



# STATE OF CONNECTICUT

## DEPARTMENT OF PUBLIC SAFETY

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Judiciary Committee  
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### **HB 7211 AN ACT CONCERNING THE USE OF ELECTRONIC DEFENSE WEAPONS**

*The Department of Public Safety opposes this bill.*

This proposed bill addresses use by peace officers of one specific law enforcement tool, electronic defense weapons. Law enforcement has a variety of less than lethal tools which include, but are not limited to, batons, Cap Stun, bean bag rounds, kubatons, etc. The use of these tools by law enforcement is regulated effectively through adopted policy on use of force matters and our statewide use of force matrix, which guides officers to utilize only the tool necessary to neutralize the threat or ensure compliance, thereby limiting the potential for injury to both citizen and officer.

Misuse of any law enforcement tool concerning the use of force is adequately addressed in the threatening and/or assault statutes. This is also the case for any citizen who uses physical force unnecessarily or inappropriately.

The language of this bill would prevent some uses of tasers that are important for public safety purposes. For example, it would preclude the use of these devices on persons who are attempting to take their own life. These individuals are often dangerous to their potential rescuers. Preventing the use of a life saving device, such as the taser, goes against our public safety mission to protect life and property. Our agency already has experience in utilizing a taser to prevent the tragic loss of life through suicide.

Currently, five (5) laws concerning use of physical force provide clear guidance for all use of force implementations and have served law enforcement and private citizens well. They are noted below.

CGS 53a-18 Use of reasonable physical force or deadly physical force generally  
CGS 53a-19 Use of physical force in defense of person  
CGS 53a-20 Use of physical force in defense of premises  
CGS 53a-21 Use of physical force in defense of property  
CGS 53a-22 Use of physical force in making arrest or preventing escape

Additionally, the federal constitutional case of Graham v Connor 490 US 386, (1989) speaks specifically to a law enforcement officer's reasonable use of force. Any use of force by a law enforcement officer 1) must be reasonable and 2) used for a lawful purpose. It is impossible to effectively legislate every eventuality and circumstance where an officer needs to decide on the level and implementation of force to make an arrest or restore order in keeping with our public safety mission. Agency policy and proper training currently sets parameters for the reasonable use of force in law enforcement circumstances.

Use of force is better regulated through adopted policy and training than through legislation. The Department of Public Safety is in the process of incorporating into its A&O manual a model policy on use of electronic control devices that has been developed together with municipal law enforcement representatives. A copy of that policy is attached to this testimony.

# Connecticut Law Enforcement Model Policy

## Electronic Control Devices (ECD)

### **I. Purpose**

The purpose of this policy is to guide Connecticut Law Enforcement Officers on the use of Electronic Control Devices.

### **II. Policy**

It is the policy of *this agency* to use only that level of force that reasonably appears necessary to control or otherwise subdue violent or potentially violent individuals.

### **III. Definitions**

This should define as necessary the agency's ECDs and its components or related equipment.

### **IV. Training**

Only Law Enforcement Officers who have satisfactorily completed the requisite training and recertification course(s) shall be authorized to carry an ECD and to use it in the field.

### **V. Carry Procedures**

This should tell agency's personnel how to carry the ECD and its batteries, cartridges, etc. It is recommended that they carry the ECD in an approved holster or other carrying device on the side of the body opposite from the duty sidearm.

### **VI. Deployment**

- A. Point the ECD in a safe direction when loading, unloading or testing the device.
- B. When feasible, alert other Law Enforcement Officers present that you are about to deploy an ECD. This will prepare them and will help prevent sympathetic weapon discharges.
- C. Use the laser and/or fixed sights to aim the ECD per training and manufacturer's instructions.
- D. Aim for the center of available mass below the head and neck, unless training dictates otherwise.
- E. Use the ECD by either discharging the probes or "drive stun" (contact mode) when and to the extent reasonably necessary.

### **VII. Aftercare**

- A. Provide Emergency Medical Treatment as soon as it is reasonably safe to do so. Depending on the requirements established by the local Medical Director, that Emergency Medical Treatment may be rendered on scene or in a hospital setting.
- B. Use Universal Precautions to avoid the transfer of bodily fluids when dealing with a subject who has been struck by an ECD probe.
- C. Collect the ECD probe(s), cartridge, wire leads, and AFIDS if needed as evidence.

### **VII. Incident Reporting**

- A. Notify a supervisor as soon as it is practical to do so after using an ECD.

B. Complete a report which will include:

- i. Situation which dictated use of force,
- ii. Photographs of extent of injuries,
- iii. Description of first aid provided,

C. The agency will provide for supervisory review of the incident to determine whether:

- i. The use of force was justified,
- ii. Proper first aid was provided,
- iii. ECD was used according to policy and training.