

 <p>CD-057300</p>	<p>NEW MEXICO CORRECTIONS DEPARTMENT</p> <p><i>"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always."</i> Courage Responsibility Ethics Dedication - CREDibly serving the public safety of New Mexico</p>	
	<p>ISSUE DATE: 08/19/13</p> <p>EFFECTIVE DATE: 08/19/13</p>	<p>REVIEWED: 06/29/18</p> <p>REVISED: 06/16/17</p>
	<p>TITLE: Conducted Electrical Weapons (CEW/Taser)</p>	

AUTHORITY:

A. New Mexico Corrections Department, Sections 31-21-7 and 33-1-10, NMSA 1978 as amended.

REFERENCE:

A. Taser International training policies, which are updated annually.

PURPOSE:

To provide a policy for authorized New Mexico Corrections Department (NMCD) Employees trained in Conducted Electrical Weapons (CEWs-Taser) to carry and use said devices as an intermediate use of force option. The purpose of this policy is to establish standards for the issuance of, carrying of, use of, and training for use of an Conducted Electrical Weapon (CEW-Taser) by authorized personnel of the NMCD. It will establish the CEW training programs and define a program designed to improve the skills, knowledge and abilities of all CEW authorized personnel in order to successfully meet the Department’s mission. It will also establish Policy for conducting CEW training courses for authorized personnel of the NMCD and define successful completion of that training.

APPLICABILITY:

All employees of the NMCD who are authorized to carry and trained in the use of a Conducted Electrical Weapon (CEW-Taser)

FORMS:

None

ATTACHMENTS:

None

DEFINITIONS:

A. Anti-Felon Identification Tags (AFIDs): AFID is an acronym for Anti-Felon Identification Tags. When a TASER cartridge or a Smart cartridge is deployed, 20-30 identification tags called AFIDs are dispersed. The AFIDs are printed with the serial number of the cartridge they are deployed from and help in determining the purchaser of the cartridge. The AFIDs were originally created for civilian sales of TASER CEWs to deter criminal use. As an offshoot of this, many law enforcement agencies collect AFID tags at the scene of a deployment to

determine the number of cartridges deployed and who deployed them. This helps to prevent abuse and protects officers from unfounded allegations through documentation of use.

- B. Central Information Display (CID): A small display on the rear of the X-26/P CEW which displays information related to battery percentage remaining, deployment time (countdown from 5 to 00), and programming.
- C. Conducted Electrical Weapon (CEW-Taser): Conducted Electrical Weapons, or CEWs, are designed to use propelled wires or direct contact to conduct energy to affect the sensory and/or motor functions of the nervous system. TASER CEWs are software upgradable CEWs manufactured by TASER International, Inc..
- D. Digital Power Magazine (DPM): The power source of the X-26/P which contains two, three-volt lithium energy cells. Provides up to 195 cycles when at room temperature.
- E. Drive-Stun: There are two separate modes of drive-stun backup: (1) drive stun utilizing the electrodes on the front of the CEW, and (2) three-point deployment (cartridge in place). By driving the front of the CEW into a subject, an officer can gain pain compliance and/or complete a circuit which is too small or when only one probe connects.
- F. Neuro-muscular Incapacitation (NMI): An override of the command and control systems of the body to impair muscle control brought about by a successful CEW deployment.
- G. Spark Test: A functionality test performed by an officer to ensure the CEW is properly functioning, is conditioned, and is ready to be deployed in the field if necessary.
- H. Taser Cartridge: A plastic housing which contains the probes, wires, Anti-Felon Identification Tags, and an ignition source. Cartridges come in different ranges from fifteen (15) feet to thirty (30) feet or more. NMCD utilizes the twenty-one (21) foot and twenty-five (25) foot cartridges indicated by gray or green blast doors respectively.

POLICY:

Conducted Electrical Weapons (CEW-Taser)

- A. A CEW may be used against persons who are actively resisting or exhibiting active aggression or to prevent individuals from harming themselves or others, in accordance with NMCD **Use of Force** Policy *CD-130600*.
- B. When practical, the use of a CEW will be preceded by a verbal warning that force will be used if compliance is not obtained.
- C. **Elevated CEW Application Risk Factors** – The following factors, where apparent to involved officers, require elevated justifications of CEW application. Under the following conditions, the risks of foreseeable direct or secondary injuries to the person are foreseeably elevated. These evaluated risk factors can only be given consideration when the factors are reasonably perceived by the PPO (s). In less lethal force situations, when possible, PPO should avoid using the CEW in the following situations:

1. On persons operating a moving vehicle or machinery.
2. In any environment where the subject's fall could reasonably result in death, such as in an elevated structure or in water.
3. On a female with knowledge that she is pregnant.
4. On persons with apparent debilitating illnesses or the elderly.
5. On children or persons under eighty (80) pounds.
6. On persons in wheelchairs.
7. On persons with pace makers or other bio-medical devices sensitive to electrical current.
8. On subjects who are passively resisting.
9. On a handcuffed or secured prisoner, absent that person being overtly assaultive, overtly resistive or exhibiting fleeing behavior (i.e., Stiffening like a board, kicking, head butting, etc.) that cannot be reasonably dealt with less intrusively.
10. On subjects that are in or near a body of water; close enough they could fall into the water, such as a swimming pool, or lake.

D. CEWs shall not be used in the following circumstances:

1. In a punitive manner.
2. On cooperative subjects.
3. In any environment where the PPO knows that a potentially flammable, volatile, or explosive material is present (including but not limited to OC spray with volatile propellant, methamphetamine lab, gasoline, natural gas or propane).
4. From, or at moving vehicles, unless trained to do so as part of a specialty team tactic.

E. Carrying and storage:

1. The device will be carried in an approved holster on the PPO's duty belt on the side of the body opposite to the service handgun, or for those unarmed PPOs, it will be carried on their off side (if they are right handed, carried on the left, left handed, carried on the right).
2. The CEW shall be carried fully armed with the safety on in preparation for immediate use, when authorized.

3. PPOs authorized to use the CEW shall be issued a minimum two (2) 25 foot cartridges thereby ensuring that the PPO has a backup in case of cartridge failure, the need for re-deployment, or in case the first cartridge's wires break during the engagement.
4. The spare cartridge shall be stored and carried in a manner consistent with training.
5. The Security Threat Intelligence Unit (STIU) may deviate from the requirement to carry the CEW on their duty belt as is necessary to complete their mission. How and where the CEW will be carried for these specialized officers shall be determined by STIU leadership; However, as it with all officers, STIU operators will be required to show proficiency drawing from the same position and holster as they will carry in the field.

F. Maintenance:

1. Each PPO will perform a spark test at least once a week to ensure the CEW is charged and properly functioning. These spark tests will be performed in a safe manner and away from people. PPO shall document the spark test in their Outlook calendar. Prior to performing a spark test, both cartridges shall be removed from the CEW to avoid accidental discharge.
2. If a PPO Officer's Digital Power Magazine (DPM) on the CEW reaches 20% or lower, it shall be replaced or recharged as appropriate. The used DPM will be turned over to the training coordinator to be used for training purposes.
3. Only Agency (NMCD PPO) approved battery sources shall be used in the CEW.
4. The CEW shall not be left unattended, unless properly stored and secured.

G. Deployment:

1. Prior to deployment, the deploying PPO shall announce "Taser, Taser, Taser" to avoid a sympathetic shooting response from armed Officers (Police Officers or PPO) on the scene.
2. In incidents when a PPO observes obvious signs or symptoms of *Excited Delirium* in a subject, he/she should arrange for the appropriate backup and medical personnel to be on scene prior to any deployment of the CEW, if practical. In these instances, a single CEW application should be made before the subject has been exhausted, not in the hope of gaining compliance, but rather to create a window of disablement during which PPO Officers can establish physical control over the subject.
3. The CEW shall be aimed in the following manner when addressing a front and/or side facing target: The CEW shall be aimed with the intention of splitting the belt line (lower torso) in an attempt to strike the balancing muscles of the pelvic triangle. This will reduce the risk of a probe impacting the throat, eyes, face, female/male breast, and other sensitive areas. For a rear-facing target, the target area extends from the upper back (being mindful not to target the back of the head) to the heels of the feet. An officer

should aim in an attempt to affect the largest muscle group possible thereby creating the greatest likelihood of causing NMI.

4. A PPO shall not intentionally aim or deploy the CEW to sensitive areas of the body to include the eyes and face.
5. Upon Deployment of the CEW, the PPO shall energize the subject one time and re-evaluate the subject's response, prior to re-energizing. In any case, the CEW shall be energized the least number of times necessary and no longer than necessary to accomplish the control objective.
6. The CEW may also be used in certain circumstances in "drive stun" mode. It is important to note that when the device is used in this manner, it is:
 - a. Primarily a pain compliance tool.
 - b. Subject to the same deployment guidelines and restrictions as those of the CEW for a probe deployment.
 - c. May be used with one successful probe in place (clothing disconnect, one probe miss, etc.) with cartridge in place in order to complete the electrical circuit and thereby increase the likelihood of inducing NMI.

H. Post-Deployment Procedures:

1. Ensure you are in control of the subject and that the subject has been handcuffed and thoroughly searched.
2. If needed or one is requested by the subject, request an Emergency Medical Service (EMS) unit to assess the level of injury sustained by the subject. If the subject refuses treatment by EMS, assure a copy of the EMS run report "refusal of service" is provided to the PPO for the case file.
3. Notify a Supervisor if one is not on scene.
4. Subjects who were exposed to a CEW shall be treated as follows:
 - A. If the probes penetrate the skin, only certified CEW users, paramedics or emergency room staff may remove the probes at the earliest opportunity.
 - B. If the probes penetrate the skin on the face (including eyes), head, neck, female breasts, or groin area, only medical staff at a medical facility may remove the probes.
 - C. If the subject displays signs of *excited delirium* prior to or after being energized with a CEW, the subject must immediately receive medical attention once control is gained.

- D. A PPO shall provide first aid following removal of the probes by applying an antiseptic and a bandage to the probe sites, as appropriate.
5. Upon removal of the probes from the subject, the PPO shall inspect both probes to ensure the barb is attached to each probe. If the barb has separated from the probe, the subject must be transported to a medical facility to have the barb removed from the subject's body.
6. Photographs of the affected area should be taken before and after the probes are removed, and once the probes are removed, close up photographs of the two (2) probe tips should be taken if practical.
7. The PPO shall collect the cartridge(s), probes and at least three Anti-Felon Identification (AFID) tags as evidence. All of these items will be placed into a plastic bag or a latex glove and marked as evidence in the case.

I. CEW-Taser Authorization Procedures

Each employee seeking authorization to carry a CEW must submit a letter of interest to their immediate supervisor through the chain of command to the NMCDTADD. At a minimum, the selection and authorization process will include:

1. Employee submits letter of interest to immediate supervisor.
2. Supervisor(s) submits recommendation to the Division Director specifically indicating that the employee does or does not meet the minimum selection criteria.
3. Division Director approves or denies letter of interest based on employment history (performance history, disciplinary action history, physical fitness, psychological evaluation etc.) and submits recommendation to the NMCDTADD.
4. The NMCDTADD will review the entire application package and determine which applicants will be scheduled for training.
5. If the employee is disapproved, the employee will be notified in writing by the PFI of the disapproval.
6. If approved, NMCDTADD/PTI will schedule that employee for Initial CEW training and notify the respective training coordinator.

J. Training & Certification Standards:

1. All CEW training will be conducted by Instructors Certified by Taser International.
2. PPOs authorized to carry a CEW will be trained by the Certified CEW Instructor utilizing only the curriculum established by and provided by Taser International. The course length will be determined by Taser International.

3. All digital evidence collection or “downloading” of the CEW shall be completed only by a Taser International Certified NMCD PPO Evidence Collection Technician and in compliance with other pertinent NMCD Evidence collection and storage procedures in place.
4. Should a CEW need repair or maintenance, this repair or maintenance shall be performed only by either Taser International or a NMCD PPO Taser Certified Technician (Armorer).
5. It will be the policy of the NMCD PPO Division to adhere to the recommendations of Taser International in its training, storage, maintenance and deployment of the CEW. During the initial and re-certification training, a PPO shall not be required to be energized with the CEW, but should a PPO volunteer for the exposure of the CEW in a training environment, they may be exposed to the CEW per Taser guidelines.
6. PPOs are required to re-certify annually per Taser International® recommendations. This recertification includes a classroom presentation and practical exercise including firing two training cartridges. PPOs who fail to maintain their certification may have their CEW certification taken from them requiring the CEW to be turned in. It is the PPO’s responsibility to ensure they maintain their certification.
7. Should an officer have an accidental discharge (AD), a memorandum must be generated and submitted to their PPD chain of command, and a Taser certified instructor. The memorandum must clearly state the reason for the discharge, date, time, and CEW information (serial #, DPM %, Cartridge serial #) and identify ways in which the officer will remedy the issue. In addition, officers must attend a two (2) to four (4) hour training session in addition to any refreshers or initial certification classes completed.

Should the officer continue to have issues, or demonstrate an inability to carry the CEW safely, the CEW will be confiscated by a Taser Certified instructor and a memorandum will be generated updating the PPD chain of command as to the justification for such action. Officers must coordinate with a Taser Certified instructor to set up the remedial training as soon as possible following an AD. Failure to do so may be grounds for revoking certification. Officers will be allowed to continue to carry their CEW in the field unless their AD displays a complete lack of judgment (i.e. horseplay or intentionally firing a cartridge) but they must make every effort to complete the remedial training in an orderly fashion. The officer’s PPD chain of command or a Taser Certified instructor reserve the right to collect the CEW until the remedial training has been completed should that be deemed necessary.

8. During any Taser-CEW training course, the Taser Certified instructor(s) has the ability to revoke/suspend an officer’s certification to carry the CEW based on safety concerns pending review by the PPD chain of command. The officer may be provided with an opportunity to fix the issue during training and/or will be required to attend remedial training in order to demonstrate their proficiency with the CEW. The Taser Certified Instructor must generate a memorandum, in writing, indicating the issues noted and provide this documentation to the officer’s PPD chain of command.



David Jablonski, Secretary of Corrections
New Mexico Corrections Department

06/16/17
Date