



Town of Marlborough Police Department

GENERAL ORDER

SUBJECT: Tasers

Order Number: 3.27

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

USE OF ELECTRONIC CONTROL DEVICES

PURPOSE: To establish policy and procedure for the use of tasers by members of the Town of Marlborough Police Department.

The ECD currently used by the Town of Marlborough Police Department is **the Taser X26P**, manufactured by TASER International, 17800 North 85th Street, Scottsdale, AZ. THIS IS THE ONLY ECD AUTHORIZED FOR USE BY TOWN OF MARLBOROUGH POLICE PERSONNEL.

I. POLICY

No member of the police department shall be authorized to carry a taser on duty unless that member has successfully completed the established course of taser training conducted by this police department. Nothing in this section shall be construed to prevent a member who has not completed the required training from taking custody of a taser for the purposes of securing it, or from utilizing the weapon in an extreme emergency when the authorized officer has been incapacitated.

This device is to be employed as an additional police tool and is not intended to replace firearms or other self-defense equipment or techniques. The ECD is generally equivalent to Oleoresin capsicum Spray (OCS) in the use of force continuum and decisions to use the ECD involve the same basic justification including compliance with applicable articles of the New York State Penal Law (NYSPL). The Chief of Police shall exercise overall control of the employment of ECDs by the Town of Marlborough Police Department through a review process involving a thorough investigation of all ECD discharges other than for training purposes.

The ECD may be employed for the following purposes:

- 1- To control a dangerous or violent subject when deadly physical force does not appear to be justified and/or necessary.
- 2- When attempts to subdue a subject by other tactics, or with other equipment have been, or will likely be ineffective in the current situation.
- 3- When there is a reasonable expectation that it will be unsafe for officers to approach within contact range of the subject.

II. PROCEDURE

A. Assigned Tour of Duty

Supervisors during an assigned tour of duty, or as directed by the Chief of Police shall:

1. Ensure all incidents involving an ECD discharge are properly documented and investigated.
2. Ensure that the ECD is deployed/discharged in a manner consistent with this policy and applicable articles of the NYSPL.
3. Monitor tactics utilized by subordinates during actual deployment/discharge of the ECD.
4. Verify that the subject of an ECD discharge receives medical aid without unnecessary delay and is removed to a hospital for probe removal or other treatment as necessary.
5. Verify that all probe(s) have been properly vouchered, using bio-hazard precautions.
6. In the event of an ECD discharge, including a drive stun, notify a certified E.C.D. instructor to inspect and service the ECD and to assist as necessary in the ECD Discharge Investigation.
7. Verify that all ECD units are accounted for at the commencement and expiration of the assigned tour.

B. Performing Duty as a certified E.C.D. Instructor.

Police officers performing duty as a certified E.C.D. Instructor, as directed by the Chief of Police shall:

1. Ensure training and certification of members of the Town of Marlborough Police Department as directed by the Chief of Police and in compliance with TASER International Instructor Lesson Plan.
2. Receive, periodically inspect and ensure maintenance and operability of all ECD units and associated equipment cartridges.

3. Generate ECD data downloads for review.
4. Post ECD discharge, inspect the device and if necessary, assist in the investigation.
5. Perform other related ECD administrative functions as directed.

C. Trained and Certified

Police Officers, when trained and certified to use the **TASER X26P** and armed with that ECD shall:

1. Deploy/discharge the ECD only in compliance with the Town of Marlborough Police Department advanced **Taser X26P** training program, this general order, the lawful directions of a ranking officer, other pertinent Town of Marlborough Police Department directives and applicable articles of the New York State Penal Law.
2. At the commencement of assigned tour, authorized members will inspect the ECD and associated equipment they are to carry and properly secure it on their duty/gun belt as trained. Members performing duty in specialized attire or plain clothes will secure the ECD on a secure waist belt as trained. The proper security of the Taser is the carrying member's responsibility. Members not utilizing their own certified holsters will affix available U clips to better secure their holster. Understand and be aware that use of the ECD is generally equivalent to use of OCS in the use of force continuum. The decision making process to deploy/discharge the ECD, including justification and compliance with applicable articles of the New York State Penal Law, is similar to the decision making process to utilize OCS.
3. Understand and be aware that the ECD is not a substitute for a firearm. In situations where the potential for the justified use of deadly physical force may become necessary officers shall deploy firearms prior to the deployment/discharge of an ECD. It is extremely important in these instances that firearms be deployed first to provide proper cover for the officer who is deploying/discharging the ECD. This action is critical should the ECD malfunction, or be ineffective when deployed/discharged.
4. In situations not involving the justified use of deadly physical force, when it is practical, avoid deploying/discharging the ECD when subjects are operating motor vehicles, in control of motor vehicles in which the engine is running, or in a

position where they may fall from a significant height above ground level, such as a rooftop or bridge.

5. Upon any discharge of the ECD, if a subject is struck by a probe(s), or of a subject is drive stunned, the discharging officer, when safety allows, shall immediately summon emergency medical service personnel to the scene or other location as appropriate. The subject will be examined and treated by emergency medical service personnel and removed to the hospital for probe removal or as otherwise necessary. The probe(s) shall be retained by the discharging officer and vouchered, using bio-hazard precautions. (NOTE: in instances where the ECD is discharged and probe(s) miss the subject, or do not remain attached to the subject, said probe(s) will be secured and vouchered, in the same manner as above).
6. Upon any discharge of the ECD, if a subject is missed by a discharged probe(s), if a subject is struck by a probe(s), or if a subject is drive stunned, the discharging officer, when safety allows, shall immediately notify a ranking officer. (NOTE: While it is preferable to have a ranking officer present on the scene prior to deploying the ECD, there is no requirement that a ranking officer be present on the scene for a police officer to deploy/discharge the ECD).
7. Upon any accidental discharge, the discharging officer shall immediately notify a ranking officer. The discharging officer shall comply with the directions of the supervisor concerned and steps contained herein.
8. In all instances of an ECD discharge, the discharging officer shall, except when directed otherwise by a ranking officer, complete all required notifications, department forms, photographs and evidence vouchers, prior to expiration of their tour.
9. Return ECD and associated equipment upon expiration of tour.

D. Head Dispatcher/Dispatcher

The dispatcher during an assigned tour shall:

1. Account for all ECD units and associated equipment at the commencement and expiration of assigned tour, securing all unassigned ECDs as directed.
2. Issue ECDs and associated equipment to police officers performing duty, after documenting same.

3. Immediately make appropriate notifications regarding ECD discharges
4. Secure ECDs and associated equipment not currently in use.
5. Immediately notify the appropriate ranking officer of any discrepancies noted in ECDs and associated equipment assignments or storage.

Additional Data

1- ECDs when discharged readily produce a spark that may cause flammable/explosive substances to ignite/explode. Extreme caution must be exercised, so as not to deploy or discharge the ECD in a flammable or explosive environment, such as in close proximity to gasoline pumps, liquefied propane tanks, ammunition/explosive storage locations or where an odor of natural gas is present.

2- In instances where subject(s), or person(s) in close proximity to subject(s), are believed to be saturated with, or in possession of a flammable/explosive substance that may ignite/explode, the ECD shall not be deployed/discharged.

3- The OCS currently used by the Town of Marlborough Police Department, First Defense Model MK-3X2, has been tested and determined to be non-flammable and safe for interoperability with the current ECD. Accordingly, the ONLY Oleoresin Capsicum Spray authorized for issuance, carry and use by the Town of Marlborough Police Department is First Defense Model MK-3X2. All other OCS are prohibited for carry and/or use by police department personnel.

4- In instances involving an OCS discharge that did not originate from Town of Marlborough Police Department personnel, including non-law enforcement OCS discharges, the ECD shall not be deployed/discharged.

5- In instances involving an ECD deployment/discharge and law enforcement agencies other than the Town of Marlborough Police Department subsequently arrive on scene their personnel should be immediately advised that an ECD has been deployed/discharged and directed to not discharge their OCS.

6- Taser Bulletin 15.0 of 2009 designated that the preferred point of aim for E.C.D. discharges is the large portion of the back and leg portion of the body. The bulletin further advises that head, neck and chest shots should be avoided if possible but does not prohibit discharges to these or other sensitive areas. Department members will make every effort to comply with the targeting guidelines provided in this Taser bulletin.