



<b>CONDUCTED ELECTRICAL WEAPONS</b>		
<b>new:</b>		<b>cross-reference:</b>
✓ <b>rescinds:</b> 20.6 & 20.6(2)		<b>accreditation standards:</b> NYSLEAP Standard(s): 14.1, 20.1, 20.6, 21.2 & 32.4
✓ <b>amends:</b>		
<b>effective date:</b>	<b>amend date:</b>	
August, 2011	April, 2020	

*This General Order is for office use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for office administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.*

**I. PURPOSE**

To establish parameters for the type of conducted electrical weapons to be carried by members of this office and to insure that members of this office are properly trained in the use thereof. In addition this order defines the policies governing the issuance, wearing, and deployment and reporting the usage of conducted electrical weapons.

**II. DEFINITIONS**

*AFID:* (Anti Felony Identification Device) Upon a TASER cartridge being deployed, small confetti-like ID tags called AFID's are ejected. Each AFID contains a serial number of the cartridge deployed allowing members to identify which office deployed the cartridge.

*Drive Stun:* A secondary function intended to cause pain by placing the TASER in contact with a subject, while the TASER is activated and cycling.

*NMI:* Neuro Muscular Incapacitation. This term describes the effect of the TASER device on a human being. The device causes uncontrollable contractions of muscle tissue resulting in incapacitation of a subject regardless of pain tolerance or mental focus.

*Spark Test:* Is a full five (5) second cycle of the device without a Taser cartridge attached.

*See G.O. 900 Use of Force - General*

**II. POLICY**

The main responsibility of Sheriff's Office members is to protect the life and property of civilians. In compliance with applicable law, officers shall use only the amount of force necessary and reasonable to accomplish lawful objectives and to control a situation, effect an arrest, overcome resistance to arrest, or defend themselves or others from harm. When force is necessary, the degree of force employed should be in direct relationship to the amount of resistance exerted, or the immediate threat to the officers or others.

#### IV. PROCEDURE

##### **Authorized Conducted Electrical Weapons**

- A. The CEW authorized for deployment by the Sheriff's Office is the TASER X-26 and X-26P, hereafter referred to as "TASER."
- B. Only officers who have received and satisfactorily completed an approved certification course in the use of TASER and subsequent annual training thereafter shall be permitted to carry and deploy the TASER. All Office TASER certification programs will be presented by a TASER International, Inc. certified (or equivalent) TASER instructor.
- C. The TASER is to be carried on the officer's duty belt in an approved holster. It shall be carried on the duty belt opposite side of the firearm.
- D. Officers are authorized to carry and deploy only the TASER device and cartridges that are issued by the office. Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER.
- E. Officers may not alter or modify or attempt to alter any office issued TASER.
- F. Officers are responsible for providing security for the TASER issued to them. TASERS shall not be left in police vehicles or in unsecured areas of the office.
- G. TASERS shall only be removed from their holsters for lawful use, proper storage, care and maintenance or inspection by a competent authority.
- H. A spark test should be conducted at the start of an officer's shift. The reasons for the spark test is to verify the TASER device is working, the battery is adequately charged and to ensure that the components in the high voltage section of the TASER are energized on a regular basis for optimal operational use. A visual inspection to confirm the integrity of the cartridge should be conducted as well.

##### **Conducted Electrical Weapon Usage**

- A. Members shall only utilize physical force in accordance with Article 35 of the New York State Penal Law and Office rules and regulations as they pertain to the use of force. *See G.O. 900 Use of Force – General.* TASERS may be used to gain or maintain control of persons who are actively resisting arrest or lawful custody, or exhibiting active aggression, and poses an imminent threat to the safety of him/herself, another person, or the officer.
- B. The TASER is prohibited from being used on a handcuffed or secure prisoner absent exceptional circumstances that pose an immediate threat of physical injury to an officer or another and that cannot be reasonably dealt with or controlled by using hands-on control measure or other arrest control techniques.
- C. The TASER is prohibited from being used when there is danger of contact with a flammable substance including vapors in the air. (i.e. Meth labs)

- D. The TASER is prohibited from being used on subjects who are compliant, who are exhibiting only passive resistance and/or whose resistance level does not raise the risk of immediate danger to the safety of him/herself, another person, or the officer.
- E. The TASER is prohibited from being used against individuals with frail health, the elderly, children, women believed to be pregnant, persons with known heart conditions, or persons who are on an elevated position (on rooftops, stairwells, etc.), immersed in water or other circumstances where a fall may cause drowning, substantial injury or death; unless exceptional circumstances are present that pose an immediate threat of harm to the member or another party and no reasonable alternative is available.

**Note:** Fleeing should not be the sole justification for activating a TASER against a subject; personnel should consider the severity of the offense, the subject's threat level to others, and the risk of serious injury to the subject before deciding to use a TASER on a fleeing subject.

- F. The TASER is prohibited from being used when the subject is operating or in control of a motor vehicle, unless circumstances exist where the use of the TASER device could safely terminate the dangerous actions of an individual, who poses an immediate serious threat to the safety of themselves, the officer and/or others.
- G. Although not absolutely prohibited officers should avoid, absent extenuating circumstances, applying the TASER on individuals exhibiting symptoms of mental illness and/or excited delirium (i.e. nudity, profuse sweating, and irrational behavior, extraordinary strength beyond characteristics or imperviousness to pain). These subjects may be more susceptible to collateral problems and should be closely monitored (i.e. breathing pattern) following the application of the TASER until they can be examined by paramedics or other medical personnel.
- E. Use of the TASER on an animal is permissible to deter an attack or to prevent injury to an officer or others. Use of the TASER on an animal shall be documented in an incident report.
- F. Unless deadly force is justified, officers shall not draw both their firearm and TASER at the same time.

### **Deploying of Conducted Electrical Weapons**

- A. When considering the use of the TASER an officer should carefully evaluate the conditions surrounding the incident that may affect the subject's responses to the deployment and the increased indirect risks to the subject(s).
- B. As with any law enforcement equipment, the TASER has limitations and restrictions requiring consideration before its use. The TASER should only be used when its operator can safely approach the subject within the operational range of the TASER. Although generally effective in controlling most individuals, officers should be alert to the potential for failure and be prepared with other options.
- C. The TASER is not a substitute for a firearm in situations having the potential for justified use of deadly physical force. Lethal force cover should be provided in all deployments of the TASER.

**Note:** Evaluate if the individual can clearly understand you and is capable of complying with your commands (deaf, language barrier, medical status). If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and practical under the circumstances, the officer may, but is not required to, display the electrical arc (provided there is not a cartridge loaded into the TASER) or the laser in a further attempt to gain compliance prior to the application of the TASER. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

D. When practical and reasonable, officers should issue a verbal warning prior to using the TASER against a subject in an effort to gain compliance and to provide other officers and individuals with a warning that the TASER may be deployed. Officers should allow a subject a reasonable amount of time to comply with a warning prior to using the TASER, unless doing so would compromise the safety of an officer or another person. Officer should call out "TASER, TASER!" before deploying the device.

E. To reduce the risk of injury, officers shall: [See Attachment A.](#)

1. Use preferred target areas: The preferred target areas (blue) are below the neck area for back shots and the lower center mass (below chest) for front shots. The preferred target areas increase dart-to heart distance and reduce cardiac risks. Back shots are preferable to front shots when practicable.
2. Avoid sensitive areas: When practicable, avoid intentionally targeting the TASER on sensitive areas of the body such as the face, eyes, head, throat, chest area (areas of the heart), breast, groin, genitals, or known pre-existing injury areas.

F. When activating a TASER, personnel should use it for one (1) standard cycle (a standard cycle is five (5) seconds) and should evaluate the situation to determine if subsequent cycles are necessary. Personnel should consider that exposure to multiple activations, continuous cycling and exposure to the TASER longer than fifteen (15) seconds may increase the risk of death or serious injury. Every application of the TASER constitutes a use of force, and may only be used when objectively reasonable under the circumstances to effect an arrest, or protect the officer or other person. If, after a single application of the TASER, an officer is still unable to gain compliance from an individual and circumstances allow, the officer should consider:

- Whether or not the probes are making proper contact.
- If use of the TASER is limiting the ability of the individual to comply.
- If other options or tactic may be more appropriate.

**Note:** After three (3) cycles, an officer must reconsider the effectiveness of the TASER as the most appropriate tactical option and must consider alternatives tactical options.

G. To minimize the number of cycles needed to overcome resistance and bring the subject under control and once it is announced that a TASER is being activated, officers on scene should attempt to secure the subject while incapacitated by TASER power or immediately thereafter.

H. Drive stun is a secondary function of a TASER. Personnel must be aware that using a TASER in drive stun is often ineffective in incapacitating a subject. The TASER in the drive

stun mode relies primarily on pain compliance and requires close proximity to the subject. However, it may be used to effectively incapacitate a subject where at least one probe is attached to the subject's body and the TASER contact will complete the circuit (i.e. provide the second electrical contact to a subject). 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. Avoid using repeated drive-stuns on such individuals if compliance is not achieved.

- I. All uses of a TASER shall be reported immediately to the on-duty supervisor and documented on a Defensive Action Report. If a TASER is displayed to gain compliance from the subject a Defensive Action Report shall be completed.
- J. Supervisory personnel shall monitor the use of the TASER. *See G.O. Use of Force – General.* A Defensive Action Report shall be filed when displayed and/or used. Supervisory personnel shall complete the Defensive Action Report – Administrative Review form, conduct inspections and take corrective action when a deficiency is noted.

### **Following the Deployment of Conducted Electrical Weapons**

- A. Immediate action will be taken to provide aid to injured persons, apprehension of additional suspects and proper securing of the scene.
- B. A supervisor will be notified immediately.
- C. Once a subject is secured and handcuffed, an officer or EMS personnel will remove the probes prior to transport, when practical. Officers will utilize probe removal procedures consist with their training. The probe(s) shall be inspected to insure that they are intact, and all parts present (probe body, shaft, and barb). If any part is missing and believed to be still imbedded in the subject, the subject will be transported to CMC for treatment.
- D. If a probe has penetrated a subject's skin in a sensitive area, the subject will be transported to the emergency room at CMC to remove the probe. Sensitive areas include, but are not limited to; facial area, genital area and women's breasts. If a probe is imbedded in the buttocks of a subject, an officer of the same gender should remove the probes.
- E. The deploying officer or designee shall monitor any individual who has received a TASER application while in police custody, scanning for impaired respiration and signs of positional asphyxia. All subjects that are exposed to a TASER deployment shall be evaluated by EMS personnel for a medical assessment as soon as practical.
- F. The deploying officer shall inform responding medics about any individual who has been subjected to a TASER application that may be under the influence of drugs, is exhibiting symptoms associated with excited delirium, or has been kept in the prone position after TASER use.
- G. Unintended Discharge of the TASER
  - 1. In the event an officer experiences an unintended discharge of a TASER cartridge, the officer shall immediately notify their supervisor.

2. The TASER data shall be downloaded prior to the beginning of the officer's next shift.
3. The involved officer will prepare a report detailing the circumstances that led to the unintentional discharge and provide it to their supervisor for review.
4. The responding supervisor shall assume investigative responsibility for the unintentional discharge. Their findings shall be forwarded to the Lieutenant.

#### H. Evidentiary Procedures

1. Officers will collect as many samples of the Anti-Felon Identification Tags (AFIDS) as they can. These tags are dispersed by the firing of the TASER cartridges. A minimum of two of these tags should be collected and logged as evidence, when practical.
2. Probes will be removed and placed into the spent cartridge to be submitted as evidence. Place the probed back into the cartridge and the officer will then fold a rubber glove over the cartridge and place it in a biohazard bag for evidence.  
*Remember:* These materials are to be treated as bodily fluids as they may have blood or other bio materials on them.
3. Photographs of the probe impact sites will be taken as well as any other injuries related to the incident. If the location of the impact is in a sensitive area, an officer of the same gender will photograph the subject.

#### V. MAINTENANCE OF CONDUCTED ELECTRICAL WEAPONS

- A. The TASER administrator as designated by the Sheriff will be responsible for conducting and maintaining device testing and maintenance records for all TASER devices.
- B. Testing and maintenance shall be in accordance with TASER manufacturer guidelines and specifications.
- C. If a TASER device has been discharged other than a spark test or training exercise, the TASER administrator will check the device and assure it is in proper operating condition before it is returned to service.
- D. The TASER administrator will be responsible for maintenance of the TASER unit, holsters and any other related equipment.
- E. Digital recordings of deployments shall be kept in evidence as per guidelines set forth in General Orders concerning evidence. All other data will be purged after 120 days.

#### Attachments:

- A. [Preferred Target Zones](#)

By Order Of



Derek Osborne  
*Sheriff*