

	<p style="text-align: center;">ITHACA POLICE DEPARTMENT</p>	<p style="text-align: center;">Distribution</p> <p style="text-align: center;">ALL PERSONNEL</p>	<p style="text-align: center;">General Order Number</p> <p style="text-align: center;">3.02</p>
	<p style="text-align: center;">POLICY AND PROCEDURE GENERAL ORDER</p>	<p style="text-align: center;">Original Issue Date</p> <p style="text-align: center;">07/10/2019</p>	<p style="text-align: center;">Reissue/Effective Date</p> <p style="text-align: center;">MM/DD/YY</p>
<p>Order Title:</p> <p>ELECTRONIC CONTROL WEAPONS</p>	<p>Accreditation Standard: NY 2.2; 2.7; 6.1; 6.2; 8.1; 14.1; 20.1; 20.6; 21.2; 25.1; 32.4; 33.1; 33.2; 33.3; 35.1; 35.3; 40.1; 40.2; 41.3; 51.1; 51.3</p>	<p style="text-align: center;">Section</p> <p style="text-align: center;">3</p>	
	<p>Section Title</p> <p>RULES OF CONDUCT</p>		
<p>Rescinds: General Order 338 – Use of the X26 and X26P Taser</p>	<p>Dennis Naylor, Acting Chief of Police</p>		

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting

I. PURPOSE

The purpose of this policy is to establish guidelines and limitations for the Ithaca Police Department (“Department”) sworn police personnel for the training and use of an Electronic Control Weapon (“ECW”).

II. POLICY

The policy of the Ithaca Police Department is to use only that amount of force reasonably necessary to effect an arrest, control a situation, or defend themselves or others from harm. The Department recognizes that combative, non-compliant, armed, and/or violent subjects cause handling and control problems that require specialized training and equipment. Thus, the Department has adopted a less lethal force philosophy to assist with the de-escalation of potentially violent confrontations. Consistent with this philosophy, the Department is authorizing the use of department owned, maintained, and issued Electronic Control Weapons to trained sworn personnel.

III. DEFINITIONS

Actively Resisting: When a subject makes physically evasive movements to interfere with an officer’s attempt to control that subject; including bracing, tensing, pulling away, actual or attempted flight, or pushing.

AFID Cartridge Tracking: TASER International's Anti-Felon Identification (AFID) system enforces accountability for each use of a TASER Weapon via the dispersal of tiny unique, coded tags every time the Weapon is fired. These small, confetti-like, micro-dot identification tags expelled from the cartridge contain the serial number of the cartridge fired allowing the department to identify the unit that deployed the AFID.

Data Port: A mechanism that stores the downloadable time and date of any discharge of the ECW.

Deployment: Includes removal of the ECW from the holster, as well as any use of an ECW against any person, including the illumination of the laser sight onto an individual.

Drive Stun: When the ECW is applied directly to pressure points on the body for a pain compliance technique.

Electronic Control Weapon ("ECW"): An incapacitating, intermediate weapon used for subduing a person that administers an electric shock for the purpose of disrupting superficial muscle functions. The ECW is an intermediate weapon that is classified as less lethal. The weapon should only be used when an officer is met with a certain degree of resistance or aggression through either actions or words.

Electronic Control Weapon Coordinator (ECWCO): A Ithaca Police Department Taser instructor charged with the responsibility for overseeing the training, deployment, and maintenance of an ECW.

Force: Any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes the discharge of a firearm or pointing a firearm at or in the direction of a human being, use of chemical spray, use of impact weapons, use of electronic control weapons (ECW), chokeholds or hard hands, taking of a subject to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with minimal or no resistance. Use of force is lawful if it is **objectively reasonable** under the circumstances to effect an arrest, or protect the officer or other person.

Less Lethal Force: Any force used by an officer that would not reasonably be expected to cause death.

Passively Resisting: When a subject does not cooperate with an officer's commands but does not take action to prevent being taken into custody. For example, a protestor who lies down in front of a doorway and must be carried away upon arrest.

Spark Test: A test conducted to ensure the ECW is functioning properly, and that all batteries and electronic components are performing adequately.

Standard Cycle: A standard cycle is five seconds.

TASER® Electronic Control Weapon: A weapon that uses pulses of electricity to incapacitate subjects. The weapons are designed to deliver up to a 50,000-volt charge with low power and can incapacitate at a distance. Two metal probes connected by thin insulated wires are propelled by nitrogen gas into the targeted subject. An electrical signal is transmitted through the wires to where the probes attach to the body or clothing, resulting in an immediate loss of the person's neuromuscular control, and the ability to perform coordinated action for the duration of the impulse. Once the connection is made, electrical pulses are conducted through the wires for several seconds. The electrical pulse delivered by ECW incapacitates subjects by causing the muscles to contract, resulting in the loss of body control. The weapon may, in limited circumstances, also be discharged as a contact weapon based on training and the officer's need to bring an incident under control.

IV. USE OF FORCE STANDARDS

The following are applicable use of force standards directly related to the deployment of the ECW:

- A. The use of an ECW involves the application of force.
- B. Each application of an ECW involves an additional use of force.
- C. Multiple applications of an ECW cannot be justified solely on the grounds that a subject fails to comply with a command, absent other indications that the subject is about to flee or poses an immediate threat to an officer.
- D. Any decision to apply multiple applications of an ECW must take into consideration whether a subject is capable of complying with the officers' commands.
- E. The ECW is not intended to replace the use of firearms when deadly physical force is necessary, but rather to provide a less lethal alternative within the guidelines of the Department's Use of Force Policy, General Order 3.01.

V. PROCEDURES FOR USE OF ELECTRONIC CONTROL WEAPON

A. Sworn Personnel Responsibilities:

An ECW shall be carried in accordance with the manufacturer's recommendations and Department training. Sworn personnel will be issued the Taser® X26 and the X26P ECW and two or more 25-foot cartridges. Sworn personnel issued an ECW shall:

- 1. Carry the ECW in a Department approved holster on the opposite side of their firearm, with the cartridge attached, while working their assigned shifts and/or functions. Officers not assigned to uniformed patrol may be authorized to

utilize other Department-approved holsters and carry the device consistent with Department training.

2. Point the ECW in a safe direction when loading, unloading, or testing the weapon.
3. Visually and physically inspect the ECW and cartridges at the beginning of their shift.
4. Officers will secure and store the ECW, both on and off duty, in such a way as to ensure that no unauthorized person will have access to, or gain control over, the ECW.
5. Any Department ECW kept at home should be secured in a safe place inaccessible to family members, especially children.
6. The spare cartridges shall be stored and carried in a manner consistent with training, and the cartridges replacement consistent with the manufacturer's expiration requirements.
7. Whenever an officer removes his/her ECW, the item must not be left in the open, and must be secured so that it is not readily accessible to civilians, subjects, victims, or witnesses.
8. Any discharge of an ECW must be immediately reported to a shift supervisor.
9. The main housing of the X26 and X26P carried and used by Department patrol officers will be yellow in color so as not to be mistaken for a firearm.
10. All Department ECWs will be carried on duty with one (1) 25-foot Taser XP duty cartridge loaded in the ECW and one (1) 25-foot Taser XP duty cartridge carried as a back-up duty cartridge.

B. Permitted Use:

Sworn personnel are permitted to use an ECW in accordance with training in the following instances:

1. An ECW should only be used against subjects who are actively resisting in a manner that, in the officer's judgment, is likely to result in injuries to themselves or others.
2. To incapacitate a subject who poses a threat of physical injury to himself/herself.

3. An ECW may be used when an officer is engaged in a physical confrontation with a combative individual and attempts to control the subject by lower levels of force or tactics are ineffective. *See the Department's Use of Force Policy 3.01 for clarification*
4. Against aggressive animals that pose a threat of physical injury to officers or others.
5. To display an ECW "test arc" or "painting the subject with the ECW laser" to attempt to gain compliance of the subject where resistance, assault, and/or violence is reasonably anticipated.
6. During Department authorized training programs and/or demonstrations.

C. Prohibited Use:

The ECW shall not be used:

1. Against a subject who is passively resisting the lawful commands of the officer.
2. Against a female who the officer knows, or reasonably believes, is visibly pregnant, unless deadly force is the only other option.
3. Against a person who the officer knows, or reasonably believes, to be under the age of ten (10) or over the age of seventy (70), due to the potential for falling when incapacitated, unless the encounter rises to a deadly force situation
4. Against a person who is at an elevated location where a fall may cause substantial injury or death.
5. In an area where it is likely that the subject may drown.
6. Against handcuffed persons unless they are actively resisting or exhibiting aggression, and/or to prevent individuals from harming themselves or others.
7. Against an operator in physical control of a vehicle in motion, including automobiles, trucks, motorcycles, ATVs, bicycles, and scooters, unless exigent circumstances exist.
8. Against a subject who is in close proximity to a flammable gas or liquid. (e.g. a meth lab, where gasoline is stored, alcohol-based OC Spray, etc.).
9. To rouse unconscious, impaired, or intoxicated individuals.

10. For horse play or clowning around, or in an unprofessional manner.
11. To experiment on a person or allow a person to experience the ECW, even if the person requests it, when the ECW's use would not otherwise be allowed under this policy. This ECW experience does not apply to voluntary ECW training exposures or ECW demonstrations as authorized by the Department.
12. Officers should not intentionally activate more than one ECW at a time against a subject.
13. For illegal purposes (e.g. illegal coercion, torture, etc.).

Note: It is Ithaca Police Department policy that officers who use excessive force will be subject to discipline, possible criminal prosecution, and/ or civil liability.

D. Deployment

When deploying an ECW, officers will make every effort to comply with the following directives, when reasonable:

1. A command for compliance and a warning should be given prior to activating the ECW. The subject should be given time to comply with an officer's verbal command unless to do so would place the officer or any other person at risk. This directive serves a dual purpose: to seek compliance from the subject, and to let other officers who are present know that the ECW is being deployed, so that the activation of the ECW will not be mistaken, by sight or sound, as a firearm discharge.
2. When feasible, alert other law enforcement officers present that you are about to deploy an ECW by saying "Taser, Taser". This statement will prepare the officers for the ECW deployment and help prevent sympathetic weapon discharges.
3. When aiming the ECW at a subject, officers should adhere to the manufacturers preferred target zones whenever reasonably possible. Officers should take into consideration the capabilities and limitations of the ECW whenever employing it at close quarters. An ECW should be aimed by use of the aiming laser(s) when possible. Fixed sights shall be used when the laser sight(s) are ineffective or as a secondary aiming tool.
4. Upon discharging the device, the officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective.

5. In an attempt to minimize the number of ECW discharges necessary for subject compliance, officers should, while deploying the ECW, clearly and reasonably order the subject as the incident mandates. Such verbal commands may include, “stop resisting, lie flat, put hands behind your back,” etc.
6. The device may also be deployed in certain circumstances in a “drive stun” mode. Deployment of the ECW in drive stun mode, from a policy perspective, is no different than a cartridge deployment. It is important to note that when the device is deployed in this manner, it is primarily a pain compliance tool: is minimally effective compared to a conventional cartridge deployment; and is more likely to leave marks on the subject’s skin.
7. Whenever possible the ECW shall be deployed using a back-up officer to assist with handcuffing or providing cover.
8. The subject should be secured as soon as practical while disabled by the ECW to minimize the number of deployment cycles. In determining the need for additional energy cycles, officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure. Personnel should deploy the ECW for one standard cycle and then evaluate the situation to determine if subsequent cycles are necessary. Each application of the ECW should be independently justifiable. Officers should only deploy the ECW to the extent necessary to gain control of the subject.
9. The subject shall be handcuffed as soon as safe; which may be prior to, during or after deployment.
10. As soon as the subject is compliant, and the situation is under control, a supervisor shall be notified of the use of force.

E. Post ECW Deployment Medical Attention

1. Any subject against whom an ECW is deployed shall be evaluated by qualified medical personnel. Qualified medical personnel include medical professionals including medical doctors, licensed nurses, or EMS first responders. The Department must also be cognizant of any medical regulations or guidelines regarding ECW’s asserted by any medical authority having jurisdiction over the agency in whose jurisdiction the ECW is deployed.
2. Ithaca Police Officers certified to carry the ECW may elect to remove prongs that have embedded in a subject’s skin, clothing or any other objects, unless the probes need to be removed from a sensitive area (e.g., face, head, female breasts, male groin).

F. Evidence Collection

1. Once the subject has been controlled, and the need for medical care has been evaluated, officers will collect all evidence resulting from Taser discharge. Officers are reminded of the importance of respecting human dignity and privacy, taking steps to avoid embarrassment, and preserving confidentiality regarding the subject's medical treatment. Whenever feasible, the following items will be secured as evidence:
 - a. ECW Probes;
 - b. Cartridges;
 - c. Wire Leads; and
 - d. AFIDS (Anti-Felon Identification)
2. When lawful and appropriate, photographs should be taken of the probe impact sites and any other related injuries as soon as reasonably possible.
3. In some instances, however, photographs may not be taken. Such as, in certain juvenile cases, or when probes impacted the suspect's genitals, female breasts, etc. It is important to preserve evidence of ECW use; however, it is also important not to violate any medical, HIPPA, or privacy statutes or other legal restrictions.
4. The ECW cartridges and probes used shall be processed and logged in as evidence. Officers shall wear latex gloves when handling the probes as they may have blood on them (biohazard).
5. Deployed ECW wires shall be wrapped around the expended cartridge. The probes shall be placed "barbs" first into the portals from which they were fired to prevent sharp ends from penetrating the evidence envelope. Tape should be placed over the portals to secure the probes in the cartridge.
6. A minimum of two (2) AFIDs will be placed inside the evidence envelope along with the expended duty cartridge.

G. Reporting Required:

1. After deploying an ECW, the officer must notify a supervisor as soon as it is practical to do so.
2. After deployment of an ECW, the officer who discharges the ECW shall comply with all reporting and investigation requirements outlined in the Department's Reportable Use of Force Policy, and shall include:
 - a. The facts and circumstances which dictated the officer's use of force;

- b. Commands given to the subject;
 - c. Manner in which the subject refused to comply;
 - d. Witnesses to the discharge of the ECW;
 - e. Number of discharges, and length of each;
 - f. Location of probes on the subject's body;
 - g. Extent, if any, of the subject's injuries;
 - h. Description of first aid provided; and
 - i. The name of the supervisor notified, and time of such notification.
3. In addition, the officer who discharges the Electronic Control Weapon or who intentionally points their ECW at a person shall complete an incident report and "Use of Force Report Form," and submit same through his/her supervisor.
 4. The ECW Coordinator will be notified of any deployment for discharge tracking purposes.
 5. The ECW Coordinator will complete an ECW/CEW Annual Report. This form will be submitted to the Office of the Chief no later than January 15th, covering the preceding calendar year.

H. Supervisory Responsibilities

Supervisors shall:

1. Ensure trained personnel, who are issued and carry the ECW, comply with this policy while working their assigned shift.
2. Immediately respond to any scene in which the ECW has been deployed.
3. Department Commanders and supervisors shall comply with all reporting and investigation requirements outlined in the Department's Reporting and Investigating Force Policy. They shall conduct an investigation, including:
 - a. Identifying and obtaining reports from all officers involved;
 - b. Identifying and interviewing witnesses;
 - c. Ensuring that photographs are taken of the probe penetration sites and any secondary injuries (caused, for example, by falling to the ground, etc.);
 - d. Obtaining a data port download for all ECWs deployed in the incident; and
 - e. Entering all evidence into the Department's evidence and recovered property inventory system to ensure proper chain of custody.
5. Review the circumstances surrounding the use of the ECW to determine if the use of, or deployment of, the ECW was in compliance with policy and procedure. Supervisors must also prepare a report of his/her

investigation that includes a determination of whether the use of the ECW is consistent with this policy;

7. The Professional Standards Commander will prepare an overview of incident and confer with the Deputy Chief of Police for a policy review of incident.

I. Data Download

1. When an ECW incident occurs, personnel shall present the weapon to a Shift Supervisor for firing data download, prior to the end of shift. If the Taser firing data download is not available, a notation shall be made on the Use of Force Report Form.
2. Every three months (January 1, April 1, July 1, October 1), the ECW Coordinator or, if assigned to do so by the ECW, department TASER Instructors are responsible for downloading the data stored on Department personnel's X26 Taser chip for the previous three-month period.
 - a. Each X26 Taser has an internal tracking chip. This chip will store the time and date of the last 2000 times the trigger was engaged on the X26 Taser.
 - b. The ECW Coordinator or department TASER Instructors can retrieve the information stored on the data chip by connecting to the data port on the rear of the weapon and downloading the information into our current computer system.
 - c. The downloaded information will be stored under the control of the Electronic Control Weapon Coordinator.

VI. ELECTRONIC CONTROL WEAPON COORDINATOR

- A. The Operations Division Commander will designate a Taser Instructor to serve as the ECW Coordinator ("ECWCO").
- B. The ECWCO is responsible for maintaining the equipment and records associated with the deployment of the Department's ECW.
- C. The ECWCO will be given time to log ECWs, cartridges, and replacement batteries, and maintain an ECW and cartridge inventory, or access to inventory records.
- D. The ECWCO will:
 1. Be responsible for issuing ECWs and cartridges, and ensure they are recorded in the ECW/cartridge log. The ECWCO will record the serial

- number of each issued ECW, and to whom it is issued.
2. Ensure cartridges are replaced before their expiration date
3. Conduct data port downloads when requested by investigating supervisors or Command Staff.
4. Maintain overall responsibility for coordination of the purchase, repair, and replacement of CEDs and cartridges.

VII. TRAINING AND CERTIFICATION

- A. **ECW Authorization:** Officers are required to successfully complete training on the functionality of the ECW and the Department's policy on its use prior to issuance of the Weapon. Only trained and qualified Department officers may carry and/or use an ECW Weapon.
- B. **ECW Training:** All members of the Department who carry and/or use an ECW must first successfully complete a Department approved and mandated ECW familiarization program, including written and practical tests. No officer may carry an ECW without first successfully completing the training. Each officer will receive a 5-second TASER cycle as part of the initial training.
- C. **ECW Re-Certification:** A mandatory annual re-certification program must be successfully completed. Officers who fail to attend training and allow their certification to elapse will not be authorized to carry the ECW.
- D. **Certified Instructors:** All Department ECW certification programs will be presented by a Taser International, Inc. certified (or equivalent) ECW instructor. The ECW instructor must be certified in with the X26 and X26P Taser Weapons.
- E. **Training Records:** The Department shall maintain ECW training and certification records.
- F. **Annual Audit:** The Training Officer will conduct an annual audit of ECW training records to ensure all officers carrying an ECW have met proficiency training. The Training Officer will submit a report to the Chief of Police with his/her findings.
- G. **Annual Review:** The Professional Standards Commander will annually review the training curriculum along with the EWCO and revise it as necessary. The department Training Officer will submit a report to the Chief of Police confirming the annual review and updates, if any.

VIII. MAINTAINING THE ECW

- A. **The ECWCO's responsibilities during the annual retraining session:**
 1. Check the cartridge expiration date;
 2. Check that there are two cartridges that were issued to the officer, and

that they coincide with the serial numbers on file; and

3. Check the remaining percentage of battery life.

B. Officer's responsibilities:

1. Carry the ECW in the supplied holster, or in an otherwise approved holster purchased by the officer.

2. Ensure the batteries of the TASER are properly charged.

a) Replace cartridges before their expiration date.

b) Extra cartridges should not be carried in pockets due to the risk that static electricity could cause an unintentional discharge of the cartridge