

TOWN OF CHEEKTOWAGA POLICE DEPARTMENT

Effective: February 1 st , 2016	Subject: LESS LETHAL WEAPONS
Rescinded:	

GENERAL ORDER A-12-4

PURPOSE:

To establish which less lethal instruments are authorized by the Cheektowaga Police Department and present guidelines for their use.

POLICY:

The Town of Cheektowaga Police Department recognizes the use of specific less lethal weapons in the law enforcement profession. The carry or the use of a less lethal instrument as a defensive weapon not specifically approved by the Town of Cheektowaga Police Department is prohibited.

Authorized systems may only be used within the confines of Article 35 of the NYS Penal Law and the CPD Use of Force Policy A-12-1. Police officers will only use the force that is reasonably necessary to effectively bring an incident under control. Less lethal is intended to be used as a tool in an attempt to avoid having to use a greater amount of force.

The availability of these instruments does not prohibit a police officer from using deadly physical force as authorized by Article 35 of the NYS Penal Law or the CPD Use of Force Policy.

Examples of unauthorized weapons include but are not limited to black jacks, saps, weighted gloves, mace, brass knuckles and stun guns.

Authorized Less Lethal Instruments -

The following less-lethal instruments are authorized for carrying and use by this Police Department. Only sworn certified officers are authorized to possess these instruments and only after they are briefed in the Department's policies and procedures in the use of force and receive Department authorized training in the possession and use of these instruments. Certified officers will receive refresher training annually, to remain in compliance with DCJS accreditation standards. Only make and / or models authorized by the Tactical Training Sergeant are acceptable for carry.

Police Baton - Wooden, Teflon or Aluminum.

Oleoresin Capsicum - A less-lethal soft deterrent. Approved is: First Defense MK-3 X2 or equivalent.

Pepper ball - A projectile launching system.

Electronic Control Device/ Taser- affects the sensory and motor functions of the central nervous system, hereby referred to as "Taser".

CS Chemical Agents -used by designated members of SWAT.

The Training Office will maintain records on the training in the above-approved instruments.

Pepper ball Launching System:

Definition

Pepper ball projectiles are plastic spheres that are filled with powdered oleoresin capsicum (OC). The projectiles, when delivered by an air powered launching device, burst on impact and release the OC. Other projectiles that also may be utilized include water, marking dye and solid plastic balls (only used by SWAT).

Response to inhaling pepper ball projectile OC powder varies greatly among individuals. In most cases the symptoms last for a few (five to ten) minutes. The pepper ball system can deliver the projectiles with enough kinetic energy to produce temporary abrasions, bruises and/or welts.

Authorization:

Any trained officer may use the pepper ball system within the guidelines of their training and this general order. The Pepperball launchers are carried by Sergeants. The following is a list of examples when an officer could use of the pepper ball system. This is not intended to be an all-inclusive list.

- 1) To prevent a person from causing harm to himself or others.
- 2) To stop active aggression against Officers, including but not limited to Offender taking a fighting stance, closing distance or attacking.
- 3) To prevent a person who is known to be or believed to be armed from moving outside an area of containment.
- 4) To attempt to prevent a person from placing himself in a position where someone else may be compelled to use deadly physical force against him or her.
- 5) To avoid having to use a greater amount of force.

Use of Pepper ball Projectiles/Launching System

The following procedure will be adhered to:

- 1) Only trained members of the Cheektowaga Police Department will be authorized to use the pepper ball system.
- 2) A supervisor will be present at pepper ball deployments.
- 3) When possible, personnel at the scene shall be informed when the pepper ball system is to be used.
- 4) Although classified as a less lethal device, the potential exists for pepper ball projectiles to inflict injury when they strike the face, eyes, neck and spine. Therefore, personnel deploying the pepper ball system should attempt to avoid striking those body areas.
- 5) If necessary, appropriate medical aid will be provided. Standard de-contamination procedures should be followed.
- 6) When the pepper ball system is to be used at least one cover officer should be present.
- 7) When the pepper ball system is to be used against a person or group of persons who are armed or believed to be armed, a deadly physical force option should be in place.
- 8) Whenever the pepper ball system is used other than during a training session a police report will be filed and copies of reports given to the Chief of Police and Captain of Patrol.

Electronic Control Device/ Model X26E TASER:

Definition:

1. **X26E Tasers** - are weapons that conduct electrical energy to target, thereby controlling and overriding the central nervous system of the body of the subject. They are designed to safely incapacitate potentially dangerous person(s) by:
 - A. Using compressed nitrogen to project two probes a maximum of 21-35 feet.
 - B. Acting as a touch stun system when brought into immediate contact with a person's body.

An electrical signal is then sent to the probes, via small wires or through the weapon which disrupts the body's ability to communicate messages from the brain to the muscles and causes motor skill dysfunction.

Authorization:

Any trained officer may use the X26E Taser within the guidelines of their training and this General Order. The user will notify a supervisor of its use or intended use as soon as possible. The following is a list of examples when an officer could use the X26E Taser. This is not intended to be an all-inclusive list.

- 1) To prevent a person from causing harm to himself or others.
- 2) To stop active aggression against Officers, including but not limited to the Offender taking a fighting stance, closing distance or attacking.
- 3) To prevent a person who is known to be or believed to be armed from moving outside an area of containment.
- 4) To attempt to prevent a person from placing himself in a position where someone else may be compelled to use deadly physical force against him or her.
- 5) To avoid having to use a greater amount of force.
- 6) At other times deemed appropriate by a Supervisor, ex. passive resistance.
- 7) When appropriate to control aggressive animals.

Use of the X26E Taser System

The following procedure will be adhered to:

- 1) Only trained members of the Cheektowaga Police Department will be authorized to use the X26E Taser.
- 2) A Supervisor will respond to Taser deployments.
- 3) When possible, personnel at the scene shall be informed when the Taser system is to be used via verbal command of "Taser, Taser, Taser".
- 4) Although classified as a less lethal device, the potential exists for the Taser system to inflict injury when the probes strike the face, eyes, neck and spine. Therefore, personnel deploying the Taser system should attempt to avoid striking those body areas.
- 5) Probes will be removed by Authorized users or a Supervisor.
- 6) Medical aid will be provided if needed and as determined by the on scene Supervisor and/or Taser operator. During medical emergencies the subject will be transported to the nearest medical facility.
- 7) When the Taser is to be used at least one cover officer should be present if possible.
- 8) When the Taser is to be used against a person who is armed or believed to be armed, a deadly physical force option should be in place.
- 9) Whenever the Taser is used other than during a training session a police report will be filed and copies of reports given to the Chief of Police, Captain of Patrol and the Taser Coordinator.

Post Deployment- supervised by Patrol Supervisors

1. All persons subjected to an X26E Taser deployment shall be examined by qualified emergency medical personnel if needed. If deemed necessary by medical personnel the subject will be transported to a hospital.
 - a. The Taser Officer or on scene Supervisor will snip the lead wires and remove the probes unless they are embedded in a sensitive area. At no time will a member attempt to remove probes from sensitive areas such as the face, neck, groin or breast. Qualified medical personnel will remove any probes that have penetrated these sensitive areas. The barbs will be collected by a Taser Officer and turned in as evidence.
 - b. Barbs that fail to make contact with the subject's body will be collected by a Taser Officer and turned in as evidence.
 - c. An extra Taser probe with an intact barb will be kept by the duty Sergeant at all times as a visual reference for medical personnel required to extract an embedded probe.
 - d. The duty Sergeant will photograph the probe impact sights and any other related injuries. A photo log will be completed and photos will be placed in a folder on the "T" drive cross referencing the complaint number.
2. In all cases where the Taser is used on a subject, a Police Report will be completed. An additional Less Lethal deployment supplement, Use of Force/Response to Resistance report, will be filed by the Watch Commander. Copies of the completed reports shall be forwarded to the Taser Coordinator.
 - a. Included on the Report will be the point of aim, the point of contact made by the Taser and/or probes upon the subject, whether penetration of the skin was made, and any medical attention that was provided.
 - b. The Taser used will be taken out of service and turned over to the Taser Coordinator or his designees. He will issue the reserve Taser for patrol duty. The Taser Coordinator or his designee will conduct a Taser dataport download and this information will be forwarded to Central Records. If the coordinator or his designees are unavailable the Taser unit will be secured in an evidence box, clearly marked "taser", and placed into property for safe keeping until a dataport download can be completed.
3. Collect the expended Taser cartridge and probes as evidence. Inverting the probes into the cartridge bores and taping them in place will safely contain them. The cartridge will then be placed in a clear plastic evidence bag and logged into evidence.
4. Detention Officers will be informed that the subject was controlled by use of a Taser.

Precautions:

1. The Taser is not to be used when it is known that the subject is pregnant.
2. Because the Taser emits an electrical charge, it can ignite explosive materials, liquids or vapors. Use should be avoided in environments where flammables are obviously present.
3. The Taser will never be used punitively or for the purpose of coercion.

Date:

Chief of Police: