

**CARY POLICE DEPARTMENT**  
*Cary, North Carolina*

## **GENERAL ORDERS**

### **CHAPTER 8 CRITICAL INCIDENTS**

#### **8.04 Weapons**

*The Cary Police Department will issue weapons only to those employees legally authorized under North Carolina General Statutes, 15A-401 and 160A-285 to carry specific weapons as a condition of their duties. Weapons and tactics will be used in conformance with state law under strict departmental training and control. Only weapons and ammunition authorized by Department will be used by personnel in carrying out law enforcement responsibilities. Proficiency levels will be established and enforced for each approved weapon.*

[\[Definitions\]](#)

Firearms: [\[Approved Firearms and Ammunition\]](#) [\[Carrying Guidelines\]](#) [\[Plain Clothes Assignments\]](#) [\[Off-Duty and Secondary Firearms\]](#)

Concealed Firearms: [\[Locations\]](#) [\[Authority\]](#) [\[Safety\]](#) [\[Off-Duty\]](#) [\[Firearms Storage\]](#) [\[Use of Impairing Substance\]](#) [\[Training and Certification\]](#) [\[Qualification\]](#) [\[Procedures\]](#) [\[Failure to Qualify\]](#) [\[Firing Range Safety\]](#)

Shotguns: [\[Issuance\]](#) [\[Storage and Handling\]](#) [\[Safety\]](#) [\[Maintenance\]](#)

Batons: [\[Training\]](#) [\[Restrictions\]](#) [\[Reporting\]](#)

Exact Impact Weapons: [\[Issuance\]](#) [\[Training\]](#) [\[Storage and Handling\]](#) [\[Safety\]](#) [\[Maintenance\]](#)

Oleoresin Capsicum (OC) Spray: [\[Training\]](#) [\[Restrictions\]](#) [\[Use of OC Spray\]](#) [\[Verbal Warnings\]](#) [\[Post-Exposure Procedures\]](#) [\[Post-Exposure Monitoring\]](#) [\[Post-Exposure Care\]](#) [\[Reporting\]](#) [\[Use on Animals\]](#) [\[Handling and Storage\]](#)

Conducted Electrical Weapon (CEW): [\[Use of CEW\]](#) [\[Use of CEWs on Fleeing Suspects\]](#) [\[Use of CEWs on Handcuffed Suspects\]](#) [\[Issuance\]](#) [\[Training\]](#) [\[Deployment\]](#) [\[Verbal Warnings\]](#) [\[Supervisory Responsibilities\]](#) [\[Reporting\]](#) [\[Maintenance\]](#) [\[Limitations for Use\]](#) [\[Post-Exposure Procedures\]](#)

## *Definitions*

*Lethal Weapons* - Weapons that, through normal and intended use, are likely to cause death or serious physical injury; This category includes all issued firearms

*Less-Lethal Weapons* - Weapons that, through normal and intended use, will not cause death or serious physical injury; This category includes batons and OC Spray

*Duty Firearm* - Firearm issued by the Department to an individual officer for his/her exclusive use; Normally a Sig Sauer Model pistol; Also referred to as *primary firearm*

*Off-Duty Firearm* - Firearm carried by an officer while not on duty; May be the duty firearm or a personally-owned firearm that complies with departmental standards

*Primary Firearm* - The firearm authorized by the Chief of Police and issued by the Department for on-duty use; Also referred to as *duty firearm*

*Secondary Firearm* - A personally-owned firearm authorized by the Chief of Police for on-duty use in addition to the primary firearm

*Handgun* - A firearm with a short stock, designed to be held and fired with one hand

*OC Spray* - Aerosol spray based on the active natural ingredient oleoresin capsicum, a derivative of various species of cayenne pepper; A less-lethal weapon

*Conducted Electrical Weapon (CEW)* - A product marketed by TASER International having the capability of passing a current through tissue of a human or animal to de-motivate the human or animal by causing pain and/or causing skeletal muscle contractions; the current issued CEW is the Taser X2.

*PR-24 Baton* - A side-handle baton manufactured by Monadnock; A less-lethal weapon

*Expandable Baton* - A collapsible baton by various manufacturers; A less-lethal weapon

*Exact Impact Weapon* - A category of weapon designed to be employed only after lethal cover is in place and to provide a level of force stronger than an impact weapon but less than lethal force

*Armorer* - An individual trained and experienced in the disassembly and assembly of firearms and troubleshooting functional firearms problems

*Firearms Instructor* - A sworn officer of the Department who is currently certified by the North Carolina Criminal Justice Education and Training Standards Commission as a Specific Instructor for firearms

*Firearms Training Coordinator* - A sworn officer of the Department who is responsible for coordinating all aspects of firearms, weapons, and use-of-force training for the Department's sworn personnel

*Range Officer* - A firearms instructor who is in charge of the firing range for a specific training date; Regardless of the rank held, the designated range officer is in charge of all departmental personnel while on the range.

*Positional Asphyxia* - Occurs when an individual gets into a position where breathing or the blood supply to the brain is compromised

*Soft Hands Techniques* - Touching or attempted touching by an officer such as applying moderate pressure to turn, guide, or escort a person being arrested

### ***Firearms***

An officer's use of any firearm will be limited to situations involving the legitimate use of lethal force.

#### **Approved Firearms and Ammunition**

Appropriate ammunition, holsters, or other carry devices will be supplied or approved by the Department for all primary firearms.

The only shotguns and ammunition authorized for use at any time are those issued by the Department.

Officers on special assignment may carry a firearm other than the duty firearm when approved by the Chief of Police.

For off-duty use, any quality handgun and ammunition commonly accepted for law enforcement duty and off-duty use is acceptable, with a minimum caliber of .380. The ammunition used by officers choosing to carry a personally-owned handgun must be purchased by the officer. Before purchasing handguns and/or ammunition, officers should direct any questions to the Firearms Training Coordinator. As with Department-issued firearms and ammunition, officers will be trained and tested on the handling and nomenclature of firearms not issued by the Department and will be required to qualify both day and night before being approved to carry.

Any Department-issued firearm that is considered unfit for service will be turned in to a Department armorer or range officer for inspection to determine if it should be repaired or replaced. Modifications are prohibited unless specifically approved by the Chief of Police and certified safe by a Department armorer.

### Carrying Guidelines

Officers are required to carry an approved firearm at all times while in uniform and/or while driving a marked Department vehicle.

At no time will officers carry a firearm without also having in their possession their police identification and their North Carolina Driver's License, unless specifically approved by the Chief of Police and in the performance of duty.

### Required Weapons Carry for Uniformed Police Personnel

Uniformed officers are required to carry their police issued firearm, police issued Taser, and one additional police issued non-deadly weapon while on duty in any official capacity. The choice of non-deadly weapon is at the discretion of the individual officer. Nothing in this policy shall preclude an officer from carrying all police issued weapons while on duty.

While not required to carry a Taser; police reserve and plain clothes officers will have access to available Tasers that may be checked-out on an as-needed basis, and returned at the end of shift. In the absence of a Taser, police reserve officers are required to carry all police issued weapons while on duty.

Uniformed patrol team commanders (Lieutenant) are required to carry their police issued firearm and one additional police issued non-deadly weapon.

Uniformed administrative officers (Captain and above) are required to carry their police issued firearm

### Plain-Clothes Assignments

Officers working in a plain-clothes assignment will carry their handgun on their person at all times while on duty. Officers working in plain clothes may be permitted to carry their handgun in an alternate fashion if approved by the Chief of Police. Officers in plain clothes are required to carry a firearm while driving an unmarked Department vehicle unless specifically exempted by the Chief of Police.

Armed officers in plain clothes are encouraged to wear a jacket in order to hide their handgun from public view. If an officer in plain clothes chooses not to wear a jacket, his/her badge must be displayed in a conspicuous manner.

### Off-Duty and Secondary Firearms

Officers carrying off-duty or secondary firearms will comply with all applicable state laws and departmental directives concerning their use as if on duty. Secondary firearms will not be carried in a conspicuous fashion or worn in any manner visible to the public. Secondary firearms must be

carried in a Department-approved holster or carrying system and must remain secured while performing physical activity.

All firearms carried or used by an officer must be registered with the Firearms Training Coordinator by make, model, and serial number, including any firearm to be carried by the officer in a concealed manner while off duty. Pertinent information related to off-duty and secondary firearms will be forwarded to the Chief of Police by the Firearms Training Coordinator.

### Concealed Handguns

Officers will wear concealed handguns in a manner that hides them from public view.

*Locations* - In compliance with North Carolina General Statute 14-269, while on-duty or off-duty either within or outside the Department's jurisdiction, officers are permitted to carry a concealed firearm.

*Authority* - Under Title 18 of the United States Code, current and retired law enforcement officers are exempt from state and local concealed carry laws and may carry a concealed firearm if also carrying their photographic police identification.

*Safety* - Because carry systems designed for concealed carry may not be as secure as the Department's issued duty holster, officers will remain vigilant to ensure safety and security while carrying a concealed off-duty or secondary firearm.

*Off-Duty* - Officers are encouraged, but not required, to carry a firearm while off duty within the Department's jurisdiction. An officer who elects not to carry a firearm while off duty will not be subject to disciplinary action following a situation in which police action could have been taken if he/she had been armed. Officers who have not completed the Field Training Program will not carry firearms off duty without prior approval by the Chief of Police.

### Firearms Storage

Officers will maintain control of all issued firearms at all times. While off duty, officers will store firearms securely at home.

No firearm should be routinely left or stored in an officer's personal vehicle without the expressed permission of the Chief of Police. Any loss of property through officer negligence will become the liability of the individual officer who may be required to pay the replacement cost of items lost or stolen.

### Use of Impairing Substances

Officers will not be intoxicated or under the influence of alcoholic beverages or controlled substances, including prescription drugs, while carrying a firearm, either on-duty or off-duty. Officers will not consume any alcoholic beverage while carrying a firearm, unless specifically approved by the Chief of Police and in the performance of duty.

### Training and Certification

All officers will be trained and certified to use any firearm they will be responsible for carrying, including their duty firearm, secondary firearm, off-duty firearm, shotgun, sub-gun, sniper rifle, and any other firearm to be carried in a concealed manner while on or off duty. Certification will include:

- A review of officers' authority to use both lethal and less-lethal force in response to resistance or aggression
- Training on the legal, moral, and ethical aspects of the use of firearms
- Safety training in handling firearms, including range rules and malfunctions
- A review of nomenclature and basic fundamentals of marksmanship
- Demonstrated proficiency in the use of firearms

Firearm certification will be required annually as mandated by the North Carolina Criminal Justice Education and Training Standards Commission. During annual Firearms Training, prior to qualification, both newly-hired and previously certified officers will be issued copies of and receive training on departmental directives regarding lethal and less-lethal weapons and the response to resistance or aggression. (See [Issuance of Weapons/Training on Response to Resistance or Aggression](#))

### Qualification

The Firearms Training Coordinator will be responsible for developing courses of fire for qualification purposes, consistent with departmental directives and commensurate with the type of firearm to be carried by each individual officer. The Range Officer will certify that an applicable course of fire has been satisfactorily completed.

Officers must demonstrate at least 80% accuracy, both day and night, with each firearm carried and must score at least 80% on all Firearms and Response to Resistance or Aggression written tests as a condition of their employment with the Department. Emergency Response Team members must demonstrate at least 90% accuracy, both day and night, with the handgun, shotgun, and sub-gun.

The firearm and holster used during training and qualification will be exactly the same type as that which is to be used by the individual officer. The ammunition must be of exactly the same type to be used by the individual officer. If the firearm, holster, or ammunition is altered in any way, the officer may be required to re-qualify. During qualification, the officer will carry the firearm exactly as it will be carried on duty or off duty. Clothing worn during training and

qualification will be appropriate for the specific training and the duty assignment of the individual officer.

With the firearm unloaded, the officer will demonstrate to the Range Officer his/her knowledge of the firearm's nomenclature, operation, and safety devices. The firearm will then be placed unloaded in the holster and secured as it will normally be carried. The officer will then be required to perform physical tests to ensure the security and integrity of the holster to be used prior to attempting to qualify with the firearm.

Firearms instructors will adhere to the following procedures:

*For each sworn officer:*

- Document day and night qualification with handgun at 80%
- Document day shotgun qualification at 80% for all personnel with response functions, except strictly administrative positions such as Chief of Police, Support Services Bureau Commander, Professional Standards Bureau Commander, and others as authorized by the Chief of Police

*For officers who decline to qualify with the shotgun:*

- Within 24 hours, document the officer's non-qualification in a written memorandum to the Chief of Police with a copy to the officer's immediate supervisor and the Firearms Training Coordinator

*For officers who fail to qualify with the duty firearm at 80%:*

1. Using personal observations of the officer on the range and target observations, offer immediate remedial training; Check the sights.
  2. Offer a second attempt; If the officer qualifies on the second attempt, schedule remedial training as soon as possible; If the officer fails to qualify on the second attempt, provide immediate remedial training using personal observations of the officer on the range and target observations.
  3. Offer a third attempt; If the officer qualifies on the third attempt, schedule remedial training as soon as possible; If the officer fails to qualify on the third attempt:
- Take the officer's firearm.
  - Advise the officer that he/she cannot carry a firearm under law enforcement authority and that he/she forfeits the right to carry an off-duty personally-owned firearm without a valid North Carolina Concealed Carry Permit, and then only under the same regulations imposed on a civilian.
  - Complete a F-9A revocation form, provide a copy to the officer, and forward through the chain of command to the Firearms Training Coordinator and the Chief of Police as soon as possible.

- Schedule remedial training as soon as possible; A fourth attempt the same day is not a valid qualification.

Once the qualification process begins, all three attempts will be made in the same day unless existing circumstances cause the firearm instructor to discontinue shooting. In the event that an officer fails to qualify on one or two attempts and shooting is halted, the officer will not be permitted to return to full duty until he or she has successfully completed qualification. The officer will be assigned to the Firearms Training Coordinator for disciplinary training until successful completion of qualification. ([See Disciplinary Training](#))

*For officers who fail to qualify with the duty shotgun at 80%:*

1. Using personal observations of the officer on the range and target observations, offer immediate remedial training; Check the sights
2. Offer a second attempt; If the officer qualifies on the second attempt, schedule remedial training as soon as possible; If the officer fails to qualify on the second attempt, provide immediate remedial training using personal observations of the officer on the range and target observations; The officer may elect to stop at this point and schedule remedial training.
3. Offer a third attempt; If the officer qualifies on the third attempt, schedule remedial training as soon as possible; If the officer fails to qualify on the third attempt:
  - a. Complete a revocation form, provide a copy to the officer, and forward through the chain of command to the Chief of Police as soon as possible
  - b. Schedule remedial training as soon as possible

#### Failure to Qualify

If an officer fails to meet certification standards, the officer's authority to carry the firearm will be immediately revoked by the Range Officer. The Range Officer will deliver to the officer written notification of the revocation on a form approved by the North Carolina Criminal Justice Education and Training Standards Commission. The officer must sign the form in acknowledgement of the revocation. The Range Officer will advise the officer that he/she cannot carry a firearm under law enforcement authority and that he/she forfeits the right to carry an off-duty personally-owned firearm without a valid North Carolina Concealed Carry Permit. Officers who have a permit to carry a concealed firearm may continue to do so, but may not display their badge or in any way imply that they are operating under the authority of the Department in the use of this firearm.

The revocation of authority to carry a firearm will require the officer to notify his/her immediate supervisor within 24 hours of the failure to qualify. The Range Officer will forward the revocation form through the chain of command to the Chief of Police as soon as possible.

Officers whose authority to carry an on-duty firearm has been revoked will be reassigned to administrative duty for a maximum period of 30 days. Within the 30 day reassignment period,



the officer must report to the Firearms Training Coordinator for remedial training and certification.

If, after 30 days, the officer has failed to achieve certification, he/she will be terminated for failing to maintain certification standards. In the case of physical or mental disability, the officer may become eligible for disability retirement.

### Firing Range Safety

Strict discipline will be maintained on the firing range at all times. Regardless of his or her rank, the designated range officer in charge holds staff command of all departmental personnel while on the range. (See [Staff Command](#)) Only a range officer or a range officer in training will call a course of fire, and no modifications will be made without the express permission of the range officer in charge.

While on the firing range, departmental personnel will:

- With the exception of sworn officers on duty, unload all firearms prior to arrival
- Carry semi-automatic handguns with the action open
- Keep all handguns holstered, except when in position at the firing point on the line of fire
- Never give a firearm to anyone or take a firearm from anyone unless the action is open and the safety is on
- Never anticipate a command
- Load only after position has been taken at the firing point and the command to load has been given
- Unload when instructed
- Keep firearms pointed downrange at all times
- Never draw a handgun from its holster or re-holster with the finger inside the trigger guard
- Not smoke
- Not engage in idle conversation or horseplay on the firing line
- In case of misfire, keep the firearm pointed downrange and proceed according to approved departmental procedures
- Never fire after hearing the sound of a possible squib load or malfunction

### Shotguns

*Issuance* - Selected officers will be assigned a shotgun as issued duty equipment. Officers will keep their issued shotgun in a secure locking device in the patrol car while on duty.

*Storage and Handling* - Unless carried in an approved mobile shotgun locking device, an officer's issued shotgun will remain in the trunk of the patrol car while on duty except when it is removed for cleaning, for active field use, or when the vehicle is left for maintenance or repair.

The officer will maintain control of the shotgun at all times while it is in his/her possession. While off duty, the officer will store the shotgun securely at home.

Anytime the patrol car is left at a location other than the Police Department, the shotgun will be removed from the vehicle and stored until the vehicle is returned for duty.

The officer will check the ammunition before loading to determine if it is the correct gauge and in good condition. The officer will check the chamber for rounds at the vehicle and, if the shotgun is clear, will load the magazine before placement inside the vehicle's trunk.

While on duty, the officer will not have a round loaded in the chamber. A round will be chambered only if a need to fire quickly is anticipated and, if possible, outside of any dwelling or vehicle. The shotgun's safety will be on whenever a round is chambered.

The shotgun will be unloaded only at the magazine under the receiver by depressing the magazine lock. The shotgun will not be unloaded by chambering rounds and then ejecting them. The loading and unloading of the shotgun will occur outside the vehicle, except during inclement weather.

It is the officer's responsibility to unload the shotgun at the conclusion of his/her duty shift.

During inclement weather, the officer will take every precaution to keep the shotgun clean, dry, and properly maintained.

#### *Safety* - The officer will:

- Always treat a shotgun as if it is loaded, even though there is a belief that it is not loaded
- Carry the shotgun at high port
- Never handle a shotgun by its muzzle end
- Even if the shotgun is empty, keep the safety on
- Before the shotgun is loaded, check the safety to ensure that it is working properly
- When the shotgun is passed from one officer to another, ensure that the breech is open and the magazine empty

*Maintenance* - Officers designated by the Team Commanders will be assigned to clean all shotguns on a monthly basis. Team Commanders also will ensure that all shotguns are visually inspected and wiped down on a weekly basis.

All shotgun malfunctions will be reported to a Department armorer for repair.

#### *Batons*

Batons that are issued or approved by the Department are authorized for use by officers who have been trained in their use. Batons may be used as less-lethal weapons to control violent or

potentially violent suspects when an officer reasonably believes that the following conditions exist:

- Lethal force does not appear to be justifiable and/or necessary
- Attempts to subdue the suspect using the conventional tactics of verbalization, firm grip control, pain compliance holds, OC Spray, control holds, and/or self-defense techniques have been or will likely be ineffective
- There is a reasonable expectation that it will be unsafe for the officer to approach to within arm contact range of the suspect.

### Training

Through training, officers are taught how to minimize the possibility of a suspect's injury or death while ensuring their own safety in the performance of their duties. It is the individual officer's decision which techniques to use in an attempt to gain control of a suspect in accordance with the training he/she has received.

Prior to being issued a baton, officers must successfully complete an approved training class for that specific type of baton. Officers who fail to qualify are strictly prohibited from carrying and/or using a baton, and will be provided with remedial training. All training received regarding the use of batons will be documented.

The Professional Standards Bureau will be responsible for coordinating training in the use of batons. This training will occur at least biennially. The Training Coordinator will be responsible for the selection of instructors, methods of instruction, and for the documentation of baton training.

### Restrictions

Officers will only carry and use batons issued or approved by the Department. *The use of all other blackjacks, sticks, batons, clubs, etc. is strictly prohibited.*

Any use of batons that is in direct conflict with the manufacturer's instructions and/or the intended purpose and design is strictly prohibited. The issuance of various types of batons to officers of the Department as part of an evaluation process does not constitute a violation of departmental directives.

Intentional head blows are strictly prohibited in all situations except where lethal force is justified.

### Reporting

The officer will follow reporting procedures in accordance with departmental directives regarding the response to resistance or aggression. (See [Post-Incident Response Procedures](#))

All *Response to Resistance or Aggression Reports* generated as a result of the use of a baton will be reviewed by the Chief of Police.

### ***Exact Impact Weapons***

#### **Issuance**

Selected officers will be assigned an exact impact weapon as issued duty equipment. Officers will keep their exact impact weapon secure in a locked case in the patrol car while on duty.

#### **Training**

Only those officers who have received training and demonstrated proficiency in the deployment and use of the exact impact weapon are authorized to carry and use this weapon. All Firearms Instructors are certified to teach and carry this weapon system.

#### **Storage and Handling**

The issued exact impact weapon will remain in the trunk of the patrol car while on duty except when it is removed for cleaning, for active field use, or when the vehicle is left for maintenance or repair. The officer will maintain control of the exact impact weapon at all times while it is in his/her possession. While off duty, the officer will store the exact impact weapon securely at home. When an officer with an issued exact impact weapon is away from duty, he/she will transfer the exact impact weapon to the District Supervisor so it is available for use by the assigned team.

Anytime the patrol car is left at a location other than the Police Department, the exact impact weapon will be removed from the vehicle and stored until the vehicle is returned for duty.

The officer will check the ammunition before loading to determine if it is in good condition. The officer will check the chamber for rounds at the vehicle and the exact impact weapon will remain unloaded until needed. The loading and unloading of the exact impact weapon will occur outside the vehicle, except during inclement weather.

#### **Safety**

The officer will:

Always treat the exact impact weapon as if it is loaded, even though there is a belief that it is not loaded

- Carry the exact impact weapon at high port
- Never handle the exact impact weapon by its muzzle end

- When the exact impact weapon is passed from one officer to another, ensure that the weapon is unloaded

### Maintenance

Officers issued an exact impact weapon are responsible for all maintenance of the weapon and will inspect it on a weekly basis. All exact impact weapon malfunctions will be reported to a Department armorer for repair.

### *Oleoresin Capsicum Spray*

Oleoresin Capsicum Spray (OC Spray) may be used as a less-lethal weapon by officers trained in its use. OC Spray may reduce the risk of injury to all persons involved in a confrontation and is appropriate for use before applying damaging force from impact weapons. Used in compliance with state law and departmental directives, OC Spray is authorized to effect a lawful arrest, to prevent escape from lawful custody, or to defend the officer or another from what the officer reasonably believes is the imminent use of physical force.

Only the OC Spray issued by the Department will be carried and used.

### Training

No employee of the Department will carry OC Spray while on duty without having first successfully completed the required departmental training program. Remedial training will be provided in the event that an employee fails to successfully complete the initial training. OC Spray Training will be conducted from a lesson plan approved by the Chief of Police and will consist of both classroom and practical exercises. The Professional Standards Bureau will be responsible for coordinating training in the use of OC Spray. This training will occur at least biennially. All training received regarding the use of OC Spray will be documented.

All sworn employees of the Department as well as animal control personnel will be trained in the use of OC Spray, and will be issued OC Spray as a part of their uniform equipment. The only exception will be those individuals for whom the Chief of Police has issued a waiver because of duty assignment or a valid medical condition that precludes their exposure to OC Spray.

### Restrictions

Officers will not use OC Spray against a person who:

- Submits peacefully to arrest and complies with lawful demands during a lawful arrest, or
- Complies with lawful commands during a valid investigative stop, or stop for citation purposes, or while in custody or detention, or

- Is expressing mere verbal disagreement that does not threaten or incite others to threaten an officer and is not significantly delaying or obstructing the discharge of duty

Officers will avoid the use of OC Spray, if possible, in the following locations:

- Hospitals
- Nursing Homes
- Day Care Centers

### Use of OC Spray

A person who refuses to submit peacefully to lawful arrest, or attempts to escape from lawful custody, or refuses compliance with lawful orders during arrest, detention, or custody is subject to the use of OC Spray:

- After the officer has attempted soft hands techniques in accordance with departmental directives regarding the response to resistance or aggression and the arrestee resists that attempt (See [Response to Resistance or Aggression Continuum](#)), or
- When the officer reasonably believes the use of soft hands techniques may jeopardize the officer's safety, or
- When the circumstances reasonably indicate that attempting soft hands control may lead to an escalation of force with a risk of serious physical injury to the person being arrested or to the officer

A person who assaults an officer, or whose conduct reasonably appears to be an imminent threat to the safety of an officer or others, or who resists soft hands techniques, or flees from lawful arrest or custody, is subject to the use of OC Spray. Verbal persuasion and warning are not required.

The decision to engage a suspect with OC Spray is left to the discretion of the individual officer. The officer must have a specific factual basis to believe that OC Spray is reasonably necessary, and must comply with state law and departmental directives. The officer must be prepared to testify in court what happened to justify the use of OC Spray.

### Verbal Warnings

Verbal persuasion and a warning are required before using OC Spray if circumstances allow verbalizing and warning without risk to the safety of the officer or others. Verbal persuasion and warning are *not* required when the defendant resists soft hands techniques or when there is a risk to the safety of the officer or others if the use of OC Spray is delayed.

No warning is required if an imminent threat exists to the safety of any person.

### Post-Exposure Procedures

Department employees are responsible for the monitoring and post-exposure care of all individuals who are sprayed with OC Spray as a result of their official actions, including persons who may have been exposed while the officer attempted to control another individual.

### Post-Exposure Monitoring

The monitoring of an individual sprayed with OC Spray begins immediately when the individual is placed under arrest or comes under the control of the officer. The officer will:

- Immediately instruct the person that he or she has been sprayed, to expect a burning sensation and mucus membrane irritation, and not to rub his or her eyes
- Stay with the person, paying careful attention to the following high-risk individuals:
  - Infants, young children, or elderly persons who may have been indirectly exposed
  - Persons with medical conditions such as heart or lung ailments, diabetes, or epilepsy
  - Highly intoxicated persons
  - Persons who are confused, violent, and/or agitated
  - Persons who have experienced recent trauma
- Encourage the person to talk
- Watch the person's position and ensure that continuous airway, breathing, and circulation are maintained to guard against positional asphyxia
- Be aware of any change in the person's level of consciousness
- Look for a *Medic Alert* bracelet or necklace
- Determine if the person has any serious illnesses or medical conditions
- Determine if the person has had any recent injuries
- Determine if the person wears contact lenses and, if so, instruct the individual not to touch or remove the lenses
- Demonstrate a caring attitude toward the person

### Post-Exposure Care

The post-exposure care of a suspect under arrest will require that the suspect be transported to a safe location that provides the officer with control over the arrestee and a sufficient supply of soap, water, and towels. Only if there is little risk to the safety of the officer and the public, the officer will:

- Verbalize specific and distinct commands to get the person into a prone cuffing position
- Explain to the person what is being done
- Tell the person that, upon compliance, assistance will be provided to relieve the pain

- Follow the proper procedure for approaching any potentially dangerous suspect; Handcuff, then search
- Remove the person from the spray area; Instruct the person to blow his/her nose to remove lodged particles
- Flush the eyes and skin with water
- Seek professional medical attention if needed
- Closely monitor the person and provide reassurance that care and security will be provided
- Not put a salve on the affected areas
- Not withhold medical attention from the person whether requested or not, if the person appears to be in need of such attention

### Reporting

As soon as practical and safe following the use of OC Spray, the officer will notify his/her immediate supervisor and request any additional assistance needed. The officer will follow reporting procedures in accordance with departmental directives regarding the response to resistance or aggression. (See [Post-Incident Response Procedures](#))

All *Response to Resistance or Aggression Reports* generated as a result of the use of OC Spray will be reviewed by the Chief of Police.

### Animals

Officers may use OC Spray to control attacking dogs and other animals. Attack dogs, in most instances, are effectively subdued with a short burst to the eyes, nose, and mouth. Officers should get out of the way of the animal after spraying.

After an animal is sprayed with OC Spray, the officer should notify an animal control officer and attempt to capture the animal if it is running at large. The animal's owner should be contacted, if possible. The owner may wish to decontaminate the animal by flushing thoroughly with water. Animals should return to normal within approximately 45 minutes to one hour.

### Handling and Storage

Officers will maintain their issued OC Spray in an appropriate manner. The OC Spray may be worn on the officer's belt in a position of his/her choice.

Officers should not store OC Spray inside a vehicle in the glove compartment or other areas subject to high temperatures. Temperatures of 120 degrees Fahrenheit and higher will cause the canister to burst.

When off duty, officers are responsible for the safe storage and handling of their issued OC Spray. It is imperative that officers keep OC Spray away from children and others not trained in its safe use.



### ***Conducted Electrical Weapon (CEW)***

The CEW device may be used by an officer to effectively stop an assault or threatening behavior by establishing physical control over a resisting subject. The CEW assists the officer in establishing a greater degree of physical control over the subject, minimizing the subject's ability to present a physical threat to the officer or others. The CEW provides a force option that has a reduced likelihood of causing permanent bodily injury. Officers are recommended to deliver a full 5 second activation for the initial activation of a CEW.

#### Use of CEW's

The CEW may be deployed when an sworn officer, trained to use the CEW, reasonably believes that a lesser degree of force is inadequate to:

- control a subject who is threatening suicide with a lethal weapon, or
- disarm or disable a subject who is armed with a lethal weapon and who is engaging in illegal or dangerous behavior, or
- prevent injuries to officers or citizens, or
- control a violent subject or a subject threatening imminent violence, or
- control a subject who is assaultive or physically combative, or whose behavior indicates that assault is imminent

#### Use of CEWs on Fleeing Suspects

The CEW may be deployed by a sworn police officer against a fleeing suspect only when an assaultive crime against person, including against an officer, is taking place or by the conduct or any other means the suspect indicates the active aggression is imminent. CEW should not be used on a fleeing subject who is suspected of committing non-violent offenses, including, but not limited to alcohol and minor drug violations, misdemeanor larceny, routine traffic violations, and hindering, delaying, or obstructing an officer when the offense is committed in conjunction with a non-violent offense such as those described in this subsection unless the subject has demonstrated active aggression or the officer has reason to believe that active aggression is imminent.

#### Use of CEWs on Handcuffed Suspects

The CEW may be deployed by a sworn police officer against a handcuffed suspect that is physically assaultive when other means of stopping the assaultive behavior are deemed ineffective or unsafe. Officers must thoroughly document their justification for the use of a CEW on a handcuffed suspect.

### Repeated CEW Activations

When deploying a CEW, officers should use one (1) standard CEW cycle (five seconds) and re-evaluate. If subsequent activations are necessary, they should normally be limited to two (2) reactivations (not to exceed 5 seconds each) as necessary to gain control of the subject. Officers **MUST** be able to articulate the circumstances that warranted ANY additional CEW activations beyond the initial 3 activations. An example would be no available or immediate back up with continued active aggressive by the suspect. Officers should always be prepared to move to other force options if CEW exposures are not having the desired effect of incapacitation.

### Limitations for Use

The CEW must not be used against a mentally ill person or other person who is not suspected of a crime unless doing so is necessary to protect officers or others from an immediate, serious, physical threat posed by that person. In the case of apparently mentally ill persons, every reasonable effort to de-escalate or otherwise resolve the situation must be made before the CEW is used.

Officers will not use the CEW on (nothing in this section will preclude the use of an CEW to stop someone from harming themselves or attempting to harm the officer or a third party):

- A passively-resisting person who is noncompliant but is not threatening to the officer or others.
- An elderly person, or very young person, unless the person is acting in an aggressive or threatening manner and reasonably appears to be capable of injuring the officer. A young person who appears to be large or strong enough to be capable of injuring the officer is not subject to this prohibition.
- A person who is participating in a protest activity or a demonstration, unless the person is acting in a hostile or aggressive manner and reasonably appears capable of injuring the officer.
- A subject who is known to be or obviously pregnant, unless the person is acting in an aggressive or threatening manner and reasonably appears to be capable of injuring the officer.
- Animal control officers are prohibited from using the CEW against persons except for the exclusive purpose of self-defense against persons acting in an aggressive or threatening manner and reasonably appear to be capable of injuring the Animal Control Officer
- A subject who is saturated with or in the presence of highly flammable or combustible materials or liquids
- A subject who could potentially receive a secondary injury resulting from falling off an elevated location, such as a roof
- A subject who is in control of a vehicle that is moving or in gear
- A person who is complying with the officer's commands

Animal Control Officers may also deploy the CEW when they reasonably believe that a lesser degree of force is inadequate to:

- control a violent animal or animal appearing capable of becoming violent
- control an animal for the purposes of immobilizing it for capture due to aggression or medical issues
- for the exclusive purpose of self-defense against persons acting in a aggressive or threatening manner and reasonably appear to be capable of injuring the animal control officer.

#### CEW Settings

Factory settings shall not be altered without the expressed authorization from the Chief of Police.

#### Issuance

CEWs are issued to all Operations Bureau personnel at the rank of sergeant and below and additionally to Animal Control Officers within the agency. CEWs are also available for daily checkout and same day return for sworn Services Bureau staff that have attended training and qualified with the CEW.

#### Spark Test

A spark test should be performed at least once per work cycle for a full 5 seconds cycle. A spark test will only be conducted within the corporate town limits of the Town of Cary. Accidental deployments must be reported immediately to the on-duty Watch Commander. Officers should visually inspect the CEW in a safe manner to ensure both firing bays are operational and displaying visible arc.

#### Training

Only sworn personnel and Animal Control Officers who have been trained annually in the use of CEWs will be authorized to use them. Line officers, District Supervisors, Animal Control Officers, and Emergency Response Team members will be required to attend documented CEW training and demonstrate proficiency on an annual basis. Training will be conducted by department-certified instructors who have successfully completed the Taser International instructor course, and will address manufacturer recommendations and departmental policy and procedures. Exposure to the CEW during training is optional and will consist only of exposure via indirect means of “alligator” clips attached to the trainee. Trainees should be placed in the prone position on padded or carpeted flooring prior to applying a training exposure. Remedial training will be provided for officers who fail to successfully complete annual CEW training.

## Deployment

CEWs will be deployed according to the manufacturer's instructions and in conformance with departmental training. Prior to deploying the CEW, officers will:

- ensure that batteries are fully charged by checking the central information display (CID) on the Taser X2 at the beginning of each shift
- check to ensure both smart cartridges are properly inserted
- carry the CEW in a cross draw method on the opposite side of the duty weapon when carried on the duty belt, in a holster specifically designed for the unit
- check to ensure that flammable liquids or fumes are not present at the scene of deployment

When deploying the CEW in firing mode to the front of the subject's body, the officer should aim at the subject's upper abdominal area or muscular portion of the legs. The head/throat and chest area should not be an intentionally targeted firing mode. When deploying the CEW to the rear of the subject's body, the officer should aim for areas below the head and neck.

When deploying the CEW in the drive stun mode, the officer should attempt to make contact with the subject's thigh, forearm, calf, back, buttock, or other large muscle groups.

It is acceptable, that any drive stuns or close contact shots be done with the smart cartridges intact.

If practical, the officer should have a cover officer available in close proximity before deploying the CEW.

Deployment of the CEW against multiple suspects should be avoided unless both suspects present an immediate threat to the officer and/or a secondary officer is not immediately present to assist in controlling the incident.

## Verbal Warnings

Prior to the deployment of the CEW, if circumstances allow it without risk to the safety of other officers or citizens, the officer should use verbal commands directed at the subject to obey police orders and cease illegal or dangerous behavior.

Without actually discharging the CEW, officers who are assigned an CEW are authorized to activate the laser sight and shine the sight on a subject and/or activate a warning arc while giving voice commands to persuade the subject to comply.

## Supervisory Responsibilities

A supervisor will immediately respond to the scene of any deployment of a CEW device, including accidental discharges.

A supervisor or designated person will collect the deployed smart cartridge and place into evidence with several Anti-Felon Identification (AFID) tags from the scene. AFID tags are small, oblong confetti-like identification tags that are printed with the serial number of the smart cartridge fired. These tags are dispersed each time a smart cartridge is fired, which allows for the identification of the officer who fired a given smart cartridge.

A supervisor will complete a download of the CEW device and attach the form to the original Response to Resistance and Aggression report or other appropriate reports as necessary.

### Reporting

The officer will complete an *Arrest Report* or *Incident Report* and a *Response to Resistance or Aggression Report* when the Taser has been used against a subject.

### Maintenance

Instructors certified by Taser International will be responsible for performing maintenance. Each CEW unit will be inspected annually by a designated officer to ensure that the device functions within the manufacturer's recommendations. A maintenance log will be maintained by instructors certified by Taser International and will document all inspections and maintenance performed.

### Post-Exposure Procedures

Following deployment of the CEW, officers will remove probes that have penetrated the skin, while using protective equipment such as disposable gloves and other Universal Precautions to prevent exposure to bloodborne pathogens. Probes will be removed following these steps:

1. secure the skin area by placing two fingers directly around the probe
2. use counter pressure with one hand and remove the probe with the other hand by pulling it outward from the impact area at a 90 degree angle
3. dispose of probes in an approved sharps container or place probes back into shell of the deployed smart cartridge
4. Following deployment of CEW probes to subjects; officers shall call Emergency Medical Services to evaluate probe sites, overall subject health, and secondary injuries that may have occurred following deployment

Probes that strike the subject in the head, face, neck, spine, breast, or groin should be removed by Emergency Medical Services or a hospital emergency department.

### ***References***

- United States Code, Title 18, Chapter 44, Section 926B

- North Carolina General Statutes 14-269, 15A-401, 160A-285
- CALEA [1.2.2](#), [1.3.4](#), [1.3.5](#), [1.3.6](#), [1.3.7](#), [1.3.9](#), [1.3.10](#), [1.3.11](#), [1.3.12](#)
- Taser Training Academy, Instructor Certification Lesson Plan, Version 18, July 2011, Training Materials License Agreement, Page 2