



GEDDES POLICE DEPARTMENT GENERAL ORDER

No. 218

Subject: Conducted Energy Weapon (CEW) Handling and Deployment		
Issuing Authority: Chief of Police	Effective Date: 10/02/2019	Supercedes: 04/01/2019

- I. **PURPOSE:** The purpose of this order is to provide Town of Geddes Police Department officers with guidance and direction on the use of non-lethal Conducted Energy Weapon (CEW), previously referred to as Taser weapons.
- II. **POLICY:** It is the policy of the Town of Geddes Police Department to use only that level of force which is reasonably necessary to control or otherwise subdue violent or potentially violent individuals. Less lethal CEW's have proven effective in the furtherance of this policy and are authorized for use in appropriate circumstances by trained personnel.
- III. **DEFINITIONS:**[Revised: 10/02/2019]
 - A. **Conducted Energy Weapon (CEW)** - Devices designed to disrupt a subject's nervous system by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.
 - B. **NEURO MUSCULAR INCAPACITATION (NMI)** – The desired affect when deploying CEW's designed to temporarily incapacitate violent and/or dangerous subjects so they may be safely taken into custody.
 - C. **Electronic Muscular Disruption (EMD)** – The desired affect when deploying Conducted Energy Weapon weapons designed to temporarily incapacitate violent and/or dangerous subjects so they may be safely taken into custody.
 - D. **PROBE DELIVERY** – Refers to the firing of probes from a CEW into a subject for the purpose of incapacitation through EMD. This type of delivery produces the most desired effect.
 - E. **DRIVE STUN** – When contact is made by pressing an active CEW onto the body of the subject. The drive stun affects the sensory nervous system producing pain compliance and may not achieve NMI.
 - F. **SPARK DISPLAY** – A non-contact demonstration of the CEW to convince a subject to voluntarily comply with a lawful order prior to force options. Spark display technique will only be utilized when proper justification exists. Spark display techniques require the user to first remove the cartridge.
 - G. **PHYSICAL INJURY** - Impairment of physical condition or substantial pain.
 - H. **SERIOUS PHYSICAL INJURY/SERIOUS BODILY INJURY** - Physical injury which creates a substantial risk of death, unconsciousness or which causes death or serious and protracted and obvious disfigurement, protracted impairment of health or protracted loss or impairment of a bodily member, organ or mental faculty.
 - I. **OBJECTIVELY REASONABLE** - An objective standard used to judge an officer's actions. Under this standard, a particular application of force must be judged through the

perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used.

- J. ACTIVELY POINTING** - The intentional targeting of a person with a Conducted Energy Weapon (CEW), firearm, impact weapon, impact projectile or chemical agent.
- K. PHYSICAL FORCE** - A degree of physical contact directed against a person. Physical force includes, but is not limited to, striking, kicking, pushing, biting, pressure points, joint manipulation, joint locks, use of a choke hold or similar restraint, actively pointing a firearm at another person or any force used to disable by means actively pointing or deploying a chemical agent, including but not limited to, oleoresin capsicum, pepper spray or tear gas; actively pointing or deploying any impact weapon, including, but not limited to a baton or billy or actively pointing or deploying an CEW and when such force is unlikely to result in serious physical injury or death.
- L. REASONABLE BELIEF** - Those facts and circumstances within the knowledge of the individual which would make a reasonable and prudent person tend to believe that the facts and circumstances are true.

IV. USE OF FORCE [Revised:10/02/2019]

- A.** Force is authorized to be used when reasonably believed to be necessary to effect a lawful arrest or detention, prevent the escape of a person from custody, or in defense of one's self or another.
- B.** Under the 4th Amendment, a police officer may use only such force as is "objectively reasonable" under the circumstances. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene

V. DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE: [Revised:10/02/2020]

- A.** When used, force should be only that which is objectively reasonable given the circumstances perceived by the officer at the time of the event.
- B.** Factors that may be used in determining the reasonableness of force include, but are not limited to:
 - 1. The severity of the crime or circumstances.
 - 2. The level and immediacy of threat or resistance posed by the suspect.
 - 3. The potential for the injury to citizens, officers and suspects.
 - 4. The risk or attempt of the suspect to escape.
 - 5. The knowledge, training and experience of the officer.
 - 6. Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion and the number of officers or subjects.
 - 7. Other environmental conditions or exigent circumstances.

VI. DUTY TO INTERVENE [Revised: 10/02/2019]

- A. Any officer present and observing another officer using force that he/she reasonably believes to be clearly beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.
- B. Any officer who observes another officer use force that exceeds the degree of force as described should promptly report these observations to a supervisor.

VII. PROCEDURE:

A. Authorized Users

1. Only those CEW's that have been approved by the Chief of Police may be carried on-duty. Refer to the uniform standards manual for those devices currently approved.
2. Only officers who have satisfactorily completed this agency's basic training course, and/or the manufacturer's certification course of instruction shall be authorized to carry a CEW.
3. Civilian members are prohibited from using CEW's. There is a mandatory carry of the CEW by all trained officers.

B. Weapon Readiness

1. Department CEW's and holsters will be assigned and signed out at the beginning of each shift. Members may use the department approved holster, Blackhawk SERPA model #X26P, if purchased individually.
2. If not individually issued, members shall document the department CEW number on the sign-out sheet.
3. Conducted Energy Weapons will be carried by authorized members in the patrol section. The department approved holster will be positioned on the side of the body **opposite the duty weapon**. Those members authorized to use the devices and not assigned to the patrol section may utilize the CEW and carry it consistent with approved department training.
4. Conducted Energy Weapon shall be carried fully armed with the safety in the "on" position, in preparation for immediate use when authorized.
5. Only battery power sources recommended by the manufacturer shall be used in all Conducted Energy Weapon.

C. Care and Maintenance

1. The CEW shall be pointed in a safe direction, in accordance with department and Taser International training, in the high ready position with the safety on during loading and unloading. During an operational deployment the CEW will be pointed in a safe direction in the ready position for deployment.
2. Prior to operational deployment, members shall ensure the proper functioning of the unit to include a visual inspection of the battery capacity readout display and are required to conduct a spark test with the air cartridge removed. (Other than for operational purposes spark tests will be conducted outside of general public view.) The member will conduct a spark test in the basement of the police department, in

front of the established Taser Spark Test zone, prior to the beginning of their shift, or as soon as possible thereafter, and do the following:

- a. Remove the air cartridge from the CEW.
 - b. Place the air cartridge in the designated area.
 - c. Conduct a complete 5 second spark test while pointing the CEW at the established spark test zone.
 - d. Upon completion of a successful spark test, the air cartridge may be retrieved from the designated area and re-attached to the CEW for deployment.
3. A battery reading of < 20% shall require the unit to be taken out of service.
 4. Members should never eject or remove the CEW battery pack; this action should only be conducted by a CEW instructor for the purpose of replacing a depleted battery pack.
 5. Members shall avoid exposing the CEW to extended exposures of rain and/or moisture as this may permanently damage the device.
 6. Members shall immediately report to a supervisor any malfunctions or defects observed along with a memo describing the malfunction or defect.
 7. No alternations or modifications shall be made to the CEW and all repairs will be conducted by an authorized vendor.
 8. Any discharge, other than a spark test, either intentionally or accidentally, shall be reported immediately to a supervisor along with a memo detailing the incident.

D. Deployment

1. Members are not authorized to draw or display the CEW other than for a justified use of force or an authorized training purpose. The CEW will be handled in the same manner as a firearm.
2. The CEW is one use of force option available to members. The CEW, like baton, OC spray and empty hand techniques, may not be effective in every situation. Members must assess the effectiveness in each application and determine whether further applications are warranted or a different tactic should be deployed.
3. Conducted Energy Weapons are equal to OC spray on the use of force continuum circle and decisions to deploy them require the same basic justification however, when making a determination to use the CEW, the totality of the circumstances should be considered together with the following:
 - a. The likelihood of physical injury resulting from a CEW strike to include: accidental probe contact to a sensitive tissue area or a secondary injury to the subject from falling post deployment.
 - b. The optimal effective range of the CEW is 12 to 18 feet; (3 feet being the minimum recommended range and 21 feet the maximum range.)
 - c. Number of members or suspects on scene.

4. When justification exists and when appropriate, members may consider removing the air cartridge and conducting a spark display to encourage compliance prior to firing the weapon in full probe delivery. Note: Never jeopardize officer safety or time and distance.
5. When practical, members shall give proper verbal commands and warning to other officers and particularly to the intended subject prior to firing the CEW.
6. Target areas are recommended under the best practice theory, recognizing that officers may not always be able to find a preferred target area of the body during a violent and rapidly evolving use of force encounter. When possible and practical, officers shall select the following target areas:
 - a. Large muscle groups of the body are the preferred primary target areas; particularly, the back area of the body, split by the belt line. When encountering subjects wearing heavy or loose clothing on their upper body, the legs should be considered as a target.
 - b. When frontal body areas are the only target option, officers shall target the lower center mass, just below the sternum, always attempting to avoid dart to the heart.
 - c. When encountering subjects with heavy or loose clothing on the upper body, the legs should be considered an appropriate target area.
 - d. Attempts shall be made to avoid delivering probe strikes into sensitive tissue areas such as the head, face, neck, groin or female breast.
7. When possible, attempts should be made to avoid hitting the subject in sensitive tissue areas such as the head, face, neck, groin or female breast area.
8. During exigent circumstances, the Conducted Energy Weapon may be used in a drive stun mode by making contact with the Conducted Energy Weapon into an appropriate target area such as the abdominal region, hips, thigh or the brachial plexus origin.
9. Unless exigent circumstances exist, drive stuns shall not be intentionally targeted to the area of the neck, head, face or groin.
10. Unless there are compelling reasons to do so, which can be clearly articulated, the Conducted Energy Weapon shall not be used under the following circumstances:
 - a. When the officer knows that the subject has come in contact with flammable liquids or is in a flammable atmosphere.
 - b. When the subject is in a position where a fall, post-strike, may cause substantial injury or death.
 - c. Females who are obviously pregnant.
 - d. Subjects submersed in water.
 - e. Subjects who are obviously frail or infirm.
 - f. Small children.

11. The Conducted Energy Weapon may be used in defense against animals where proper justification exists.
12. Verbal Commands
 - a. When tactically safe, a warning should be given to an individual prior to activating the CEW and before any additional application to allow the subject an opportunity to voluntarily comply. Be aware that an announcement of imminent deployment of a CEW may cause the subject to attack officers, flee, inflict self-injury or attempt to injure others and/or self and care must be taken to avoid placing others at risk.
 - b. When applicable, an announcement to other officers that a CEW is going to be activated should be made.
13. Multiple CEW Applications
 - a. CEW users should be aware that the associated risks with multiple exposures to a CEW are unknown and the role of CEWs causing death in these cases is unclear. Caution should be used in using multiple activations to subdue a subject. (See Elevated Risk Populations)
 - b. Officers are reminded to use only the appropriate force necessary to accomplish the necessary purpose intended. If more than three (3) consecutive cycles or fifteen seconds (15) are required, officers should reassess the situation and consider transition to another applicable force option.
 - c. Officers should be mindful that direct contact mode creates pain compliance only and may not stop a subject from struggling with an officer and pulling away from the electrodes as the officer attempts to apply the CEW in direct contact mode. As a result of the struggle, multiple contact marks may be left on a subject's skin indicative of multiple cycles being applied by an officer as he/she attempts to subdue the subject. Downloaded data should be checked to verify the actual number of cycles used during the incident.
 - d. Generally, only one CEW should be used on a subject at a time, absent reasonable appearance that one or more of the devices are malfunctioning.

E. Post Deployment and Aftercare [Revised: 10/02/2019]

1. Conducted Energy Weapon probes may be removed from a subject by an officer once the subject has been restrained using procedures outlined in training. Universal precautions shall be followed to protect the officer from the transfer of bodily fluids. In the event that a Conducted Energy Weapon probe penetrates a sensitive tissue area (i.e. groin, eye, female breast, face, or neck) the suspect shall be taken to an emergency care facility for removal or in cases where the deploying officer or his supervisor determines that it is otherwise necessary.
2. Photographs of the affected area(s) should be taken after the probe(s) have been removed.
3. Officer shall consider collecting the clothing of the subject as evidence.
4. Detention personal shall be notified of all Conducted Energy Weapon strikes.

5. When the device has been used operationally, the officer will collect the air cartridge, wire leads, probes, and APHIDS as evidence. Probes shall be secured in an appropriate sharps container and marked as a bio-hazard.
6. Officers shall notify a supervisor, or in his absence, the Chief regarding all Conducted Energy Weapon strikes. The supervisor shall act as described in General Order #213 "Use of Physical Force."
7. Following an operational Conducted Energy Weapon strike, the supervisor shall ensure proper procedures are followed to include taking the Conducted Energy Weapon out of service while notifying an approved Conducted Energy Weapon instructor for inspection and data extraction.
8. Each time the CEW is deployed and makes contact with a person, EMS must be notified to respond for medical assessment and/or provide necessary medical treatment.
9. CEW probes may be removed from a subject by a trained officer once the subject has been restrained using procedures outlined in training. Universal precautions shall be followed to protect the officer from the transfer of bodily fluids. In the event that a CEW probe penetrates a sensitive tissue area (i.e. groin, eye, female breast, face or neck) the subject shall be taken via ambulance to an emergency care facility for removal, or in cases where the deploying officer or his supervisor determines that is otherwise necessary.
10. When the device has been used operationally, the shift supervisor, SRO or an assigned evidence technician will collect the air cartridge, wire leads, probes and AFIDs as evidence. Probes shall be secured in the empty air cartridge and clearly marked as a biohazard. Probes may also be properly secured in a sharps container and properly marked as bio-hazard. All items are to be sealed in an evidence bag and secured in an evidence locker.
11. Members shall notify the shift supervisor who will in turn notify the Duty Chief regarding all CEW deployments. The member must complete a Use of Force Report.
12. Following an operational CEW strike, the shift supervisor shall ensure proper procedures are followed to include taking the CEW out of service with notification to the department CEW Instructor for inspection and data extraction. Prior to going back in service, the member who deployed the CEW will then retrieve a different CEW from the CEW locker, if available.
13. Additionally after an operational CEW deployment, the CEW Instructor will review the incident with the involved member(s) and provide a manufacturer Supervisory CEW Use Report for the deploying member to complete. The CEW Instructor will complete a Conducted Electrical Weapon (CEW) Application Report and submit same to the Chief of Police for filing with the Use of Force Report.

F. MEDICAL ATTENTION [REVISED:10/02/2019]

1. Police or Peace officer or other law enforcement entity who has custody of a person must provide attention to the medical and mental health needs of a person in their custody and obtain assistance and treatment of such needs, which are reasonable and provided in good faith to include whenever physical force is employed and results in physical injury that a reasonable person would believe is likely to cause

injury, complaint of pain from the suspect (except minor discomfort from handcuffing) or where an CEW was intentionally or accidentally deployed while actively pointing the officer should do the following:

2. Immediately evaluate the need for medical attention or treatment for the person upon whom the force was used. The officer shall arrange for such treatment by requesting emergency medical services when the person has sustained a visible injury, complains of injury or discomfort, requests medical attention or if pepper spray was deployed.
3. This includes appropriate and timely medical attention being provided to a party injured as a result of a use of force incident.
4. The immediate mental health needs of a person shall be based upon the reasonable cause to believe that a person, who appears to be mentally ill, is conducting themselves in a manner which is likely to result in a serious harm to themselves or others.
5. If the person refuses to be treated, they must sign the refusal statement on the emergency medical service's Pre-hospital Care Report form. If the person refuses to sign, the refusal must be witnessed on the form. The subject's acceptance or refusal of medical care shall also be documented in the officer's police report.

G. Reporting [Revised: 10/02/2019]

1. Members involved in use of force incidents on or off duty as described below shall notify their Watch Supervisor, or Duty Chief in his absence as soon as practicable and shall complete a departmental use of force report. Note: If the member is off-duty and outside the Town of Geddes when the use of force occurred, he will also notify the police agency with jurisdiction for investigation of the incident.
2. Use of force that results in a physical injury.
3. Use of force incidents that a reasonable person would believe is likely to cause an injury.
4. Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from compliant handcuffing.
5. Incidents where a Conducted Energy Weapon (CEW) was intentionally discharged or accidentally discharged after being displayed.
6. Officers should document any requests for necessary medical or mental health treatment as well as efforts of police to arrange for such treatment.
7. Attempt to locate and identify any witnesses, documenting their statements.
8. Document and photograph all injuries. A photograph showing an absence of injury may be as important as one that shows injury.
9. Use of Force Reports shall be completed following any Conducted Energy Weapon probe deployment or drive stun.
10. When Officers remove their Conducted Energy Weapon from their holster and display the Weapon or utilize laser compliance only and having not involved probe discharge or drive stun. The officer shall document these actions in a Police

Incident Report. Display of the CEW for Laser compliance does not require a Use of Force report be completed. [Revised: 10/02/2019]

H. Post-Deployment after Accidental Discharge [Revised: 10/02/2019]

1. Any accidental discharge shall be reported immediately to the shift supervisor, or in his/her absence the Duty Chief, along with a memorandum detailing the incident. The shift supervisor or designee of the Duty Chief must conduct an immediate investigation of the accidental discharge. Once complete, a memorandum containing the circumstances and facts relative to the discharge will be submitted to the department Police Chief.
2. When the device has been discharged, the shift supervisor, or designee of the Duty Chief, will collect the CEW, air cartridge, wire leads, probes and AFIDs. Probes shall be secured in the empty air cartridge. All items are to be sealed in an evidence bag and secured in an evidence locker.
3. Following the discharge, the shift supervisor shall ensure proper procedures are followed to include taking the CEW out of service and notifying, by memorandum, the department CEW instructor for inspection and data extraction.
4. Any member who has an accidental discharge of a CEW will receive remedial training from the department certified CEW instructor before he or she is authorized to carry a CEW for future service. This training will be documented by the certified CEW instructor and forwarded to the department Police Chief.

I. Training

1. Officers authorized to carry Conducted Energy Weapon weapons must have satisfactorily completed this agency's basic Conducted Energy Weapon training course, and/or the manufacturer's certification course, as well as department use of force training.
2. All sworn members, authorized to use less lethal substances/devices, shall receive training annually.
3. Agency personnel who are unable to demonstrate proficiency and qualify with an authorized department weapon must attend and successfully complete remedial training prior to being allowed to carry said weapon.
 - a. When practical, a certified instructor shall immediately conduct remedial training in an effort to correct the deficiency.
 - b. If the deficiency cannot be corrected before the members next tour of duty, the instructor shall:
 - i. Immediately notify the Chief of police regarding the member's duty status.
 - ii. Schedule additional remedial training as soon as practical.
 - iii. Keep the Chief of Police apprised of the member's duty status.
 - c. All remedial training shall be documented.

- d. A failure to demonstrate proficiency after reasonable amounts of remedial training has been provided with negative results may serve as the basis of disciplinary action.

I. POSTING OF THE USE OF FORCE POLICY

1. This Use of Force policy shall be conspicuously posted on the department's public website in accordance with Executive Law Section 837-t (Currently 72 hours after amendments). [Revised: 10/02/2019]

[Original Issue: 10/28/2009] [Revised: 06/23/2010] [Revised: 12/04/2013] [Revised: 03/02/2015]
[Revised: 04/01/2019] [Revised: 10/02/2019]