

MEDINA POLICE DEPARTMENT

GENERAL ORDER

ORDER NO: 2017-022

SUBJECT: Conducted Energy Weapon
(CEW) - Taser

EFFECTIVE DATE: 1 April 2017

RESCINDS ORDER NO:

DISTRIBUTION: Sworn Police Personnel

PURPOSE: To establish guidelines for members of the Medina Police Department for the use of Conducted Energy Weapons or Tasers as a non-lethal force option.

I. **POLICY:** Employees who are certified to carry a CEW (Conducted Energy Weapon) will only utilize the weapon in accordance with Article 35 of the New York State Penal Law and with the training and policies of the Medina Police Department. It is the responsibility of each employee to be aware of the requirements of Article 35 and to guide his or her use of a CEW with the training and policies of the Medina Police Department.

II. **DEFINITIONS:**

- A. **Conducted Energy Weapon or CEW** – A device that uses propelled wires to conduct energy that affects the sensory and motor functions of the central nervous system on a human being.
- B. **Neuro-Muscular Incapacitation System or NMIs** – Conducted Energy Weapons stun and override the motor nervous system and sensory nervous system causing uncontrollable contractions of the muscle tissue causing temporary incapacitation.
- C. **Non-Lethal Force** – Force that the officer uses to obtain compliance – this action may cause bodily harm or create a substantial risk of causing bodily harm that may, nevertheless, cause death.
- D. **Lethal Force** – Force that is used to stop a threat that in the manner of its use or intended use is capable of creating a substantial risk of causing death or serious physical injury.

- E. Level of Force – The extent of force needed to place a person in custody or to prevent and terminate the person’s commission of a crime or offense pursuant to Article 35 of the New York State Penal Law. CEWs are considered a Non-Lethal Force and are on the same level as an Aerosol Subject Restraint.
- F. Motor nervous System – Nerves that carry commands from the brain to the muscles to control movement.
- G. Sensory Nervous System – Nerves that carry information from the body to the brain. (Touch, Temperature, Etc.)

III. PROCEDURE:

- A. In order for a Medina Police Officer to carry a CEW they are required to be trained and certified in the CEW that they will be carrying while on duty.
- B. Training must be conducted by a certified instructor of the CEW that is being carried. Training and proficiency shall be documented and maintained by the instructor, with a copy placed in the officer’s respected training folder. In the event an officer receives training and proficiency in the use of a CEW from an outside agency that certification documentation must be received by the Medina Police Department prior to the officer utilizing the CEW on duty.
- C. If not previously certified the Medina Police Department will provide in-service training and certification as a user of a CEW, prior to being authorized to use the weapon while on duty.
- D. Once a member of the Medina Police Department is certified to carry a CEW he or she will be allowed to carry while on duty
- E. How to Carry:
 - 1. Only authorized holsters for that particular CEW will be used to carry the weapon.
 - 2. CEWs will be worn according to training instructions and shall be carried on the officer’s weak side opposite their firearm (cross draw fashion).
 - 3. The CEW will remain holstered at all times unless it is being spark tested or being used to respond to an incident

F. Readiness and Safety of CEWs:

1. Each officer will check the battery level of the CEW unit at the beginning of their assignment. During this time the officer will also note the condition of the CEW and if there is any malfunction with the weapon. The officer will immediately notify his shift supervisor of any malfunction concerning the CEW, the shift supervisor will notify the Chief of Police or designee of the malfunction in a timely fashion.
2. CEWs will not be left unattended. When not being used the CEW should be properly stored.
3. When deploying the CEW the officer must consider the following:
 - a. The availability of lethal force by other responding officers.
 - b. The totality of circumstances surrounding the need to utilize the CEW
 - Severity of the crime
 - Immediate threat of harm/injury to third party, the officer, and the suspect (primary risks)
 - Physical setting: Is the suspect in water, on soft/hard surface, high up, etc. (secondary risks)
 - Suspect's physical state: (running/walking, standing, visibly pregnant, under the influence)
 - c. Consider the necessity of verbal warnings prior to deploying CEW. Although it is not always required or advisable it might assist in getting compliance without CEW deployment.
4. A CEW **will not** be utilized on a person who is in restraints.
5. Officers may display the CEW and spark the unit or present the laser to gain compliance through visual effects without deploying the weapon. Sparking the CEW shall not be done with a live air cartridge in place.

G. Post-Use Procedure (Probe Removal)

1. **Do not** attempt probe removal if subject is combative or if the location of the barb is in the head, neck, face, ear, breast, groin, or deeply imbedded. (These individuals will be evaluated by medical personnel at the hospital.)
2. Probes superficially in the skin may be removed by an officer who is trained to do so and in the presence of another officer.
 - a. The officer, prior to removing the probes, will photograph the probes and note the location of the probes on the individual.
 - b. The officer will utilize latex gloves for removal of probes from the individual.
 - c. Clean the wound with antiseptic wipe.
 - d. Assess the individual for injury or condition that may need medical attention, and seek appropriate level of service.
 - e. Securely tape the cartridge and probes together and place in an evidence bag. Log said item into the evidence log to be stored in the evidence locker room per Evidence Procedure General Order 2017-017. Make sure the bag is labeled biohazard.
 - f. When done handling the air cartridge and probes remove latex gloves and clean hands with waterless hand sanitizer or soap and water.
3. A Medina Police Department Subject Resistance Form must be completed and attached to report when a CEW is used.

H. Accidental Discharge of CEW - If probes are accidentally discharged for a failure to remove a cartridge from the weapon during spark testing the following procedure is to be followed.

1. If officer and/or other person are injured seek medical attention and advise the Chief of Police as soon as practical.
2. The cartridge with probes should be handled the same method as described in G2a of these policy.

3. An incident report will be completed by the officer who accidentally discharged the CEW.

IV. DEPARTMENT CEW

- A. The Medina Police Department currently uses the X26 and the X26P CEW, both of which are supported by Taser Company.

By Order Of:

Chad Kenward
Chief of Police