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<b>C.E.W. Taser Use</b>	<b>800 – 3</b>		<b>07-01-2019</b>	<b>1 of 3</b>
Approval: <b>Chief of Police</b>	Manual: <b>Policy and Procedure</b>			

## I. PURPOSE

The purpose of this policy is to establish guidelines for the use of department C.E.W., such as the Taser system. **See the attached form at the end of this Policy and Procedure regarding C.E.W. guidelines from Axon (Taser) and Follow guidelines set forth under Armstrong v. The Village of Pinehurst, No. 15-1191 (4th Cir. 2016).**

## II. DEFINITIONS

- A. Conducted Electrical Weapon (C.E.W.): An electroshock weapon sold by Axon that fires two small dart-like electrodes, which stay connected to the main unit by conductors, to deliver electric current to disrupt voluntary control of muscles in an attempt to cause "neuromuscular incapacitation".

## III. POLICY


- A. It is the policy of the Kinston Police Department that the use of the Conducted Electrical Weapon (C.E.W.) on a person be in compliance with this protocol and the Kinston Police Department's Use of Force Policy #800 - 1.
1. The authorized C.E.W. of the Kinston Police shall be the Taser X26 and Taser X26P, manufactured by Taser International.
  2. Prior to being authorized to carry the C.E.W., all officers assigned to carry the C.E.W. will receive proper instruction and training about C.E.W.'s and their application to Taser Policy. This training will include familiarization with C.E.W. Taser International's product warning for law enforcement.
  3. Only sworn members of the department that have been trained and certified in the C.E.W. are authorized to deploy and discharge said devices.
  4. The C.E.W. shall be carried fully armed with the safety on in preparation for immediate use when authorized.
  5. The C.E.W. shall be stored as it is carried with cartridges remaining in the C.E.W. in its approved holster. All non-issued C.E.W.'s will be stored within the Kinston Police Headquarters when not in use. Storage will be within authorized secured areas not accessible to the general public to include the secured SWAT locker room(s) and the secured police employee's equipment storage room. When the C.E.W. is taken home by an officer, it shall be stored in the same manner as a firearm.
  6. Loading and unloading will be consistent with training. The C.E.W. should be pointed in a safe direction this will also apply during "tactical reload" situations.

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7. Basis for Deployment. There are 2 levels where the C.E.W. is authorized:
  - a. C.E.W. used in drive stun mode or sparks display is justified as a compliance technique in response to a perceived or actual active resistance by the subject Kinston Police Department's Use of Force Policy and Procedure #800 - 1.
  - b. C.E.W. used in probe deployment mode is justified as a defensive tactic in response to a perceived or actual assaultive bodily harm behavior of the subject (see Kinston Police Department's Use of Force Policy and Procedure #800 - 1).
8. Only one officer should activate a C.E.W. against a person at a time.
9. A C.E.W. may be used to control an aggressive animal that is threatening the safety of a person.
10. A verbal warning should be given if possible prior to deployment.
11. The preferred target for the C.E.W. is below center mass (subject's torso) or legs. Officers should avoid sensitive tissue (neck, head and genitalia).
12. All deployments should be aimed shots utilizing the C.E.W.'s laser aiming device.
13. If the C.E.W. is ineffective in achieving the desired effect, officers should consider reloading and redeploying or using other appropriate department authorized force option(s).
14. The C.E.W. should be utilized only on those actively/aggressively resisting or higher.
15. Officers should begin control and restraint procedures as soon as it is safe to do so in order to minimize the total duration of exertion and stress experienced by the subject.

**B. Deployments and Restrictions**

1. Officers should avoid deploying the C.E.W. when there is a known presence of combustible vapors and liquids or other flammable substances.
2. Officers should avoid deploying the C.E.W. against a suspect in control of a motor vehicle in motion to include automobiles, trucks, motorcycles, A.T.V.'s, bicycles and motorized scooters unless exigent circumstances exist.
3. Officers should avoid deploying the C.E.W. where a suspect is in a position where a fall will likely cause substantial injury or death.
4. Officers should avoid deploying the C.E.W. against pregnant persons unless exigent circumstances exist.

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5. Officers should avoid deploying the C.E.W. against persons located around water.
6. Officers should avoid deploying the C.E.W. on persons who fall under the “susceptible populations” category (i.e.: children, elderly and people in high-risk population) unless exigent circumstances exist.
7. Each CEW trigger pull of 5 seconds of discharge must be objectively reasonable and officers should not use more than 3 consecutive trigger pulls, unless exigent circumstances arise.
8. If a person is not an immediate threat, avoid CEW use:
  - a. Without first attempting verbal de-escalation, commands, or physical skills.
  - b. On person known or perceived to be emotionally disturbed or mentally ill.
  - c. For pain compliance if pain is foreseeably ineffective due to tolerance from drugs, alcohol, or psychosis.

C. Medical Attention

1. A subject that has been exposed to a C.E.W. probe deployment who has a probe strike in a sensitive location, such as eyes, mouth, private parts, etc., SHALL be taken to an emergency care facility or have EMS Personnel respond at their earliest convenience for removal of the C.E.W. probes. Under the above circumstances, officers are not to remove the probes from the subject in the field.

D. Reporting Procedures

1. The use of the C.E.W. (Taser) is a reportable Use of Force; see Kinston Police Department Policy and Procedure #800 – 1. C.E.W. reports of use should be forwarded in hard copy form through an officer’s chain-of-command to the following:
  - a. Squad Supervisor
  - b. Appropriate Major
  - c. Professional Standards
  - d. Chief of Police

NOTE: remember to record assigned Taser number, A.F.I.D. number found on cartridge, and number of cycles. Deployed cartridge, including probes, wires and AFIDS’s should be collected/bagged as evidence and turned in as evidence with an attached hazardous material tag.

**See the attached form at the end of this Policy and Procedure regarding C.E.W. guidelines from Axon (Taser). Follow the Axon Taser up to date training manual – taught annually by Kinston Police Department Taser Instructors.**