, a medical or mental condition, size, or stature] are unable to comply with a member's verbal commands). If the TASER X2 CEW is used against a person suspected to be classified as "special populations," the following process shall occur:

- a. Force Investigations shall be notified. Once briefed on the circumstances, Force Investigations shall make an initial determination on whether the member discharged the TASER X2 CEW or used the TASER X2 CEW in drive-stun mode against an individual that should be classified as "special population"; and
- b. If it is determined by Force Investigations that the suspect is appropriately classified as "special population," Force Investigations will conduct the investigation and will be tasked with determining whether the member's actions were justified notwithstanding the general prohibition.

304.7 - 4.5 Warning Arcs

Warning arcs are permitted only for supplementing a member's verbal warning with a visual indication of the member's intent to use the device or to help demonstrate the efficacy of the device. A warning arc may only be used under the following circumstances:

- a. Even after the member has verbalized their intent to use the TASER X2 CEW, the suspect remains non-compliant;
- b. There is adequate time and opportunity to safely issue a warning arc; and
- c. The circumstances are such that a reasonable law enforcement officer at the scene would believe that issuing a warning arc would encourage the suspect to become compliant.

304.7 TASER X2 CONDUCTED ENERGY WEAPON (CEW)**304.7 - 4.6 Use of Taser X2 CEW on Handcuffed Person**

CEW usage on a handcuffed or restrained person is warranted only in the most limited of circumstances. Extreme caution, judicious decision-making, and reasonableness shall also be the subject of a well-articulated Use of Force Report. This report shall be in addition to any other forms required in a use of force incident. These circumstances may include but are not limited to the following:

- a. Highly combative persons who are actively engaged in causing serious physical harm by way of biting, head butting, kicking, or if the handcuffed/restrained person has gained access to a deadly weapon; or
- b. The handcuffed/restrained person has mobility, has escaped physical custody, and is placing themselves or others in extreme peril such as where the direction of flight is towards a location where others may be waiting to launch a deadly assault, vehicular traffic, or where a fall from a building or structure can cause serious physical harm or death.

304.7 - 4.7 Drive-stun Mode

1. Use of the TASER X2 CEW in drive-stun mode is generally prohibited and presumably not in compliance with this directive. Although *rare* exceptions to this general prohibition may exist, the burden of overcoming the presumption of non-compliance rests entirely with the member. This burden is to be considered high. Although not determinative on the issue of whether the member's use constitutes a valid exception to the general prohibition against use of the drive-stun mode, the following factors may be considered:

- a. Use of a CEW in probe mode would be authorized but is not feasible;
- b. The member was facing an actively aggressive subject and was in immediate danger of serious harm;
- c. No other device, tactic, action, or technique could reasonably have been expected to stop the imminent threat of injury; and
- d. Use of the device was otherwise reasonable and necessary.

2. In the event a member uses the device in drive-stun mode, the device shall be confiscated until the member's commanding officer conducts a preliminary review of the facts and circumstances surrounding the incident. Only upon written recommendation by the member's commanding officer, and approval by the member's deputy chief, shall the TASER X2 CEW be returned.

304.7 - 4.8 Use of Taser X2 CEW on Animals

CEWs have been shown to be effective in some incidents of controlling or minimizing threats posed by animals. While it may be extremely difficult to shoot an animal accurately and effectively with a CEW, the use of a CEW on an aggressive animal is permissible.

304.7 TASER X2 CONDUCTED ENERGY WEAPON (CEW)**304.7 - 5 Medical Treatment**

Following a CEW discharge, members shall adhere to the following protocol:

- a. After a CEW discharge, only qualified medical personnel shall remove CEW probes from a person. Qualified medical personnel includes doctors, nurses, and Emergency Medical Services (EMS) personnel;
- b. If EMS personnel determine that the probes should be removed at the scene of a CEW discharge, only EMS personnel shall remove the probes. If EMS personnel remove the probes at the scene, members shall be guided by EMS personnel whether the person shall be transported to the Detroit Detention Center or to the nearest hospital for treatment. If EMS personnel determine that the person shall be transported to the nearest hospital for treatment, one member shall accompany the person in the EMS rig during transport with another member following in a vehicle;
- c. For persons who are in custody but who remain combative or violent, (thereby constituting a danger to medical personnel or others) the supervisor shall not expose medical personnel, Department members, or innocent bystanders to danger but rather shall have the members transport the person to a hospital for examination, ensuring that the hospital is advised of the incoming person. Members shall ensure that any refusal of treatment by the person is documented in any subsequent reports;
- d. Members shall monitor the person for signs of medical distress for as long as the person is in police custody. As abnormal breathing can be an indication of positional asphyxia, the member shall immediately reposition the person to avoid asphyxia;
- e. If the TASER X2 CEW is used on a juvenile, elderly, pregnant, or physically disabled person, they shall be transported to the nearest hospital for treatment;
- f. Transport suspects for emergency medical care immediately in the following situations:
 - The suspect experiences or complains of difficulty breathing, chest pains, or loss of consciousness;
 - The member believes the suspect requires medical attention (whether or not the suspect requests attention); and/or
 - The member becomes aware afterward of a medical condition (e.g. epilepsy or a heart ailment) that a CEW may aggravate.

304.7 - 6 Reporting Procedures

1. Each attempted CEW discharge or drive-stun application against a person, whether the probes or electrodes make contact with the person or not, is considered a use of force, and members shall adhere to all the requirements contained under Directive 201.11, Use of Force/Detainee Injury Reporting and Investigation and Directive 304.2,

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Use of Force, for proper reporting requirements. Consistent with these directives, members shall notify the zone dispatcher and request a non-involved supervisor to respond to the scene.

2. In addition to the requirements listed above, the following incidents shall be considered Category 1 Use of Force Investigations and Force Investigations shall respond to the scene and be responsible for conducting a complete investigation:
 - a. Any incident involving a drive stun; and
 - b. Any incident involving a probe strike to a person's head, face, and/or genitals.
3. Following any discharge or application of the device in drive-stun mode, the member shall present their TASER X2 CEW to the responding/investigating supervisor as part of the Use of Force Reporting protocol. The supervisor shall ensure that all data is appropriately downloaded from the device and follow the below protocol:
 - a. A copy of the data report shall be electronically attached to the member's incident report. A physical copy of the downloaded data report shall accompany the Use of Force Report;
 - b. If the download is not available, a notation explaining why the download is not attached shall be included in the incident report and in the Use of Force Report; and
 - c. The supervisor shall forward the download as soon as it is available. An instructional booklet on CEW downloading shall be maintained at the front desk of each precinct.
4. Members shall complete the CEW Tracking Form. Members shall include a brief summary of the incident whenever the TASER X2 CEW is utilized, and specify whether the TASER X2 CEW took effect, did not take effect, had an accidental discharge, acquired a target or was un-holstered (none of the above). A supervisor shall complete the bottom portion of this form including a brief summary of their review.
5. If any defects (e.g. replacement battery needed, improper functioning, etc.) pertaining to the TASER X2 CEW are discovered, such defects shall be reported to a supervisor as soon as possible following discovery. The member discovering the defect shall record all pertinent information on their Activity Log. The entry shall include the circumstances of the discovery and a thorough description of the defect.

304.7 - 7 Investigating TASER X2 CEW Incidents

1. In addition to any requirements set forth under Directives 201.11 and 304.2, responding/investigating supervisors shall ensure that any evidence resulting from the use of the TASER X2 CEW is preserved.
2. A TASER CAM HD shall be affixed to any TASER X2 CEW carried by a member that is not regularly issued a BWC. TASER CAM HD media constitutes evidence. Responding/investigating supervisors shall ensure that this media is downloaded to Evidence Sync and uploaded to EVIDENCE.com.

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3. The TASER X2 CEW maintains a "Trilogy Log" within its internal memory. The Trilogy Log constitutes evidence. Responding/investigating supervisors shall ensure that the data is downloaded to Evidence Sync and uploaded to EVIDENCE.com. The Trilogy Log has the following three (3) components:
 - a. The Event Log;
 - b. The Pulse Log; and
 - c. The Engineering Log.
 - The Event Log tracks events. An event begins when the safety is moved to the up (ARMED) position and ends when it is moved to the down (SAFE) position.
 - The Event Log stores discharge events for each cartridge which includes cartridge type, discharge status (whether the cartridge was actually discharged or not), duration of cycle, and the voltage and current delivered of each individual pulse.
 - The Event Log stores the Cartridge Advance Events. This is any time a cartridge advance occurs between the start and end of a session.
 - The Event Log stores System Configuration Change Events. This is any time a system configuration is changed. For example, if the date, time, language, LASER, or flashlight on/off settings are changed, then the system log records when these changes occurred. System Configuration also refers to firmware updates. The system log records the date and time of the update, version information, and whether the update succeeded or not.
 - The Pulse Log records any pulse activity (e.g. probe discharges and warning arc displays).
 - The records include how long the CEW was discharged, whether contact was made or not, and the voltage, current, and resistance of every pulse.
 - The Pulse Log records arc displays that were initiated via the ARC switch. The record of an arc display includes the event duration and the voltage and current of every pulse.
 - The Engineering Log monitors the performance of every key subsystem within the TASER X2 CEW and provides alerts to the user if any subsystem is not performing properly and if maintenance is advisable. Any internal circuitry errors that occur inside the TASER X2 CEW are written to this log. This information is used for diagnostics and warranty issues.
4. The TASER X2 CEW is programmed to GMT at the factory. Every time the X2 CEW is connected to EVIDENCE.com services, the system will perform a time synchronization to GMT. The conversion to local time, including adjustments to daylight saving time, are all computed in the PC-based software. There is no need to program the TASER X2 CEW to local time or to reprogram the CEW to daylight savings time.

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5. When a TASER X2 Smart Cartridge is expended, the responding/investigating supervisor shall collect the now-expended cartridge, wires, and probes as one single unit when possible.
 - a. The cartridge wire shall be loosely collected along with the cartridge and probes, secured in an evidence envelope, and entered into the TRACKER system.
 - b. An incident report shall accompany all TASER X2 CEW discharges. The Smart Cartridge wire shall not be tightly wrapped or rolled up. The probe should be double or triple wrapped in paper to resist puncturing the evidence envelope.
 - c. The evidence envelope shall be clearly marked so that it contains a clear indication that the contents include a used TASER X2 CEW cartridge probe.
6. Every time a Smart Cartridge is discharged, at least 20-30 small confetti-like Anti-Felon Identification (AFID) tags are ejected. Each AFID tag is printed with the corresponding TASER X2 CEW serial number of the cartridge discharged, allowing determination of which user discharged the cartridge.
 - a. Following any discharge, supervisors shall, if feasible, collect a sample of AFID tags sufficient to evidence whether a member discharged the TASER X2 CEW.
 - b. If the location of AFID tags constitutes relevant evidence, the investigating supervisor shall ensure the "spread" of the AFID tags is photographed.
7. In the event of a death from the application of the TASER X2 CEW, the Homicide Task Force and Force Investigations shall respond to the scene. In addition to their standard practices, the responding Homicide Task Force/Force Investigations members shall ensure that photographs of the impact area are taken.

304.7 - 8 CEW Replacement Cartridges/Batteries

1. After a member has fired a Smart Cartridge, absent circumstances requiring confiscation of the TASER X2 CEW, supervisory personnel shall ensure that the member is issued a replacement cartridge prior to resuming regular duties.
2. Information pertaining to the replacement cartridge shall be included in the member's incident report and, if applicable, the member's Use of Force Report detailing the expenditure of the prior cartridge.
3. Replacement cartridges shall be logged and maintained in a secured location by the precinct/unit supervisor. The commanding officer is responsible for contacting Firearms Inventory for an adequate supply of Smart Cartridges.
4. Firearms Inventory shall maintain an adequate supply of TASER X2 CEWs, batteries, cartridges, and other equipment. Any defective TASER X2 CEWs, cartridges, or batteries, including depleted batteries, shall be returned promptly to Firearms Inventory. Firearms Inventory shall maintain a list recording the serial numbers of all TASER X2 CEW equipment issued.

304.7 TASER X2 CONDUCTED ENERGY WEAPON (CEW)**304.7 - 9 Functions and Limitations**

1. Only certified members may carry or use the TASER X2 CEW. The certified member shall be aware of their device's condition, functions, and limitations. Such information is provided through training, the TASER X2 User Manual, and applicable DPD directives.
2. The TASER X2 CEW holster shall be worn on the non-weapon side of the member's body (opposite from where the firearm is holstered). This reduces the risk of drawing a firearm while under stress when the use of a firearm is not intended.
3. The TASER X2 CEW is a sensitive electronic device. Members shall take care not to drop the device. The TASER X2 CEW shall be secured in its approved protective holster when not in use.

304.7 - 10 TASER X2 CEW Inspections

1. *All full duty sworn members shall carry their TASER X2 CEW while on duty and in uniform.*
2. Members shall be required to self-inspect their TASER X2 CEW and related equipment. Members shall be required to "spark test" their TASER X2 CEW following roll call. Members shall conduct the "spark test" in a safe, enclosed, private area out of the view of public.
3. A supervisor shall ensure that a TASER X2 CEW is downloaded under the following circumstances:
 - a. Upon receipt of a citizen complaint;
 - Supervisors shall attempt to identify any devices implicated in the complaint.
 - If any evidence of the complaint is found, the supervisor shall immediately download TASER X2 CEW, regardless if whether the member carrying the TASER X2 CEW was the "focus" of the complaint.
 - b. Where a member self-reports the discharge of the TASER X2 CEW or the use of drive stun against a person.
4. All TASER X2 CEWs and related equipment shall be inspected concurrently with firearms on a quarterly basis. Inspections shall entail the following:
 - a. A confirmation via visual inspection that the member is in possession of the assigned CEW;
 - b. A confirmation that the serial numbers on the TASER X2 CEW and related equipment correlates to the serial number of the TASER X2 CEW recorded as being assigned to that member;
 - c. A spark test and battery level check.

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5. Members found to be in possession of a defective TASER X2 CEW or related equipment shall be required to prepare an incident report. The member will not be permitted to carry the defective device or any related equipment and shall be immediately referred to Firearms Inventory for replacement.

304.7 - 11 TASER X2 CEW Random Inspections

1. Civil Rights Division will be responsible for conducting random quarterly audits of Tasers. Civil Rights will notify commands of the specific members to be audited. Once those members are identified, supervisors shall conduct a data download of those members' TASER X2 CEW.