

Geneva Police Department GENERAL ORDERS		CONDUCTED ENERGY WEAPON / CEW	
<input checked="" type="checkbox"/> new: <input type="checkbox"/> rescinds: <input type="checkbox"/> amends:		cross-reference Accreditation/Recognition standards: C.A.L.E.A.: NYS L.E.A.P.: 20.1, 20.6, 20.7, 32.4	
effective date: 3.1.13	issue/amend date: 10.15.15 / 5.7.20		

I. PURPOSE	<p>The purpose of this General Order is to establish and describe policies and procedures for implementation, training, and utilization of electric control devices.</p>
II. POLICY	<p>It is the policy of the Geneva Police Department that sworn Officers shall carry and use only those CEW's issued by the Department.</p> <p>The Official CEW will be the TASER® X2 w/XP 25 foot cartridge designed and manufactured by Axon Enterprise Inc.</p> <p>The use of those weapons shall be within the limits established by Article 35 of the New York State Penal Law and consistent with the training and policies of the Department. Additionally the Department will closely regulate and monitor the use of CEW's by officers.</p> <p>The CEW is a less lethal option, like other less lethal options available to Geneva Police Department Officers, the CEW is intended to provide a force option that may be used to contend with combative subjects, assaultive behavior (directed at the officer or others), subjects that are actively resisting arrest, and subjects that are threatening tangible harm to themselves or others.</p> <p>The CEW is an addition to, not a replacement of, defensive tactics and other less lethal tactics.</p> <p>While it may be a viable option in a situation requiring the utilization of force, it is not intended to be a replacement for firearms during an incident which deadly force is being used, or imminent threat thereof, against a Police Officer or a third person. Police Officers are never required to use less force than the subject(s) involved in any violent encounter.</p>
III. DEFINITIONS	<ul style="list-style-type: none"> A. CEW - Is a Conducted Energy Weapon which is used to subdue non-compliant individuals with a precise amount of current that is designed to disrupt a subject's nervous system by means of deploying a high voltage, low power current of electrical energy sufficient to cause pain and/or uncontrolled muscle contractions to override an individual's voluntary motor response. B. Probe Deployment - Utilization of the CEW deploying the probes and electrical current. C. Drive-Stun Mode - Utilization of the CEW without deploying probes but delivering current to a subject. D. Dual Laser - Aiming feature of the TASER® X2 which shows the approximate strike of both probes if fired at a subject. E. Smart Cartridge - Individual cartridge containing probes and nitrogen charge, training cartridges are 15' while patrol cartridges are 25' F. Warning Arc Display - Displaying electric current as a tactic to dissuade aggressive actions of subject. G. AFID Anti Felon Identification Tags - Small serialized discs packed into each cartridge which when a TASER® is fired, are dispersed.

<p>III. DEFINITIONS (CONT.)</p>	<p>H. Spark test- Testing the TASER ® without deploying probes.</p> <p>I. Cycle - A full 5 seconds of continuous operation whether it be from the probe deployment method or Drive-stun mode. In Drive Stun Mode on the TASER ® X2, a cycle will last five seconds only if the Officer is pulling the trigger on a spent cartridge. If deploying the Drive Stun Mode via arc button, the power/cycle is dependent on how long the Officer holds down the button.</p> <p>J. Laser Application - Un-holstering and pointing the CEW at a subject, with the laser being activated, to gain compliance of the subject. The pointing of the TASER ® shall only be done with proper justification. The laser will not be pointed in a subject’s eyes.</p> <p>K. Support Side - The side opposite from your duty handgun.</p>
<p>IV. PROCEDURE</p>	<p>A. Authorized Users</p> <ol style="list-style-type: none"> 1. Only officers who have satisfactorily completed the certification course of instruction and passed the written test will be authorized to carry the CEW. 2. CEW re-certification will occur annually and consist of familiarity with CEW functions, proficiency with use, importance of aiming center mass, and the effective deployment range of the TASER X2 ®. 3. When CEW’s are not being utilized, they will be stored in the Muster Room in the designated CEW cabinet. 4. Only Departmental issued TASER ® holsters shall be used to carry the TASER ® or other holsters authorized by the Chief of Police. 5. Qualified Officers will position the CEW holster on the side of their body opposite the duty weapon which is the support side. 6. Upon re-holstering the TASER ®, Officers shall ensure that the safety is in the ON position. 7. Only battery power sources issued by Department instructors shall be used in CEW’s. 8. Members, who are not qualified, shall not remove, handle or inspect a CEW. <p>B. Care and Maintenance</p> <ol style="list-style-type: none"> 1. The CEW will be pointed in a safe direction in the high ready position with the safety on during loading and unloading. 2. During an operational deployment the CEW will be pointed in the low ready position for deployment. 3. 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 function test prior to the beginning of the shift. 4. A depression of the arc button for five seconds will include a visual inspection of the arcing across the loaded bays. <p>C. Weapon Safety</p> <ol style="list-style-type: none"> 1. Assume device is loaded. Always assume that a CEW device is loaded. 2. Do not touch trigger until ready to use. Keep your finger off the trigger until you are on target and ready to fire. 3. Keep body parts away from the front of the TASER ® cartridge <p>D. CEW Deployment - The CEW will only be deployed in compliance and consistent with the guidelines set forth in:</p> <ol style="list-style-type: none"> 1. N.Y.S. Penal Law Article 35; and 2. Applicable state and federal case law; and 3. Department policy and training

**IV. PROCEDURE
(CONT.)**

E. Uses of CEW

1. **Probe Deployment** - Preferred method of TASER ® deployment
 - a. More effective (causes incapacitation majority of time)
 - b. Can be tactically used at a safer distance.
 - c. Less chance of injury to subject and Officer.
 - d. Generally requires fewer applications than direct contact mode.
2. **Drive stun mode**- May be deployed when using the TASER ® in Probe mode is not possible, inappropriate or ineffective.

F. Carrying the CEW - TASERs ® will be carried in the duty holster on the support side of the Officers duty belt or duty issued outer carrier. *(The support side is the side opposite your duty handgun).*

G. Application Points - CEW's should be applied to large muscle groups which generally are more effective in controlling the subject:

1. **Center of Back** - Should be the primary target when reasonably possible. Aiming at the center of the back will increase the chances of a two-probe hit and will minimize the chances of hitting a subject in the head(eyes), neck(throat), groin and female breasts which may cause serious injuries.
2. **Suitable Position** - Interactions with subjects are often very dynamic in nature and may not permit an officer to gain a suitable position behind a subject.

H. Appropriate Alternate Aiming Point - When possible, it is the subject's lower center of mass (below chest). When utilizing a TASER ® in drive-stun mode as a last resort when probe deployment is not possible, inappropriate or ineffective, the user will avoid the following:

1. Trachea
2. Back of neck
3. Cervical portion of the spine
4. Pelvic region
5. Base of the sternum
6. Head
7. Female breasts

I. Unless a person presents an immediate threat of injury to himself/herself or to others, the CEW shall not be used if the person is:

1. Obviously pregnant.
2. Apparently under 16 years of age.
3. Apparently over 65 years of age.
4. Running away or Fleeing
 - a. (The mere act of fleeing the presence of law enforcement, without more articulable factors, does not create circumstances under which a Officers deployment of the CEW would be considered a reasonable use of force).
5. In an elevated position above ground level from which the person may fall and injury is likely.
6. Operating a vehicle, machinery, bicycle or skateboard.
7. In any environment where potentially flammable, volatile or explosive material (gas, natural gas, propane, flammable chemical sprays, etc.) are present.
8. In water, unless additional personnel are available to rescue.
9. Passive subjects who question an Officers commands in a non-violent and non-threatening manner.
10. Subjects who are non-violently participating in a public protest.
11. Obviously frail or infirmed.

**IV. PROCEDURE
(CONT.)**

12. Handcuffed.
13. Individuals with known neuromuscular illness (i.e. Multiple sclerosis, muscular dystrophy).
14. Individuals that require more than three applications to gain custody and control.
15. Any other situation that is deemed to be unsafe by an officer.

J. Individuals exhibiting signs of “Excited Delirium”

1. **Excited Delirium** is not a recognized medical or psychiatric diagnosis but is a term often used to describe a state in which someone presents themselves.
2. The manifestations of excited delirium vary depending on the individual.
3. TASER ® may have different effects on individuals experiencing signs of **Excited Delirium**.
4. Usually most of the following characteristics are observed in an individual in the condition often called a state of **Excited Delirium**:
 - a. Violent behavior.
 - b. Extreme agitation and restlessness.
 - c. Incoherent and rambling speech.
 - d. Hallucinations and delusions with paranoid features.
 - e. Lack of purposeful activity and/or destruction.
 - f. Elevated body temperature, profusely sweating.
 - g. Little or no clothing.
 - h. Lack of response to pain stimuli.
 - i. Combativeness and extra ordinary strength.
 - j. History of stimulant abuse, most commonly cocaine and/or methamphetamine.

K. Verbal Commands/Warnings

1. 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.
2. Be aware that an announcement of imminent deployment of a TASER ® may cause the subject to attack officers, flee, inflict self-injury or attempt to injure others and care must be taken to avoid placing others at risk.
3. When applicable, an announcement to other officers that a TASER ® is going to be deployed should be made. i.e.: ***Taser, Taser, Taser***. These procedures will allow Officers to take proper safety precautions to secure the subject or upon conclusion of the CEW cycle.

L. Multiple CEW applications

1. CEW users should be aware that the associated risks with multiple exposures to a TASER are unknown and the roles of CEW’s causing death in these cases are unclear. **Caution should be used in using multiple activations to subdue a subject.**
2. Officers are reminded to use only the appropriate force necessary to accomplish the necessary purpose intended. No more than **THREE (3)** consecutive cycles should be applied to a subject. If three cycles does not control the subject, officers should reassess the situation and consider transitioning to another applicable force option.
3. A cycle is indicative that the subject has received energy from the CEW, either in probe deployment or drive stun mode.
4. Officers should be mindful that drive-stun 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 TASER® in drive-stun mode.

IV. PROCEDURE (CONT.)

5. 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.
6. Downloaded data should be checked by CEW instructor(s) to verify the actual number of cycles used during the incident.
7. Attempts will be made to make this information available to the operator prior to filling out the Use of Force Form.
8. 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.

M. Use of ECD's on Animals

1. CEW's have been shown to be an effective option on animals by reducing the need for utilizing deadly force.
2. Because of uncertain effect on animals, CEW use against attacking animals is only recommended as a last resort alternative to lethal force. CEW may be deployed on an animal when:
 - a. Animal is posing an active threat or is attacking a person, including officers, another animal or property.
 - b. Animal needs to be immediately captured for reason of nuisance to public peace or safety, and preservation of property
3. Due to the rapid and unpredictable movements of animals, it is more likely unintended areas may be struck. **Center mass of animal should be targeted.**
4. Animals will most likely be momentarily incapacitated, and then quickly leave the scene breaking the wires.
5. When applicable, consider having animal control standby to collar/capture the animal.

N. Post Deployment

1. Supervisor will be notified upon deployment of a TASER ® and will respond to the incident scene as soon as practicable.
2. Local EMS will be requested to evaluate **all** persons subjected to a TASER ® application when safe to do so.
3. Absent exigent circumstances, an officer should not employ techniques that will impair a subject's respiration after subject has been subject to CEW use.
4. Probes will be removed by officers or EMS Staff, and secured as a biological hazard and placed in appropriate sharps evidence containers. "**Bio Hazard/Sharps**" should be indicated on the evidence bag.
5. Taser® probes will not be removed by CEW Officers from:
 - a. Face/Eye.
 - b. Neck.
 - c. Groin.
 - d. Spinal Cord.
 - e. Trachea.
 - f. Back of Neck.
 - g. Cervical portion of the spine.
 - h. Pelvic region.
 - i. Base of the Sternum.
 - j. Head.
 - k. Female breasts.
 - l. Presence of a secondary medical event or traumatic event (chest pain, respiratory distress, hypoglycemia, injuries sustained from a fall, etc.
 - m. Patient or Police are requesting transport to the ER.
 - n. Patient is under the age of 18 years of age.
 - o. Any other situation as directed by a Supervisor.

**IV. PROCEDURE
(CONT.)**

6. Photographs will be taken of subject and any marks on the subject if possible.
7. All decisions for treatment should be made by EMS until such time the exposed is released by medical personnel, whether post treatment or by a refusal (*sign-off*) by the exposed for further treatment, as documented by the EMS responders or a physician.
8. All persons subjected to a CEW application should be medically cleared before beginning post-arrest processing procedures.
9. When the CEW is deployed as a result of a police response, a Use of Force Report will be completed as outlined in **G.O. 400 §III (L)(1)(c)**.

O. Detention Notification

1. It is important that appropriate notification be made to detention/jail personnel that the subject was controlled by the use of a CEW or O.C. spray. This notification will be documented on the call for service or other applicable record.
2. Once the subject is medically cleared by EMS or a physician, the arrest process should be completed as soon as possible.

P. Collection of Evidence

1. Any probes that have penetrated a subject's skin and are removed from a subject will be collected as evidence following Department guidelines and treated as biohazard material. "**Bio Hazard/Sharps**" should be indicated on the evidence bag.
2. The probes will be checked to determine if the barbs are intact. If the barbs are not intact, the responding EMS will be notified. All universal precautions should be taken when handling probes.
3. The following will be collected in a post deployment:
 - a. Probe(s) removed from subject's skin.
 - b. Probe(s) fired and missing contact with subject's skin.
 - c. Spent Cartridge(s).
 - d. Photographs with and without scale of impact sites on subject and any other possible injury related to TASER ® application should be taken as soon as reasonable to do so.

Q. Tracking CEW Use

1. Tracking CEW use can assist in identifying trends, deployment concerns and preventing/deterrence effectiveness.
2. An Officer utilizing a CEW will utilize Attachment A, located in the CEW storage area. This will used both at the collection and return of the CEW.
3. The use of CEW will be tracked by CEW instructors.
4. Once a deployment of a TASER ® has been made on a subject, the CEW will be secured immediately in the CEW lock box in the CEW cabinet by the supervisor on duty until it can be downloaded.
5. An officer deploying a CEW will utilize Attachment B, located in the CEW storage area. This will be used when the TASER ® is drawn, Probes deployed or drive stun deployment.
6. The CEW information will only be downloaded by those certified as TASER® instructors.
7. The deploying officer will document the following:
 - a. Date, time, description of location, environment conditions, and type of incident/crime.
 - b. Officer(s) involved, and any known witnesses.
 - c. Make and model of TASER ® used.

<p>IV. PROCEDURE (CONT.)</p>	<ul style="list-style-type: none"> d. Descriptive information of subject including: <ul style="list-style-type: none"> 1) Actions (pre- and post-deployment). 2) Any weapons possessed by subject. e. Type of Taser mode used. <ul style="list-style-type: none"> 1) Probe deployment. 2) Drive-stun mode. f. Range at which TASER ® was deployed. g. Number of TASER ® cycles. <ul style="list-style-type: none"> 1) Duration between cycles. 2) Duration subject was actually exposed to TASER ®. Information collected from downloaded data may be misleading as there may be a difference between the actual duration of a TASER ® activation on a person and the total time of discharge registered on a Taser ® device. <ul style="list-style-type: none"> a) Probes may become dislodged. b) Electrode contact can be transitory due to the movement of the officer or subject. h. Points of impact on subject. i. Medical care provided to the subject. j. Any injuries to subject. <p>8. Downloading data available on the CEW should be downloaded after each use on a subject and filed with CEW tracking reports.</p>
<p>V. FORMS</p>	<p style="text-align: center;">Attachment A: CEW Tracking Form Attachment B: CEW Use From</p> <p style="text-align: right; margin-right: 100px;">Approved By</p> <p style="text-align: right; margin-right: 100px;">MICHAEL J. PASSALACQUA <i>CHIEF OF POLICE</i></p>