



# GENERAL ORDER

No. 345

Subject:

Conducted Energy Weapon (CEW)

Issuing Authority:

Chief of Police

Effective Date:

11/30/2020

Supercedes:

06/01/2016

- I. **PURPOSE:** The purpose of this order is to provide Village of North Syracuse Police officers with guidance and direction on the use of non-lethal Conducted Energy Weapon (CEW) or commonly referred to as Taser.
- II. **POLICY:** It is the policy of the Village of North Syracuse Police Department to use only that level of force which is reasonably necessary to control or otherwise subdue violent or potentially violent individuals. Non-lethal Conducted Energy Weapon have proven effective in furtherance of this policy and are authorized for use in appropriate circumstances by trained personnel.
- III. **DEFINITIONS:**
  - A. **Conducted Energy Weapon (CEW)** – Non-lethal weapon designed to disrupt a subject's central 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. **Electronic Muscular Disruption (EMD)** – The desired affect when deploying Conducted Energy Weapons its designed to temporarily incapacitate violent and/or dangerous subjects so they may be safely taken into custody.
  - C. **Probe Delivery** – Refers to the firing of probes from a Conducted Energy Weapon into a subject for the purpose of incapacitation through EMD. This type of delivery produces the most desired effect.
  - D. **Drive Stun** – When contact is made by pressing an active Conducted Energy Weapon into the body of the subject. The drive stun affects the sensory nervous system producing pain compliance and may not achieve EMD.
  - E. **Spark Display** – A non-contact demonstration of the Conducted Energy Weapon 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 air cartridge.
  - F. **PHYSICAL INJURY** - Impairment of physical condition or substantial pain.
  - G. **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.
  - H. **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.
  - I. **ACTIVELY POINTING** - The intentional targeting of a person with a Conducted Energy Weapon (CEW), firearm, impact weapon, impact projectile or chemical agent.
  - J. **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.

**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:11/30/2020]

**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:11/30/2020]

**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: 11/30/2020]

**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 Conducted Energy Weapons 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 any Conducted Energy Weapon.
3. Civilian members are prohibited from using Conducted Energy Weapons.

### B. WEAPON READINESS

1. Department Conducted Energy Weapons and holsters will be individually issued or assigned at the beginning of each shift.
2. Officers not assigned their own individually assigned Conducted Energy Weapon shall sign out a department Conducted Energy Weapon at the start of their shift and sign back in the weapon at the end of their shift in the Sign-out log above the storage safe. [Revised:11/30/2020]
3. Conducted Energy Weapons shall only be carried by officers authorized within the department, assigned to the Patrol Section and when doing so the weapon shall be carried in a department approved holster positioned on the side of the body opposite the duty weapon, or if affixed to a tactical vest carrier the weapon can be mounted to the front of the carrier in an approved holster. Those not assigned to the Patrol section but authorized to carry the weapon may utilize other department-approved holsters, and carry the weapon consistent with approved department training. [Revised:11/30/2020]
4. Conducted Energy Weapons shall be carried fully armed with the safety on in preparation for immediate use when authorized and needed.
5. Officers approved to use the weapon may be issued a minimum of one spare cartridge as a back-up in case of cartridge failure, the need for reapplication, or in case the first cartridge's leads break during engagement. Spare cartridges shall be stored and carried in the XPPM/battery storage compartment of the weapon. Any cartridges that need to be replaced due to defects or expirations dates can be addressed with a Conducted Energy Weapon Instructor. [Revised:11/30/2020]
6. Only battery power sources recommended by the manufacturer shall be used in all Conducted Energy Weapons.

### C. CARE AND MAINTENANCE

1. The Conducted Energy Weapons shall be pointed in a safe direction with the safety on during loading, unloading, or when handled in other than an operational deployment.

2. Prior to operational deployment, officers shall ensure the proper functioning of the unit to include a visual inspection of the battery capacity, readout display and shall conduct a pre-shift spark test with the air cartridge removed. (Other than for operational purposes, spark tests shall be conducted outside of general public view) There are two spark test targets in place within the department, one in the Men's locker room and the other in the women's locker room. If an officer elects to conduct a spark test in either of these rooms, the officer shall:
  - a. Remove the air cartridge from the Conducted Energy Weapon.
  - b. Place the air cartridge in a designated area.
  - c. Conduct a spark test while pointing the Conducted Energy Weapon at the spark test zone.
  - d. Upon completion of a successful spark test the air cartridge may be retrieved from the designated area and reattached to the Conducted Energy Weapon for deployment.
3. A battery reading of 20% or less shall require the unit to be taken from service.
4. Officers should never eject or remove the Conducted Energy Weapon battery pack; this action should only be conducted by a Conducted Energy Weapon instructor for the purpose of replacing a depleted battery pack.
5. Officers shall avoid exposing the Conducted Energy Weapon to rain and/or moisture as much as practical, as this may permanently damage the device.
6. Officers shall immediately report to a supervisor any malfunctions or defects observed.
7. No alterations or modifications shall be made to the Conducted Energy Weapon and all repairs will be conducted by an authorized vender.
8. Any discharge, other than a spark test, either intentionally or accidentally shall be reported immediately to a supervisor.

#### **D. DEPLOYMENT**

1. Members are not authorized to draw or display the Conducted Energy Weapon other than for a justified use of force or training purposes. The Conducted Energy Weapon will be handled in the same manner as a firearm.
2. The Conducted Energy Weapon is another one of our use of force options available to officers. The Conducted Energy Weapon, like 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.
3. The use of a Conducted Energy Weapon is considered the same level of force as OC spray. Decisions to deploy them require the same basic justification; however, when determining whether to use the Conducted Energy Weapon, the totality of the circumstances should be considered together with the following:

- a. The likelihood of physical injury resulting from a Conducted Energy Weapon strike, to include accidental probe contact to a sensitive tissue area, or a secondary injury to the subject as a result from falling post deployment.
  - b. The optimal effective range of the Conducted Energy Weapon is 12 to 18 feet. (3 feet being the minimum recommended range and 21 feet the maximum range.)
  - c. The number of officers or suspects on scene.
4. When justification exists, and when appropriate, officers 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. [Revised:11/30/2020]
  5. When practical, officers shall give proper warning to other officers and particularly to the intended subject (Verbal Commands) prior to firing the Conducted Energy Weapon.
  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.
    - 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. 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.
  8. Unless exigent circumstances exist, drive stuns shall not be intentionally targeted to the area of the neck, head, face or groin.
  9. 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.
10. The Conducted Energy Weapon may be used in defense against animals where proper justification exists.

#### **E. POST DEPLOYMENT AND AFTERCARE**

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 personnel 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 #335 "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.

#### **F. MEDICAL ATTENTION [REVISED:11/30/2020]**

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. In these instances, the officer should do the following:
  - a. 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.
  - b. This includes appropriate and timely medical attention being provided to a party injured as a result of a use of force incident.

- c. 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.
2. 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 PROCEDURES [REVISED:11/30/2020]**

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 Village of North Syracuse when the use of force occurred, he will also notify the police agency with jurisdiction for the investigation.
  - a. Use of force that results in a physical injury.
  - b. Use of force incidents that a reasonable person would believe is likely to cause an injury.
  - c. Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from compliant handcuffing.
  - d. Incidents where a Conducted Energy Weapon (CEW) was intentionally discharged or accidentally discharged after being displayed.
  - e. Incidents where a firearm was discharged at a subject.
2. Officers should also document any requests for necessary medical or mental health treatment as well as efforts of police to arrange for such treatment.
3. Officers shall attempt to locate and identify any witnesses, documenting their statements.
4. Officers shall document and photograph all injuries. A photograph showing an absence of injury may be as important as one that shows injury.
5. Use of Force Reports shall be completed following any Conducted Energy Weapon probe deployment or drive stun.
6. When Officers remove their Conducted Energy Weapon from their holster and display the weapon, initiate a warning arc or utilize laser compliance only and have not deployed their cartridge resulting in probe strikes or deployed a drive stun do not have to complete a Use of force Report. The officer shall document these actions in a Police Incident Report. [Revised: 11/30/2020]

**H. PROCEDURES FOR INVESTIGATING USE OF FORCE INCIDENTS [REVISED: 11/30/20]**

1. The supervisor should respond to the scene to begin the preliminary force investigation by ensuring the following:
  - a. The scene is safe and properly secured.
  - b. The officer involved receives necessary assistance, including medical treatment.
  - c. The person upon whom the force was used receives necessary medical attention.
  - d. Locating, interviewing and deposing witnesses, including other officer's on-scene. Conducting a neighborhood canvass as necessary.
  - e. Documenting and photographing injuries and the lack of injuries to the officer and the person upon whom the force was used.
  - f. Documenting the scene.
  - g. Collecting and preserving physical evidence.
  - h. Debriefing the officer who used the force.
  - i. Completing a supplement report detailing the supervisor's investigation.
2. All reports, including a "Use of Force Report" when required, are prepared and submitted. In the event that an officer is unable to complete reports due to injuries, the Supervisor shall prepare or cause them to be prepared, along with his own reports of the incident.
3. The supervisor's report, including all necessary paperwork (e.g., Use of Force Report, incident reports and all supplements, arrest reports; medical reports, statements) shall be forwarded to the Chief of Police.
4. The Police Chief shall be notified, if through the use of force:
  - a. Injury is sustained or inflicted by a member of the department.
  - b. A firearm was discharged or deadly physical force was employed.
  - c. There is an allegation of misconduct on the part of a member of the department.
5. The Chief shall respond to the scene when and if he deems appropriate. In the absence of the Supervisor, the Chief shall insure that those tasks described above are accomplished.

**I. EVALUATING THE USE OF FORCE: [REVISED: 11/30/2020]**

1. The Chief of Police, or his designee, shall review the incident to ensure that the use of force was:
  - a. Objectively Reasonable.

- b. Authorized by Article 35 and department policies.
  - c. Necessary.
  - d. Not reckless.
  - e. Out of department policy, excessive or in violation of applicable laws.
2. The Chief of Police, or his designee, shall annually complete an analysis of all Use of Force incidents in order to identify:
    - a. Patterns or trends that support future training needs.
    - b. Any equipment upgrades.
    - c. Any policy modifications.

#### **J. 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. Police officers shall use only those weapons which are issued by the department and only after they have demonstrated proficiency.
4. 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 can not 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.

[Original: 01/01/2014] [Revised: 06/01/2016] [Revised: 11/30/2020]