

GENERAL ORDER

April 2019

Immediately

II-44

Distribution: All Employees

Subject: **TASER ENERGY WEAPON**

Index as:	Blue Team	Function Test (TEW)	Taser Energy Weapon
	De-escalation	Less-lethal Weapon Proficiency	Totality of Circumstances
	Force Guidelines	Less-lethal Weapon	Use of Force
	Force, Use of	Medical Aid	Use of Force Reporting

Accreditation Standards: 4.1.1, 4.1.4, 4.1.5, 4.2.1, 4.2.2, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.3.5 and CFA 4.06, 10.20

Cross Reference: G.O. II-20, Weapons Qualifications

G.O. II-42, Use of Force

§§ 943.1717 and 790.01(4)(b), Florida Statutes

Graham v. Conner, 490 U.S. 386 (1989)

Replaces: G.O. II-44, Conducted Electrical Weapon (CEW) (February 05, 2024)

Prior to being permitted to carry any weapon or assigned any duties which require the possession of a weapon, officers will be issued a copy of General Order II-42, *Use of Force* and instructed about state law and the policies of this agency regarding the use of force and the use of authorized weapons.

This Order consists of the following sections:

- I. Policy
- II. Definitions
- III. The Taser Energy Weapon
- IV. Authorized Use
- V. Unauthorized Use
- VI. Care After the Use of a Taser Energy Weapon
- VII. Reporting and Investigating the Use of a Taser Energy Weapon

I. POLICY

- A. Officers will comply with all applicable the provisions of G.O. II-20, Weapons Qualifications and G.O. II-42, Use of Force regarding the use of force and Taser Energy Weapon qualifications.
- B. The Taser Energy Weapon is a less-lethal weapon supplied by the Department in the interest of reducing the potential for injury to an officer, a person the officer may be taking into custody, and innocent bystanders.

II. DEFINITIONS

- A. Active Resistance – A subject's use of physically evasive movements directed toward the officer such as bracing, tensing, pushing, or pulling to prevent the officer from establishing control over the subject.

- B. Taser Energy Weapon – A battery-operated energy device that propels probes at a target. The probes remain connected to the weapon by wire to administer electrical energy which disrupts the person's voluntary motor response-causing Neuromuscular Incapacitation (NMI).
- C. Force Guidelines – A framework for making decisions involving reasonable use of force by officers. The structure of the Force Guidelines is based on constitutional considerations and case law and describes appropriate decision-making in a fluid and dynamic situation. The Force Guidelines consider the totality of circumstances to include the relationship between the subject's form of resistance, all reasonably perceived factors that may have an effect on the situation, and the response options available to the officer. (See G.O. II-42 Use of Force.)
- D. Totality of Circumstances – The facts and circumstances known to the officer at the time or reasonably perceived by the officer as the basis for the use of force decision.

III. THE TASER ENERGY WEAPON

- A. A Department-issued Taser Energy Weapon is an optional less-lethal weapon authorized for use by sworn personnel who have been trained and demonstrated proficiency in its use.
 - 1. Once issued, authorized uniformed and non-uniformed personnel will carry the Taser Energy Weapon in a fully armed state, with the safety on, in the issued holster on the support side, in a cross-draw fashion to prevent an unintentional draw of the firearm.
 - 2. Authorized non-uniformed sworn personnel may check one out of the Equipment Room, if one is available.
 - a. The Taser Energy Weapon will be issued through the Department's Records Management System (RMS), as with any other equipment.
 - b. The officer will test the Taser Energy Weapon as described in this Order.
 - c. When the assignment is complete, the Taser Energy Weapon will be returned to the equipment room and scanned back into RMS.
 - 3. Authorized officers who no longer wish to carry the Taser Energy Weapon will turn it in to the Equipment Room, and have it removed from their personal inventory as soon as practical.
- B. The Taser Energy Weapon, the cartridge(s), and the holster will not be altered or tampered with in any way, nor will any of the manufacturer's markings be covered or altered. Only issued cartridges are authorized.
- C. The Department Armorer will maintain an inventory by serial number and expiration date, and track all Taser Energy Weapons, cartridges, and accessories delivered to the Department for issue. Batteries will be inventoried by physical count.
- D. Testing the Taser Energy Weapon
 - 1. The Taser Energy Weapon will be tested for proper operation each workday within fifteen (15) minutes of the start of the employee's shift, commute to work, or receipt of the Taser Energy Weapon from the Equipment Room.
 - 2. The test will be conducted in the manner specified by the manufacturer.
 - 3. Only a properly functioning and charged Taser Energy Weapon will be carried in the field. A malfunctioning Taser Energy Weapon will be handled in accordance with the procedures outlined in this Order.
 - 4. Function Test Procedures
 - a. A fully automated self-test will be run on the Taser Energy Weapon by pressing and holding the selector switch down until the icon in the center of the Central Information Display (CID) completes the circle. The side rail lights and CID screen will illuminate blue in color, at which time the CID will display the test icon and firmware version.
 - b. Move the selector switch to the armed position. The icon will change to reflect test results: Green check mark indicating "PASS", a Red "X" for an "ERROR".

- c. After completing the function test, move the selector switch to the “SAFE” (off) position and holster the weapon.
- E. Taser Energy Weapon battery will be kept in the Taser Energy Weapon at all times except when removal is required for uploading or maintenance.
- F. Cartridge Replacement
 - 1. Anytime, on or off duty, a Taser Energy Weapon is discharged, it will be necessary to obtain a replacement cartridge.
 - 2. Equipment Room personnel are authorized to issue a replacement cartridge.
 - 3. Deployed cartridges will be properly disposed of by the personnel deploying the cartridge.
- G. Repairs to the Taser Energy Weapon or Accessories
 - 1. Repairs to the Taser Energy Weapon or accessories will only be performed by an authorized vendor designated by the St. Petersburg Police Department.
 - 2. Malfunctioning Taser Energy Weapons will be returned to the Equipment Room for repairs/replacement.
 - 3. Equipment room personnel will issue replacement a Taser Energy Weapon and/or cartridges, if available, and have the officer properly record weapon/cartridge data on the Taser Energy Weapon Repair Log, maintained in the Equipment Room.
- H. Upload of Taser Energy Weapon Data

The Axon system features “Dock and Walk” workflow which uploads weapon data automatically, updates firmware to battery packs, recharges and conditions batteries as required, and tests and records battery capacity.

 - a. Officers will dock and exchange the Taser Energy Weapon battery at least once every 30 days, or if the battery capacity reaches 20%, and obtain another battery from the docking station.
 - b. Supervisors will access Evidence.com to view their officers’ Taser Energy Weapon device log.
- I. Inspections

During annual firearms qualifications, the Training Division will conduct a documented annual inspection of all Taser Energy Weapons, to include an inspection to ensure expiration dates are not exceeded and battery life is sufficient.
- J. The Taser Energy Weapon will be safely stored and secured in accordance with the manufacturer’s storage instructions and Department policy.
- K. The Taser Energy Weapon is not authorized for use as an off-duty weapon.
- L. A Taser Energy Weapon issued to an officer will not be transferred or loaned to another.
- M. Wet Weather and Exposure to Water
 - 1. The Taser Energy Weapon is an electronic piece of equipment and as such, water inside the unit is harmful. Officers are advised not to carry the weapon if they expect to be outside in periods of heavy rain.
 - 2. If the Taser Energy Weapon has been submerged or become excessively wet, the following procedure should be followed:
 - a. Leave the Taser Energy Weapon holstered.
 - b. Remove the battery while the Taser Energy Weapon is in the holster.
 - c. Keep the Taser Energy Weapon pointed in a safe direction while un-holstering and remove the cartridges.

- d. Obtain replacements from the equipment room and leave the wet equipment for the armorer to service or replace.

IV. AUTHORIZED USE

- A. The Taser Energy Weapon may be utilized at the level of ACTIVE RESISTANCE, to include fleeing, to take a person into custody for a violation of the law or protective custody for their own well-being.
- B. Additionally, the "Totality of Circumstances" may lend themselves to resolution by the use of a Taser Energy Weapon in lieu of engaging in a struggle with the subject when a person has demonstrated the intent and immediate means to harm themselves or another, and/or the officer reasonably believes active resistance is imminent.
- C. When a situation exists that meets the requirements for the use of a Taser Energy Weapon, the officer will consider:
 - 1. The relative size, apparent physical condition and threat potential of the subject.
 - 2. The potential for injury to the subject to be caused by:
 - a. The person falling after deployment of the Taser Energy Weapon. Extreme caution should be observed for those in water, on a stairway, in a roadway, on a ledge, etc.
 - b. Any potential for ignition or explosion.
- D. When a determination to discharge the weapon has been made, the officer will:
 - 1. Give a verbal warning when feasible to do so.
 - 2. The Taser Energy Weapon has the capability to produce a warning alert, without firing a cartridge or displaying an arc. Deployment of the warning alert may be useful as a de-escalation technique, possibly preventing the necessity to discharge the Taser Energy Weapon in some situations. It may be deployed only in those situations where the subject meets the criteria for Taser Energy Weapon deployment as outlined in this Order.
 - 3. Discharge at lower-center of mass, for front of body (lower mid abdomen).
 - 4. Discharge at center of mass, below the neckline, for back of body.
- E. Once discharged, the Taser Energy Weapon will not be re-energized again unless there is ongoing resistance.
 - 1. After each five (5)-second cycle, the subject will be evaluated, and the Taser Energy Weapon will not be activated any more than reasonably necessary to gain compliance and safely secure the subject.
 - 2. The only time a cycle may be longer than five (5)-seconds is when the person is being taken into custody and is continuing to display ongoing resistance.
- F. If, during the administration of the energy cycle, the situation becomes dangerous for the officer or for the subject, the Taser Energy Weapon safety will be engaged to stop the energy cycle.
- G. The use of a Taser Energy Weapon to deter an animal attack is discouraged, but not prohibited. If utilized, officers must be prepared to secure the animal immediately after the energy cycle is complete.

V. UNAUTHORIZED USE

- A. Absent extraordinary circumstances, the Taser Energy Weapon will not be used on a person who:
 - 1. Has no apparent ability to physically threaten the officers or others.
 - 2. Is offering only verbal or passive physical resistance.
 - 3. Is handcuffed or otherwise mechanically restrained.

4. Is known to be or is obviously pregnant.
5. Appears to be age twelve (12) or younger.
6. Is obviously aged or infirm or has a readily observable physical disability.
7. Is known to be suffering from a serious medical condition.
8. Is operating a moving conveyance or who is in actual physical control of a vehicle or other potentially dangerous equipment.
9. Has been sprayed with any substance that is likely to ignite or explode or is in any place where there are flammable liquids or gases, or where smoking or open flames are prohibited for safety reasons.

B. Only one (1) officer at a time will discharge their Taser Energy Weapon at a subject.

1. Another officer may be prepared to discharge their Taser Energy Weapon if the first weapon proves ineffective or fails.
2. If more than one Taser Energy Weapon is unholstered for potential use, officers are to communicate with one another in order to prevent multiple discharges or a sympathetic discharge of additional Taser Energy Weapons.

C. The Taser Energy Weapon will not intentionally be pointed or discharged at the face, head, neck, or groin of a person.

D. The Taser Energy Weapon will not be pointed at a person unless its use, should it be necessary, is authorized by Department policy.

E. Intentional misuse or abuse of the Taser Energy Weapon is not permitted.

VI. CARE AFTER THE USE OF A TASER ENERGY WEAPON

A. Appropriate medical aid will be rendered as quickly as reasonably possible following any law enforcement action in which injuries have been sustained.

B. Under normal circumstances, the probes may be removed by an authorized Taser Energy Weapon user in accordance with the manufacturer's instructions.

C. Emergency medical services (EMS) will be summoned when an obvious, severe injury has occurred, medical distress is apparent, or the individual is unconscious. This may include, but is not limited to whenever:

1. The person is struck in the face, head, neck, or groin, or breasts if a woman, in which case removal of the probes will be carried out at the hospital.
2. The person is considered to be at higher risk of injury due to age, medical condition, pregnancy, etc.
3. A trained user is unable to easily remove the probes, in which case the removal will be carried out by medical personnel.
4. The person requests medical treatment.
5. There are indications apparent to the officer that the person is experiencing any distress beyond that which is normally expected.
6. The person had been exposed to three (3) or more five (5) second energy cycles or a total exposure time equal to or greater than fifteen (15) seconds.

7. There is any indication of an underlying condition which may be causing the person to exhibit extreme behavior and a continued high level of resistance.
 8. Medical clearance at a medical facility for exposure to energy cycles that exceeds the requirements of this Order is not required. Emergency Medical Services (EMS) will be summoned and a field evaluation conducted. The subject will be taken to a medical facility for clearance if deemed necessary by the EMS personnel or upon determination by a field supervisor.
- D. If a Taser Energy Weapon is used to subdue a person, the person will be taken directly to the Pinellas County Jail (arrested) or other appropriate facility (i.e., PEHMS or hospital) once in custody.
1. With approval of a field supervisor, a person subdued by a Taser Energy Weapon may be transported to the Pinellas County Jail in the Prisoner Transport Van (PTV). The arresting/transporting officer will inform the PTV Operator of the Taser Energy Weapon deployment on the subject.
 2. For the purposes of monitoring the subject, the jail intake officer, or other responsible party, will be advised upon arrival that a Taser Energy Weapon was utilized during the apprehension.
 - a. A notation that the person was controlled through the use of a Taser Energy Weapon will be placed on the applicable advisory, referral or Baker Act form.
 - b. The name of the responsible person so advised, will be included in the Incident Report.

VII. REPORTING AND INVESTIGATING THE USE OF A TASER ENERGY WEAPON

- A. An accidental discharge, not at a person, during the TESTING of the Taser Energy Weapon, does not require the completion of a *Use of Force Report*.
- B. Pointing or discharging a Taser Energy Weapon at a person, with or without an aiming laser, is considered a use of force.
- C. Pointing, discharging, or accidentally discharging the Taser Energy Weapon at a person, requires the incident be reported on a *Use of Force Report*, in addition to the completion of the Incident Report.
- D. Each officer at the scene of the incident who points, discharges, or accidentally discharges the Taser Energy Weapon at a subject will complete a *Use of Force Report* in Blue Team.
- E. Materials related to the Taser Energy Weapon discharge; e.g., probes, wires, etc., will be collected and photographed.
 1. After being photographed, for safety while handling, the probes will be reinserted in the expended cartridge and secured with "biohazard" tape.
 - a. Absent extenuating circumstances, the collected items may be discarded in a manner similar to any other biohazardous material.
 - b. If the on-scene Supervisor determines there are extenuating circumstances, the collected items will be placed into evidence following the rules of bio-hazardous material.
 2. Taser Energy Weapon probes are biohazards and will be treated as such. After an officer removes deployed probes from a subject, the probes will be handled in accordance with bloodborne pathogen and exposure control procedures.
 - a. Only an authorized Taser Energy Weapon user may remove probes in accordance with the manufacturer's instructions.
 - b. Since probes may have blood on them (biohazard), the officer will wear protective gloves when handling.
 - c. Carefully place deployed probes sharp end first into a sharps container or into the cartridge side wire pocket container, secure in place, and place in a safe location where probes will not be accidentally touch.
 - d. If necessary, the cartridge and probes will be placed in a plastic property/evidence bag.
- F. Anytime, on or off duty, that a Taser Energy Weapon is discharged, a supervisor will be notified and respond to the scene of the incident. The supervisor will ensure the following:

1. Appropriate medical treatment is provided.
 2. Materials related to the Taser Energy Weapon's discharge; e.g., probes, wires, etc. are collected and photographed.
 3. Photographs are taken of the place on the subject to include the area impacted by the probes and of any injuries related to the event (i.e., from a fall)
 - a. A technician will be called for photographs if the person is struck in the face, head, neck, groin, or breasts if a woman; and
 - b. If the person adamantly opposes photographs of a sensitive area or for another reason, the refusal will be explained in the Incident Report.
 4. Photographs are uploaded into Evidence.com.
 5. Ensure the required data upload is completed.
 - a. The battery will be placed into the docking station and another battery pack will be issued. The upload can take up to thirty (30) minutes.
 - b. The supervisor will convert the device log to an evidence file. (See Taser 10 Device Logs)
 3. If needed and if one is available, a replacement Taser Energy Weapon and cartridge(s) is obtained for the officer, ensuring that the serial numbers are properly recorded.
 4. The incident is properly documented in an Incident Report, including a detailed summary of the incident.
 5. The *Use of Force Report* is completed in Blue Team and routed it through the officer's Chain of Command. An incident summary is not required on the Use of Force Report in Blue Team.
 6. When a Supervisor deploys a Taser Energy Weapon, another Supervisor of equal rank or above will respond to the scene and handle the on-scene supervisory duties.
- G. The *Use of Force Report* will be sent electronically, via Blue Team, to be administratively reviewed by the officer's Chain of Command through the rank of Major.
- H. Following the administrative review, the respective Major will electronically forward the *Use of Force Report* to the Office of Professional Standards (OPS) via Blue Team.
1. The Office of Professional Standards will:
 - a. Enter the approved *Use of Force Report* into IAPro
 - b. Send a PDF version to the Records Division
 - c. Forward any report that indicates additional training may be needed to the Training Division for their review
 - d. Include information about the use of the Taser Energy Weapon in OPS *Annual Report*
 2. The Office of Professional Standards will conduct an investigation into any discharge of a Taser Energy Weapon when:
 - a. There is serious injury or death;
 - b. The use appears to be abusive or punitive; or
 - c. There is substantial deviation from Taser Energy Weapon training procedures.
 3. The use of a Taser Energy Weapon against a person in a risk category as listed in this Order may be investigated on a case-by-case basis.

Anthony Holloway
Chief of Police