

RESOLUTION NO. 23 of 2020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NANTICOKE
APPROVING UPDATES TO THE CITY OF NANTICOKE POLICE DEPARTMENT
GENERAL ORDER 1.3 COVERING USE OF FORCE AND SPECIAL ORDER 1.3.1
COVERING TASER (ELECTRONIC CONTROL DEVICE) ECD-POLICY AND
APPROVING SPECIAL ORDER 1.3.2
GOVERNING OFFICERS DUTIES TO INTERVENE**

WHEREAS, President Donald Trump issued an Executive Order on June 16, 2020, which covered the topic of safe policing for safe communities and set forth certain requirements which must be met by law enforcement agencies; and

WHEREAS, the Nanticoke City Police Department has, through its Chief of Police, prepared amendments to its Use of Force and Taser Policies in order to come into compliance with the aforesaid directives and has developed a Duty to Intervene Policy.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Nanticoke and it is hereby resolved by the authority of the same as follows:

1. The City Council of the City of Nanticoke hereby approves the Use of Force Policy attached hereto, made a part hereof and marked as Exhibit "A", the Taser (Electronic Control Device) ECD-Policy attached hereto, made a part hereof and marked as Exhibit "B" and the Duty to Intervene Policy attached hereto, made a part hereof and marked Exhibit "C".
2. These policies shall become effective on January 1, 2021 and all officers employed by the City of Nanticoke are directed to comply with said policies.

RESOLVED, this 16th day of December, 2020, by the City Council of the City of Nanticoke, Luzerne County, Pennsylvania.

ATTEST:

CITY OF NANTICOKE

Jennifer W. Polito, City Clerk

William Brown, Council President

EXHIBIT "A"

Use of Force Policy



NANTICOKE CITY POLICE DEPARTMENT
Nanticoke City, Pennsylvania

GENERAL ORDER 1.3

Subject		
Use of Force		
Date of Issue	Effective Date	Expiration Date
January 1, 2021	January 1, 2021	Until Amended or Rescinded
Amends		
Rescinds		
N/A		
Index Words		
Use of Force, Authorized Use of Weapons, Weapons Qualifications, Use of Force Report		
Distribution		
<ol style="list-style-type: none"> 1. General Order Manuals 2. Reading Verification to All Personnel 		

This order contains the following sections:

- 1.3.1 Use of Force Continuum Authorized Only to Accomplish Lawful Objectives
- 1.3.2 Use of Deadly Force
- 1.3.3 Prohibited Use of Weapons (Warning Shots)
- 1.3.4 Use of Authorized Less Lethal Weapons
- 1.3.5 Medical Attention Required Following the Use of Force as Appropriate
- 1.3.6 Written Reports and Investigation Required
- 1.3.7 Removal of Personnel from Line-Duty-Assignment Pending Administrative Review
- 1.3.8 Weapons and Ammunition Approved by the Chief of Police
- 1.3.9 Demonstrated Proficiency Required to Carry Approved Weapons
- 1.3.10 Use of Force In-Service and Weapons Proficiency Training

I. Purpose

In performance of their duty, Nanticoke City Police Officers are at times confronted with situations where, in order to protect the public safety, control must be exercised to affect arrests, overcome active physical resistance, and neutralize assaults. Control may be achieved through verbal discussion, persuasion and warnings, or by the use of physical force. Obviously, there are varying degrees of force that may be justified, depending upon the dynamics of the situations. The use of the various levels of control against active resistance in physical force should be viewed as lying along a continuum; a continuum along which the use of force escalates only when each lower level of force has been examined or discarded as impractical in the current circumstance, or which has been tried and has failed in the encounter. It should be noted that this analysis might not involve lengthy deliberations. Due to the urgency often inherent in such situations, the decision to escalate the use of force may be nearly instantaneous.

In order to provide employees with a clear understanding of their performance expectations while affecting the components of the use of force continuum, this general order is established. In addition, this order details departmentally authorized weapons, training in their use, and reporting requirements when the use of force continuum is asserted as a result of physical resistance and/or assaultive behavior.

II. Policy

It is the policy of the Nanticoke City Police Department that all persons, regardless of their involvement in a situation, shall be treated with humanity, courtesy, and the dignity due any human being, to the extent that such treatment is allowed by the subject's resistance. Police officers and civilian employees where applicable, shall maintain a professional decorum at all times. They shall not be argumentative or engage in acts that might incite a subject to become physically aggressive. They shall never use a greater degree of force than that which is lawful, reasonable, and necessary for the specific situation. Such reasonable and necessary force may be used: to affect an arrest, to overcome unlawful resistance, to prevent an escape from custody, or to neutralize an unlawful assault upon the officer or another person. The use of physical force will end immediately when resistance ceases, when resistance has been overcome, or when the arrest has been accomplished. Emphasis shall always be upon obtaining control over the resistance situation rather than forcing submission. Members shall not mentally or physically abuse any person that they contact or take into their custody or control.

Justification for the use of force is limited to what reasonably appears to be the facts known or perceived by the officer at the time he/she decides to use such force. Facts unknown to the officer, no matter how compelling, cannot be considered in later determining whether the action was justified.

Officers using force must be able to articulate the need and justification for the use of force and the reason(s) why the level of force utilized was selected. Full disclosure of the circumstances requiring the use of force, and the type and extent of force, shall be thoroughly documented in the departmentally required "Use of Force Report", or other reports, as outlined in this general order.

1.3.1 Use of Force Continuum Authorized Only to Accomplish Lawful Objectives

A. Use of Force Justification

1. The Pennsylvania Crimes Code, Title 18, Chapter 5, "General Principles of Justification", describes those circumstances in which use of force is justified. These provisions, and the related case law, including Federal case law made binding on Pennsylvania through the 14th Amendment to the United States Constitution, shall establish the only legally binding restrictions regarding the use of force by police department personnel, as it relates to criminal or enforceable civil matters.
2. In any necessary use of force, all police department personnel shall only utilize the force necessary to affect lawful objectives in conformance to the provisions of the Pennsylvania Crimes Code, other Pennsylvania statutory provisions, and applicable

Pennsylvania and Federal Court decisions in accordance with the department's Use of Force Continuum that establishes use of force options and their appropriate application.

B. Use of Force Continuum Established

1. Verbal Control - Use of Force Level 1

- a. During citizen contacts, each officer must endeavor to make every reasonable attempt to ensure his/her conduct inspires respect and generates cooperation and a feeling of good will between the citizen(s) and the department.
- b. The manner and form in which an officer speaks to an individual can be an effective means of exerting control over the situation. Verbal control may be in the form of advice, persuasion, admonitions, or orders. The volume and tone of the officer's comments may also be an effective tool to assume control over a situation without having to progress to any higher level of force.
- c. The use of profanity or disrespectful or argumentative conduct on the part of the officer is never acceptable.

2. Escort - Use of Force Level 2

- a. The majority of arrests handled by officers of this department are made peacefully; the arrestee is handcuffed, searched, and transported without incident. However, in some of these situations, although there is no real resistance, the subject may offer some reluctance in complying. Under these circumstances, some form of physical maneuvering may be required in order to escort the individual from one location to another. This level of force, by definition, would preclude the suspect from experiencing any pain or sustaining any injuries.

3. Chemical Agents/Electronic Devices - Use of Force Level 3

- a. Chemical agents, i.e., oleoresin capsicum (O.C.), electronic devices, i.e. 'TASER', may be utilized by police personnel as an appropriate and effective use of force in certain circumstances. The use of oleoresin capsicum or TASER shall be restricted to the following situations:
 - (1.) When necessary for the officer to defend himself/herself or others against threats of, or imminent assault by, or physically offensive or combative actions by, any individual or animal.
 - (2.) To effect a lawful arrest when confronted with a non-compliant, non-submissive individual.
 - (3.) To prevent the commission of a criminal offense.
 - (4.) When lower levels of force have been exhausted or, by the nature of the confrontational circumstances, would be deemed ineffective.
- b. Chemical agents and electronic devices will be used only to the extent necessary to overcome the resistance of the suspect and within the authorized scope of the current departmental training standards.

4. Control and Compliance - Use of Force Level 4

- a. On occasion, police officers are faced with an uncooperative individual or one who refuses to be placed in custody and other alternatives would be inappropriate or have been ineffective. Incidents of this nature require officers to use some combination of strength, leverage, takedowns, holds, and come-alongs with sufficient force to make

the lawful arrest without unnecessarily aggravating the situation. The object of this level of force is to gain control and compliance while minimizing the risk of injury to the officer, the person being placed in custody, or innocent bystanders.

- b. The use of carotid restraint or other "choke holds" or neck restraints are specifically and strictly prohibited for use by police personnel.

(1.) EXCEPTION:

- (a.) If an officer, or another person, is in fear of death or serious bodily injury, and there is no other alternative available based on the presenting circumstances, carotid restraints or other chokeholds are permissible for defense of the officer or another's life.

5. Unarmed Striking Techniques - Use of Force Level 5

- a. This level of unarmed force involves the use of the officer's fists, hands, elbows, knees, feet, etc. in striking the adversary. These striking techniques may be used by officers to defend themselves against unlawful assaults where higher levels of force are not necessary and lower levels of force would be inappropriate or have been ineffective.

6. K-9 Use of Force Level 6 (If Applicable)

- a. Police K-9 working dogs are a recognized and valuable asset to law enforcement agencies. The use of a police K-9 by its handler in the performance of his/her duties may, depending upon the circumstances, be considered as an instrument of force. When police K-9's are utilized to neutralize assaults, to overcome the resistance of arrestees, to capture fleeing suspects, or in the defense of a police officer or another person, the use must be a situation where higher levels of force are not necessary and lower levels of force would be inappropriate or have been ineffective.
- b. Only police department certified working dogs and their handlers, operating within the policy directives and general orders of the police department, may be utilized, unless the K-9 and handler are with another area law enforcement agency and are assisting police department personnel in a bona fide mutual aid situation.

7. Striking Implement - Use of Force Level 7

- a. The use of striking implements shall be restricted to quelling physical confrontations where higher levels of force are not necessary and lower levels of force would be inappropriate or have been ineffective.

8. Deadly or Potentially Deadly Force - Use of Force Level 8

- a. An officer will utilize deadly force on another only when legally justified, when the need to do so is strong and compelling, only as a last resort, and when lower levels of force have been ineffective or would be inappropriate given the threat level confronting the officer. When a firearm or other form of deadly force is used, it must be with the realization that the death of another human may occur.
- b. Section 1.3.2, relating to the use of deadly force, shall be the controlling policy of the police department as it relates to the use of deadly force.

C. Policy Disclaimers

- 1. This section, as well as this general order, are explanatory in nature and are intended as a guide for department personnel in accomplishing their mandated lawful objectives. It

shall not be considered or construed to create a higher legal standard than that provided by law.

2. Although the use of force continuum generally ascribes to the process whereby an officer can escalate the application of force under various presenting situations, nothing in this policy shall imply that any given level cannot be skipped in the escalation, given those presenting circumstances, or that any escalation cannot be reduced given other presenting circumstances.

1.3.2 Use of Deadly Force

A. A "peace officer" (law enforcement officer) as defined in Chapter 5 of the Pennsylvania Crimes Code, Title 18 C.S.A. Section 501, shall only use deadly force when necessary and justified to affect lawful objectives in conformance to the Pennsylvania Crimes Code, other Pennsylvania statutory provisions, and Pennsylvania and Federal Court decisions. Title 18, Chapter 5, Section 508, Subsection (a.), relating to "The Use of Force in Law Enforcement", provides for the lawful and justified use of deadly force by a police officer only when he/she believes that:

1. The action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury, or when he/she reasonably believes both that:
 - a. Such force is necessary to prevent the arrest from being defeated by resistance or escape; and
 - b. The person to be arrested has committed or attempted a forcible felony or is attempting to escape and possesses a deadly weapon, or otherwise indicates that he/she will endanger human life or inflict serious bodily injury unless arrested without delay.
2. Shoot to Stop the Threat
 - a. Officers will fire their weapons to stop and incapacitate an assailant from completing a potentially deadly act as described in this general order.
 - b. For maximum stopping effectiveness and minimal danger to innocent bystanders, officers should shoot at "center body mass", or the largest body mass exposed.

B. Definitions

1. Reasonable belief - the facts or circumstances the officer knows, or should know, that are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
2. Serious bodily injury - bodily injury which creates a substantial risk of death or which causes permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
3. Forcible Felony - the crimes of murder, voluntary manslaughter, rape, robbery, kidnapping, involuntary deviate sexual intercourse, arson endangering persons, aggravated assault causing serious bodily injury.
4. Less lethal force – any force, action or weapon that produces a result that is necessary to control the actions of another and does not involve the use of deadly force.

C. Use of Deadly Force to Destroy an Animal

1. A police officer is justified in using deadly force to destroy an animal or rodent that represents an imminent threat to the safety and welfare of the community; or where it is determined that the animal is so severely injured that its destruction is considered to be a humanitarian measure.
 - a. Use of deadly force (firearm) in the destruction of an animal or rodent will ONLY be utilized upon the authorization of the shift supervisor, unless the urgency for immediate destruction precludes such higher authorization.

1.3.3 Prohibited Use of Weapons

- A. Department police officers are prohibited from discharging firearms under the following circumstances:
 1. When it appears that an innocent bystander or other officers are likely to be injured by the officer's firearm discharge.
 2. For the purpose of discharging any firearm into the air or ground; i.e., "*warning shots*", in an attempt to cause a fleeing suspect to stop or surrender.
 - a. EXCEPTION:
 - (1.) Shots fired for the purpose of summoning aid, when more conventional communication is not effective and the safety of others is considered, is authorized.
 3. Firing a weapon at or from a moving vehicle, since it is rarely effective and is extremely hazardous to innocent persons.
 - a. EXCEPTIONS:
 - (1.) If the occupants of another vehicle are using deadly force against the officer or another person, either with or from a vehicle.
 - (2.) If no other alternative is available based on the presenting circumstances.

1.3.4 Use of Authorized Less Lethal Weapons

- A. Oleoresin Capsicum
 1. Authorized Uses of Oleoresin Capsicum
 - a. Individuals
 - (1.) In effecting an arrest in accordance with the established use of force continuum.
 - b. Crowds
 - (1.) To disperse unlawful groups/crowds or others gathering who are unruly or persons gathering without authority or permission, after being ordered to cease, desist, and/or depart the area.
 - (2.) Pre-authorization required - Prior to introducing oleoresin capsicum in disorderly group/crowd situations, the officer(s) shall withdraw to a point of safety from where sufficient information can be obtained to properly evaluate the effectiveness of chemical agents in dispersing the assemblage.

(a.) The shift supervisor shall be requested to respond to all such situations where oleoresin capsicum may be utilized to control group/crowd behavior prior to its introduction.

(b.) The shift supervisor, or other commanding officer on the scene responsible for police operations, shall authorize the utilization of oleoresin capsicum only after a thorough review of the potential effectiveness of chemical agents in neutralizing or resolving the disorderly behavior of the group/crowd or other means available.

(c.) EXCEPTION:

(i.) When it is not reasonable to withdraw as previously indicated, or the safety of police officers or civilians is jeopardized and subjected to actual or potential bodily injury, the immediate introduction of oleoresin capsicum is pre-authorized under the authority of this order; consistent with guidelines established by this order.

c. Animals

(1.) To deter and protect officers or others from animals that presents a threat of bodily injury.

d. Building searches

(1.) To aid in the search of buildings that may contain subjects who have secreted themselves in locations difficult or dangerous to search by routine search procedures and who have done, or are suspected of, criminal activity.

2. Tactical Deployment of Oleoresin Capsicum

a. Oleoresin capsicum spray

(1.) When deploying oleoresin capsicum at an individual or animal, it should be directed from the canister into the facial area such as eyes, nose, and mouth, of the subject intended to be neutralized.

(2.) When oleoresin capsicum is deployed in an outside environment, whenever reasonable, given the context of the presenting situation, officers should be cognizant of the wind direction and avoid spraying UP-WIND where the potential exists for residual contamination of police officers involved in the neutralization action.

(3.) Canisters of oleoresin capsicum that have been depressurized by any application shall be given to the shift supervisor who will secure the canister and arrange for the issuance of a new canister to the officer(s). The officer(s) shall mark all depressurized canisters with verification by a supervisor at the time the depressurized canister is secured for exchange.

3. Training Required

a. No police officer, or civilian employee, shall be equipped with, or be authorized to use, either oleoresin capsicum equipment until they have successfully completed a training program taught by an instructor certified by a training institute or the chemical agent's manufacturer.

b. The course of instruction shall include, at a minimum, the following topic areas:

(1.) Any requirements recommended or required by the manufacturer or the instructor's certification program.

(2.) Records

(a.) The training instructor(s) shall complete documentation for all police officers successfully completing the course of instruction.

B. Batons

1. Officers may be issued and trained in the use of batons authorized by the department.

2. Authorized use

a. Batons shall be used in a manner consistent with the use of force continuum, as outlined in this general order, and in accordance with training standards and/or programs instituted by this department.

3. Training required

a. No police officer shall be equipped with, or be authorized to use batons until they have successfully completed a training program taught by an instructor certified by a training institute or the baton's manufacturer.

b. The course of instruction shall include, at a minimum, the following topic areas:

(1.) Any requirements recommended or required by the manufacturer or the instructor's certification program.

(2.) Records

(a.) The training instructor(s) shall complete documentation for all police officers successfully completing the course of instruction.

C. Other Authorized Less-Lethal Weapons

1. Any other less-lethal weapon authorized by the department shall be detailed in a departmental Special Order which shall provide for:

a. The type of less-lethal weapon and its intended use.

b. The circumstances when police officers would be justified and authorized to use the less-lethal weapon.

c. The training required prior to the issuance and use of the less-lethal weapon.

2. Special Order 1.3.4 provides for the POLICY concerning ECD 'Taser' Devices.

1.3.5 Medical Attention Required Following Use of Force as Appropriate

A. General Rule

1. After the use of force by agency personnel, officers shall arrange for appropriate emergency medical service (EMS) to examine, treat, and/or transport a subject to a medical facility when:

a. An injury is known

- b. An injury is suspected
- c. An injury is alleged

B. Medical Treatment of Oleoresin Capsicum Contaminated Persons.

1. As soon as possible, person(s) contaminated by a release of oleoresin capsicum shall be exposed to fresh air and have their contaminated areas flushed with cold water.
2. Contact lenses of contaminated person(s) should be removed and thoroughly washed prior to reuse.
3. Evaluation by medical personnel (EMS) shall be initiated WITHOUT DELAY in any of the following circumstances:
 - a. Any person who has been exposed to oleoresin capsicum who complains of itching, hives, difficulty swallowing, facial swelling (particularly around the eyes, lips, or nose) or who states that they have a known allergy to any variety of pepper.
 - b. Any person who admits to being under the influence of cocaine, amphetamines, barbiturates, PCP, opiates, heroin, or high levels of alcohol.
 - c. Any person who admits a history of heart problems, lung problems, diabetes, high blood pressure, or other potentially serious medical condition.

C. Medical Release Required

1. When the arrestee is examined, treated, and subsequently released from medical care, a written medical release shall be obtained from the attending physician.
2. Refusals
 - a. When emergency medical services (EMS) are summoned to evaluate and/or treat an arrestee and the individual refuses medical attention, the officer shall obtain a copy of the release and note the medical attention, or declination of medical attention, in his/her report of the incident, along with the name(s) of the attending EMS personnel and/or the attending physician.

1.3.6. Written Reports and Investigations Required

A. "Use of Force Report"

1. Officers of the police department shall complete a departmental "Use of Force Report" (Attachment A) whenever they:
 - a. Discharge a firearm, other than for routine training, recreational purposes, or animal disposal.
 - (1.) Animal disposal
 - a.) A departmental incident report rather than a Use of Force Report shall document firearm discharges for the destruction of an animal.
 - b. Takes any action that results in, or is alleged to have resulted in, any injury to or the death of another person.
 - c. Uses physical force, or is alleged to have used physical force, to another person.

- d. Applies force through the use of lethal or less lethal weapons.
 - e. Applies Level 3 force, relating to the discharge of oleoresin capsicum, or TASER, or force in excess of that defined by Level 4 within this general order.
 2. The "Details" section of the report will include a narrative description of the incident describing the actions of both the suspect and the officer(s).
 3. Each officer employing Level 3 force, or force greater than Level 4, will complete and sign a separate "Use of Force Report" form for their involvement in the incident.
 4. A "Use of Force Report" shall be completed prior to the officer(s) concluding their shift during which the use of force occurred. The completed report(s) shall be provided through the chain of command to the Chief of Police.
 - a. If the officer involved is injured or unable to make the report, the officer's supervisor, if applicable, shall submit a written report prior to the end of the shift in which the incident occurred detailing the circumstances under which the officer is unable to submit the report.
 5. When an incident requires the "Use of Force Report" form, the shift supervisor, if not present, shall be notified to respond to the scene of the incident.
- B. Investigation Requirements for Non-Training Firearms Discharges and Officer-Involved Firearms Incidents.
 1. As soon as practical following a non-training or officer-involved firearms incident, regardless of the location or on-duty/off-duty status, the officer shall notify, or cause to be notified, the Chief of Police or his designee of the occurrence.
 - a. A complete investigation will be conducted into any accidental discharge of a firearm, or any time an officer deliberately discharges a firearm in the line of duty, except when firing to destroy a wounded or suspected rabid animal or on the police firing range, unless an injury results from such discharges. This includes both on duty and off-duty incidents, regardless of where they occurred.
- C. All "Use of Force" reports submitted in accordance with Section 1.3.6 of this general order shall be reviewed by the Chief of Police or his designee for consideration of compliance with this general order and the review shall be documented.
- D. Determination of Compliance.
 1. Reports found to indicate actions compliant with this general order shall be filed and maintained by the Chief of Police or his designee.
- E. Determination of Non-Compliance.
 1. Reports found to indicate non-compliance with this general order may be directed for follow-up consideration in accordance with one or more of the following actions depending upon the circumstances of the non-compliance:
 - a. Remedial training as outlined in Section 1.3.11 (C) of this general order.
 - a. Professional Conduct investigation as determined by the Chief of Police.
 - b. Disciplinary action.

- F. The "Use of Force Report" is strictly an internal management document. As such, copies of the report SHALL NOT be attached to the regular departmental incident or supplemental report and SHALL NOT be released in whole or in part to any person, organization, or entity outside of the police department without specific permission of the Chief of Police.

1.3.7 Removal of Personnel from Line-Duty-Assignment Pending Administrative Review.

- A. When death or serious bodily injury to another person has resulted from an employee's actions or use of force in an official capacity, that employee will, as soon as practical, be released from line-duty assignment by the Chief of Police pending investigation and any possible administrative adjudication of the incident by the department in accordance with the provisions of Section 1.3.6 of this general order.
- B. During the period of time an administrative review or investigation into the incident is being conducted, the Chief of Police may, at his option, reassign the employee involved to office related or other duties. Such relief and reassignment shall not be considered a suspension or disciplinary action taken against the employee, but rather an administrative course of action relieving the employee from further performance of line duties while undergoing the extreme emotional stress of having been involved in a death or serious injury action while permitting the department time to conduct an objective investigation into the matter.
- C. Mandatory Counseling Requirement
 - 1. It shall be the policy of the Nanticoke City Police Department that when an officer discharges a firearm for his/her own defense, to defend a fellow officer or citizen, etc., while on-duty or off-duty, a psychological evaluation of the officer be conducted by a licensed psychologist of the department's choosing, within thirty (30) days, at the department's expense.
 - 2. Any follow-up treatment which the examiner deems necessary shall be provided at department expense.
 - 3. The officer shall not be returned to full official duties until the examination and/or treatment is completed and a certification of fitness is provided to the Chief of Police.
 - 4. This action is not punitive and is separate and apart from departmental disciplinary procedures.
- D. The Chief of Police will determine the period of time spent on administrative leave or office assignment.

1.3.8 Weapons and Ammunition Approved by the Chief of Police

- A. Types and specifications of lethal and less lethal weapons and ammunition approved for issue, carry, and use by sworn members of department in the performance of official law enforcement duties, on-duty as well as off-duty, shall be authorized by the Chief of Police.
 - 1. The Chief of Police shall issue a Special Order indicating authorized duty weapons and ammunition approved for use by officers of the department.
 - a. Personal back-up firearms for use on-duty or off-duty shall be reviewed by a departmental firearms instructor prior to approval by the Chief of Police.
 - (1.) Officers intending to carry a personal back-up firearm on-duty or off-duty, under law enforcement authority, shall submit a memorandum to the Chief of Police.
 - (2.) The department firearms instructor shall inspect the firearm, observe the safe handling ability of the firearm by the officer, and verify that the officer has

successfully completed an approved course of fire under the direction and supervision of a department firearms instructor.

- B. Procedure for review, inspection, and prior approval of all weapons intended for both on-duty and off-duty use by employees in the performance of law enforcement functions.
1. Departmentally approved weapons shall be reviewed and inspected prior to any employee carrying that weapon and on an annual basis by a certified firearm instructor or a qualified less lethal instructor for that weapon.
 2. Inspection of all firearms shall be completed on an annual basis.
 - a. The department will maintain an armorer, or access to an armorer, for annual inspections.
 - b. Repairs will generally be made by the armorer.
 - c. Problems that are identified but cannot be remedied by the department armorer will be sent to a factory authorized repair facility for attention and repair or replacement.
 - (1.) Officers who have surrendered their firearms for repair will have another firearm issued to them. Ammunition will be provided for practice and qualification with the new firearm.
 - d. Inspections of personally owned weapons offered and used for duty and off-duty shall also be conducted annually. The department armorer cannot possibly attend training for all manufactured firearms, therefore on a safety, "function check", and general cleanliness inspection will be made of each firearm other than those listed in "a." above.
 - (1.) Any identified problem with an offered firearm will be addressed prior to authorizing the weapon for carry.
 - (2.) All repairs for a firearm personally owned and not of a manufacturer authorizing repairs to the department armorer will be made by a qualified gunsmith of the officer/owners expense.
 - (3.) Proof of repair and re-inspection will be made prior to authorizing carry of the firearm.
 - (4.) A replacement firearm will not be issued for personally owned firearms taken out of service for repairs.
- C. Process to remove unsafe weapons from service
1. The firearms armorer shall remove any firearms deemed to be unsafe, faulty or unserviceable at any time such information becomes known, i.e. annual inspection, report by officer, damage from traffic crash etc.
 2. Officers finding a firearm or other weapon to be unsafe or not working correctly shall make immediate notification to a firearms instructor or less lethal instructor. The weapon shall be removed from service, and if a firearm, unloaded if it can be accomplished safely, and placed in the secure firearms room in a locked rack.
 3. Officers will be reissued a replacement weapon and ammunition and will be required to qualify on the new weapon prior to using it for duty.
- D. Procedure for maintaining a record on each weapon approved by the agency for official use.

1. A record of each weapon will be maintained with the firearms instructor of this department or, for less lethal weapons, by the less lethal weapons instructors.
 - a. A copy of these records will be provided to the Chief of Police or his designee annually with copies of the annual qualification records.
 2. Each firearm serial number will be checked for accuracy at every organized department firearms training and/or qualification.
- E. Guidelines for the safe and proper storage of agency authorized weapons.
1. All department weapons not in service, or not issued, will be safely stored in a secure location.
 2. All weapons issued to officers will be maintained in a safe condition for storage.
 - a. Off duty firearms should be kept in a locked locker if maintained within the police department.
 - b. Weapons are taken with the officer to his/her residence the weapons should be stored in a secure location within the residence.
 - c. Gunlocks will be provided to officers as needed.
 3. Weapons stored in police vehicles will be maintained in a ready mode for transport. The gun may have a loaded magazine without a cartridge in the chamber.
 4. Weapons will be removed from police vehicles needing service. The weapons will be stored in an unloaded condition in the firearms room in provided secure racks. Unloading, if needed, will be completed in a safe manner within firearms room.
 5. Service pistols or rifles left for repair or inspection by the armorer or firearms instructor will be stored in an unloaded condition. Unloading, if needed, will be completed in a safe manner.
- F. Weapons of Last Resort
1. The department recognizes that in some extreme circumstances, where the safety or survival of the officer is in jeopardy, the situation may dictate utilizing other implements as weapons. These weapons might include the officer's flashlight, metal clipboard, knife, or even a motor vehicle, etc. However, such implements used as weapons should be viewed as weapons of last resort.
 2. Use of such weapons will be closely examined, as well as, the degree of exigency present in the situation, the totality of the circumstances, and the existence or absence of other acceptable alternatives.

1.3.9 Demonstrated Proficiency Required to Carry Approved Weapons

- A. Only department personnel who have demonstrated satisfactory skill and proficiency of agency-authorized weapon(s) shall be granted approval to carry such weapon(s).
- B. Demonstrated proficiency includes:
 1. Achieving a qualifying score on a prescribed course for firearms.

2. Attaining and demonstrating knowledge of the laws concerning the use of authorized weapons and knowledge of agency policy(s) on the use of force, escalating force, and deadly force.
3. Being familiar with recognized safe-handling procedures for the use of all authorized weapons.

1.3.10 Use of Force In-Service and Weapons Proficiency Training

- A. All agency personnel authorized to carry weapons shall receive training, at least annually, on the agency's use-of force and deadly force policies and demonstrate satisfactory skill, proficiency, and qualification with all approved lethal weapons that the employee is authorized to use.
- B. In-service training for personnel authorized to carry less-lethal weapons shall occur at least once every two years.
- C. An instructor certified as a firearms instructor or in the less-lethal weapons system shall evaluate skills and qualification training for lethal as well as less-lethal weapons.
- D. All training and qualifications shall be documented.
- E. Remedial training
 1. Officers unable to demonstrate proficiency with any approved weapon they have been authorized to use shall not be permitted to resume official duties with that weapon until proficiency has been satisfactorily demonstrated to a certified instructor for that weapon unless:
 - a. They have previously been trained and have shown proficiency with that weapon and they are within the following calendar year where annual proficiency demonstration is required, and;
 - b. Remedial training has been instituted consistent with the provisions of this and other applicable general orders.

III. Effective: Jan 1, 2021

By Order of:

**Michael L. Roke,
Chief of Police**

EXHIBIT “B”

Taser (Electronic Control Device) ECD-Policy



NANTICOKE CITY POLICE DEPARTMENT
Nanticoke City, Pennsylvania

SPECIAL ORDER 1.3.1

Subject		
TASER (Electronic Control Device) ECD-Policy		
Date of Issue	Effective Date	Expiration Date
January 1, 2021	January 1, 2021	Until Amended or Rescinded
Amends		
		Rescinds
		All relevant prior to January 1, 2021
Index Words		
Taser, ECD		
Distribution		
<ol style="list-style-type: none"> 1. Special Order Manuals 2. Reading Verification to All Personnel 		

This order consists of the following sections:

1.3.4 TASER (Electronic Control Device) ECD-Policy

- A.....Application of Policy
- B.....Definitions
- C.....Policy Training
- D.....Procedure - Authorization
- E.....Procedure – How to Carry / Weapon Readiness
- F.....Procedure – Storing Taser when not in use
- G.....Procedure - Conditions that may preclude Taser use
- H.....Procedure – Criteria for the use of the Taser
- I.....Application – Use of the Taser
- JTaser – post use requirements
- K.....Shift Supervisor Responsibilities
- LReporting Requirements
- M.....Officer assigned to oversee Taser training
- NTaser Training

I. Purpose

This special order details guidelines on the use of the Taser X-26P, or other approved model, electronic control devices. These devices are less lethal weapons available to officers of this Department who have been trained and certified on its use.

II. Policy

The Nanticoke City Police Department recognizes and respects the value of human life and the importance of interdiction with a minimal use of force. However, Officers in the performance of their duties occasionally face situations where the use of force is necessary and lawful to affect an arrest, overcome resistance, control a suspect, or to protect themselves or others. Reasonable force may be used in these situations and the level of force must be based on the actions and behavior of the suspect. Therefore, it is departmental policy to deploy the TASER device in a manner, which maximizes the safety of all individuals involved in an incident. It is the policy of this department that all personnel comply with the procedures contained in this Special Order.

A. Application.

This policy constitutes departmental policy and is not intended to enlarge the employee's or the department's civil liability in any way. It should not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employee's legal duty is imposed by law. Violations of this directive, if substantiated, can only form the basis for interdepartmental administrative sanctions.

B. Definitions

TASER Device (Electronic Control Device) – An electro-muscular disruption (EMD) weapon that utilizes compressed nitrogen to shoot two small probes up to 15-35 feet. These probes are connected to the weapon by high voltage wire. When the probes make contact with the subject, they transmit an electrical pulse along the wires and into the body through up to two inches of clothing.

The probes do not have to penetrate the flesh or cause bodily harm to be effective. The TASER may also be discharged as a contact device. Probes capable of being fired 21 and 25 feet are the only cartridges authorized for duty purposes.

Elector-Muscular Disruption (EMD) – Electrical signal, which overrides the central nervous system and directly controls the skeletal muscles. The EMD effect causes an uncontrollable contraction of the muscle tissue, debilitating the subject regardless of pain tolerance or mental focus. The output does not damage an implanted pacemaker or will not cause loss of bladder or bowel control.

AFID Cartridge Tracking – Every time an air cartridge is fired, up to 40 small confetti-like microdot ID tags called AFIDs are ejected. Each AFID is printed with the serial number of the cartridge fired, identifying the officer who fired the cartridge.

Drive Stun – A secondary function of the TASER device is to stun a subject by making direct contact with the body when the air cartridge has been expended or removed.

Air Cartridge – Replaceable cartridge for the TASER device, which uses compressed nitrogen to fire two barbed probes with thin connecting wires, sending high voltage/low current signal into a subject.

C. Policy Training

- A. The officer assigned to oversee TASER training shall:
 - 1. Assure that ALL personnel receive a copy of this policy.

2. Assure that ALL police personnel receive initial training in this policy.
 3. Submit a report to the Chief of Police upon completion of training in this policy.
 4. Maintain records of officer's training in this policy.
- B. Training in this policy may be completed by:
1. Requiring a supervisor or certified TASER instructor to review the policy with officers, or by
 2. Testing officers after their individual review of the policy.

D. Procedure – Authorization

- A. The TASER X26P and TASER X2 (Law Enforcement) Models are authorized for use by the City of Nanticoke Police Department, unless otherwise approved.
- B. Only sworn officers, who have satisfactorily completed an approved six (6) hour training course, and/or manufacturer's instructor certification course, may be authorized to carry the Electronic Control Device.
- C. All Officers shall be trained in the use of the TASER.

E. Procedures – How to Carry/Weapon Readiness

- A. The TASER shall be carried by authorized sworn members in an approved holster.
- B. At the beginning of each shift, officers shall take the TASER they will be carrying on-duty from the approved TASER storage area. The TASER shall be returned to the storage area at the end of the officers shift.
- C. The TASER is carried fully armed with the safety on in preparation for use when authorized by this department's Use of Force and TASER policies.
- D. When worn, the TASER shall be carried on the side opposite of the officer's duty weapon.
- E. Extra cartridges should not be carried in pockets due to the risk that static electricity could cause an unintentional discharge of the cartridge.
- F. The TASER's energy level shall be checked and a spark test done prior to an officer taking a TASER out on patrol. Any TASER with less than a twenty percent (20%) energy level should not be used for duty until the battery is replaced or recharged. The procedures for checking the energy level and conducting the spark test are:
 1. Make sure the safety is on.
 2. Ensure no cartridges are attached.
 3. Point the TASER in a safe location.
 4. Take the safety off and observe the rear energy display level.
 5. Do a spark test.
 6. Turn the safety on.
 7. Examine the cartridge for any damage. If none is found, load and holster the TASER.
- G. When the energy level of a TASER battery is at 30%, notify the officer assigned to oversee TASER training for battery replacement purposes.
- H. Only battery sources recommended by the manufacturer shall be used in the TASER.

- I. The battery pack is not to be removed from the TASER unless the officer assigned to oversee TASER training grants permission. If the TASER has been submerged in water, notify the officer assigned to oversee TASER training, prior to removing the battery to dry the TASER, if possible.
- J. Any TASER not functioning properly shall be tagged and turned into the Officer assigned to oversee TASER training.
- K. Handle the TASER as if you would a loaded weapon.

F. Procedures – Storing TASER when not in use.

- A. Officers will regard the TASER as a firearm and secure them in the same manner as a firearm at all times.
- B. When stored in the department, the TASER shall be stored with the safety on and all air cartridges removed. The procedure for storing a TASER in the department is as follows:
 - 1. Make sure that the safety is on and no fingers are on the trigger.
 - 2. Point the TASER in a safe direction.
 - 3. Remove the air cartridge from the TASER.
 - 4. Place the TASER in the secure cabinet in the Patrol Office.
 - 5. TASERS shall not be stored on safe with the cartridge attached.
 - 6. Non-issued cartridges will be stored in the Armory.

G. Procedures – Conditions that may preclude TASER use.

- A. Where an obvious or known medical condition would increase the potential of injury to the suspect.
- B. TASER devices can ignite gasoline, other flammables or explosive vapors (i.e. gases found in sewer lines). The TASER shall not be used near flammable liquids or fumes, blasting caps or explosives, or in highly flammable environments, such as clandestine labs.
- C. Some chemical aerosols (Pepper Spray) contain an alcohol propellant. Avoid carrying an alcohol based pepper spray. **Caution should be used when using the TASER on an individual who was pepper sprayed by an officer outside this department.**
- D. The TASER shall not be used on obviously pregnant females unless deadly force is the only other option.
- E. The TASER is not intended for use on any subject where severe injury would result in a fall from significant heights or into a hazardous environment unless deadly force is the only other option.
- F. When used in or near any body of water the ability to rescue the subject should be taken into consideration.
- G. The TASER shall not be deployed from, or at a moving vehicle or when a subject is operating a motor vehicle unless it can be justified in the defense of one's life or that of another.
- H. At no time shall the TASER be used for the purpose of punishment or as an interrogative device.
- I. No officer shall playfully, maliciously or intentionally misuse the TASER.

- J. The TASER is not intended to be used on individuals who are handcuffed except when faced with continued violent resistance with a risk of injury to the actor or officer(s).
- K. The TASER is not a substitute for deadly force. The TASER shall not be used in a situation where deadly force is clearly justifiable unless another officer is present and capable of providing deadly force to protect the officer.
- L. The TASER may not be the appropriate use of force option when going up against a subject armed with a TASER. Officers that are incapacitated by a TASER are susceptible to Deadly Force as their firearm may be taken and used against them by the subject.
- M. Unless there are compelling reasons that can be clearly articulated involving the threat of great bodily harm or death, the TASER shall not be used when the subject is at the extreme of age, young or old, or where the officer has knowledge at the time of the incident that the subject is mentally or physically disabled.

H. *Procedures – Criteria for the use of the TASER.*

- A. The decision to use the TASER is based on the same criteria an officer uses when selecting to deploy any less-lethal force option such as OC Pepper Spray (Level 3). The decision must be made dependant on the actions of the actors or threat (human or animal) facing the officer(s), and the totality of the circumstances surrounding the incident.
- B. The TASER may be used only when necessary to overcome actual or threatened physical resistance encountered in the discharge of any official duty where it is reasonably believed that the use of a less obtrusive method would either allow the individual to escape, or would expose the officer or others to physical injury. The act of simply fleeing from an officer does not in itself justify the use of the TASER without the above conditions present.
- C. The TASER is to be considered as being at the same level as OC Pepper Spray (Level 3) on the Use of Force Continuum.
- D. The TASER may be used to protect a subject when that person is either attempting to injure himself or commit suicide.
- E. The TASER may be used for the purpose of controlling dangerous or aggressive animals.
- F. The TASER shall not be purposely fired at the head, throat or genital area. The laser shall not be intentionally aimed at any person's eyes.
- G. The TASER Whenever possible, steps should be taken to obtain back-up personnel prior to the use of the TASER. Back-up personnel should be deployed in such a manner as to enable them to take the suspect into custody using restraint procedures during the five-second TASER deployment window. This will minimize the need for repeated, prolonged and/or continuous TASER exposures.
- H. Whenever a TASER is to be deployed, it is the responsibility of the deploying officer to make sure other officers on the scene understands that the TASER is being deployed and not deadly force by announcing "TASER" several times before the deployment.

I. *Application – Use of the TASER.*

- A. There are four ways in which the TASER may be used:

1. Weapon Display – TASER is removed from holster and pointed in the direction of the subject. The Laser is activated. The purpose is this display is to convince the subject to comply with a lawful order and avoid the TASER being deployed in the “Drive Stun” or “Probe” mode.
 2. Spark Display – A non-contact demonstration of the TASER’s ability to discharge electricity. This is conducted only when the cartridge has been removed from the weapon. The purpose of this display is to convince the subject to comply with a lawful order and avoid the TASER being deployed in the “Drive Stun” or “Probe” mode.
 3. Drive Stun – Contact is made by pressing the front of the TASER (cartridge removed or after cartridge has been fired) into the body of a subject resisting lawful orders, and activating the TASER. The drive stun causes significant localized pain to the area touched by the TASER but does not have a significant effect on the central nervous system. The drive stun does not incapacitate a subject but may assist in taking a subject into custody. If a TASER is fired using the cartridge at a distance of less than three feet, the effect will be very similar to a drive stun.
 4. Probe – The TASER is most effective when the cartridge is fired and the probes/darts make direct contact with the subject. Proper application will result in temporary immobilization of the subject and provide the officer a “window of opportunity” in which to take the subject safely into custody. Optimum range for probe deployment is 7 – 15 feet with a 21- 25 foot maximum distance. Deployment of the TASER cartridge at distances of less than three feet will not normally result in temporary immobilization or central nervous systems disruption.
- B. The TASER shall be pointed in a safe direction with the safety on during loading, unloading, or when handled in other than operational deployment.
 - C. In preparation of firing, the TASER shall be pointed in a safe direction, taken off safety, and then aimed. Center mass of the subject’s back is the primary aiming point. Center mass to lower- center mass of the chest is a secondary aiming point. Back shots are the preferred aiming point when practical.
 - D. The TASER is equipped with fixed sights and a laser dot. The laser dot shall be used as the primary aiming device.
 - E. The TASER may be used in exigent circumstances in a “drive stun” mode. The cartridge is removed and the unit is pressed firmly into an appropriate area such as the abdominal region, hips, thigh, and the pelvic girdle. The drive stun mode shall not be used with a live, non-discharged cartridge in place.
 - F. No officer shall simultaneously draw and hold a TASER and any firearm. This is to prevent a sympathetic reaction discharge.
 - G. Whenever practical, use verbal commands and point the laser at the subject, but not at their eyes, prior to firing in an attempt to gain voluntary compliance.
 - H. Whenever possible a warning shall be given to the offender prior to deployment of the TASER unless such a warning would increase risk of greater injury to the offender, officers, or others.
 - I. Unless circumstances exist to limit or prevent the consideration of the assignments detailed below, consideration should be given to designating responsibilities as follows:
 1. One Officer to deploy the TASER device.

2. One additional Officer armed with a second TASER device standing by. If a second Officer is not available or it is not practical to have an Officer act in this capacity, the primary Officer deploying the TASER device should be prepared to fire a second cartridge in the event that the initial cartridge misses the target or fails to function properly.

Note: If the TASER is being deployed in a Deadly Force situation, the second or back-up officer shall provide cover with a firearm.

3. Protection Officer(s) prepared to deliver appropriate force option(s).
4. Custody Officer(s) who are given responsibility to handcuff and restrain the suspect after deployment of the TASER device.

Note: Under exigent circumstances, nothing in this Policy prohibits an Officer from deploying and firing a TASER without requesting or having the presence of additional Officers.

- J. In most cases, the TASER shall be deployed in individual five-second discharges. Prolonged, extended, uninterrupted discharges or extensive multiple discharges shall be avoided.
- K. Repeated, prolonged, and/or continuous exposures(s) to the TASER electrical discharge may cause strong muscle contractions that may impair breathing and respiration, particularly when the probes are placed across the chest or diaphragm.
- L. Excited delirium is a potentially fatal condition caused by a complex set of physiological conditions including over-exertion of the subject and the inability for sufficient respiration to maintain normal blood chemistry. These subjects are at significant and potentially fatal risks from further prolonged exertion and/or impaired breathing. Excited delirium has been associated with the abuse of cocaine and methamphetamine drugs.
- M. Following each five-second TASER discharge, the discharging officer shall immediately assess the situation to determine the need for subsequent TASER discharges and/or the use of other techniques or force.
- N. When practical, physical restraint techniques such as handcuffing should be applied during the five-second TASER discharge to minimize the total duration of the struggle and that of the TASER system stimulation.
- O. If circumstances preclude restraint techniques during TASER discharge (i.e., lone officer, lack of effectiveness of TASER discharge, etc.):
 1. The discharging officer should attempt to minimize the uninterrupted duration and total number of TASER applications.
 2. If the subject refuses to comply after multiple TASER applications, the officer should consider whether the additional applications are making sufficient progress towards compliance/restraint or if a transition to a different force option is warranted.
 3. Situations warranting consideration of prolonged, extended, uninterrupted discharges or extensive multiple discharges shall be limited to those where the subject poses an immediate threat of death or great bodily harm to him/herself or others.

While assessing the progress of the situation and the potential need to change tactics, officers should be mindful of the signs/symptoms associated with excited delirium. Signs and Symptoms of Excited Delirium may include but are not limited to the following:

- a. **Unbelievable strength**
- b. **Imperviousness to pain**
- c. **Ability to offer effective resistance against multiple officers over extended period of time**
- d. **Hyperthermia (temperatures can spike to between 105-113 degrees F)**
- e. **Sweating**
- f. **Shedding clothes or nudity**
- g. **Bizarre and violent behavior**
- h. **Aggression**
- i. **Hyperactivity**
- j. **Extreme paranoia**
- k. **Incoherent shouting or nonsensical speech**
- l. **Hallucinations**
- m. **Attraction to glass (smashing glass is common)**
- n. **Confusion or disorientation**
- o. **Grunting or animal-like sounds while struggling with Officers**
- p. **Foaming at the mouth**
- q. **Drizzling**
- r. **Dilated pupils**

J. *TASER Post-Use Requirements.*

- A. Officers may remove the TASER probes from a person subjected to TASER activation under the following guidelines:
 - 1. Officers shall follow the appropriate probe removal techniques as instructed in the TASER qualification-training course.
 - 2. Officers shall administer the appropriate first aid to the site of the probe punctures to the skin.
- B. The removed probes shall be considered a biohazard. Probes shall be stored point down in the spent cartridge, re-secured with plastic cartridge cover and then secured with evidence tape.
- C. Officers should take universal precautions when removing the probes from a subject, as well as in the handling and storage of these probes.
- D. Probes shall not be removed if located in the face, neck, groin, female breast area, spinal column area, or any other area that the officer believes might result in unnecessary pain or injury:
 - 1. Paramedics shall be requested to respond to remove these probes and/or examine the subject.
 - 2. Paramedics shall determine if transportation to a medical facility is necessary.
 - 3. Officers must request the paramedics to respond and examine a subject in the following circumstances:
 - a. The subject is exhibiting any adverse physical reaction to the TASER activation.
 - b. The subject is displaying any possible life threatening affects from the activation.

- c. The subject has received more than five (5) full cycle TASER activations.
- e. Do not transport offender face down who have received any application of the TASER.
- f. Officers shall obtain a hospital release form after treatment by a medical facility of a subject and the release back to police custody.
- g. The puncture wounds and/or drive stun contact area of the offender shall be photographed and photos attached to the TASER use report.
- h. Any officer who deploys a TASER must place the cartridge and the TASER into Temporary Evidence to ensure recovery of the data from the deployment by adhering to the following procedure:
 - 1. Place probes back into the cartridge firing well point first.
 - 2. Re-secure the plastic cartridge cover and secure with evidence tape.
 - 3. Do not wind the wires around the cartridge as valuable evidence may be lost by altering the wire coil.
 - 4. Place in a paper evidence bag.
- i. The TASER probes and wires will remain in evidence for a period of two years after deployment unless they are needed for a longer period to satisfy court purposes.
- j. The small colored and numbered dots/AFIDS dispersed by the deployment of the TASER should be located and collected for evidence/court purposes.

K. *Shift Supervisor Responsibilities.*

- A. Respond to the scene of a TASER deployment.
- B. Assure the offender receives medical treatment if required.
- C. If the subject of a TASER deployment is being transported to a medical facility for probe removal, assure that the offender has been properly restrained and the probe wires cut if not needed for control purposes.
- D. Assure that the offender has had prompt removal of the probes from his person or transported to the hospital if necessary.
- E. Assure that the offender is interviewed for extent of the effects of the TASER deployment, if possible. The puncture wounds and/or drive stun contact area of the offender shall be photographed and photos attached to the TASER use report.
- F. Assure the TASER Use Report is properly completed. Review all TASER Use Reports for compliance with departmental policy and forward the Use Report to the Captain or Lieutenant for administrative review.

L. Reporting Requirements.

- A. Officers who use, point or spark, an Electronic Control Device (TASER) against any person shall document such use on the TASER Use Report (**Attachment-A**), along with a use of force report and include the following information in their arrest report:
 - 1. the reason for deploying the TASER;
 - 2. how the TASER was used;
 - 3. the effect upon the individual(s);
 - 4. any medical treatment provided, and;
 - 5. any injuries sustained by any person involved in the incident.
- B. Officers are to document notification of prison personnel that the subject received an application of the TASER.
- C. Accidental discharges shall be immediately reported to the shift supervisor. A TASER Use Report shall be completed for accidental discharges.
- D. Disciplinary action will be taken against officers for undocumented activations/deployment of the TASER or for using the TASER for other what it is intended.

M. Officer assigned to oversee TASER training responsibilities.

- A. Receive, inspect, and ensure the maintenance and replacement of the Department's TASER devices and related equipment on a monthly basis.
- B. Maintain a system to record issuance of equipment.
- C. Return defective or damaged TASERS and air cartridges to the suppliers.
- D. Obtain service and / or replacement for effective or damaged TASER components from the supplier.
- E. Download data from each TASER on a monthly basis and compare to TASER Use Reports in order to verify that all TASER Use incidents were properly reported.
- F. Download data from any TASER that has been used to obtain compliance during an incident and record the findings on a TASER Use Log.
- G. TASER weapon data records will be reviewed annually to detect and deter misuse of the weapons.
- H. By coordinating with the Police Chief, ensure basic certification and annual re-certification training is scheduled. Maintain a record of the training for each officer certified to carry a TASER.

N. TASER Training.

- A. Officers will be trained by a certified TASER instructor approved by the Nanticoke City Chief of Police.
- B. Only officers demonstrating proficiency in the use of department authorized TASERS will be approved to carry such weapons.

III. Effective: January 1, 2021

By order of:

**Michael L. Roke
Chief of Police**

EXHIBIT “C”

Duty to Intervene



**NANTICOKE CITY POLICE DEPARTMENT
NANTICOKE PENNSYLVANIA**

SPECIAL ORDER 1.3.2

Subject

Duty to Intervene

Date of Issue

Effective Date

Expiration Date

01-01-2021

01-01-2021

Until Rescinded

Distribution

All Police Officers

I. Purpose

The purpose of this order is to provide members with guidelines on when to intervene to stop the use of excessive force and the procedures on how to report such force if witnessed being used by a member of this department or another police department.

II. Policy

It is a legal and moral obligation for members of the Nanticoke Police Department to have a duty to intervene if they observe excessive force. This duty is embodied in the Nanticoke Police Department's values and mission statement, in the Law Enforcement Code of Ethics and in the Pennsylvania Crimes Code.

III. Definition

Intervene: To come between, whether verbally or physically, so as to prevent or alter a result or course of events.

IV. Procedure

A. Any officer present and observing another officer using force that is clearly unreasonable under the circumstances should intervene when they have the opportunity to do so, to prevent the use of excessive force.

1. If aid is required by any individual, the member will request EMS immediately and render aid as to the best of his/her ability.

B. Officers must notify any excessive or unreasonable force observed by members of this department or any other police department to a supervisor as soon as possible.

1. Supervisor Responsibility:

Supervisor shall document the incident and if there are any injuries to document them within the report and photograph the injurie(s) if possible. The supervisor shall contact the Chief of Police without delay.

Effective: 1-01-2021

By order of:

**Michael Roke,
Chief of Police**