

# STANDARD OPERATING PROCEDURES

ESTANCIA POLICE DEPARTMENT

SUBJECT: CONDUCTED ENERGY DEVICE

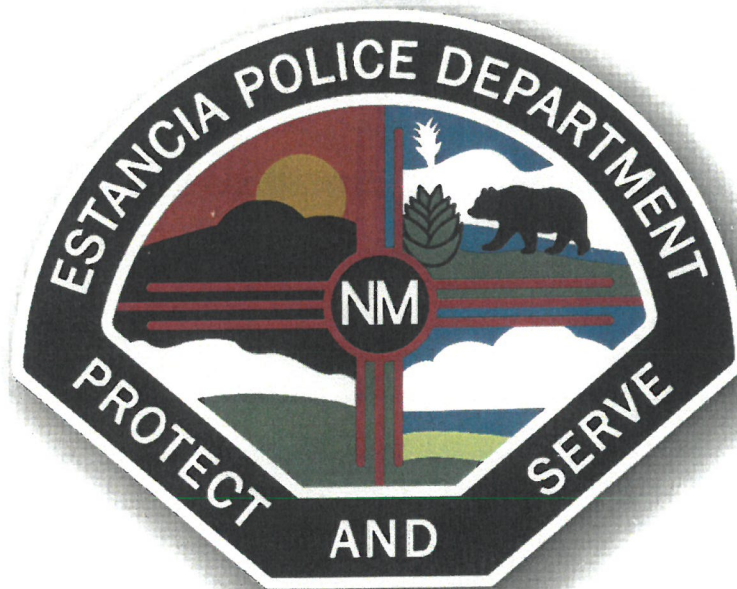
NUMBER: SOP601

CANCELS ORDER DATED: NONE

DATE: 11-10-22



## ESTANCIA POLICE DEPARTMENT



## CONDUCTED ENERGY DEVICE

Estancia Police Department

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Values

The members of the Estancia Police Department are committed to a set of values that guide the work of the organization that will help contribute to the quality of life for all citizens of the community.

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Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

**A. Related SOP(s)**

Use of Force

**B. Form(s)**

CED/TASER – Use of Force

**C. Rescinded Special Order(s)**

None

### 601.1 PURPOSE

The purpose of this policy is to enhance public trust and to promote constitutional policing and professionalism through the utilization of Conducted Energy Devices (CED) / TASER.

### 601.2 POLICY

It is the policy of the Estancia Police Department to establish and communicate clear guidelines regarding the appropriate use of CED / TASER.

### 601.3 DEFINITIONS

**A. Conducted Energy Device (CED) aka TASER**

An incapacitating weapon used for subduing a person by administering an electric shock for the purpose of Neuro Muscular Incapacitation (NMI) of the suspect's muscle functions. This is an intermediate-range device and is classified as less lethal.

**B. Warning Spark Display**

A non-contact demonstration of the TASER's ability to discharge electricity. A spark display can be used to gain compliance from a subject whom officers believe is about to resist an officer's lawful commands and to avoid the TASER being deployed in the Drive Stun, or probe mode.

**C. Drive Stun**

There are two mode of Drive Stun operation:

1. Drive Stun Back Up –a technique in which a Taser is placed directly against the subject and the electric discharge is transmitted through the metal conductors on the TASER (cartridge removed) or an expended cartridge. A DRIVE STUN affects the sensory nervous system (pain compliance) and usually does not cause NMI.
2. Three Point Drive Stun Deployment –probes are deployed with contact, or near contact with the subject, and the expended cartridge is DRIVE STUN away from the probe impact site. This mode will likely have an NMI effect.



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### D. Probe Deployment

The TASER is most effective when the cartridge is deployed, and the probes make contact with the subject. Proper application may result in temporary immobilization of the subject and provides the officer an opportunity to safely take the subject into custody, reducing risk of injury to both the subject, officers and public.

## 601.4 RULES AND PROCEDURES

It is the policy of the Town of Estancia Police Department that use of Conducted Energy Device (CED) / TASER on a person be in compliance with this section and the Department's Use of Force policy. (see Use of Force SOP)

### A. Use of Conducted Energy Device

1. Officers may use a TASER on persons who are physically combative, exhibiting active aggression, physically resisting the Officer's efforts to control or take them into custody, and in other situations where the use of the TASER is necessary to subdue an actively resisting subject. Officers should always consider the totality of circumstances and information available to them when evaluating which intermediate, less-lethal force option or tool is reasonable and appropriate to use in a given situation. An officer's use of the TASER must be consistent with Department training and objectively reasonable based on the totality of circumstances, including the level of resistance by the subject and the threat facing the officer.
2. Whenever possible, a verbal warning shall be given to the subject prior to deployment of the TASER, unless such a verbal warning would increase the risk of injury to officers, the public or the subject.
3. Officers will only use the TASER after receiving training and certification in its proper use, and according to departmental and manufacturing training guidelines.
4. All personnel certified to use the TASER must attend a recertification class annually as recommended by the manufacturer. Training will include review and familiarization with TASER updates and the firing of at least two (2) cartridges.
5. When feasible, every effort will be made by officers deploying the TASER to inform other involved officers that a less lethal device is being deployed.
6. After deployment of the TASER, the probes may be removed by the deploying officer in accordance with Department training. Officers will inspect the probes upon removal to ensure that the probe is intact and that the needle is still attached to the probe body as well as the barb near the end of the probe.
7. Medical treatment shall be provided to the subject at the scene as soon as reasonably possible. Follow-up medical treatment at an appropriate medical

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facility will be provided, if needed. When booking a subject that has received a probe deployment, officers will advise medical personnel at the corrections facility that the prisoner has received a probe deployment. Individuals that have been subject of a TASER deployment will be photographed by an investigator, or other authorized personnel.

8. Probes will be treated as biohazard and disposed of in the appropriate manner after use. If severe injury occurs, the probes and cartridge will be tagged into evidence.

### 601.5 RESTRICTIONS AND LIMITATIONS

#### A. Use of TASER on in-custody subjects:

1. Officers may use the TASER on an in-custody subject who is exhibiting behavior that is likely to inflict severe injury to themselves or others, and the use of the TASER is necessary to ensure safety and to restore control/compliance of the subject. Officers should consider all other lesser force options available prior to using the TASER on an in-custody subject. Under no circumstances will officers use this option as a punitive measure.
2. Officer will be required to articulate in the report the circumstances of that required the use of the TASER on a subject who is in custody and properly restrained. All officers present at the incident that witness the deployment of the TASER on an in-custody subject will document the circumstances present and the use of the TASER in their report.

- #### B. Use of the Drive Stun mode is discouraged except in situations where the probe deployment is not possible and the immediate application of the Drive Stun will bring the subject displaying active, aggressive, or aggravated aggressive resistance safely under control. Multiple drive stuns are discouraged and must be justified and articulated on the report from. If the initial application is ineffective, the officer will reassess the situation and consider other available options.

- #### C. The loss of control resulting from a CED exposure may result in injuries due to a fall or other uncontrolled movement. When possible, officers should avoid using a CED where secondary injuries are likely to occur. To reduce these risks, officers should consider the subject's location before using the CED. When practicable, officers should avoid using a CED on a person in the following circumstances, unless the situation justifies the increased risk.



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- D. When practicable, officers should avoid using a CED on a person who:
1. Is on an elevated or unstable surface (e.g. tree, roof, ladder, ledge, balcony, porch, bridge, or stair);
  2. Is likely to fall and suffer impact injury to the head or other area of the body;
  3. Could fall on a sharp object or surface (e.g. holding a knife, falling on glass);
  4. Is less able to catch or protect themselves in a fall (e.g. restrained, handcuffed, incapacitated, immobilized, or of extreme age);
  5. Has impaired reflexes:
    - i. from alcohol – could result in slower reaction and could impact an individual from catching themselves if falling;
    - ii. from narcotics or certain medications – could result in slower or faster actions and reflexes.
  6. Is running, in motion, or moving under momentum;
  7. Is operating or riding any mode of transportation (e.g. vehicle, bus, bicycle, motorcycle, or train), conveyance (e.g. escalator, moving walkway, elevator, skateboard, roller skates), or machinery;
  8. Is located in water, mud, or marsh environment if the ability to move is restricted; or
  9. On a visibly pregnant female.
- E. The TASER shall not be used:
1. When the officer knows that a subject has come into contact with flammable liquids or is in a flammable atmosphere.
  2. Punitively for purposes or coercion, or in an unjustified manner.
  3. To escort or jab subjects.
  4. To awaken unconscious or intoxicated individuals.
  5. In a situation where deadly force is clearly justifiable, unless another officer is present and capable of providing deadly force cover to protect the officer deploying the TASER and/or other members of the public as necessary.

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- F. To reduce the risk of injury from CED exposures:
  - 1. Minimize the number and duration of CED exposures.
    - i. Recommended no more than a total exposure should not exceed fifteen seconds or three exposures unless extenuating circumstances exist. (*Police Executive Research Forum*)
    - ii. Each exposure currently runs for 5 seconds.
  - 2. Avoid simultaneous CED exposures.
  - 3. Use preferred target areas.
  - 4. Avoid sensitive areas.
  - 5. Officers will notify their immediate supervisor when the CED/TASER has been deployed in the Drive Stun or Probe manner.

### 601.6 CED/TASER EQUIPMENT MAINTENANCE AND HANDLING

- A. Officers will only utilize Department approved CEDs/TASERs and holsters. The officer will carry the CED/TASER in an approved holster on the side opposite the firearm.
- B. The TASER will be inspected for damage and operation at the beginning of each shift. Officers will ensure that their TASER is in operational condition. (i.e. proper battery level, sufficient probe cartridge, etc.)
- C. Officers must conduct a spark test at the beginning of their shift to ensure the TASER will function properly. A spark test is an equipment check conducted outside of public view to ensure the TASER is operable. It is conducted by removing the cartridges, test firing the weapon, and observing the electrical arc.
- D. The TASER battery shall remain in the TASER unless it is being replaced. If the battery is removed from the TASER for more than 4 hours, the internal date and time settings may be reset.
- E. TASERs will not be left in a vehicle when not in use, or in hot or cold weather.
- F. When the Spark Test is conducted, the officer will ensure that the battery is at or above 20%. Battery with 20% or less may be used in training until they reach 1%.
- G. TASER data will be downloaded at least once every three months for TASER 7 and newer models. This will ensure that the date and time are kept current.
- H. A primary TASER custodian will be appointed and will ensure:
  - 1. An Inventory of all TASERs and to whom they are assigned by serial number and date of manufacture.
  - 2. An inventory of cartridges be serial number and date of manufacture.
  - 3. Ensure TASERs are downloaded at least once every three months.



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Officers that discharge their TASER in the line of duty will report to the custodian as soon as possible to ensure the TASER data is downloaded.

4. Maintain a roster of certified officers and date of certification.
5. Ensure that TASERs and cartridges are replaced upon the recommended expiration date.
6. Be trained/certified as a TASER technician.
7. Be responsible for preventative maintenance troubleshooting and returning TASERs for repair.

### 601.7 SUPERVISOR'S RESPONSIBILITY

- A. On-duty and available first line supervisors will respond to the scene when a TASER has been deployed. The first line supervisor will notify the Chief or designated employee when a TASER is deployed.
- B. In incidents where the TASER was improperly used, supervisors will notify the Chief or designated employee of the alleged misuse.
- C. Supervisors will direct personnel who have deployed the TASER to report to the TASER custodian as soon as possible to download the TASER data.
- D. Downloading will be accomplished as follows:
  1. Upon the use of the TASER officers will respond within 72 hours to the TASER custodian to download the TASER data.
- E. When a TASER is deployed and the subject sustains injuries, the supervisor will ensure that the subject is photographed, and the scene is photographed. The supervisor will collect the cartridge(s) and probe(s) that were deployed.

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### POLICY AUTHORITY

These Standard Operating Procedures become effective upon the date of the signature of the last signatory and rescind all previous Estancia Police Department rules and regulations pertaining to the subject.

### SIGNATURES

IN WITNESS WHEREOF, the parties hereto, personally or by their authorized representatives, have subscribed to and signed these Standard Operating Procedures on the dates noted below.

### APPROVED BY:

Handwritten signature of Nathan Dial.

Nathan Dial, Mayor  
Town of Estancia, New Mexico

11/14/2022  
Date

Handwritten signature of Jason Downing.

Jason Downing, PhD  
Town of Estancia Police Department

11-16-22  
Date

### RECORDED BY:

Handwritten signature of Michelle Jones.

Michelle Jones, Clerk  
Town of Estancia, New Mexico

11/16/2022  
Date