

# **TASER**

STANDARD NO(S):

NYSLEAP # 32.4

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REFER TO:

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## **I. OBJECTIVE:**

The Objective of this policy is to provide members with guidance and direction on the use of the Taser International X26P & X26® Taser device

## **II. POLICY:**

It is the policy of the Seneca County Sheriff's Office for members to use only that level of force which is reasonably necessary based on the totality of the circumstances, to control or otherwise subdue violent or potentially violent individuals. The Taser International X26P & X26 Taser® device has been proven effective in the furtherance of this policy and is authorized for use in appropriate circumstances by trained personnel.

## **III. DETAILS:**

### **DEFINITIONS –**

- A. X26P & X26 Taser® Device:** 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. Neuro-Muscular Incapacitation (NMI):** Stimulation of a persons sensory nervous system and motor nervous system that results in uncontrolled muscle contractions by means of overriding their nervous system.
- C. Probe Delivery:** The firing of probes attached to electrical wires from an X26P or X26 Taser® device into a subject for the purpose of NMI. This type of delivery delivers the most desired effect.
- D. Drive Stun:** Refers to pressing an active X26P or X26 Taser® device onto the body of the subject with the probe cartridge removed or after a cartridge has been fired. The drive stun affects the sensory nervous system producing pain compliance and may not achieve NMI.

**E. Spark Test:** A demonstration of the X26P or X26 Taser© device to ensure the device is in working condition.

**F. Taser Deployment:** The intentional firing of the X26P or X26 Taser® 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.

#### **IV. PROCEDURE –**

##### **A. Authorized Users –**

1. Only members authorized and approved by the Sheriff may carry the X26P or X26 Taser® device and,
2. Only members who have satisfactorily completed the SCSO Taser basic training course will be authorized to carry the X26P or X26 Taser® device.
3. Civilian members are prohibited from using the X26P or X26 Taser® device.

##### **B. Weapon Readiness –**

1. Department X26P & X26 Taser® devices and holsters will be assigned at the beginning of each shift unless individually issued. Members will use the approved department holster.
2. If not individually issued, members shall document the X26P or X26 Taser® serial number or unit number on the daily sign out sheet kept in the Road Patrol Sergeants Office or the Corrections Sergeant's Office. (SCSO-LE-002)
3. The Taser® holster will be positioned on the side of the body opposite of the members issued firearm. Those members authorized to use the device and not assigned to the Road Patrol Division or Corrections Division will utilize the X26P or X26 Taser® and carry the device consistent with approved department training.
4. Only battery power sources recommended by the manufacturer shall be used in all X26P & X26 Taser® devices.

##### **C. Care and Maintenance –**

1. The X26P & X26 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 X26P or X26 Taser® will be pointed in a safe direction in the ready position for deployment.
2. Prior to operational deployment, members shall ensure the proper functioning of the unit to include visual inspection of the battery capacity readout display and conduct a spark test with the probe cartridge removed. (Other than for operational purposes,

spark tests will be conducted outside of general public view) The member will conduct a spark test in a safe area at the beginning of their shift and do the following:

- a. Remove the probe cartridge from the X26P or X26 Taser®.
  - b. Place the probe cartridge aside in an area separate from the X26P or X26 Taser®. 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.
  - c. Conduct a five second spark test while pointing the X26P or X26 Taser® in a safe direction.
  - d. Upon completion of a successful spark test the probe cartridge may be retrieved and reattached to the X26P or X26 Taser® for deployment and the X26P or X26 Taser® placed into its holster.
3. A battery reading of 20% or less shall require the unit to be taken out of service and used for training only.
  4. Members will not eject or remove the X26P or X26 Taser® battery pack. This will only be conducted by a Taser® instructor for the purpose of replacing a depleted battery pack.
  5. Members shall avoid exposing the X26P or X26 Taser® device to extended exposures to rain and/or moisture as this may permanently damage the device.
  6. Members will immediately report to a supervisor any malfunctions or defects observed. 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.
  7. No alterations or modifications shall be made to the X26P or X26 Taser® and all repairs will be conducted by an authorized vendor.
  8. 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 SCSO Policy & Procedure 1-5 “**Use of Force**”.
  9. Taser® instructors are responsible for the care and maintenance of all X26P & X26 Tasers®. They are further responsible for the replacement of cartridges and tracking the issuances of the devices and cartridges on the Seneca County Sheriff's Office Weapon Inventory list.

#### **D. Use of X26P & X-26 TASER® Device –**

1. Members are not authorized to draw or display the X26P or X26 Taser® device other than for what the officer determines, based on the totality of the circumstances to be a justified use of force or for an authorized training purpose.

2. In preparation for firing, the X26P or X26 Taser® will be first pointed at the threat, the safety then taken off and the fixed sights used as the primary aiming device. The laser dot will then be used as a secondary aiming device.
3. Members will target primary or secondary areas of the body consistent with Taser International® and Seneca County Sheriff's Office training guidelines.
4. 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.
5. When practical, members shall give proper warning to other members and particularly to the intended subject prior to firing the X26P or X26 Taser®.
6. The X26P & X26 Taser® is use of less lethal force options available to members. The X26P & X26 Taser®, like the baton, OC spray and empty hand techniques may not be effective in every situation. Members 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.
7. The subject should be secured as soon as practical while disabled by the X26P or X26 Taser® to minimize the need for additional deployment cycles.
8. X26P & X26 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 X26P or X26 Taser®, the totality of the circumstances should be considered together with the following:
  - a. The likelihood of physical injury resulting from the deployment of the X26P or X26 Taser® device to include, accidental probe contact to a sensitive tissue area or a secondary injury to the subject from falling post deployment.
  - b. The optimal effective range of the X26P & X26 Taser® is 7 to 15 feet; 2 feet being the minimum recommended range and the maximum range is dependant on the particular cartridge being used.
  - c. Number of members or suspects on scene.
9. 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:
  - a. Primarily a pain compliance tool due to lack of probe spread.
  - b. Minimally effective compared to conventional cartridge-type deployments.

- c. More likely to leave marks on the subjects skin.
  - d. Subject to the same deployment (use) guidelines and restrictions as those of the X26P & X26 in cartridge deployments.
10. The X26P & X26 Taser® will not be used under the following circumstances (unless under exigent circumstances that can be clearly articulated):
- a. In an environment where the member knows that a potentially flammable, volatile or explosive material is present (including but not limited to OC spray with volatile propellants, gasoline, natural gas or propane).
  - b. On a handcuffed or secured prisoner, absent overtly or violent behavior that cannot be reasonably dealt with in any other less intrusive fashion.
  - c. On any subject who does not demonstrate an overt intention, (1) to use violence or force against the member or another person, or (2) to flee in order to resist or avoid detention or arrests (in cases where the member would pursue on foot).
  - d. As in all uses of force, certain individuals, may be more susceptible to injury. Members should be aware of the greater potential for injury when the X26P & X26 Taser® 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.
  - e. On subjects in physical control of a vehicle in motion, including automobiles, motorcycles, ATV's, bicycles and scooters.
  - f. When the subject is in a position where a fall may cause substantial injury or death.
  - g. Punitively or for the purposes of coercion and/or any other reason outside of the member's scope of employment.
11. The X26P & X26 Taser® may be used in a defense against animals where proper justification exists. (**See: SPECIAL CONSIDERATION – Police K-9 – Para. E**)
12. Members are not required to use the X26P or X26 Taser® in situations where the use or threatened imminent use of deadly physical force against them or a third person. The X26P & X26 Taser® does not replace the member's firearm and should not be used alone in deadly physical force situations unless that is the only option available. In deadly physical force situations the member should only utilize the X26P or X26 Taser® if other members are present and provide lethal cover by means of the department issued handgun, shotgun, or rifle. Factors that may be taken into account when considering use of the X26P or X26 Taser® in deadly physical force situations with lethal cover include, but are not limited to:
- a. The amount of time the member has to react to a threat.

- b. The members relative proximity to the person posing the threat.
- c. The members ability to isolate the person posing the threat.
- d. The limitations of the X26P & X26 Taser®, and the manner in which it is being employed.
- e. The belief that the application is likely to be successful.

**E. SPECIAL CONSIDERATION –** (Police K-9) – Taser operators and Police K-9 handlers must work closely together when deploying the Taser 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.

**F. Post Deployment and Aftercare -**

1. X26P & X26 Taser® probes must be removed from the subject by qualified personnel. 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 an X26P or X26 Taser® probe penetrates a sensitive tissue area (i.e. groin, eye, female breast, face, or neck) the subject will be taken to an emergency care facility for removal of the probe(s), or in cases where the deploying officer or their supervisor determines that it is otherwise necessary. If it is determined that transporting the subject to an emergency care facility for treatment via a Police vehicle may aggravate the probes imbedded in the sensitive tissue area, an ambulance will be contacted to transport the individual.
2. Photographs of the affected area(s) must be taken after the probe(s) have been removed. Any secondary injuries as a result of the X26P or X26 Taser® deployment will be photographed as well.
3. If a subject is to be secured at a detention facility, the detention booking staff will be notified that the subject had an X26P or X26 Taser® 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.
4. When the device has been deployed operationally, the member deploying the X26P or X26 Taser® 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.
5. Members will notify a supervisor regarding all X26P or X26 Taser® deployments. The reporting process will be consistent with a verbal discussion of the incident as well as the reporting process consistent with SCSO Policy and Procedure 1-5 **“Use of Force.”**

6. Following an operational X26P or X26 Taser® deployment, the supervisor will ensure proper procedures are followed to include taking the X26P or X26 Taser® temporarily out of service and logging it into evidence so that a Taser® instructor can inspect the device and extract the data contained therein. The Taser® instructor will be notified of a device that is out of service due to a deployment via a written memo. Once the X26P or X26 Taser® device is inspected and the data extracted, it can then be placed back into service by the Taser® instructor member. The member who deployed the X26P or X26 Taser® will then retrieve a different Taser®, if available, from the Road Patrol Division or Corrections Division Taser® storage locker prior to going back into service.

#### **G. Reporting -**

1. A Seneca County Sheriff's Office Subject Resistance Report (SCSO-LE-001) will be completed following any X26P or X26 Taser® deployment. Included on this report will be the deploying member's point of aim, the point of contact made by the X26P or X26 Taser® and/or its probe(s) upon the subject, whether penetration of the skin was made, and any medical attention that was provided.
2. The deploying member will complete the appropriate reports as described in SCSO Policy & Procedure 1-5 **"Use of Force."**

#### **H. Training -**

1. Members authorized to carry the X26P or X26 Taser® devices must have satisfactorily completed a SCSO Taser basic training course.
2. All members authorized to carry the X26P or X26 Taser® device will complete the minimum of four hours of annual in-service refresher training as determined by the department Taser® instructor.
3. Department instructors on the X26P & X26 Taser® device shall receive refresher training prior to the expiration of their certification every two years.