



## TOWN OF SENECA FALLS POLICE DEPARTMENT

### GENERAL ORDER



<b>GENERAL ORDER #:</b> 334	<b>RESCINDS:</b> 11/22/13, 07/01/14, 07/21/14, 05/10/18,03/21/19,02/12/2020
<b>SUBJECT:</b> TASER Handling and Deployment	<b>NYS ACCREDITATION:</b>  20.1, 20.6, 32.4
<b>EFFECTIVE DATE:</b> 05/01/2020	
<b>BY ORDER OF:</b> Stuart W. Peenstra, Chief of Police	

- I. **PURPOSE:** The purpose of this order is to provide Town of Seneca Falls Police Officers with guidance and direction on the use of less-lethal TASER (CEW) weapons.
- II. **POLICY:** It is the policy of the Seneca Falls Police Department for members to use only that level of force which is objectively reasonably necessary based on the totality of the circumstances to control or otherwise subdue violent or potentially violent individuals. The TASER (CEW) device has been proven effective in the furtherance of this policy and is authorized for use in appropriate circumstances by trained personnel. Members are cautioned on the use of an CEW in passive, non-aggressive situations.
  - A. Officers are authorized to use and deploy the TASER “Conducted Electrical Weapon” (CEW) as approved by the Seneca Falls Police Department and subject to the provisions of the NYS PL Article 35 and Seneca Falls Police Department General Orders.
  - B. The use of the TASER (CEW) will be limited to the degree of force which is reasonably necessary to provide protection for the Officer, the subject, a third party, and/or to affect a legal arrest. The CEW should not be used against individuals who do not pose a threat to officers or others even though they may be exercising non-violent resistance. The standard is even more important when dealing with mentally ill individuals.
  - C. All applications of the TASER (CEW) should only be applied to a subject who is demonstrating "**Active Aggression**".
  - D. The TASER (CEW) should only be applied to a handcuffed resistive subject when the resistance is "**Active Aggression**".
  - E. The TASER (CEW) should not be used more than three (3) times on the same subject during the same incident.
- II. **DEFINITIONS:**
  - A. **X2 TASER® Less-Lethal Device (Conducted Electrical Weapon or CEW):** A device designed to disrupt a subject’s nervous system by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and overriding an individual’s voluntary motor responses.

- B. **Drive-Stun Deployment:** Drive-stun capability is available with the X2 CEW. To apply a drive-stun, place the safety in the up (ARMED) position and press the ARC switch, just as you would to employ a Warning ARC display. Use the ARC switch instead of the trigger to activate the X2 CEW for a drive-stun. When you use the ARC switch, energy will spark across all the electrodes or ARC deflector metalized labels without deploying the cartridges.
- C. **Air Cartridge Deployment:** Using compressed nitrogen to project two probes at the subject. An electrical signal is then sent to the probes, via small wires, which disrupt the body's ability to communicate messages from the brain to the muscles and causes motor skill dysfunction.
- D. **Lead TASER (CEW) Coordinator:** A member of the Seneca Falls Police Department will be responsible for the accountability of equipment, certifications and training. The Lead TASER (CEW) Coordinator shall be appointed by the Chief of Police.
- E. **Assistant TASER Coordinator:** Assist Lead TASER (CEW) Coordinator in Division level deployment, accountability, spark test verification and maintenance. The Assistant TASER (CEW) Coordinator shall be appointed by the Chief of Police.
- F. **TASER Instructor:** Members qualified by TASER International to certify users of the TASER (CEW).
- G. **TASER (CEW) Operator:** Members who have successfully completed the training prescribed by TASER International and the Seneca Falls Police Department.
- H. **Neuro-Muscular Incapacitation (NMI):** Stimulation of a person's sensory nervous system and motor nervous system that results in uncontrolled muscle contractions by means of overriding their nervous system.
- I. **Probe Delivery:** The firing of probes attached to electrical wires from a TASER (CEW) device into a subject for the purpose of NMI. This type of delivery delivers the most desired effect.
- J. **Spark Test:** A demonstration of the TASER (CEW) device to ensure the device is in working condition.
- K. **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.
- L. **TASER Deployment:** The intentional firing of the TASER (CEW) utilizing probe delivery or in the drive stun mode making direct contact with a person. The purpose of the deployment is to gain compliance of the subject through NMI or pain compliance.
- M. **ACTIVELY POINTING** - The intentional targeting of a person with an Electronic Control Device (CEW), firearm, impact weapon, impact projectile or chemical agent.  
[Revised:11/11/2019]
- N. **PHYSICAL INJURY** - Impairment of physical condition or substantial pain.

- O. **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.

### III. **PROCEDURE:**

#### **A. AUTHORIZED USERS:**

- a. Only members authorized and approved by the Chief of Police may carry the TASER (CEW) device and;
- b. Only those officers that have satisfactorily completed an approved TASER (CEW) basic training course will be authorized to carry the TASER (CEW) device.
- c. TASER (CEW) operators will annually complete re-certification training with the TASER (CEW).
- d. Civilian members are prohibited from carrying or deploying CEW's.  
[Revised: 11/11/2019]
- e. If a trainee volunteers to experience the effects of a TASER (CEW) conducted by a certified TASER (CEW) Instructor, no Subject Resistance Report needs to be completed and a medical evaluation will not be required. However, the trainee will be closely monitored.

#### **B. WEAPON READINESS:**

- a. Department TASER (CEW) devices and holsters are individually assigned to each officer. Officers will use the approved Seneca Falls Police Department holster. Part time officer's will sign out a CEW in the patrol room when assigned to work, and the CEW must be returned at the end of each shift, unless authorized by an CEW instructor or supervisor. [Revised: 10/02/2019]
- b. If not individually issued, officers shall document the TASER (CEW) serial number on the daily sign out sheet kept in the road patrol office.
- c. The TASER (CEW) holster will be positioned on the side of the body opposite of the Officer's issued firearm.
- d. CEW's shall be carried fully armed with the safety on in preparation for immediate use when authorized.
- e. Only battery power sources recommended by the manufacturer shall be used in all TASER (CEW) devices.

### **C. CARE AND MAINTENANCE:**

- a. The TASER 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 TASER (CEW) will be pointed in a safe direction in the ready position for deployment.
- b. Prior to operational deployment, officers shall ensure the proper functioning of the unit to include visual inspection of the battery capacity readout display and conduct a spark test. (Other than for operational purposes, spark tests will be conducted outside of general public view) The officer will conduct a spark test in a safe area at the beginning of their shift and do the following:
  1. The probe cartridge will not be placed into a clothing pocket or other area where static electricity could potentially cause an unintentional discharge of the probes.
  2. Conduct a spark test while pointing the TASER, at a designated spark test zone and complete a full five second cycle. The designated spark test zone for the Seneca Falls Police Department will be the men & women's locker room. The TASER will be pointed toward the sheetrock for the test.  
(Revised  
09/27/2018)
- c. A battery reading of 20% or less shall require the unit to be taken out of service and used for training only.
- d. Officers will not eject or remove the TASER (CEW) battery pack. This will only be conducted by a TASER instructor for the purpose of replacing a depleted battery pack.
- e. Officers shall avoid exposing the TASER (CEW) device to extended exposures to rain and/or moisture as this may permanently damage the device.
- f. Officers will immediately report to a supervisor, any malfunctions or defects. This notification will be followed up with a written memo to a TASER Instructor describing the malfunction or defect so that this problem can be remedied.
- g. No alterations or modifications shall be made to the TASER (CEW) and all repairs will be conducted by an authorized vendor.
- h. Any discharge, other than a spark test, either intentionally or unintentionally shall be reported immediately to a supervisor. The reporting process will be consistent with Seneca Falls Police Department Policy & Procedure.
- i. TASER instructors are responsible for the care and maintenance of all TASERS (CEW). They are further responsible for the replacement of cartridges and tracking the issuances of the devices and cartridges on the Seneca Falls Police Department Weapon Inventory list (All TASERS will be entered into Spillman under equipment).  
(Revised 05/10/2018)
- j. A TASER will only be assigned to qualified TASER operators. Their TASER (CEW) will be secured on their duty belt while on duty at all times.

#### **D. DEPLOYMENT OF THE TASER (CEW) DEVICE:** [Revised: 07/01/2019]

- a. Officers are not authorized to draw or display the TASER (CEW) device other than what the officer determines, based on the totality of the circumstances, to be a justified use of force or for an authorized training purpose.
- b. In preparation for firing, the TASER (CEW) will be first pointed at the threat, the safety then taken off and the fixed sights used as the primary aiming device. The laser dots will then be used as a secondary aiming device.
- c. Officers will target primary or secondary areas of the body consistent with TASER International and Seneca Falls Police Department training guidelines.
- d. 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. TASER users should attempt to target the area below the chest of the subject.
- e. When practical, officers shall give proper warning to other officers and particularly to the intended subject prior to firing the TASER (CEW).
- f. The TASER (CEW) is a use of less lethal force options available to officers. The TASER (CEW), like the baton, OC spray and empty hand techniques may not be effective in every situation. Officers must assess the effectiveness in each application and determine whether further applications are warranted or a different tactic should be deployed. The least number of cycles necessary should be used to gain control of the subject.
- g. The subject should be secured as soon as practical while disabled by the TASER (CEW) to minimize the need for additional deployment cycles.
- h. TASER devices are one form of a less lethal options and decisions to deploy require the same basic justification as other less lethal options; however, when determining whether to use the TASER (CEW), the totality of the circumstances should be considered together with the following:
  1. The likelihood of physical injury resulting from the deployment of the TASER (CEW) device to include, accidental probe contact to a sensitive tissue area or a secondary injury to the subject from falling post deployment.
  2. Number of officers or suspects on scene.
- i. If possible, prior to the use of the TASER (CEW) an announcement on the radio should be made. Dispatch will acknowledge this broadcast and repeat the announcement. This is to alert other officers that the TASER (CEW) is being deployed and so that it is not mistaken as a gunshot.
- j. If possible, EMS should be requested before deployment. If not possible, EMS should be requested as soon as the incident is under control.
- k. Backup officers should accompany the TASER (CEW) operator and will be designated as contact and cover. When practical, at least one back-up officer present should be designated to Control/handcuff under power.

- l. The TASER (CEW) is not a replacement for the firearm. Consider having lethal cover or other reasonable and appropriate force options available when practical for officers or third parties involved in the incident.
- m. Approved TASER operators are authorized in removing the TASER (CEW) from their duty holster when they reasonably believe that the situation poses or may pose an immediate need for the deployment of the TASER (CEW).
- n. The optimal effective range of the TASER is 7 to 15 feet, 21 feet being the maximum range. (Revised 05/10/2018)
- o. Each TASER cycle should be used as a “window of opportunity” to attempt to establish control or handcuff the subject while the subject is affected by the TASER cycle. (Revised 05/10/2018)
- p. The need for multiple cycles may be avoided, if contact officers are available, by controlling and handcuffing the subject while under power.
- q. As with any application of force, each TASER cycle or deployment must be legally justified.
- r. Officers shall keep in mind that 15 seconds of ECD exposure (multiple five second cycles or continuous) has been identified as a significant safety point. ECD exposure beyond 15 seconds or 3 cycles shall require articulable justification. [Revised: 07/01/2019]
- s. The device may also be used in drive stun mode. The probe cartridge does not need to be removed and the unit is pressed firmly onto an appropriate area such as the abdominal region, hips, or legs. Drive stuns shall only be used when the officer feels based on the totality of the circumstances, he/she is justified. It is important to note that when the device is used without deploying the probes, it is;
  - 1. Primarily a pain compliance tool due to lack of probe spread.
  - 2. Minimally effective compared to conventional cartridge-type deployments.
  - 3. More likely to leave marks on the subjects’ skin.
  - 4. Subject to the same deployment (use) guidelines and restrictions as those of the TASER (CEW) in cartridge deployments.
- t. As in all uses of force, certain individuals may be more susceptible to injury. Officers should be aware of the greater potential for injury when the TASER (CEW) is deployed against children, the elderly, persons with small stature irrespective of age, or those who the member has reason to believe are pregnant, or in obvious ill health.
- u. The TASER (CEW) may be used in a defense against animals where proper justification exists.

- v. Factors that may be considered when considering use of the TASER (CEW) in deadly physical force situations with lethal cover include, but are not limited to:
  - 1. The amount of time the officer has to react to a threat.
  - 2. The officer's relative proximity to the person posing the threat.
  - 3. The officer's ability to isolate the person posing the threat.
  - 4. The limitations of the TASER (CEW), and the manner in which it is being deployed.
  - 5. The belief that the application is likely to be successful.
- w. If a person is not an immediate threat or flight risk:
  - 1. Do not immediately resort to a CEW without first attempting to use negotiation, commands, or physical skills;
  - 2. Avoid using a CEW on a person who is actually or perceived to be mentally ill.
    - a) Officers should make a greater effort to control the situation through less intrusive means.

#### **E. SPECIAL CONSIDERATION (Police K-9):**

- a. TASER operators and police K-9 handlers must work closely together when deploying the TASER (CEW) device when a police K-9 is present. If a police K-9 bites the suspect between the probes, the police K-9 can receive a shock and reduce the effectiveness of the police K-9.
- b. The following factors should be considered in deciding a deployment in a non-criminal situation.
  - 1. Using force likely to harm a subject who is a danger to himself is manifestly contrary to the departments interest in initiating that seizure.
  - 2. The amount of force to be employed against, an unarmed, mentally ill, or emotionally distraught individual, who is creating a disturbance or resisting arrest, is ordinarily different from that used to subdue an armed and dangerous criminal, who has just committed a serious offense.
  - 3. The degree of force necessary to prevent an individual who is affirmatively refusing to move and resisting the seizure is limited.
  - 4. Deploying an CEW is a serious use of force because it causes excruciating pain.
  - 5. Use of CEW can constitute excessive force only when deployed in response to a situation in which a reasonable officer would perceive some immediate danger that could be mitigated by using it.
  - 6. Using the CEW in drive-stun mode to achieve pain compliance may have limited effectiveness and when used repeatedly, may even exacerbate the situation.

#### **F. POST DEPLOYMENT & AFTERCARE:**

- a. TASER (CEW) probes must be removed from the subject by a certified, trained TASER (CEW) user, instructor or lead TASER coordinator employed by the Town of Seneca Falls Police Department. Such removal must be done in accordance with mandated training set forth by TASER International. The TASER (CEW) operator will snip or break the lead wires. This will be done only after the subject has been restrained using procedures outlined during training. Universal precautions shall be followed to protect the officer from the transfer of bodily fluids. In the event that a TASER (CEW) probe penetrates a sensitive tissue area (i.e. groin, spinal column, eye, female breast, genitalia; male or female face, or neck) or part of the probe is still in the subject after removal is attempted, the subject will be taken to an emergency care facility for removal of the probe(s). The same applies to cases

where the deploying officer or their supervisor determines that it is otherwise necessary. The officer will not transport the subject via police vehicle. The subject will be transported to a medical facility for treatment via ambulance.

- b. Photographs of the affected area(s) must be taken before and after the probe(s) have been removed. Any secondary injuries as a result of the TASER (CEW) deployment will be photographed as well.
- c. If a subject is to be secured at a detention facility, the detention booking staff will be notified that the subject had a TASER (CEW) deployed on them. The detention facility staff will be advised of the method of deployment, any injuries suffered and the location of any probe or drive stun contacts. The detention facility staff will also be advised of the medical treatment rendered to the subject and by whom.
- d. The officer that deployed the TASER (or his/her designee) will collect the probe, cartridge, wire leads, probes, and AFID's (Anti-Felon Identification) as evidence. Probes shall be secured in the empty probe cartridge and clearly marked as a biohazard. Treat probes that have penetrated the body as contaminated needles (wear gloves when in contact with deployed probes). Barbs that fail to contact the subject's body will be collected by a TASER (CEW) Operator and turned over into evidence.
- e. Officers will notify a supervisor regarding all TASER (CEW) deployments. The reporting process will be consistent with a verbal discussion of the incident as well as the reporting process consistent with Seneca Falls Police Department Policy and Procedure.
- f. Following an operational TASER (CEW) deployment, the supervisor will ensure proper procedures are followed.
- g. The shift supervisor, or officer in his/her absence, will notify the Lieutenant of all TASER deployments. (Revised 05/10/2018)

#### **G. REPORTING:**

- a. A Seneca Falls Police Department "**Subject Resistance Report**" (SRR) will be completed following any TASER (CEW) deployment. Included on this report will be the deploying member's point of aim, the point of contact made by the TASER (CEW) and/or its probe(s) upon the subject, whether penetration of the skin was made, and any medical attention that was provided.
- b. Downloading a TASER (CEW) data port report and attaching it to the SRR will only be completed if a complaint is generated or as requested by the Chain of Command.
- c. The deploying member will complete the appropriate reports as described in Seneca Falls Police Department Policy & Procedure G.O. 335 "Use of Force."

#### **H. CONTRAINDICATIONS:**

- a. The TASER (CEW) is not to be used on a subject who is known to be pregnant.
- b. The TASER (CEW) is not to be used on a subject who has been sprayed with OC.
- c. The TASER (CEW) is not to be used in areas that are potentially flammable such as in that contains gasoline, other flammables, explosive materials, liquids, or vapors (e.g., gases found in sewer lines or methamphetamine labs).
- d. The TASER (CEW) is not to be used punitively or for purpose of coercion.

- e. TASER (CEW) operators should only apply the number of cycles reasonably necessary to allow them to safely restrain the subject.
- f. The TASER (CEW) is not to be used on a subject who is in an elevated position from which he or she may fall.
- g. The TASER (CEW) is not to be used on a subject who is operating and is in control of a motor vehicle or machinery.
- h. The TASER (CEW) is not to be used on a subject who is in a body of water where there is a risk of drowning.
- i. The TASER (CEW) is not to be used as pain compliance if circumstance dictate that pain is reasonably foreseeably ineffective (usually due to drug, alcohol, or mental illness cause an elevation of pain tolerance).

**I. TRAINING:**

- a. Officers authorized to carry TASER weapons must have satisfactorily completed this agency's basic TASER training course, and/or the manufacturer's certification course, as well as department use of force training.
- b. Police officers shall use only those TASERS which are issued by the department and only after they have demonstrated proficiency.
- c. Agency personnel who are unable to demonstrate proficiency and qualify with an authorized department TASER must attend and successfully complete remedial training prior to being allowed to resume official duties.
- d. When practical, the TASER instructor shall immediately conduct remedial training in an effort to correct the deficiency.
- e. If the deficiency cannot be corrected before the members next tour of duty, the instructor shall:
  - 1. Immediately notify the supervisor regarding the member's duty status.
  - 2. Reschedule additional remedial training as soon as practical
  - 3. Keep the Lieutenant apprised of the member's duty status.
- f. All remedial training shall be documented.
- g. A failure to demonstrate proficiency after reasonable remedial training has been provided may serve as the basis of disciplinary action. (Revised 05/10/2018)

**J. . 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: 11/11/2019]