

## Conducted Energy Device

### 304.1 PURPOSE AND SCOPE

Best Practice MODIFIED NYSLEAP- 8.7 - 20.6

This policy provides guidelines for the issuance and use of the conducted energy weapon.

All officers are obligated to guide their actions according to their training and this policy, whose core principles include commitment to the utmost respect for the sanctity and dignity of human life, employment of de-escalation whenever safe and feasible, the duty to intervene when witnessing the use of excessive force, the preservation and advancement of community trust and public safety, and adherence to constitutional principles. In granting officers the authority to use reasonable force, the Department acknowledges its responsibility to train, monitor and evaluate officers to ensure adherence to the use of force authorizations and limitations set forth in this policy.

Violations of this Policy will lead to corrective action and/or discipline, up to and including termination of employment.

### 304.2 POLICY

Best Practice NYSLEAP- 8.7 - 20.6

The conducted energy weapon is used to control a violent or potentially violent individual. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

### 304.3 ISSUANCE AND CARRYING CONDUCTED ENERGY WEAPONS

Best Practice MODIFIED NY\_CALEA6.13 - 4.1.4, 4.3.1 (a), 4.3.1 (c), 4.3.2 NYSLEAP- 8.7 - 20.6, 32.4, 41.3

Only members who have successfully completed department-approved training may be issued and may carry the conducted energy weapon.

conducted energy weapons are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department inventory.

Officers shall only use the conducted energy weapon and cartridges that have been issued by the Department. Uniformed officers who have been issued the conducted energy weapon shall wear the device in an approved holster. Non-uniformed officers may secure the conducted energy weapon in the trunk of their vehicles.

Members carrying the conducted energy weapon should perform a spark test prior to every shift.

When carried while in uniform, officers shall only carry the conducted energy weapon on their duty belt in a support side, cross draw holster.

- (a) All conducted energy weapons shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry two cartridges on their person when carrying the conducted energy weapon.

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- (c) Officers shall be responsible for ensuring that the issued conducted energy weapon is properly maintained and in good working order.
- (d) Officers should not hold a firearm and the conducted energy weapon at the same time.

See procedure for: [DEFINITIONS](#)

#### **304.4 VERBAL AND VISUAL WARNINGS**

Best Practice NYSLEAP- 8.7 - 20.6

A verbal warning of the intended use of the conducted energy weapon should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the conducted energy weapon may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required, to display the electrical arc (provided that a cartridge has not been loaded into the device) or the laser in a further attempt to gain compliance prior to the application of the conducted energy weapon. The aiming laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the conducted energy weapon in the related report.

#### **304.5 USE OF THE CONDUCTED ENERGY WEAPON**

Best Practice NYSLEAP- 8.7 - 20.6

The conducted energy weapon has limitations and restrictions requiring consideration before its use. The conducted energy weapon should only be used when its operator can safely approach the subject within the operational range of the device. Although the conducted energy weapon is effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

##### **304.5.1 APPLICATION OF THE CONDUCTED ENERGY WEAPON**

Best Practice MODIFIED NYSLEAP- 8.7 - 20.6

The conducted energy weapon may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) ECWs should only be used against subjects who are exhibiting active aggression or who are actively resisting in a manner that, in the officer's judgment, is likely to result in injuries to themselves or others. ECWs should not be used against a passive subject.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the conducted energy weapon to apprehend an individual. The conducted

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energy weapon shall not be used to psychologically torment, to elicit statements or to punish any individual.

#### 304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

Best Practice **MODIFIED** NYSLEAP- 8.7 - 20.6

The use of the conducted energy weapon on certain individuals should be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).
- (g) When canine is being deployed.
- (h) In drive-stun or touch-stun mode as a prod or escort device.
- (i) To rouse unconscious, impaired, or intoxicated individuals.

Because the application of the conducted energy weapon in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

#### 304.5.3 TARGETING CONSIDERATIONS

Best Practice NYSLEAP- 8.7 - 20.6

The preferred targeting areas include the individual's back or front lower-center mass. The head, neck, chest and groin should be avoided when reasonably practicable. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the conducted energy weapon probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

#### 304.5.4 MULTIPLE APPLICATIONS OF THE CONDUCTED ENERGY WEAPON

Best Practice NYSLEAP- 8.7 - 20.6

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Officers should apply the conducted energy weapon for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Officers should not intentionally apply more than one conducted energy weapon at a time against a single individual.

If the first application of the conducted energy weapon appears to be ineffective in gaining control of an individual, the officer should evaluate the situation and consider certain factors before additional applications of the conducted energy weapon, including:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

#### 304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Best Practice MODIFIED NYSLEAP- 8.7 - 20.6

Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the conducted energy weapon. As soon as practicable, officers shall notify a supervisor any time the conducted energy weapon has been discharged. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

When an individual has been subjected to an application of a Taser by probe, the Taser officer will utilize the following procedure:

- (a) Certified Taser officers may remove embedded probes under the following conditions:
  1. The probe(s) is not in an area designated as "sensitive".
  2. The subject is compliant.
  3. The subject does not have any obvious medical complications following the Taser deployment.
  4. Certified Taser officers that remove embedded probes will follow established Taser International training protocols as it relates to probe removal and medical treatment.
    - (a) Officers will always wear protective gloves when conducting non-embedded probe removals from any individual.
    - (b) Non-embedded probe removal and on scene medical treatment will be completed by officers of the same sex as the tased individual.
- (b) A Certified Taser officer may not remove probes in the following situations:

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1. When probe contact has been made to an area of the body designated as “sensitive”, (e.g. head, neck, breast, genital region) regardless if the probe is embedded or not, professional medical treatment will be sought at an appropriate hospital.
  - (a) If an individual requires professional medical treatment due to contact to a “sensitive” area, transport will be done via ambulance.
2. Probes that have become embedded into a subject’s skin.
  - (a) Under these circumstances, ECW will only be removed by healthcare professionals.
- (c) If the probes failed to make contact with the skin or have been dislodged (e.g. heavy clothing, self-removal by the individual), the Taser Officer will:
  1. Evaluate the individual for any obvious medical complications or residual effects.
  2. If applicable, follow the procedures set forth in the Medical Treatment section of this policy and transport the individual to a hospital via a patrol unit or ambulance.
  3. If the contact site on the body can be aggravated by transport in a patrol vehicle, then transport will be done via ambulance.

When an individual has been subjected to both probe and drive stun contact, the Taser officer will follow the above listed procedures for drive stun and probe deployment treatment.

#### 304.5.6 DANGEROUS ANIMALS

**Best Practice**

The conducted energy weapon may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

#### 304.5.7 TASER® CAM™

**Best Practice** **MODIFIED**

Any School Resource Officers issued a TASER, must also be issued a TASER CAM. The TASER CAM is activated any time the safety is in the off position. The safety should be in the safe position unless the officer intends to use the device. Because the TASER CAM memory is limited, the video and audio data should be downloaded frequently and retained in accordance with the established records retention schedule.

#### 304.5.8 OFF-DUTY CONSIDERATIONS

**Best Practice**

Officers are not authorized to carry department conducted energy weapons while off-duty.

Officers shall ensure that conducted energy weapons are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

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#### 304.6 DOCUMENTATION

Best Practice MODIFIED

Officers shall document all conducted energy weapon discharges in the related arrest/crime reports and the conducted energy weapon report forms. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device, other than for testing purposes, will also be documented on the Taser Use Report form, whether or not compliance was gained.

##### 304.6.1 CONDUCTED ENERGY WEAPON REPORT FORM

Best Practice MODIFIED NY\_CALEA6.13 - 4.2.1 (c)

Items that shall be included in the conducted energy weapon report form are:

- (a) The type and brand of conducted energy weapon and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of conducted energy weapon activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the conducted energy weapon was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The Taser Program Administrator or their authorized designee should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Commanding Officer of the Training and Education Division should also conduct audits of data downloads and reconcile conducted energy weapon report forms with recorded activations. Conducted energy weapon information and statistics, with identifying information removed, should periodically be made available to the public.

##### 304.6.2 REPORTS

Best Practice

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing conducted energy weapons
- (b) Identification of all witnesses

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- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

#### 304.7 MEDICAL TREATMENT

Best Practice MODIFIED NY\_CALEA6.13 - 4.1.5 NYSLEAP- 8.7 - 20.6

Used conducted energy weapon probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by conducted energy weapon probes or who have been subjected to the electric discharge of the device or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories shall, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The conducted energy weapon probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.
- (f) Juveniles.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds - regardless of the number of cycles) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the conducted energy weapon (see the Medical Aid and Response Policy).

If the person refuses to be treated, the person 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 report.

- (a) When a Taser is deployed against an individual who is a student or an individual under the age of 16, on school grounds or within any school in the City of Syracuse, the officer will not remove the probes and will request an ambulance to respond to provide medical attention.

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#### 304.8 SUPERVISOR RESPONSIBILITIES

Best Practice MODIFIED NYSLEAP- 8.7 - 20.6, 40.2

When possible, supervisors shall respond to calls when they reasonably believe there is a likelihood the conducted energy weapon may be used. A supervisor shall respond to all incidents where the conducted energy weapon was activated.

A supervisor shall review each incident where a person has been exposed to an activation of the conducted energy weapon. The device's onboard memory shall be downloaded through the data port by the Taser Program Administrator or their authorized designee and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

#### 304.9 TRAINING

Best Practice MODIFIED NY\_CALEA6.13 - 4.3.3 (a), 4.3.3 (b), 4.3.3 (c), 4.3.4 NYSLEAP- 8.7 - 20.6, 32.4

Personnel who are authorized to carry the conducted energy weapon shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the conducted energy weapon as a part of their assignments for a period of twelve months or more shall be recertified by a qualified conducted energy weapon instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued conducted energy weapons should occur every year. A reassessment of an officer's knowledge and/or practical skills may be required at any time if deemed appropriate by the Commanding Officer of the Training and Education Division. All training and proficiency for conducted energy weapons will be documented in the officer's training files.

Command staff, supervisors and investigators should receive conducted energy weapon training as appropriate for the investigations they conduct and review.

Officers who do not carry conducted energy weapons should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Commanding Officer of the Training and Education Division is responsible for ensuring that all members who carry conducted energy weapons have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of conducted energy weapons during training could result in injuries and should not be mandatory for certification.

The Commanding Officer of the Training and Education Division should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.



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- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the conducted energy weapon and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the conducted energy weapon.

#### **304.10 TASER ADMINISTRATION**

##### **Agency Content**

The Training Division, or a designee of the Chief of Police, will be responsible for the care and maintenance of all Department Tasers and related equipment.

Officers assigned to a City school will carry the X26 Taser that is equipped with an external mounted video camera. The camera begins recording automatically when the safety on the Taser is switched to the on position. Any footage on X26 Taser video camera will be downloaded by a member of the Training Division or a designee of the Chief of Police and stored in a secure file within the Department's computer network.

The Office of Professional Standards will initiate a use of force investigation when any of the following factors are involved:

- (a) A subject experiences a proximity death or serious injury from ECW application.
- (b) A subject experiences prolonged ECW application (longer than 15 seconds).
- (c) There appears to be a substantial deviation from ECW training or policy.
- (d) The subject is in an at-risk category has been subjected to an ECW application (e.g., young children, juveniles, individuals who are elderly or frail, pregnant women, or any other activation as determined by a supervisor).
- (e) The ECW was used on school grounds.

This investigation by the Office of Professional Standards is in addition to, and not a replacement of, the requirement that a supervisor complete a Subject Resistance Checklist and a Blue Team Use of Force Entry.