	NEW PALTZ POLICE DEPARTMENT Policy and Procedures	
	<i>Subject</i> 21.3 Conducted Energy Devices	
	ISSUE: October 29, 2010	EFFECTIVE: October 29, 2010
	REVISED: April 1, 2016	RESCINDS:
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Conducted Energy Devices

I. PURPOSE

It is the purpose of this policy to provide officers with guidance on when and how to use the Taser® conducted energy device.

II. POLICY

Consistent with this law enforcement agency's policy of using only the level of force that reasonably appears necessary to control or otherwise subdue violent or potentially violent individuals; the agency authorizes the use of the Taser® conducted energy device (CED) by appropriately trained members within the agency. The primary purpose for employing the CED is to end the aggression by gaining compliance and control to reduce the risk of injury to both the officer and suspect.

III. DEFINITIONS

A. Conducted energy device (hereinafter referred to as CED) also known as a Electronic Control Device – a less than lethal weapon primarily 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. Direct contact mode – CED is held against a subject's body causing the electrodes located at the end of the CED to come into contact against a subject.

C. Probe mode – CED propels two probes which are connected to a main unit by a conductive wire.

III. PROCEDURES

A. Guidelines

1. CEDs are designed to restrain violent or potentially violent individuals and those displaying aggression or threat of same, and in situations where it would be unsafe for officers to employ alternative restraint tactics.
2. CED's are not to be used to counter passive resistance or to compel compliance from a non-violent subject.
3. The CED fires two darts connected to the device by fine wires or it can be directly applied to the subject. Once in place, high voltage, low power current electricity can be discharged into the subject at the control of the CED operator. The subject should normally be immobilized and dazed by the electricity long enough for officers to apply restraints. Manufacturers claim that no permanent damage is caused by the CED under normal conditions; however, precautions in its use shall be followed in accordance with provisions of this policy.


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B. Training


1. Only trained and qualified department personnel may carry and/or use the CED.
2. CED re-certification should occur annually and consist of familiarity with CED functions, proficiency with use, importance of aiming at the recommended target areas, and within the effective deployment range of the CED.

C. Usage and Handling

1. The CED may be used when other less-than-lethal force options have been ineffective or when it reasonably appears that such options will be ineffective in subduing the subject.
2. The CED shall fall within the department's Defensive Action Policy and the use of a CED must be objectively reasonable and that force which a reasonable prudent officer would do under the same circumstances.
3. Use of the CED shall be in compliance and consistent with the guidelines set forth in:
 - a. NYS Penal Law Article 35; and
 - b. Applicable state and federal case law; and
 - c. Department policy and training.
4. Uses of CED - officer controlled compliance.
 - a. Probe mode – The probe mode is the preferred method of CED deployment. It is more effective (causes incapacitation) and can tactically be used at a safer distance. There are less chance of injuries to the subject and the officer and it generally requires fewer applications than direct contact mode.
 - b. Direct contact mode – Direct contact mode may be deployed when using the CED if probe mode is not possible, inappropriate, or ineffective.
5. Deployment and identification of the CED.
 - a. CEDs will always be deployed by the officer's support hand.
 - b. CEDs will be clearly identifiable to reduce the risk of being mistaken for a firearm by backup/responding unit(s).
6. Application points.
 - a. CED should be applied to large muscle groups which are generally easier targets to aim for. When deploying a CED, center of mass on the subject's back should be the primary target when reasonably possible. This will increase the chances of a two probe hit while targeting a large muscle group and minimizing the chances of hitting a subject in the head (eyes), neck (throat), groin and female breasts which may cause serious injuries. Encounters with subjects are often very dynamic in nature and may not permit an officer to gain a suitable position behind a subject. An appropriate alternative aiming point is to aim center body mass below the sternum in the subject's abdominal area.

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- b. When using a CED in direct contact mode, when probe mode is not possible, inappropriate, or ineffective, the user should attempt to *avoid* the following:
 - 1. Trachea.
 - 2. Back of neck.
 - 3. Cervical portion of spine (neck region).
 - 4. Pelvic triangle.
 - 5. Base of sternum (may cause a contraction of diaphragm and effect breathing).
 - 6. Head.
 - 7. Female breasts.
- 7. Heightened CED application risk factors.
 - a. Under the following conditions the risks of foreseeable direct or secondary injuries are elevated, thus elevating the level of justification needed on the part of the officer prior to CED application.
 - 1. Running – subject exposed to CED while running may fall at a greater momentum resulting in possible secondary injuries.
 - 2. In an elevated position- a fall resulting from a CED application may cause substantial injury or death. Obviously, the higher the elevation the greater the chance of secondary injuries.
 - 3. Operating machinery (i.e.: automobiles, trucks, motorcycles, ATVS, bicycles, scooters, etc.) – loss of control of machinery may cause substantial injury or death.
 - 4. Positioned in a flammable or explosive environment or reasonably perceived by officers to have come in contact with flammable liquids/fumes (i.e.: natural gas, propane, petroleum) – may result in secondary injuries/burns. Potential for ignitibility may exist if a CED is used on a subject who has been sprayed with an alcohol-based chemical/pepper spray. If alcohol-based spray has been deployed on a subject prior to CED application, the CED user should not deploy the CED and instead use another appropriate force option. Some sprays may say “non-alcohol based” and may still have the potential to ignite when used in conjunction with a CED.
 - 5. In or around water – subject could possibly fall into a swimming pool or body of water and may not be able to prevent oneself from drowning as a result of a CED application.
 - 6. Other environments that may cause foreseeable direct or secondary injury. (i.e.: grain silo)


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8. Elevated risk populations.
 - a. CED deployment on certain populations may increase risk of injury. Officers should understand individuals from this elevated risk population can potentially be an imminent threat to officers, others, and themselves which may ultimately require the use of a CED.
 1. Smaller people or children.
 2. Individuals with known diseased heart.
 3. Elderly.
 4. Subject who is obviously pregnant.
 5. Those who are frail or infirm.
 6. Individuals with known neuromuscular illness. (i.e.: multiple sclerosis, muscular dystrophy)
 7. Individuals that require more than three applications to gain custody and control.
9. Verbal commands.
 - a. When tactically safe and is practical to do so, a warning should be given to the subject prior to activating the CED and before any additional application to allow the subject an opportunity to voluntarily comply. Be aware that an announcement of imminent deployment of a CED may cause the subject to attack officers, flee, inflict self-injury or attempt to injure others and/or self and care must be taken to avoid placing others at risk.
 - b. When applicable, an announcement to other officers that a CED is going to be activated should be made to protect against sympathetic fire.
10. Multiple CED applications.
 - a. Officers are reminded to use only the appropriate force necessary to accomplish the intended purpose. If more than two (2) consecutive cycles are required, officers should reassess the situation and consider transitioning to another applicable force option.
 - b. Generally, only one CED should be used on a subject at a time, absent reasonable appearance that one or more of the devices are malfunctioning.
11. Use of CED on animals.
 - a. CEDs have been shown to be an effective option on animals by reducing the need for greater more injurious force. CED may be deployed on an animal when the officer deems it necessary and appropriate.

D. Post Deployment

A. Medical Evaluation

1. On an as needed basis or at the request of the officer and/or subject, local EMS may be requested to evaluate persons subjected to a CED application.

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2. CED probes will be removed by the officer or the subject, unless extenuating circumstances exist requiring an EMS evaluation for removal. All universal precautions should be taken when handling probes.

B. Detention notification.

1. It is important that appropriate notification be made to detention/jail personnel that the subject was controlled by use of a CED.
2. "Booking" stations shall similarly be notified of the exposure and need for observation of medical status.

C. 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. All universal precautions should be taken when handling probes.
2. When contemplating what evidence is to be collected in a post deployment situation, consider the following:
 - a. Probes(s) removed from subject's skin.
 - b. Probe(s) fired and missing contact with subject's skin.
 - c. Spent cartridge(s).
 - d. Blast doors of cartridge(s).
 - e. Identification markers.
 - f. Wires.
 - g. Color photographs with and without scale of impact sites on subject and any other possible injury related to CED application should be taken if determined necessary and appropriate.

D. Tracking CED use.

1. Tracking CED use can assist in identifying trends, deployment concerns and prevention/deterrence effectiveness.
2. CEDs uses will be tracked through the officer's Defensive Action Report and download reports of the CED by Commanding Officer. In doing so, the following data will be obtained:
 - a. Date, time, description of location, environment conditions, and type of incident/crime.
 - b. Officer(s) involved, any known witnesses.
 - c. CED used.
 - d. Type of CED mode used.
 - (i) Probe mode.
 - (ii) Direct contact mode.
 - e. Range at which CED was deployed.
 - f. Number of CED cycles.



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(i) Duration subject was actually exposed to CED. Information collected from downloaded data may be misleading as there may be a difference between the actual duration of a CED activation on a person and the total time of discharge registered on a CED device.

(a) Probes may become dislodged.

(b) Electrode contact can be transitory due to the movement of the officer or subject.

g. Points of impact on subject.

h. Medical care provided to the subject.

i. Any injuries to subject non-inclusive of probe contact

3. Downloading data – Data available on the CED should be downloaded after each use on a subject and filed with CED tracking reports.