



ALLEGANY COUNTY OFFICE OF THE SHERIFF

LAW ENFORCEMENT POLICY & PROCEDURE

Number: **L.E. 305**

Effective Date: 03/15/2015

Subject: **Taser**

Reference:

Approved By: **Sheriff Ricky L. Whitney**

Supersedes:

I. PURPOSE:

- A. To establish within the Allegany County Sheriff's Office a policy and procedure for the training, handling and deployment of the Taser.

II. OBJECTIVE:

- A. To inform and direct those Deputies who are authorized operators of the Taser, in a uniform and professional manner, the proper tactics and procedures in deploying the Taser.
- B. To provide written guidelines for Deputies to follow when deploying the Taser, as well as the documentation required for a Taser deployment.

III. POLICY:

- A. The Taser is an additional police tool. The Taser is not intended to replace verbal problem solving skills, self-defense techniques or firearms. The Taser shall be deployed only in circumstances where it is deemed reasonably necessary to control a dangerous or violent subject to minimize risk to Deputies and the public. The Taser shall be deployed when deadly physical force does not appear to be justified and/or necessary, and attempts to subdue the subject by any other conventional tactics have been, or likely will be, ineffective in the situation at hand; or there is a reasonable expectation that it will be unsafe for the Deputies to approach within contact range of the subject.

IV. DEFINITIONS:

- A. Taser: Refers to Taser models X-28, X-26 and X2, which are the only departmentally authorized and issued less lethal devices which is designed to produce and emit an electrical charge.
- B. Deployment: The activation of a Taser resulting in the arching of the unit, a contact maneuver on a subject or animal, and/or the discharge of an air cartridge whether or not the probes strike their intended target. The mere display of a Taser does not constitute deployment.

- C. Tased: The accepted word indicating that a person or animal has received an electrical charge from a Taser.
- D. Taser Control Supervisor: A Taser instructor who has been appointed by the Sheriff to manage the departments Taser program.
- E. Conventional Tactics: Those tactics and other uses of force described in A.C.S.O. Policy L.E. 300 Use of Force.
- F. Medical Personnel: Includes, but is not limited to, Doctors, Physician's Assistants, Registered Nurses, Paramedics, and Emergency Medical Technicians, etc.
- G. Supervisor: An A.C.S.O. Deputy Sergeant, Lieutenant, Undersheriff or the Sheriff.

V. PROCEDURES:

- A. Tasers shall be issued to and handled or deployed **only** by Allegany County Sheriff's Office Deputies that have completed a Taser training program conducted by a certified Taser International instructor.
- B. The Taser shall be handled in the same manner and treated with the same degree of care and discretion as a firearm.
- C. Tasers shall be used as instructed in the training course, and only in accordance with the departments Use of Force policy and New York State Penal Law, Article 35.
- D. The deployment of a Taser is considered a use of force one level greater than empty-handed control techniques. However, when a Deputy has clearly articulated his/her authority and intends to arrest a subject, and the subject by words or gestures indicates to the Deputy that he/she will either defensively or aggressively resist the arrest and the Deputy reasonably believes that an empty-handed control technique or close-handed technique would be ineffective or expose the Deputy or public to unnecessary danger, then the Deputy may use the Taser to control the subject.
- E. Only properly functioning and charged Tasers shall be issued for field use.
- F. The battery charge shall be checked prior to putting the Taser into service. A battery level of less than 20% will be replaced.
- G. The battery charge shall only be checked when there is NO air cartridge loaded in the Taser. The Taser should be pointed in a safe direction with no air cartridge loaded in the unit for the "test spark" performed when checking the Taser out to test the battery charge.
- H. Any Taser or component thereof found to be defective or damaged shall be returned to the Taser Control Supervisor for repair or replacement, with a detailed explanation of the malfunction and / or cause of damage.
- I. All Tasers and associated equipment shall be properly secured when not in use. When carried in the field, the Taser shall be carried in the Department-approved holster. The holster shall be carried opposite the officer's department issued firearm or in an officer's vest holster.

- J. Each deployment of a Taser shall be documented utilizing the Use of Force report form. This includes a contact deployment, as well as the firing of an air cartridge or other deployment resulting in a subject or animal receiving an electrical charge from the Taser, or when the Taser is activated (“sparked”) and the subject is subdued/controlled without actually receiving an electrical charge from the Taser.
- K. Any accidental discharge of a Taser air cartridge shall be documented in a General Blotter Report or SJS incident report and forwarded to the Taser Control Supervisor.

VI. DEPLOYMENT:

- A. Whenever a Taser is to be deployed it is the responsibility of the deploying officer to make certain any other officers on scene understand that the Taser is being deployed and not lethal force, prior to the deployment of the Taser if at all possible. This shall be accomplished through the warning announcement “TASER, TASER, TASER” to alert other officers, as well as to provide the subject an additional opportunity to cease the conduct that has given rise to the deployment of the Taser.
- B. When an officer approaches a subject with the intent to deploy the Taser, an additional officer should also approach whenever possible to provide lethal cover should it become necessary for the protection of a life. Whenever practical, verbal commands should be used constantly before, during and after the deployment of the Taser to warn the subject to cease his/her resistance or action.
- C. Tasers have the ability to ignite flammable liquids. The Taser is not to be deployed where a subject has come in contact with flammable liquids or in an environment where flammables may be present, such as meth-labs.
- D. The Allegany County Sheriff’s Office will only use issued, “non-flammable” OC pepper spray, which will allow for the safe use of the Taser in combination with such spray. However, assisting agencies may be utilizing a flammable pepper spray. The deploying Supervisor will make every reasonable effort to determine if a “flammable” spray was used, prior to determining if the Taser will be deployed. However, if the incident becomes a lethal force situation, or if the deploying Supervisor reasonably believes that officer safety or that the public is at risk, deployment will be authorized.
- E. Suicidal subjects may be tased if said subject is in possession of a weapon and the deploying officer reasonably believes that the subject poses a risk to officer safety or the public.
- F. Subjects, who have received an electrical charge from the Taser unit or probes, shall be treated as follows:
 - 1. Once the subject is safely secured and in custody, the deploying officer shall notify the local Ambulance service that the subject has received an electrical charge from the Taser and relate the approximate time of action occurred. If the probes penetrate the skin, the puncture sites shall be brought to the attention of medical personnel. They should wipe the puncture site with an alcohol swab and apply an adhesive bandage.
 - 2. Only medical personnel may remove, or direct to remove, any Taser probes that are embedded in soft tissue areas such as the neck, face and or groin. Removal from other areas will be at the discretion of the on-scene supervisor or medical personnel.

3. The on-scene supervisor shall allow medical personnel to determine if the subject should be transported to the hospital.
 4. If the probes are no longer affixed to the subject, and medical personnel determine the subject does not need to be transported to the hospital, the subject may be transported to jail.
 5. Officers must be aware that one aspect of possible injury to a subject receiving an electrical charge from a Taser is that of falling from a standing position.
- G. The spent air cartridge and probes shall be collected and preserved as evidence. Caution should be exercised in handling probes that have penetrated a subject's skin. Such probes shall be packaged and handled with the same care as a hypodermic needle, and shall be packaged in a suitable container to prevent accidental infection. The probes shall be labeled as biohazard when submitted as evidence. Officers will wear latex gloves when handling probes, or applying care to the subject.
- H. Deployment by an Allegany County Sheriff's Deputy in the County of Allegany or any other jurisdiction outside the County of Allegany will conform to this policy, with the following exception:
1. If a subject has been sprayed with pepper spray (flammable) by an officer from another agency, then any deployment of the Taser will be at the discretion of the jurisdictional on-scene supervisor.
- I. No Taser will be allowed in the areas designated as Jail.
- a. This area is designated by signs that you are entering a "Secure Area – NO Weapons past this point."
 - b. When entering from the lobby or sally port areas, Tasers should be deposited in appropriate weapons storage lockers and key removed and kept for retrieval.
 - c. When entering from administrative wing, Tasers should be secured in the weapons storage lockers located in the Arrest Processing area or respective locker room.
 - d. This applies to all personnel from all agencies.

VII. DOCUMENTATION:

- A. The deploying officer is responsible for documenting the deployment of the Taser by completing the Allegany County Sheriff's Office Use of Force Report Form.
- B. The officer deploying the Taser shall ensure photographs are taken of the subject receiving an electrical charge from the Taser (contact or probes), with special attention to any area injured and where the charge was received. The officer shall include detailed documentation in the resistance report of how injuries occurred.
- C. The deploying officer shall complete an officer use report (incident report) and forward such to the Taser Control Supervisor. In addition, even though the sole use of the laser sight is not considered deployment, the officer use report will still be required.

- D. The Taser Control Supervisor will download the deployment data report, from the Taser used during the incident being reported. A copy of the printed deployment report shall include the date prior to deployment, the date of deployment on a subject, and the day after if available, and then placed in the case file.

VIII. TASER CONTROL SUPERVISOR RESPONSIBILITIES:

- A. The Taser Control Supervisor shall:
 - 1. Receive, inspect, and ensure the maintenance and replacement of the Department's Taser devices and related equipment.
 - 2. Establish and maintain systems to record issuance of equipment.
 - 3. Return defective or damaged Tasers and air cartridges to the suppliers.
 - 4. Obtain service and/or replacement for defective or damaged Taser components from the supplier.
 - 5. Review reported uses of a Taser by Department personnel and establish a system for maintaining statistics on the performance of the Taser. A trained Taser instructor, so authorized by the Taser Control Manager, may also perform this function.
 - 6. Ensure basic certification and yearly recertification training on the Taser is provided as needed, as well as maintaining a record of the training.
 - 7. All other duties as may become necessary for the employment, maintenance, and enhancement of the Department's Taser Program

IX. STORAGE:

- A. All department Taser units will be stored in the departments Taser safe located in the Arrest Processing office which shall be locked at all times when not in service. Extra Taser cartridges will be stored in the locked department Taser safe as well.