



ROME POLICE DEPARTMENT
POLICY AND PROCEDURE

EFFECTIVE DATE: 6-16-03	SUBJECT: USE OF LESS-THAN-LETHAL SUBSTANCES AND DEVICES
REVISED DATE: 3-26-08	
SUPERCEDES: All Previous Memos, Orders, and Policies & Procedures	DISTRIBUTION: All Personnel
BY ORDER OF : Merino J. Ciccone, Chief of Police	GENERAL ORDER #: 03-01
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REFERENCES: Accreditation Standards 20.6	

20.6 USE OF LESS-THAN-LETHAL SUBSTANCES AND DEVICES

I. PURPOSE

- A. To ensure the proper use of non-lethal weapons such as chemical agents, impact weapons, Pepperball projectiles, tear gas or the use of the Taser X26 Electronic Control Device by Members of the Rome Police Department.
- B. To identify any prohibitions against the carrying of such weapons.

II. NON-LETHAL WEAPONS

- A. Monadnock PR-24 Collapsible Baton or Monadnock Expandable Baton
(Amended 3-01-07)
 - 1. Officers are authorized to carry the Department-issued PR-24 or Expandable Baton only. (Amended 3-01-07)
 - 2. An officer may only use the PR-24 or Expandable Baton upon the completion of a PR-24 or Expandable Baton training course in which

that officer must demonstrate competency in its use.
(Amended 3-01-07)

3. The PR-24 or Expandable Baton may be used to protect the Officer or another person using the techniques taught in respective training programs. *(Amended 3-01-07)*
4. The PR-24 or Expandable Baton may be used to affect an arrest, take a person into custody, or control a suspect or person who may injure himself/herself, the officer or another person. *(Amended 3-01-07)*
5. All non-lethal weapons may be used on animals.
6. Officers are cautioned against intentional blows to the head or spinal column of an individual, except in a situation where deadly physical force is needed.
7. Rome Police Officers issued the PR-24 police baton or Expandable Baton will be responsible for retaining the weapons in their possession, and will exercise the same precautions for security as with a firearm. *(Amended 3-01-07)*
8. Officers have the option of carrying an expandable straight baton (i.e. Monadnock MEB or Asp) with certification and the approval of the Chief of Police. *(Amended 3-01-07)*

B. Oleoresin Capsicum Aerosol Spray [Pepper Mace]

1. The use of Pepper Mace is a legal right granted to police officers as an alternative force in those situations where the potential for injury to an officer or citizen exists, but where the application for deadly physical force would be considered extreme.
2. The use of Pepper Mace will be limited to that degree of force, which is reasonably necessary to provide protection for the officer, a third party, and/or to effect a legal arrest.
3. Each officer may be issued a canister of Pepper Mace and a holster. Such issuance shall be recorded by serial number and kept on file by the Department.
4. Officers shall be responsible for retaining the Pepper Mace in their possession and will exercise the same precautions for its security as is required for the issued firearms and police baton.
5. Officers will carry only the Pepper Mace that is issued by the

Department.

6. Pepper Mace shall be carried in the Department authorized holster only. All officers may carry the mace whether they are uniformed or plain clothes personnel.
7. After using the Pepper Mace, it shall be the responsibility of each officer to test the unit to see if there is sufficient amount left in the canister to remain in service. If not, the officer will be responsible for obtaining a replacement. If not used, the officer should check the unit ever three (3) months for its satisfactory performance. If not satisfactory, then the officer shall obtain a replacement.
8. Pepper Mace shall never be used for the following:
 - a. As a threat to make a person comply with an officer's verbal order unless such use is justified under Department regulations and as prescribed above.
 - b. Against any person in retaliation for their verbal abuse or other disapproving actions toward an officer.
 - c. To elicit information from any person.
9. Pepper Mace is most effective up to ten (10) feet. It should be used in short bursts; not in prolonged sprays. A couple of one second bursts will usually be sufficient to subdue a subject. Officers shall rely on their training methodology in the use of Pepper Mace.
10. Decontamination
 - a. The officer shall insure that water is made available to the person to flush the affected areas as soon as practical after being sprayed.
 - b. The subject shall also be informed that medical attention is available. If the person desires medical attention, or otherwise appears in need of some, it is the responsibility of the officer discharging the Pepper Mace to notify the Patrol Commander and to ensure that the person is transported to receive the medical attention.
 - c. Within one (1) hour of exposure, the arresting officer or person in charge of the lockup will interview the subject to determine if the subject is okay or if he/she needs further medical

attention and/or treatment.

11. Reporting

- a. Whenever Pepper Mace is used, except for training purposes, the Patrol Commander will be notified.
- b. This use will be noted in a Use of Force Report on the incident. This report will indicate why it was used, the circumstances surrounding its use, and the results of such use.
- c. The report will be forwarded to the Office of the Chief of Police. Further investigation of the incident, if warranted, will be completed at the direction of the Chief of Police.
- d. If the subject is transported to the Oneida County Correctional Facility, their personnel should be notified of the subjects exposure to Pepper Mace.

C. Pepperball

1. Pepper Ball Projectiles are plastic spheres that are filled with powdered or liquid 5% Oleoresin Capsicum (OC). The projectiles, when delivered by an air powered launching devise, burst on impact and release the OC.
2. Pepper Ball projectiles subdue suspects by strongly irritating their nose, lungs and breathing. When inhaled, pepper Ball products lead to coughing, shortness of breath and in some instances vomiting. Some individuals experience eye irritation as well.
3. 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 PepperBall System can deliver the Projectiles with enough kinetic energy to produce temporary abrasions, bruises, and or welts.
4. Although classified as a less lethal device, the potential exists for PepperBall projectiles to inflict injury when they strike the face, eyes, neck, and groin. Therefore, personnel deploying the PepperBall System shall avoid intentionally striking those body areas unless a life-threatening situation exists.
5. Officers encountering a situation, which requires the use of the PepperBall System, when feasible, shall immediately notify the field supervisor. This system can be used before the arrival of the field supervisor when the situation dictates such use. The field Supervisor shall respond to all

Pepper Ball deployments where the suspect has been hit. The field supervisor shall make all notifications and reports as required.

6. Only qualified, trained personnel shall be allowed to deploy and use the PepperBall System.
7. The use of the PepperBall System is considered a reportable use of force.

D. Taser X26 Electronic Control Device (also referred to as Taser x26 ECD or ECD)

1. Information about the Taser X26 ECD

- a. The Taser X26 ECD is a less-than-lethal conducted energy weapon that uses nitrogen propelled wires to conduct energy at 26 watts and 50,000 volts target, thereby controlling and overriding the sensory and motor and nervous systems.

b. Aspects

- i. The human nervous system communicates by means of simple electrical impulses. The Taser X26 ECD sends out short duration, high voltage electrical waves that overpower the normal electrical signals within the nerve fibers, causing Neuro-Muscular Disruption
- ii. Neuro-Muscular Incapacitation (NMI) systems override the central nervous systems and take direct control of the skeletal muscles. The Taser X26 ECD is a Neuro-Muscular Incapacitation system and affects the sensory and motor nervous systems.
- iii. The taser X26 ECD is designed to restrain violent individuals, where alternative restraint tactics have been or are reasonably likely to fail and/or where it would be unsafe for officers to approach a subject to apply restraints.
- iv. The taser X26 ECD fires two probes (Darts) connected to the device by fine insulated wires. Once in place, the electricity can be discharged into the subject at the control of the Taser X26 ECD operator.

2. Procedures

a. Training

i. Only officers who have successfully completed the Rome Police Department's approved course of instruction on the use of the Taser X26 ECD are authorized to use it in any situation.

ii. Officers of the Rome Police Department will receive refresher training in the use of the Taser X26 ECD on an annual basis or in accordance with the manufacturer's recommendations.

User certification is valid for one year (re-certification is required once every year). Instructor certification is valid for two years (recertification is required once every two years Conducted by a Master Taser Instructor).

b. General

i. The Patrol Commander/Patrol Supervisor or his designee shall issue the Patrol Taser x26 ECD during his/her shift to authorized/certified Officers.

ii. Each Taser X26 ECD shall be equipped with two air cartridges at all times. One cartridge will be loaded in the ECD and ready for deployment and one cartridge in reserve stored in the base of the Digital Power magazine (DPM).

iii. A supply of reserve cartridges will be maintained in the Police Department Armory.

iv. A Taser Instructor will be notified when a cartridge is used and a replacement cartridge will be issued.

c. Usage and Handling

i. The Taser X26 ECD shall be carried on the Officer's duty belt in an approved Taser Holster.

ii. The Taser X26 ECD may be used when other less-than-lethal force options have been ineffective or when it reasonable appears those options will be ineffective in subduing the subject.

iii. Examples of situations in which the Taser x26 ECD may be used include, but are not limited to the following:

- *Dealing with the mentally ill subject who is perceived to be violent*
- *Armed Subjects.*
- *Warrant service where the subject is perceived to be violent*
- *Violent Persons under the influence of drugs and or alcohol*
- *Persons expressing the intent or having the means to commit suicide*
- *When deemed a reasonable alternative to lesser force options that will likely be ineffective or greater force options that may be inappropriate given objective circumstances.*

iv. The Taser x26 ECD should not be pointed at any individual unless the officer involved reasonably believes it will be necessary to use the device.

v. All certified trained officers will use the TaserX26 ECD in accordance with established training protocols taught during the certification process before the deployment of the ECD.

vi. The Taser X26 ECD shall not be used:

- *When the operator cannot, for safety or other reasons, approach the subject within the effective range of the device.*
- *In proximity of flammable liquids, gases, blasting materials or any other combustible materials that may be ignited by use of the device, including but not limited to any subject who may have been contaminated with combustible liquids.*
- *When it is reasonable to believe that incapacitation of the subject may result in serious injury or death or in situations where the subject's fall may result in serious injury or death.*

viii. The Taser X26ECD shall never be used punitively or for the purpose of coercion.

ix.. In non lethal force situations, when possible, Officers should avoid using the Taser X26 ECD on:

- *Persons in control of a vehicle*
- *Women Known to be pregnant*
- *People with known heart problems*
- *People with apparent debilitation illness or the elderly*
- *Children obviously under the age of 8*
- *Anyone under 50 pounds regardless of age*
- *Individuals with known neuromuscular disorders such as muscular sclerosis muscular dystrophy or epilepsy or*

- *Subjects in handcuffs*

d. USE OF THE TASER X26 ECD ON ANIMALS:

i. Using an ECD against vicious animals may reduce the need for greater, more injurious force against such animals. Officers should deploy an ECD on an animal only when other conventional means to control the animal have been exhausted or may be unreasonable. The use of an ECD on an animal should be based upon the intent to provide safer, more humane and less traumatic conclusion to the incident.

ii. The taser X26 ECD may be deployed on an animal when:

- *A vicious animal is threatening or is attacking a citizen, or other animal and the use of other force is not reasonable or may be reckless.*
- *A vicious animal has threatened or attacked a citizen, an officer, another animal or has caused a continued public nuisance and the vicious animal needs to be controlled for reason of public safety, preservation of property or other legitimate purpose; and the animal poses an active threat to officers in their efforts to perform their duty. The ECD will be used in an effort to safely facilitate the application of more conventional animal control methods in these situations.*

e. AFTER DEPLOYMENT

i. Aftercare:

- (1) Normally, the ECW darts may be removed from the subject once he or she has been restrained. Universal precautions shall be followed to protect the officer from the transfer of body fluids. The suspect shall be taken to an emergency care facility for removal of the dart in cases where it has penetrated sensitive tissue areas (such as the groin, female breast, face, or neck), in cases where the suspect requests such care, or when the deploying officer or supervisor determines that it is otherwise necessary.
- (2) Photographs of the affected area should be taken after the dart is removed.

- (3) If **NO** injuries (*with the exception of the probe penetration areas*), respiratory or cardiac problems are reported by the tasered subject and none are observed, the subject may be transported to the Rome Police Department (or other police department) to be processed.
- (4) If injuries (*with the exception of the probe penetration areas*), respiratory or cardiac problems **are** reported by the tasered subject or are observed, then emergency medical services (EMS) are to be contacted. Per the Mid State Regional Medical Advisory Committee policy all calls to EMS regarding the use of a TASER will require EMS personnel to transport all tased subjects to an emergency department. If at the time of transport the tased subject is not violent an appearance ticket may be issued or no arrest is to be made at that time and the subject will be located at a later time for arrest and processing. If the subject is violent assistance will be given to EMS and emergency room staff in restraining the subject. A supervisor will advise of the decision to transport.
- (5) When the subject who was tased is arrested, arraigned and then transported to the jail. The transporting officer must inform the jail Deputy that the prisoner was tased. This verbal notification must be documented in our arrest paperwork and the TASER Use of Force report. The Deputy's name must be documented as well as the date and time of the notification.

ii. Reporting:

Use of the ECD is considered a use of force and is subject to the same reporting documentation as is required by the Rome Police Department for other uses of force. The Officer deploying the ECD shall indicate in the report, in addition to other requested information, the serial number of the Taser unit used, the distance from the subject from which the ECD was fired, locations of impact on the subject and an evaluation of effectiveness of the device.

iii. Equipment:

- The air cartridge(s) and probes shall be placed into evidence. Since the probes will have been exposed to blood the officer

should be aware of the biohazard and should wear latex gloves when handling the probes.

- The wires shall be wound around the cartridge.
- The probes shall be inverted into the portals that they were fired from this will prevent the sharp ends from penetrating the evidence bag.), and the portals shall be covered with evidence tape and a plastic cartridge cover.
- Place the evidence in to an evidence bag for submission.

iv. Anti-Felon Identification (AFID);

Every time an air cartridge is fired it disperses 20-30 small identification tags called AFIDs. These tags are printed with the serial number of the cartridge and can be used to determine who fired the cartridge. At least two AFIDs will be placed inside the evidence bag along with the air cartridge. In the event that AFID's can not be located, this will be documented in the officers report. The number from the AFIDs shall be logged on the Incident Report as well as the Use of Force Report.

v. Downloading ECD information:

After the deployment/use of the Taser X26 ECD the ECD will be removed and secured in the Watch Commander's office. At the earliest convenience, the ECD shall be turned over to a Taser Administrator or his/her designee for the downloading of information from the ECD.

The Taser Administrator or her/her designee will retain all records and download information.

f. MAINTENANCE:

i. Testing an maintenance of the TaserXx26 ECD shall be consistent with manufacturer's specifications.

ii. After each field discharge the Taser Administrator shall inspect the ECD to Determine whether maintenance is necessary, and if needed, perform said functions.

iii. Air Cartridges should be stored in a cool, dry environment and should normally be replaced after five years.

iv. ECDs should not be left in direct sunlight due to the possible adverse effects on plastic parts.

vi. The Rome Police Department Taser Administrator or his/her designee shall develop a testing and maintenance schedule for all agency ECDs and their component parts.

III. Rendering Medical Aid

Members will render appropriate medical aid after the use of lethal or less-than-lethal force.

IV. Reporting the use of force.

- A.** Members will immediately report to a supervisor both verbally and later in writing all circumstances involving the use of force as it is defined the appropriate section.
- B.** Any officer that uses OC (other than in training), will insure that the canister is safeguarded and will surrender it to the firearms officer for inspection. Once, in the opinions of the firearms officer, the canister is in proper working order it may be reissued the officer. If the canister is deemed to have been discharged to the point that there is no longer an effective amount of OC a new canister will be issued.

V. UNAUTHORIZED NON-LETHAL WEAPONS

A. Weapons that are forbidden to be Carried or Used

- 1. Blackjacks;
- 2. Weighted ("saps") gloves;
- 3. Stun guns;
- 4. Brass knuckles;
- 5. Any knife specifically prohibited by Section 265 of the New York State Penal Law.

B. Flashlights

Flashlights are not to be used as an offensive or defensive weapon in a situation where the use of physical force or deadly physical force is needed, unless no other adequate instrument is available to protect the officer or a third party. Reasonable and Common Sense will be what dictates such use and judgment of situation inquiry into the matter.

