



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 1.7

### TITLE: TASER ENERGY WEAPON (TEW)

**EFFECTIVE: 2/25/2024**

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#### PURPOSE

This policy, together with **Chapter 1.3 – Use of Force**, governs the issuance, carrying and use of Taser electrical weapons (TEW).

#### POLICY STATEMENT

1. TEWs are intended to control a violent or potentially violent individual while minimizing the risk of serious injury to the individual, officers or third parties.
2. Officers shall use TEWs only when such force is necessary to protect the officer, the subject, or another party from physical harm, and other less intrusive means would likely be ineffective.
3. Mere flight from an officer is not sufficient cause for the use of a TEW. The use of a TEW on a fleeing subject when a possible risk to the safety of the officer, the subject, or others has not been established by articulable justification other than flight, is unreasonable.
4. TEWs are authorized for use when:
  - (a) A subject who may be lawfully detained or apprehended poses an imminent risk of harm to the officer(s), the subject, or others;
  - (b) Attempts to subdue the subject with less intrusive means have been or will likely be ineffective;

#### OR

- (c) Situations where probable cause exists to arrest or reasonable articulable suspicion to detain a subject for an offense involving infliction or threatened infliction of bodily harm; AND
- (d) Attempts to subdue the subject with less intrusive means have been or will likely be ineffective or increase the likelihood of greater harm to the officer, the subject, or another party.”

5. Officers should refrain from using their TEW against individuals who are being taken into protective civil custody unless those individuals meet the criteria as outlined herein. (paragraph 4 above). Individuals undergoing a crisis must pose an imminent risk to the officers, themselves, or others, less intrusive means would likely be ineffective, and it would be unsafe for officers to approach within contact range. Nothing in the policy prevents officers from taking reasonable steps to protect themselves or others when taking a person into protective civil custody, in accordance with Louisiana Revised Statute Title 28, Section 53(L)(3).
6. Officers who have been issued a TEW shall use the device consistent with this Chapter and **Chapter 1.3 - Use of Force**.
7. Officers shall not carry a personally owned TEW.

## DEFINITIONS

**Active Resistance**—Resistance exhibited by a suspect that is between passive resistance and aggressive resistance (e.g., attempts to leave the scene, flee, hide from detection, or pull away from the officer's grasp). Verbal statements, bracing, or tensing alone do not constitute active resistance.

**Aggressive Resistance**—Is a subject's attempt to attack or an actual attack of an officer. Exhibiting aggressive behavior (e.g., lunging toward the officer, striking the officer with hands, fists, kicks, or any instrument that may be perceived as a weapon such as a knife or stick) are examples of aggressive resistance. Neither passive nor active resistance, including fleeing, pulling away, verbal statements, bracing, or tensing, constitute aggressive resistance.

**Application, Apply, or Applied**—The actual contact and delivery of electrical impulse to the subject via probe discharge. An application requires the deployment of at least two probes into a subject.

**Cartridge**—A replaceable vessel that contains probes and connecting wires.

**Complete the Circuit or Complete the Incapacitation Circuit**—The ability of the TEW electrical pulse to travel between the probes. This can be accomplished when the spread between the probes attached to a target subject is sufficient to incapacitate the subject. The completion of a circuit may be obtained through the deployment of multiple probes in the event the spread between the probes is insufficient, a probe misses, or a probe becomes dislodged.

**Taser Energy Weapon (TEW)**—A weapon designed primarily to discharge electrical impulses to a subject causing involuntary muscle contractions and overriding the subject's voluntary motor responses, specifically Taser 10 or newer models.

**Crime of Violence**—a crime involving the infliction or threatened infliction of serious bodily injury or death.

**Cycle**—The period during which electrical impulses are emitted from the TEW following an application. In most models, a standard cycle is 5 seconds per activation. The duration of a cycle may be shortened by turning the TEW off and may be extended in certain models by continuing to pull the trigger.

**Deploy / Deployment**—Pulling the trigger of the TEW resulting in probe release.

**Display**—Drawing and exhibiting the TEW as part of a warning tactic, typically accompanied by appropriate verbalization.

**Duration**—The aggregate time that the TEW is activated on an individual subject.

**Exigent Circumstances**—A compelling urgency or true emergency that an officer can specifically describe not using vague terms or boilerplate language. Circumstances that cause a reasonable person to believe that prompt action is necessary to prevent injury to themselves or others.

**Laser Painting**—The act of unholstering and pointing a TEW at a subject and activating the TEW's laser to show the weapon is targeted on the subject.

**Less-Lethal Weapon**—Any apprehension or restraint tool that, when used as designed and intended, is less likely to cause death or serious physical injury than a conventional lethal weapon such as a firearm.

**Passive Resistance**—Behavior that is unresponsive to police verbal communication or direction (e.g., ignoring or disregarding police attempts at verbal communication or control; going limp; or failing to physically respond or move) and verbal resistance (e.g., verbally rejecting police verbal communication or direction; telling the officer that he or she will not comply with police direction, to leave alone, or not bother him or her). Bracing, tensing, linking arms, or verbally signaling an intention to avoid or prevent being taken into custody constitutes passive resistance. Passive resistance, including verbal statements, bracing, or tensing alone does not constitute active resistance.

**Positional or Compression Asphyxia**—When a subject's body position interferes with breathing, either when the chest is restricted from expanding properly or when the position of the subject's head obstructs the airway. Death may occur from positional asphyxia.

**Probes**—Projectiles with wires contained in a TEW cartridge. When the TEW is discharged, probes are expelled from the TEW, penetrate the subject's skin, and allow application of the electrical impulse.

**Sensitive Area**—An area of the subject's body that may cause serious injury to the subject if struck by a TEW probe (e.g., head, neck, genitalia).

**Serious Physical Injury**—Physical injury that creates a substantial risk of death; causes death or serious and protracted disfigurement; or causes impairment of the function of any bodily organ or limb.

**Rechargeable Battery Pack (RBP)**—A transmission device that will send a signal to all BWC within a 30-foot range of the transmitter for 30 seconds. BWCs receiving this signal will be activated to "recording mode." The officer must manually stop the BWC according to Chapter guidelines.

**Support Side**—The position on the officer's gun belt opposite the primary duty firearm.

**Warning Alert**—An audible alarm used to alert a subject the TEW is armed. The Warning alert is used to display or threaten use of the TEW to gain compliance and does not involve deployment or application of the TEW. A Warning Alert is not considered a reportable use of force but must be documented in an accompanying report documenting any incident in which it is used.

## GENERAL

8. A TEW is a conducted energy device. Taser products are currently in use by the NOPD. Axon Enterprises, Inc. manufactures the Taser 10 handheld model TEWs that uses an electrically fired primer to launch energized probes which are designed to cause neuromuscular incapacitation when attached to a subject as a use of force.

9. All personnel carrying a TEW shall conduct a function check prior to each tour of duty including secondary deployment assignments to confirm the device is functioning properly.
10. Officers shall ensure TEW batteries are removed and recharged monthly on the designated docking stations at an NOPD facility. When placing a battery in a docking station, officers shall obtain a downloaded, freshly charged, battery from the docking station to replace the used battery in their TEW.
11. TEWs, TEW holsters, power supply packs, cartridges and their replacement needs shall be handled by the Education and Training Division.
12. A physical inspection of the TEW, RBP, and TEW cartridges will be conducted once a year. A TEW download of the use history will be conducted each time an officer recharges the RBP. The Compliance Bureau - Performance Standards Section and the Education and Training Division shall perform this process, during scheduled annual recertification or on demand. A log shall be kept by the Education and Training Division staff of this inspection indicating:
  - (a) Each officer's name;
  - (b) TEW serial number.
13. Anytime a TEW is confiscated as evidence or as part of an internal investigation, the investigator will notify the Commander of the Education and Training Division by Departmental e-mail with the device's serial number(s).

#### **ISSUANCE AND CARRYING OF THE CONDUCTED ENERGY WEAPONS**

14. Only officers who have successfully completed Department-approved training and are currently certified may be issued, carry, and use a TEW (La. R.S. 40:2405.6)
15. Officers shall use only the TEW cartridges issued by the Department. If exigent circumstances exist where a cartridge is used by someone other than the assigned officer, the assigned officer, the deploying officer, and the supervisor on the scene are subject to the reporting requirements pursuant to this Chapter.
16. Officers shall ensure that they replace the unused TEW cartridges by the expiration date listed on the cartridge.
17. Uniformed officers shall wear TEWs only in approved holsters on their support side, on their belt. TEWs may not be worn on a load-bearing outer vest excepted as directed by the Commander of the Special Operations Division (SOD) for tactical platoon members assigned to SOD.
18. All officers, regardless of rank or assignment, who are equipped with a TEW and assigned a body worn camera (BWC) shall ensure their BWC is worn and used as directed in [Chapter 41.3.10 – Body Worn Camera](#) any time the TEW is equipped. If an officer is not assigned a BWC, they shall not wear a TEW.
19. Officers shall ensure their TEWs are properly maintained, according to the manufacturer's instructions and Departmental training, clean and in good working order.
20. Officers **shall not** hold both a firearm and a TEW at the same time.
21. The Education and Training Division shall maintain, in a database accessible to the Professional Standards and Accountability Bureau (PSAB) and the Public Integrity Bureau (PIB), a record of all:

- (a) TEW serial numbers on hand and issued;
  - (b) The officers to which the TEWs were issued; and
  - (c) The officers' certification dates.
22. Routine audits of the TEW database shall be conducted by authorized Education and Training Division, PIB, and PSAB members. At a minimum, the audits/reviews shall compare the TEW Firing Log against the reported uses of force maintained by PIB. Appropriate action shall be taken to resolve any inconsistencies, including disciplinary action if required.
23. The Education and Training Division shall issue all TEWs and all new or replacement cartridges.
24. In the event that a TEW is returned for repairs or no longer remains the property of the New Orleans Police Department, the use history of that TEW will be downloaded by the Education and Training Division. The use history will be maintained for a period of three years from the time the TEW was taken out of service or until the completed adjudication of any known pending criminal or civil litigation related to use of that TEW.

### FUNCTION TESTING

25. Officers shall conduct function testing prior to the officer beginning their tour of duty in the following manner:
- (a) Point the TEW in a safe direction
  - (b) Press and hold the selector switch until the icon in the center of the CID completes its circle (The CID and side rail lights will illuminate blue, the CID will display the test icon and firmware version)
  - (c) Move the selector switch to the On/Armed position (DO NOT PULL THE TRIGGER)
  - (d) When testing is complete, the CID will display a green check mark (pass) or a red x (error condition)
  - (e) Move the selector switch to the Off/Safe position.

### MALFUNCTIONS

26. If the TEW malfunctions during the Education and Training Division's normal business hours, the officer shall bring the TEW to the Education and Training Division and relinquish it to Education and Training Division personnel. A receipt for the TEW and any attachments will be issued to the officer.
27. If the device malfunctions when the Education and Training Division is closed, the officer shall remove the TEW and holster from their duty gun belt. The officer shall not carry a malfunctioning TEW while working.
28. The officer shall bring the TEW to the Education and Training Division as soon as possible after the malfunction is discovered. If the officer is on extended leave, prior to the next open day of the Education and Training Division, they shall make arrangements to have the TEW delivered to the Education and Training Division by their supervisor on the next business day the Education and Training Division is open. A receipt for the TEW and any attachments will be issued to the supervisor.

### VERBAL AND VISUAL WARNINGS

29. Unless prohibited by circumstances or officer safety concerns, a **VERBAL WARNING** of the intended use of a TEW should precede each TEW application. Where there is reason to believe that a subject may lack English proficiency, the officer, where

practicable, and if the officer is able, shall announce the warning in the language that the officer reasonably believes the subject speaks.

30. Where feasible, the officer will defer TEW application for a reasonable time to allow the subject to comply with the warning. The warning should provide the individual with a reasonable opportunity to voluntarily comply before TEW application and warn other officers and individuals that TEW deployment is imminent.
31. Any decision to apply multiple applications of a TEW must take into consideration whether a subject is capable of complying with the officer's commands, including consideration of apparent cognitive, intellectual, developmental, and physical disabilities.
32. The officer may display the laser of a TEW or use the Warning Alert in an attempt to gain compliance prior to the application of the TEW. The officer shall:
  - (a) Never intentionally direct the laser into the eyes of a person as it may permanently impair vision, and
  - (b) Document all warnings, displays, Warning Alerts, or the lack thereof, as well as their underlying reasons in a related report. If compliance was gained by laser painting or Warning Alert, without discharge, it should also be specifically noted.

#### **USE OF A TASER ENERGY WEAPON**

33. The TEW is considered to be a less-lethal weapon, and if deployed, is a **Level 2** use of force for reporting purposes under [Chapter 1.3.6 – Reporting Use of Force](#)
34. If the deployment of a TEW involves any of the following circumstances the deployment will be considered a **Level 4** use of force for reporting purposes under Chapter 1.3.6 – Reporting Use of Force:
  - (a) Deployments resulting in a serious physical injury or hospitalization.
  - (b) Deployments resulting in loss of consciousness
  - (c) Deployments involving an application or series of applications longer than 15 seconds
  - (d) Deployments involving more than two (2) complete (5 second) applied cycles during a single incident
  - (e) Deployments against a handcuffed suspect

These deployment reporting considerations exist regardless of the mode or duration of the application and whether the applications are by the same or different officers.

35. The decision to utilize a TEW must be made based on the use of force factors outlined in **Chapter 1.3 – Use of Force**, and on the totality of the circumstances known to the officer at the time. Members must have current justification for deployment at the time of each deployment of TEW.
36. If an officer deploys the first probe, and delays in firing the second probe because the subject appeared to become compliant after the first deployment, the officer must have additional articulable justification to deploy any additional probes.
37. If more than 6 probes are deployed, whether or not there is an application, supervisors must contact NOPD's Force Investigation Team (FIT) to review the incident and determine the appropriate level of force. The Force Investigation Team shall provide their determination in writing to the supervisor assigned to conduct the use of force investigation, regardless of their assignment, to be included as part of the investigation.

38. All deployments resulting in probe contact in a sensitive area, as defined in this chapter, shall be reviewed by fit to ensure serious physical injury or hospitalization did not occur. Any apparent intentional applications to sensitive areas shall be investigated by FIT.
39. TEWs shall be used only in accordance with NOPD training by a certified instructor and in accordance with NOPD regulations, local, state, and federal law.
40. The TEW is not intended to be used as a substitute weapon in deadly force situations. The TEW shall not be used without a firearm backup in those situations when a substantial threat towards the officer or others is present.
41. The TEW shall not be used in an indiscriminate manner in situations involving a large crowd (e.g., parade assignments, second lines or special events).
42. Each application of the TEW is unique. In each situation the officer's actions should be dictated by the circumstances and the training they have received prior to being authorized to carry and use the TEW. Officers must justify each application of a TEW. The officer's report(s) should:
  - (a) Describe why less intrusive levels of force were not or would not have been effective; and
  - (b) Describe the behavior of the subject that justified the use of the TEW in specific terms.
43. A TEW should be used only when its operator can safely approach the subject within the operational range of the TEW. Officers should be aware that a TEW may not achieve the intended results and be prepared with other tactical options.

#### **APPLICATION OF A TASER ENERGY WEAPON**

44. During close quarters deployment, officer should deploy the probes to ensure an adequate probe spread to allow the TEW to function to its full effectiveness. This may require the deployment of multiple probes until the officer observes signs of NMI or compliance by the subject. The use of the TEW may not be effective on all individuals and officers should be prepared to transition to other less lethal means and tactics.
45. Officers should recognize an audible alert will sound to indicate when a successful connection is made with the subject.
46. The TEW **shall not** be used to torment, elicit statements from, or to punish any individual.
47. Prior to deploying a TEW, an officer shall visually and physically confirm that it is, in fact, a TEW and not a firearm.
48. Officers shall not intentionally activate more than one TEW at a time against a subject.
49. Officers assigned a body worn camera and are working in a capacity in which wearing a body worn camera is required shall ensure the body worn camera is worn and operated in accordance with Chapter 41.3.10 – Body Worn Camera.

#### **SPECIAL DEPLOYMENT CONSIDERATIONS**

50. Officers shall determine the reasonableness of TEW use based on all facts or circumstances known to the officer at the time, including the subject's age, size, physical

condition, and the feasibility of lesser force options.

51. Except when lethal force would be permitted or when the officer has reasonable cause to believe that there is an imminent risk of serious physical injury to themselves or others, officers shall not use TEWs against individuals they know are:
  - (a) Visibly pregnant women;
  - (b) Elderly persons;
  - (c) Visibly frail persons;
  - (d) Young children;
  - (e) Individuals weighing less than 90 pounds; and
  - (f) Individuals who are handcuffed or restrained
52. TEWs should not be used when the officer reasonably believes the deployment is likely to cause serious physical injury or death from situational hazards. This may include falling, drowning, losing control of a moving vehicle, or igniting a potentially explosive or flammable material or substance.
53. Personnel should be cognizant of the risk of positional asphyxia following a TEW application and avoid using a restraint technique or position that would impair a subject's respiration. Once controlled and while in police custody, the subject should be continually monitored for any signs of distress.

#### **TARGETING CONSIDERATIONS**

54. When practicable, the deploying officer shall adhere to the following guidelines when targeting a person with a TEW:
  - (a) The recommended target areas when firing the TEW are the abdomen area and legs if facing the front of the target subject or the center mass of the back if facing the back of the target subject, as clothing tends to be tighter on these parts of the body.
  - (b) An officer is permitted to target the central area of the chest if necessary and the increased risk of injury is legally justified.
  - (c) Where a target subject is wearing heavy or loose clothing on the upper body, the officer should consider targeting the legs.

TEWs may not intentionally be applied to a subject's head, neck, or genitalia, except when lethal force would be permitted, or when the officer has reasonable cause to believe there is an imminent risk of serious physical injury to the officer.

55. If circumstances do not permit the officer to limit the application of the TEW probes to recommended target areas, officers shall take prompt and ongoing care to monitor the condition of the subject if one or more probes strikes the head, neck, chest, or groin until the subject is examined by paramedics or other medical personnel.

#### **MULTIPLE APPLICATIONS OF THE CONDUCTED ENERGY WEAPON**

56. After one standard TEW cycle (5 seconds), the officer shall evaluate the situation to determine if subsequent cycles are objectively reasonable.
57. If the first completed cycle of the TEW appears to be ineffective, the officer should consider certain factors before additional applied cycles, including:
  - (a) Whether the probes are making proper contact (e.g., loose or bulky clothing);
  - (b) Whether the individual has the ability, and has been given a reasonable opportunity, to comply with the officer's commands; and
  - (c) Whether verbal commands, other options or tactics may be more effective.



58. Officers shall independently justify each cycle used against a subject in their written Force Statements.

### **TEW USE ON A DANGEROUS ANIMAL**

59. A TEW may be deployed on a dangerous animal that is causing a continuing public nuisance and needs to be controlled for reasons of public peace and safety.
60. A TEW may also be deployed if: the animal poses an active threat to officers in their efforts to perform their duty; other conventional means to control the animal have been exhausted, may be unreasonable, or unavailable; and the officer reasonably believes that use of a TEW is necessary.
61. Officers should target the center mass of the animal and should not intentionally target the head or other sensitive areas on the animal if possible. Deployment against vicious animals may be very dynamic in nature and the probes may impact unintentional areas. Officers should exercise care when removing probes from the animal.
62. As long as the officer acted appropriately, the owner of the animal will be responsible for any medical attention needed by the animal.
63. The deployment of a TEW on an animal temporarily disables the animal. Officers should be prepared to act quickly with control devices or restraints, if available. Because of differences in their nervous systems, animals have shown the ability to recover quickly from TEW effects. If available, conventional means of controlling the animal (e.g., control sticks, collars, cages) should be on hand at the scene prior to the use of the TEW.
64. The TEW has proven to be an effective tool against dangerous animals and may reduce the need for greater, more injurious force against such animals. The use of a TEW on an animal is a safer, more humane, and less traumatic conclusion to the incident.
65. A TEW may be deployed against a potentially dangerous animal, such as a dog, when alternative methods are not reasonably available or likely to be effective and the animal:
  - (a) Appears to pose an imminent threat to the safety of a human, another animal, or
  - (b) Has attacked a human or another animal.
66. The deployment of a TEW on an animal requires the same reporting, downloading and documentation as similar actions on a person.

### **OFF-DUTY CONSIDERATIONS**

67. Officers are authorized to carry departmentally owned TEWs while engaged in approved police secondary employment but not authorized to carry Department-owned TEWs while off duty.
68. Officers shall ensure that all Department-owned TEWs are secured while they are off duty to keep them inaccessible to others.

### **DOCUMENTATION**

69. Notification of the use of a TEW by an officer shall be made to the officer's supervisor as soon as possible after use.
70. Officers assigned a TEW must tag the triggered video prior to reporting to the Education & Training Division with the TEW, expended cartridges, and approved

forms. The E&TD staff member assigned will then locate and view the BWC video on Evidence.com.

71. Other than routine testing or training, all TEW discharges, intentional or accidental, shall be documented in the related NOPD incident report and the through the TEW **Form 213**, or the electronic equivalent.
72. Officers do not need to report to the Education & Training Division after pointing a TEW at a person, without discharge. But officers must record the activation and targeting (laser painting/pointing), in the Department's electronic equivalent of the **Form 213**, and ensure the pointing is documented in an incident report.
73. The Commander of the Education & Training Division should analyze the TEW **Form 213** reports annually to identify trends, including deterrence and effectiveness. A summary of these findings should be sent to the Deputy Superintendent of PSAB. The PSAB – Audit Section should also conduct random and directed audits, at least annually, of TEW data downloads and reconcile TEW report forms with recorded activations and compliance with Departmental regulations. These audits should compare the downloaded data to the officers' force statements.
74. TEW information and statistics, with identifying information removed, should be made available to the public by sending the information to the Deputy Superintendent of PIB for inclusion in its annual report.

#### **ACTIONS FOLLOWING DEPLOYMENT**

75. Following deployment, the deploying officer shall take immediate action to secure the subject, provide necessary medical care for any injuries sustained, and protect the scene.
76. Deploying officers, assisting officers and on-scene supervisors shall be responsible for monitoring any person who has received a TEW application while in NOPD custody.
77. Except in exigent circumstances, when an officer is forced to act alone in taking custody of an immediate threat, a TEW shall not be left unattended. Officers should holster the TEW when not in use.
78. A supervisor shall respond to the scene of a TEW use to investigate and complete a Use of Force Report whenever a TEW is discharged, whether a hit or a miss.
79. Medical personnel shall be summoned to the scene after a TEW application for injuries other than probe deployment. Medical care shall not be denied to anyone who requests it.
80. In the event of serious physical injury or death involving a subject who has been exposed to a TEW discharge, the on-scene supervisor shall notify PIB and request the Scientific Criminal Investigations Section for the processing and the collection of evidence. Supervisors shall ensure photographs shall be taken of any injuries to the subject, impact sites, location of fallen probes or wires. All TEW probes, cartridges, wires, and photographs shall be placed into evidence. All attempts shall be made to keep cartridge wires intact for possible testing.
81. As soon as practicable, the officer shall notify a Communications Dispatcher of the TEW discharge and request that a supervisor respond to the scene. Supervisors should ensure that NOPD members or evidence technicians photograph any injury to the subject, location of fallen probes or wires.

82. All probes, wires, or any other related evidence in a level 4 use of force involving a TEW should be collected and processed by the Scientific Criminal Investigations Section.
83. Supervisors should attempt to locate and identify witnesses to the incident.
84. Officers should refrain from discussing the incident until the arrival of a supervisor. Officers shall brief the supervisor of the circumstances surrounding the incident and what actions were taken.

### **MEDICAL TREATMENT**

85. Officers shall ensure first aid is available if necessary, following the removal of the probes. Officers should inspect the probes after removal to ensure the entire barb or the probe has been removed. In the event that a probe or barb has broken off and remains embedded in a subject's skin, the subject must be provided medical attention at a medical facility for the probes or barbs removal.
86. Probes that are embedded in a subject's skin should be removed by only medical or authorized, or TEW certified NOPD personnel, except that probes that are embedded in a subject's head, throat, groin, or other sensitive area should be removed by medical personnel only. Probes should be treated as a biohazard. Officers shall not bring probes to the Education & Training Division.
87. Used TEW probes shall be considered a sharp biohazard, similar to a used hypodermic needle.
88. All persons who have been struck by TEW probes or who have been subjected to the electric discharge of the TEW shall be transported to a hospital for medical evaluation prior to booking.
89. Any individual who received TEW application shall be monitored while in police custody. The transporting officer shall inform any person providing medical care or subsequently receiving custody, that the individual has been subjected to the application of a TEW.

### **SUPERVISOR RESPONSIBILITIES**

90. Supervisors should respond to calls when they believe there is a likelihood of the use of a TEW. A supervisor shall respond to all incidents in which a TEW was activated.
91. A supervisor shall review each TEW activation. Unless the TEW has been confiscated as part of an investigation, the discharging officer must bring the TEW to the Education and Training Division to provide documentation of the discharge and replace any discharged cartridges on Monday through Friday during academy operating hours, or by appointment through email to the designated NOPD Academy email address, and within 72 hours of the incident, exclusive of holidays.
92. Immediately after the TEW deployment, supervisors shall ensure the TEW battery is placed on the appropriate docking station for downloading and storage in Evidence.com.
93. Supervisors shall ensure all appropriate information, including probe impact sites, is documented on the NOPD **Form 213**, or the electronic equivalent, and in all related reports.
94. An on-scene supervisor shall notify the Public Integrity Bureau and the District/Division

Captain, and they shall request a crime lab response if any serious physical injury has resulted due to the use of force involving a TEW.

## TRAINING

95. All officers shall be certified in the use of the TEW by the Education and Training Division.
96. All officers must successfully complete the NOPD's TEW certification program, to include written test and practical skills, prior to carrying or using a TEW. Officers shall timely maintain TEW recertification at all times when carrying or using a TEW.
97. Officers shall be trained in the increased risks that TEWs may present to vulnerable individuals.
98. Officers shall be trained in, and adhere to, protocols on their responsibilities following TEW use, including:
  - (a) The appropriate removal of TEW probes;
  - (b) The risk of positional asphyxia, and the training of officers in the use of restraint techniques that do not impair the subject's respiration following an TEW application;
  - (c) The transportation to a hospital for treatment and evaluation of all subjects on whom a TEW has been used; and
  - (d) The monitoring of all subjects who have received TEW application while in police custody.
99. Officers shall receive annual TEW recertification which consists of:
  - (a) physical competency;
  - (b) weapon retention;
  - (c) NOPD policy, including any policy changes;
  - (d) technology changes; and
  - (e) scenario-based training by Education and Training Division instructors.
100. A reassessment of an officer's knowledge and/or practical skill may be required at any time deemed appropriate by the officer's supervisor or the Commander of the Education and Training Division. All training and proficiency for TEWs shall be documented in the officer's training file.
101. Command staff, supervisors and investigators shall receive TEW training as appropriate for the investigations they conduct and review.
102. Officers who do not carry a TEW shall receive training sufficient to familiarize them with the TEW and working with officers who use the TEW.
103. The Commander of Education and Training shall ensure that all officers who carry a TEW have received initial and annual proficiency training. Periodic audits shall be used for verification.
104. Application of a TEW during training is optional for certification of commissioned officers. The Commander of Education and Training shall ensure that all training includes:
  - (a) A review of this policy;
  - (b) A review of the Use of Force policy in **Chapter 1.3**;
  - (c) Performing support side-hand draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm;
  - (d) Target area considerations, including techniques or options reducing the

- intentional application of probes to the head, neck, chest, and groin;
- (e) Handcuffing a subject during the application of a TEW and transitioning to other force options;
- (f) Restraint techniques that do not impair respiration following the application of a TEW; and
- (g) De-escalation techniques.

## TEW DISCHARGE REPORTING PROCEDURES

### APPLICATION/DISCHARGE

105. After a TEW is deployed for any reason other than training (i.e., probe deployment), the officer who deployed the TEW shall:
- (a) Complete a TEW Discharge/Use Report (Form #213);
  - (b) Place the TEW battery in the appropriate docking station for downloading;
  - (c) Request that the on-scene supervisor review and sign the TEW Discharge/Use Report; and
  - (d) Deliver the following to the Education and Training Division, Monday through Friday, during academy operating hours or by appointment through email to the designated NOPD Academy email address, and within 72 hours of the incident, exclusive of holidays:
    - i. The TEW;
    - ii. The spent cartridges; and
    - iii. A completed and supervisor approved TEW Discharge/Use Report.
106. Officers shall report all TEW discharges (except for training discharges) and laser painting to their supervisors and communications as soon as possible.

### ACCIDENTAL DISCHARGE

107. Accidental discharges involving a TEW shall require the officer to:
- (a) Complete a TEW Discharge/Use Report;
  - (b) Place the TEW battery in the appropriate docking station for downloading;
  - (c) Request that the on-scene supervisor review and sign the TEW Discharge/Use Report; and;
  - (d) Complete a **Form 105**, via their chain of command, to the Commander of the Education and Training Division describing the circumstances of the discharge; and
  - (e) Deliver the following to the Education and Training Division Monday through Friday, during academy operating hours or by appointment through email to the designated NOPD Academy email address, within 72 hours of the incident, exclusive of holidays:
    - i. The TEW;
    - ii. The spent cartridge;
    - iii. A completed and supervisor approved TEW Discharge/Use Report; and
    - iv. A **Form 105** on the circumstances surrounding the accidental discharge.

### SUPERVISOR'S RESPONSIBILITIES

108. In addition to Use of Force reporting requirements for TEW discharges the reporting supervisor shall:
- (a) Ensure proper care is given to the injured officers and/or citizens;
  - (b) Ensure proper notifications of the Department command staff (commanders and above) are made as soon as possible by notifying the Command Desk of the TEW deployment;
  - (c) Ensure all responsibilities of the officer have been carried out regarding care for the injured, apprehension of the subjects, photographing of injuries, and

- protection of the scene; and
- (d) Deliver all TEW Discharge/Use Reports and all other written reports, TEWs and cartridges associated with the incident to the Education and Training Division by the officer as directed.
- (e) The TEW is placed in the appropriate docking station for downloading.

### **EDUCATION AND TRAINING DIVISION RESPONSIBILITIES**

- 109. The Education and Training Division personnel shall review the TEW Discharge/Use Report (**Form 213**) and complete a TEW Discharge Interview Form (**Form 171**), or their electronic equivalent. The Education and Training Division staff will then issue another cartridge if needed. If the Education and Training Division is not open within the 72-hour period, the officer is responsible for bringing the above listed items to the Education and Training Division the morning of the first business day.
- 110. The Education and Training Division shall be responsible for identifying training issues and conducting any follow-up training. If an officer has more than three accidental discharges in one year, the officer must complete another TEW training class to be scheduled at the discretion of the Commander of the Education and Training Division.
- 111. The Education and Training Division is responsible for providing to the Public Integrity Bureau any paperwork for accidental or line-of-duty TEW discharges.

### **TEW DISCHARGES OUTSIDE ORLEANS PARISH**

#### **OFFICER'S RESPONSIBILITIES**

- 112. An officer involved in an accidental, non-contact TEW discharge that occurs outside of Orleans Parish shall:
  - (a) As soon as practical, notify their immediate supervisor or an on-duty supervisor from within their chain of command;
  - (b) Complete a TEW Discharge/Use Report;
  - (c) Place the TEW battery in the appropriate docking station for downloading;
  - (d) Complete a 105 to the Commander of the Education and Training Division describing the circumstances of the discharge; and
  - (e) Follow the "Accidental Discharge" procedure listed herein.
- 113. An officer involved in an accidental or intentional contact TEW discharge that occurs outside of Orleans Parish shall:
  - (a) Immediately notify the Police/Sheriff's Department within the jurisdiction where deployment occurred and have a local police report completed;
  - (b) Obtain the police report item number;
  - (c) Contact their immediate NOPD supervisor or an on-duty supervisor from within their chain of command; and
  - (d) Place the TEW battery in the appropriate docking station for downloading;
  - (e) Follow appropriate reporting procedures listed herein.

#### **SUPERVISOR'S RESPONSIBILITIES**

- 114. Upon notification of an accidental or intentional discharge outside Orleans Parish, the supervisor shall:
  - (a) Notify the Communication Services and PIB of TEW discharge;
  - (b) Relocate to the location of the deployment to ensure it is accidental or intentional;
  - (c) Place the TEW battery in the appropriate docking station for downloading;
  - (d) Ensure the officer completes an TEW Discharge/Use Report;
  - (e) Review and sign the report;

- (f) Ensure the officer completes a Form 105 to the Commander of the Education and Training Division within 72 hours, or no later than close of business the first business day should the incident occur on a weekend or holiday.

#### **PUBLIC INTEGRITY BUREAU RESPONSIBILITIES**

115. The Public Integrity Bureau shall respond to all TEW deployment scenes involving serious physical injury as defined by **Chapter 1.3 – Use of Force** and handle in accordance with Force Investigation Team protocols.
116. An officer of the Public Integrity Bureau will perform an administrative review of all TEW uses.
117. After the administrative review of a TEW use, PIB shall review the report and determine whether the report is complete, and any violation of Department policy or procedure has occurred. The investigator shall determine whether an administrative or internal disciplinary investigation shall be initiated.
118. If the investigator from the Public Integrity Bureau secures a TEW from an officer as part of their investigation, the Captain of the Public Integrity Bureau or their designee shall send a Form 105 to the Commander of the Education and Training Division listing the involved officer's name, the TEW serial number, the TEW Video Camera serial number and any TEW Cartridge serial numbers.
119. Once it is determined that the TEW is no longer needed for the investigation or will not be needed as evidence, it shall be returned to the Education and Training Division.
120. PIB shall ensure the number of TEW uses is included in IAPro for inclusion into the Early Warning System (EWS).
121. The NOPD Municipal Training Academy shall maintain the number of TEW in operation for inclusion into the EWS.
122. Analysis of this data shall include a determination of whether TEWs result in an increase in the use of force and of whether officer and subject injuries are affected by the rate of TEW use.
123. The analysis shall include a breakdown of deployments involving the use of laser painting techniques to measure the prevention or deterrent effectiveness associated with the use of TEWs.
124. TEW data and analysis shall be included in PIB's Use of Force Annual Report.