

CAPE VINCENT POLICE DEPARTMENT

POLICY AND PROCEDURES

SUBJECT: OPERATIONS Conducted Electrical Weapons (CEWs/CEDs)	POLICY NUMBER: CV-40-21-04-01 SUPERSEDES: All Previous AMENDED: EFFECTIVE DATE: Page 1 of 7 Pages
AUTHORITY OF: Shaun Cuddeback, Officer In Charge Date: / /	
REFERENCE: AXON Training Program Version 22	

PURPOSE: This policy is designed to provide clear and concise guidelines for the safe and effective deployment of Conducted Electrical Weapons (CEWs).

POLICY: Consistent with our values to protect and serve in a professional manner, it will be the policy of the Cape Vincent Police Department to maintain an organizational structure with respect to Conducted Electrical Weapons (CEWs).

PROCEDURE:

Definitions:

- I. Conducted Electrical Weapons (CEWs) - are non-lethal weapons that conduct electrical energy to the target, thereby controlling and overriding the central nervous system of the body of the subject. They are designed to safely incapacitate potentially dangerous person(s) by:
 - A. Drive Stun Deployment - Acting as a drive stun system when brought into immediate contact with a person's body.
 - B. Air Cartridge Deployment - Using compressed nitrogen gas to project two probes at the subject. An electrical signal is 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.
- II. CEW Instructor - Members qualified by AXON and DCJS to certify users of the Taser CEW.

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- III. CEW Operator - Members who have successfully completed the training prescribed by AXON and/or DCJS and the Cape Vincent Police Department.
- IV. CEW Coordinator - A member of the Cape Vincent Police Department who will be responsible for the accountability of equipment, certifications, and training, as well as spark testing and maintenance.
- V. CEW Cycle - Five second CEW Deployment.
- VI. Passive Resistance - Physical actions that do not directly prevent the members' attempt at control (i.e.: laying on the ground as dead weight, sitting with arms folded and refusing to move).
- VII. Defensive Resistance - Physical actions that attempt to prevent the member's control but make no directed attempt to harm the member as the subject attempts to push or pull away in a manner that does not allow the member to establish control.
- VIII. Active Aggression - Behavior that is a physical assault on a member or another, during which the subject prepares to strike, attempts to strike, strikes, or uses techniques in a manner that may result in injury.
- IX. Aggravated Active Aggression (Deadly Force) - Assaultive acts of aggression directed toward a member or another person that are likely to cause serious physical injury or death.

Training and Certification

- I. Only current approved CEW's shall be deployed. The current approved CEW is the AXON Taser X2.
- II. The CEW Coordinator will maintain a list of CEW's, related equipment and those members authorized for its use. The CEW Coordinator will audit the inventory annually.
- III. Only those members that have successfully completed an approved AXON/ DCJS CEW course will be authorized to carry and deploy a CEW.
- IV. CEW Operators will annually complete re-certification training with the CEW (not including exposure to the CEW).

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- V. Members that experience the effects of the CEW conducted during training purposes by a Certified AXON / DCJS Instructor will not receive a medical evaluation, unless it is deemed necessary, but will be closely monitored for any medical complications. Clips may be used in lieu of probes to give the effect of the CEW without the utilization of the probes.

Pre-Deployment

- I. Members will inspect the CEW and cartridges to ensure they are clean and functioning properly.
- II. A spark test will be conducted at the time of issue to ensure the CEW is functioning properly. The spark test will be conducted for a full 5 seconds by depressing the ARC switch. No spark test will take place in the field without supervisory authorization.
- III. Malfunctioning CEW's will be immediately removed from service and brought to the attention of the CEW Coordinator.
- IV. Batteries will not be removed from the CEW except to perform maintenance, to replace the battery or when directed to do so for training purposes.
 - A. Batteries must be replaced when the battery life indicator reads 20% or less.
- V. Members will indicate the CEW they carry each shift on the Daily Activity Report (DAR). (i.e., CEW #1, CEW #2, etc.)

Deployment

- I. A CEW is generally authorized to be used in circumstances where grounds to arrest or detain are present and the subject's actions cause a reasonable officer to believe that physical force will be used by the subject to resist arrest or detention. Such actions include, but are not limited to:
 - A. Use of force against the officer or another person.
 - B. Violent, threatening or potentially violent behavior.
 - C. Physically resisting arrest or detention (does not include passive resistance).
 - D. Flight to avoid arrest or detention.
 - E. Self-destructive behavior.

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- II. Members are authorized to use and deploy the CEW as approved by the Cape Vincent Police Department Policy and Procedures as well as the provisions of NYS Penal Law Article 35.
- III. The use of the CEW will be limited to the degree of force which is reasonably necessary to provide protection for the member, the subject, a third party and/or to effect a legal arrest.
- IV. If circumstances allow, members should use verbal persuasion and commands for suspects to obey police orders and cease illegal activity or threatening behavior prior to the use of the CEW.
- V. The CEW Operator will confirm that alcohol-based oleoresin capsicum (OC) has NOT been deployed prior to the use of the CEW. If alcohol-based OC has been deployed, the CEW is no longer a force option.
- VI. If possible, prior to the use of the CEW, an announcement should be made to warn the subject and other members that the CEW is about to be deployed.
- VII. If possible, back up members should accompany the CEW Operator and will be designated as contact and cover. When practical, at least one back up member present should be designated to control/cuff the subject while the subject is being exposed to the CEW.
- VIII. The CEW will only be applied to a handcuffed resistive subject when the resistance is "active aggression" and there is one or more "special circumstances" present and are part of the "active aggression". "Special circumstances" may include, but are not limited to armed individuals, close proximity to weapons, special knowledge of the subject, injury/exhaustion of the member, ground fighting or the number of persons involved in the "active aggression".
- IX. When deploying the CEW (either by drive stun or by air cartridge), center mass on the subject's back should be the primary target when reasonably possible. This will increase the chances of deploying to a large muscle mass group and causing the desired incapacitation. This will also minimize the chances of connecting with the subject's head, eyes, neck, groin, or female breasts which may inadvertently cause serious injuries.

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- A. Encounters with subjects are often dynamic in nature and may not permit a member to gain a suitable position behind a subject to target the back. Then an alternate aiming point may be used.
- B. Members will NEVER intentionally target any sensitive areas of the body. These include the head, eyes, neck, groin (genitals), chest or female breasts.

Post Deployment

- I. All subjects exposed to a CEW shall be examined as quickly as practicable by qualified medical personnel (which includes EMS) and medically cleared. During a medical emergency, the subject will be transported to the nearest hospital by ambulance.
- II. Members will be permitted to remove imbedded probes from the subject's body in accordance with their AXON/Taser training unless the probes have penetrated a sensitive area of the body. Qualified medical personnel shall remove any probe lodged in a sensitive area of the body or that cannot be removed by the member in accordance with their training.
 - A. The probes will be collected by the CEW Operator or other trained member and secured as evidence.
- III. Treat all probes that have penetrated the body as contaminated. Utilize universal precautions when handling contaminated items.
- IV. Probes that fail to contact the subject's body will still be collected by the CEW Operator or other trained member and secured as evidence.
- V. In all cases where a CEW is used on a subject (except for training), a Use of Force Report will be completed.
 - A. Included in the Use of Force Report will be the point of aim, the point(s) of contact made by the CEW and/or the probes upon the subject, whether penetration of the skin was made and any medical attention that was provided.
 - B. The CEW Coordinator shall download the CEW data port report after a deployment and attach it to the Use of Force Report.
- VI. If the subject is incarcerated, corrections personnel shall be notified that the subject was controlled by use of the CEW.

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Precautions

- I. Unless exigent circumstances exist, the CEW is NOT to be used on a subject that is “known” to be:
 - A. Pregnant
 - B. A child (Pre-teen)
 - C. An elderly person (Over 60 years of age)
 - D. Frail or Infirm
 - E. Suffering from a neuromuscular disease
 - F. Suffering from a cardiac condition or having a pacemaker
- II. The CEW is not to be used in areas that are potentially flammable such as in areas that contain gasoline, other flammable liquids, explosive materials, liquids, or vapors such as gases found in sewer lines or methamphetamine labs.
- III. The CEW is not to be used punitively or for the purpose of coercion.
- IV. The CEW is not to be used on a subject who is in an elevated position from which he or she may fall.
- V. The CEW is not to be used on a subject who is in a body of water where there is a risk of drowning.
- VI. CEW Operators will only apply the number of cycles necessary to allow them to safely restrain or control the subject.
- VII. If more than three (3) consecutive cycles are required, members should reassess the situation and consider transitioning to another applicable force option.

Carry of CEW

- I. CEW’s resemble firearms in their construction. To prevent a member from mistaking a firearm for a CEW, the member will carry the CEW in a holster on the support side (weak side) of the member’s duty belt or tactical vest, requiring a cross draw action.

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Use on Animals

- I. CEW's may be used on animals as a last resort alternative to lethal force. CEW's may be deployed when:
 - A. The animal is posing an active threat or attacking a person, another animal or aggressively damaging property.
 - B. The animal needs to be captured immediately for reasons of public safety or the preservation of property.
- II. Members will always target the animal's center mass and not intentionally target any sensitive areas of the animal's body.
- III. When possible, have animal control on standby to collar/capture the animal, or aid if the animal's health is in jeopardy and its welfare needs to be provided for.