

MONROE COUNTY SHERIFF'S OFFICE

General Order

CHAPTER: 31-B		TITLE: Tasers
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REFERENCE: CALEA 1.3.4, 1.3.5, 1.3.6, 1.3.7,1.3.11		RESCINDS:

Purpose

The purpose of this policy is to provide deputies with guidance and direction on the use of conducted electrical weapons.

Policy

It is the policy of the agency that personnel performing official duties shall comply with applicable law, and specifically Fourth Amendment standards, by using a level of force that is reasonable in light of the surrounding facts and circumstances. Conducted electrical weapon (CEW) have been proven effective and are authorized for use in appropriate circumstances by trained personnel.

Definitions

- Conducted Electrical Weapon (CEW) - A device designed to disrupt a subject's sensory nervous and motor nervous systems by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.
- A.F.I.D. (Anti Felon Identification Device) – confetti like pieces of paper that are expelled from the cartridge when fired. Each "aphid" contains an alpha numeric identifier unique to the specific cartridge used.
- Active Physical Resistance - slight to moderate physical harm: a subject makes physically evasive movements to defeat a deputy's attempt at control. This may be in the form of bracing or tensing, attempts to push/pull away or not allowing the deputy to get close to him/her.
- Aggressive Physical Resistance – moderate physical harm: a subject makes overt, hostile, attacking movements which may cause injury, but are not likely to cause death or great bodily harm to the deputy or others.
- Securing Under Power – A technique used to secure a subject during the activation cycle, as instructed through training.

Procedures

- *Authorized Users*
 - Only those who have satisfactorily completed the agency's approved training course shall be authorized to carry a CEW. Agency members will be given annual retraining by an authorized staff instructor on the use of a CEW. Any member failing to complete the agency's annual retraining on the use of the CEW shall not be authorized to carry a CEW until the member attends an approved practical training session with an certified CEW instructor [CALEA 1.3.11]

- *Device Readiness*
 - The device shall be carried by authorized deputies in an approved holster on the non-dominant side of the body. Those authorized to use the device and assigned outside of uniformed patrol duties may utilize other department approved holsters, and carry the weapon consistent with department training.
 - The device shall be carried fully armed with the safety on in preparation for immediate use when authorized.
 - Deputies approved to use the device shall be issued a minimum of one spare cartridge as a backup in case of cartridge failure or the need for reapplication, (Taser X26 model only). The spare cartridges shall be stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer's expiration requirements.
 - Only agency-approved battery power sources shall be used in the CEW.
 - When carrying a CEW, deputies shall conduct a pre-operation test (spark test) of the CEW prior to the start of each shift. If a deputy believes the CEW is not operating properly, the deputy shall promptly notify their immediate supervisor.

- *Deployment*
 - Subject to the conditions below, the CEW may be used when Active Physical Resistance or higher resistance is encountered. The justifications are the same officer/subject factors that exist in any other force decision.
 - The CEW may be deployed in the case of a sudden attack or when a subject is actively resisting.
 - CEW deployment may increase the risk of death or serious injury in certain circumstances, such as loss of balance, falls, and change in momentum, drowning, or loss of control of any mode of transportation, conveyance or machinery.
 - Absent exigent and articulable circumstances justifying CEW deployment, deputies should not deploy an CEW:
 - in elementary schools;
 - on young children;

- on the elderly;
- on females reasonably believed to be pregnant.
- On individuals with apparent physical disabilities that impairing their mobility.
- On individuals who may fall from an elevated position causing substantial injury or death (e.g., rooftop, high above ground level).
- On individuals in water.

Deputies should evaluate and consider other options such as verbal commands, hands on techniques, OC spray, etc.

- A subject's flight should not be the sole justification for CEW deployment. All situation factors must be considered (Use of Force policy).
- The CEW should not be intentionally aimed at a person's head, neck or groin. The primary target shall be the subject's back, when practical. If the primary target is not available, the secondary target area is front, lower, center mass. Frontal applications of CEW's have been found to be more effective when the probes are targeted at the lower torso engaging the balancing muscles of the pelvic or thigh region.
- The CEW shall not be used in a punitive or reckless manner. Some examples are:
 - Using or threatening to use the CEW during an interrogation.
 - Using the CEW to awaken a person.
 - Using the CEW as a "Prod."
- The CEW shall not be used for extracting evidence or contraband.
- Deployment of the CEW is not authorized on handcuffed, or otherwise secured subjects who do not present an Aggressive Physical Resistance or higher, unless exigent circumstances exist.
- The CEW should not be used in any environment where potentially flammable, volatile, or explosive material (gasoline, natural gas, propane, flammable chemical sprays, etc.) are present.
- The CEW shall not be used against subjects in physical control of a motor vehicle in motion (i.e.: vehicles, motorcycles, scooters, boats, bicycles) unless exigent and articulable circumstances exist.
- In preparation of deployment, the CEW shall be pointed in a safe direction, taken off safe, and then aimed. Absent exigent circumstances:
 - A verbal warning shall be given unless doing so would place an individual at risk;
 - only one deputy at a time shall deploy an CEW against a subject;
 - if present, a second deputy shall provide cover; and
 - the CEW may be used in a "drive stun" mode as a secondary option.
- Deputies will continually assess submission/compliance and breathing ability before applying additional cycles of the CEW. Deputies shall attempt to secure the subject under power as soon as practical. Deputies should apply restraint techniques consistent with General Order 031A and subjects should be closely monitored for signs or complaints of distress indicating asphyxia.

- The CEW shall be pointed at the ground in a safe direction with the safety on during administrative handling procedures.
- No changes, alterations, modifications or substitutions shall be made to the CEW. All repairs to an CEW, other than a battery change or reset shall be completed by an authorized vendor.
- Uniform deputies certified with an CEW shall carry the CEW when engaged in any uniform assignment.
- Excited Delirium
 - Excited delirium is a medical emergency that requires prompt medical treatment in a hospital emergency department. Due to the extreme state of mental and physiological excitement, deployment of an CEW may be needed to gain control of a subject with suspected excited delirium. In this scenario the deputy shall request emergency medical services (EMS) prior to deployment if circumstances permit. Once control of the subject is achieved, expeditious transport to a hospital emergency department shall be provided by EMS.
- Nothing in this order shall prevent a deputy from utilizing any readily available object or empty hand technique as a weapon in circumstances or situations where the actions of a subject constitute Deadly Force Resistance that could result in great bodily injury, permanent disability, permanent disfigurement or death to the deputy or others.
- The CEW should not be used in situations where deputies may need immediate Deadly Force Deputies should keep in mind the limitations as well as the capabilities of their issued CEW.
- After a deputy uses a CEW, the deputy should:
 - Handcuff the subject to minimize the threat of injury to either the deputy or the subject.
 - Remove the CEW probes at the earliest opportunity. The CEW probes shall be removed in accordance with agency approved training. CEW probes that have struck the face, groin, female breasts, or male nipple area must be removed by properly trained medical personnel. When probes are located in these areas the deputy shall request EMS.
 - CEW probes that have struck a person's body shall be considered a biological hazard and disposed of appropriately.
 - CEW probes that did not strike a person's body shall be disposed of in an appropriate sharps container. All other parts of the CEW cartridge may be discarded in a trash receptacle.
 - Request emergency medical services to provide medical treatment and transport if the subject shows signs of injury, complains of a medical emergency, or requests medical treatment after the deployment. [CALEA 1.3.5]

- Document all injuries in the incident report. [CALEA 1.3.6]
 - Photograph all significant injuries and impact points, if possible. Photographic evidence shall be handled consistent with agency policy.
- *Reporting and Accountability*
 - Deputies shall notify their supervisor as soon as practical after each intentional or unintentional discharge, with the exception of function pre-operation spark tests conducted at the beginning of a shift and training exercises. A supervisor is required to respond to unintentional discharges involving a deputy/suspect confrontation or when a deputy or third party is contacted by the CEW.
 - In use of force situations involving a deputy/suspect confrontation, a supervisor shall conduct a review of the deployment to ensure compliance with agency policy. The supervisory review should include:
 - speaking with the involved deputy;
 - speaking with the suspect to ascertain any medical needs;
 - ensuring witness statements (verbal or written) are obtained and/or reviewed;
 - ensuring photographs are taken of significant injuries and impact points, if possible;
 - The supervisor shall ensure that the deputy completes the Subject Resistance Report in Smart Cop and is forwarded through the deputy's chain of command for review.
 - If the supervisor has reason to believe that a violation of agency policy has occurred that could result in discipline, the supervisor shall adhere to the appropriate General Order.
 - Documenting compliance through the display of the CEW
 - Supervisors shall ensure that any member who gains compliance through the display only of the CEW shall document the incident by completing a Subject Resistance Report (SRR) in Smart Cop. [CALEA 1.3.7]