

# Key West Police Department

Respect – Integrity – Fairness – Service

## General Order

### Electronic Control Weapon

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*Donald J. Lee, Jr.*  
Chief Donald J. Lee, Jr.

COLOR CODING DENOTING LEVEL OF LIABILITY: **YELLOW: High Risk / Low Frequency / No Discretionary Time**

#### PURPOSE

The purpose of this directive is to set forth the policy regarding deployment of the Electronic Control Weapon for the Key West Police Department.

#### DISCUSSION

The Electronic Control Weapon, herein referred to as a TASER® device, is deployed as an additional law enforcement tool and is not intended to replace firearms or self-defense/defensive tactics techniques. The TASER® device may be used to control an actively resisting or potentially violent subject when deadly physical force does not appear to be justified and/or necessary; or attempts to subdue the subject by other conventional tactics have been, or will likely be, ineffective in the situation confronting the officer; or there is a reasonable expectation it will be unsafe for officers to approach within contact range of the subject.

#### SCOPE

Specific responsibilities and requirements are contained in this Directive for:

- All sworn personnel
- Watch Supervisor
- Training Officer

#### DEFINITIONS

**Air Cartridge:** A single-use cartridge for the TASER® device which uses compressed nitrogen to deploy two barbed probes, connected to thin insulated wires, sending electrical pulses along the wires and into the body.

**Anti Felony Identification Device (AFID)** - Small confetti-like tags, are ejected each time a TASER® air cartridge is deployed. AFID tags contain the serial number of the deployed cartridge to allow identification of the cartridge used.

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

**Less Lethal Force** - Defensive or controlling action that neither is likely nor intended to cause death, great bodily harm, or serious bodily injury.

**Sensitive Tissue Area:** Areas of the body which are especially sensitive to injury. These areas include the head, face, neck, groin, genitals, and female breast.

**Spark Test** – A testing procedure conducted by removing the air cartridge from the TASER® device and pulling the trigger to assure the TASER® device is functioning properly by producing a strong, consistent spark across the electrodes.

**TASER® device:** An electronic control device with the capability of disrupting the body's ability to communicate messages from the brain to the muscles, causing temporary motor skill dysfunction in a subject.

## **DIRECTIVE**

### **03.29.01      LEGAL AUTHORITY TO USE**

Pursuant to F.S. 943.1717, Electronic Control Weapons, referred to in Statute as dart-firing stun guns, are authorized for use by sworn law enforcement officers to control persons who escalate resistance from passive physical resistance to active physical resistance and who have the apparent ability to physically threaten the officer or others or is preparing or attempting to flee or escape. The use must involve an arrest or custodial situation.

### **03.29.02      PROCEDURE**

#### **03.29.02.01      Authorized Electronic Control Weapon**

- A. The X-26 Advanced TASER® with TASER® Cam and the X-26P TASER® with HD TASER® Cam, herein referred to together as a TASER® device, is the only Electronic Control Weapon, as delineated in General Order - 02.07 "Weapons and Ammunition," authorized for issue, carry and use by sworn members of the Key West Police Department.
- B. Approved models and specifications are maintained by the Training Unit.

#### **03.29.02.02      Training and Issue**

- A. TASER® devices shall be issued to and used only by officers who have successfully completed the Department's TASER® Training Program.
  - 1) Training will meet or exceed the Criminal Justice Standards and Training Commission standards and Florida Statute 943.1717 as related to Electronic Control Devices or "dart-firing stun guns."
  - 2) Officers qualified to carry a TASER® device shall complete annual retraining on its use and any related policies.
- B. Officers issued a TASER® device will carry it on the side opposite the firearm. The TASER® device will only be carried in a Department-issued holster or a holster approved by the Training Unit.
- C. The Training Unit will issue a TASER® device and air cartridges to the officer after successful completion of the required training. Only those batteries and air cartridges issued by the Department are authorized for use.
- D. Patrol supervisors may be supplied extra cartridges for re-supply purposes.

- E. The serial number of the TASER® air cartridge will be recorded upon issue and noted when returned. Members will not exchange TASER® devices or air cartridges with each other, except in an emergency or as authorized and recorded by the Quartermaster.
- F. Officers are responsible for replacing air cartridges by the expiration date. Expired air cartridges shall be returned to the Training Unit and used for training purposes or otherwise disposed of.
- G. The Training Unit will ensure the TASER® device is working properly prior to issue or reissue. The Training Unit will inspect all TASER® devices and issued cartridges for proper operation, expiration dates, and condition annually. This may occur during annual training or as scheduled by the Training Unit.
- H. Supervisors will inspect TASER® devices for general condition, supplies, and expiration dates as a part of line inspections.
- I. Only properly functioning and charged TASER® devices shall be carried for operational needs. If a weapon does not function properly, it will be returned to the Training Unit for repair or replacement.
- J. The TASER® device and air cartridges will be stored in a secure, clean, and dry location when not worn. The device should not be stored in a temperature less than 20 degrees or more than 114 degrees, as the batteries may deteriorate or fail in extreme temperatures. Therefore, the TASER® device and air cartridges will not be stored in a vehicle.

### **03.29.02.03     Pre-Deployment Considerations**

- A. Prior to deploying the TASER® device, the officer should consider the following factors:
  - 1) Age, height and weight of the person
  - 2) Sex
  - 3) Person's apparent ability, actions and behavior
  - 4) Proximity of weapons
  - 5) Multiple subjects/officers
  - 6) Location of the officer and subject
- B. Officers will not use a TASER® device on the following persons unless exigent and articulable circumstances necessitate its use:
  - 1) Persons confined to wheelchairs.
  - 2) Females known to be pregnant.
  - 3) Obviously debilitated or elderly persons.
  - 4) Persons, particularly juveniles, reasonably appearing to weigh less than 80 pounds.
  - 5) Persons in danger of falling a lethal distance, falling into machinery, drowning, or while operating a vehicle.
  - 6) Persons secured in restraint devices.

- C. The TASER® device may be used on aggressive animals in the defense of the officers and/or innocent bystanders.

#### **03.29.02.04      Deployment Procedures**

- A. The TASER® device may be used when an arrest or a custodial situation exists, during which the person who is the subject of the arrest or custody escalates resistance to the officer from passive physical resistance to active physical resistance and the person:
  - 1) Has the apparent ability to physically threaten the officer or others; or
  - 2) Is attempting to flee or escape.
- B. A full deployment of the TASER® device shall not be used on a passively resistant subject. However, it may be displayed as a visual deterrent, and shall be documented, at a minimum, in CAD.
- C. Deployment of the TASER® device constitutes a Response to Resistance Incident and is subject to all the requirements of a Less-Lethal Incident in General Order - 02.07 "Response to Resistance" and as outlined in section 03.29.03 of this policy.
- D. The reporting requirement does not apply for presentations that occur during scheduled and sanctioned training or for function testing of the TASER® device.
- E. The officer will handle the TASER® device in accordance with their training, taking care not to cover the lens of the TASER® camera. The camera begins recording as soon as the device is activated.
- F. The TASER® device is programmed to deliver a five-second electrical current. The officer can shorten or extend this time.
  - 1) After the TASER® device is deployed, the officer will continually evaluate the situation and the subject's level of compliance.
  - 2) Any extension of the initial cycle, or multiple cycles, shall be justified and documented when deployed on a subject in the same incident.

#### **03.29.02.05      Guidelines for use of an Electronic Control Weapon**

- A. A pre-operation check of the TASER® device will be conducted prior to going into service.
  - 1) With the air cartridge removed and the weapon pointed in a safe direction, perform a spark test of the TASER® device. A full, five-second, cycle will be conducted.
  - 2) Attach the air cartridge and holster the weapon.
  - 3) If the TASER® device fails to fire or fires slowly, ensure the batteries are fully charged and properly installed.
  - 4) The officer will not spark test the TASER® a second time during the shift without a specific reason or a supervisor approval.
- B. Keep hands away from the front of the unit at all times unless the safety slide is forward and the TASER® device is deactivated.
- C. Do not use the TASER® device near flammable liquids or fumes, as it has the potential to ignite flammables.

- D. Whenever practical, the warning "TASER®," should be given prior to discharge of the TASER® device.
- E. The TASER® device should not be aimed or intentionally deployed at the eyes or face unless justified in using deadly force. In the event the probes unintentionally penetrate the eyes or face, follow the procedures for after-care of sensitive tissue areas.
- F. Officers should use caution during the deployment of the TASER® device, as electric shock may occur if physical contact is made with a probe, wire, or in the path between the electrodes. Officers should also avoid stepping on or tripping over the wires.
- G. Avoid contact between static electricity and the TASER® air cartridge because static electricity can cause unexpected discharge.
- H. Use of the TASER® device should be limited to its functional range; either 21 or 35 feet, depending upon the model issued.
- I. The "drive-stun" technique may be used when in close contact with a subject. The drive-stun technique may be used on passively resisting subjects as pain compliance only. When using the drive-stun technique on a passively resisting subject, the cartridge shall be removed first.
- J. Each officer should carry a secondary air cartridge for use in the event of a miss, poor probe placement, or other undesirable effect.
- K. The TASER® device will be carried in the "off" position while in the holster and when intended use is not planned.
- L. No officer shall carry or cause a TASER® device to be introduced into a correctional facility, unless in response to a call for services where it may be needed.

#### **03.29.02.06 Post Deployment Procedures**

- A. After the deployment of a TASER® device and the subject is secured, the officer shall remove the probes; unless it appears medical intervention is necessary. Officers shall wear personal protective equipment, and the removal shall be conducted per training.
- B. Once the probes have been removed, they should be inspected for their original integrity. If any part of the probe is missing after removal, the person should be evaluated at a medical facility.
- C. Medical personnel or emergency room staff will remove the probes if the subject is struck in a sensitive tissue area such as face, neck, groin, and breast area of a female, unless a female officer is available to remove the probe.
- D. Additionally, medical intervention will be required when a TASER® device has been used on any of the following:
  - 1) Subject weighing less than 80 pounds, particularly a juvenile.
  - 2) Female known to be pregnant.
  - 3) Disabled person.
  - 4) Subject exhibiting extremely erratic, violent behavior.
  - 5) Subject exhibiting unusual/unexpected behavior or has unusual/unexpected complaints after the TASER® device application.

- 6) Persons secured in restraint devices.
- E. If the person refuses medical treatment or examination, the officer will note the refusal in the incident report.
- F. Documentation of examination, treatment, or refusal should be obtained for the detention facility or receiving facility personnel.
- G. After a visual inspection, discharged probes shall be inverted into the portals they were originally deployed from. Probes are to be treated as a biohazard and shall be handled, packaged and stored per policy. The wires shall be wound around the cartridge. Tape should then be placed over the portals to secure the probes in the cartridge. Submit to KWPD Property Section as evidence.
- H. Officers will attempt to collect a sample of the AFID tags and place in a separate evidence envelope. If the AFID confetti cannot be recovered from the scene (washed away by rain, destroyed by fire, etc.), the circumstances preventing recovery will be detailed in the Offense/Incident Report and the Response to Resistance report.
- I. If the probes have penetrated the skin, the puncture sites shall be brought to the attention of a supervisor and photographed, along with the air cartridge, probe wires, and probes.
- J. The TASER® device will be downloaded by a Supervisor or the Training Unit by the end of the shift, when a Response to Resistance incident includes the discharge or alleged discharge of the TASER® device and shall be forwarded along with the Response to Resistance report.

### **03.29.03      REPORTING REQUIREMENTS**

- A. Supervisors will complete a Response to Resistance report for deployment of a TASER® device, in accordance with General Order – 02.07 “Response to Resistance.” If an accidental discharge occurs, a memorandum detailing the circumstances and a copy of the TASER® video shall be forwarded to the Professional Standards Division.
- B. Response to Resistance reports will include the air cartridge serial number, when used.
- C. The TASER® device download reports will be attached to the Response to Resistance report.
- D. The audio/video recordings and device firing data from use of the TASER® device, through actual deployment will be downloaded to a disc and submitted as evidence, referencing the appropriate CAD or case number.
- E. Any audio/video recordings and device firing data from the use of the TASER® device through presentation that is of evidentiary value will be downloaded to a disc and submitted as evidence, referencing the appropriate CAD or case number.
- F. The estimated distance from the point of impact should be noted (in the report) for future analysis.
- G. Notifications and reports will be in accordance with General Order – 02.07 “Response to Resistance.”
- H. In the event a TASER® device is displayed, but not deployed, whereby creating a visual deterrent, the officer shall ensure it is documented in CAD on the call in which the TASER® presentation was effected. A TASER® presentation will include, in addition to displaying the device, activating the laser and/or light function or producing a spark across the electrodes when the air cartridge is removed (spark test.)

## REFERENCES

- Monroe County Sheriff's Office; Monroe County, FL; X-26 Advanced TASER® Policy
- Cocoa Beach Police, TASER® Policy
- Volusia County Sheriff's Office; M26/X26 Advanced TASER®
- West Palm Beach Police Department: 111-17 TASER®
- Citrus County Sheriff's Office; Use of Control: Electronic Control Weapon Policy
- International Association of Chiefs of Police
- CJSTC Rule 11B-17-00212
- FS 943.1717 Use of dart-Firing Stun Guns

## EVOLUTION

- General Order 03.29 Electronic Control Weapon Version 06.18.2009
- April 20, 2011  
General Order, "Electronic Control Weapon"
- General Order 03.29, Electronic Control Weapon  
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