

St. Joseph, Missouri Police Department



DIRECTIVE TYPE: GENERAL ORDER		INDEX NUMBER: GO 0801
SUBJECT: Conducted Electrical Weapon		
ISSUE DATE: February 4, 2008	REVISED: 7/6/09, 11/4/10, 7/1/11,	AMENDS/RESCINDS: N/A
REVISED CONTINUED: 3/9/12, 1/24/13, 5/15/13, 1/27/14, 11/18/14, 2/20/15, 11/4/16, 4/10/18		DISTRIBUTION: B & C (2,7,8)

I. POLICY

It is the policy of the St. Joseph Police Department to ensure the safety of all Officers and Citizens. Conducted Electrical Weapons are an effective means of reducing the number of serious injuries to officers and suspects. Conducted Electrical Weapons are an effective non-deadly technology that can be utilized by the St. Joseph Police Department as an alternative to deadly force. They can also be employed when a subject presents an imminent physical threat to himself and others. The St. Joseph Police Department recognizes Conducted Electrical Weapons as additional police tools that are not intended to replace verbal problem solving skills, self-defense techniques, or firearms. When used properly, Conducted Electrical Weapons can reduce injuries, deter resistance and reduce excessive force claims.

II. PURPOSE

The purpose of this policy is to ensure that members of the St. Joseph Police Department utilize Conducted Electrical Weapons appropriately and effectively while maintaining the highest level of safety for both the officer and the suspect.

III. DEFINITIONS

- A. Conducted Electrical Weapon (CEW): A weapon designed to disrupt a subject's central nervous system by deploying battery-powered electrical energy sufficient to cause uncontrolled muscle contractions and override voluntary motor responses.
- B. AFIDs: Confetti-like pieces of paper that are expelled from the cartridge when fired. Each anti-felon identification (AFID) tag contains an alpha-numeric identifier unique to the cartridge used.
- C. Drive Stun: A secondary function of a CEW that stuns a subject by making direct contact with the body after the air cartridge has been expended or removed, or the cartridge is in direct contact with the subject. Drive Stun causes significant localized pain in the area touched by the CEW but does not have a significant

effect on the central nervous system. Drive stun does not incapacitate a subject but may assist in taking him into custody.

- D. Air Cartridge: A replaceable cartridge for a CEW, which uses compressed nitrogen to fire two barbed probes on thin connecting wire sending a high voltage/low current signal into a subject.
- E. XDPM (Extended Warranty Digital Power Magazine): The power supply for the CEW. It also contains warranty information and updates to the CEW.

IV. PROCEDURES

A. Authorized Users

1. Only officers who have satisfactorily completed the St. Joseph Police Department's approved training course shall be authorized to carry CEW's.
2. Officers carrying a CEW will be required to qualify annually in the use of the weapon.
3. Officers carrying the weapon shall conduct a spark test at the beginning of each shift ensuring that the device is working properly.
4. No changes, alterations, modifications or substitutions shall be made to the CEW.
5. Only an authorized vendor/certified instructor may make repairs to the CEW.

B. Weapon Readiness

1. The device will be carried in an approved holster on the side of the body opposite the service handgun. Officers not assigned to uniformed patrol may utilize other department approved holsters and carry the weapon consistent with departmental training.
2. The device shall be carried fully armed with the safety on in preparation for immediate use when authorized.
3. Officers authorized to use the device shall be issued a minimum of one spare cartridge as a backup in case of cartridge failure, the need for re-deployment, or in case the first cartridge leads break during engagement. 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.
4. Only agency/vendor approved battery power sources shall be used in the CEW.

C. Deployment:

1. Members of the St. Joseph Police Department are not authorized to draw or display the CEW, except for training, unless the circumstances create reasonable belief that it may be necessary to use it. The CEW will be handled in the same manner as a firearm and will be secured, upon request, prior to entering any detention facility.
2. There are four separate types of reportable CEW applications.
 - a. **Spark Display** – A non-contact demonstration of the CEW's ability to discharge electricity. This is conducted only when the cartridge has been removed from the weapon. The purpose of this display is to convince the subject to comply with a lawful order and

The level of resistance continuum is provided below, #1 being the lowest level on the continuum, continuing up to #6, which is the highest level:

- 1) Psychological Intimidation: Non-verbal actions and/or body language that indicate control methods are necessary to prevent a subject from injuring himself/herself or others. These may include clenched fists, an aggressive stance, or a blank expression that may warn the member of the subject's emotional state.
- 2) Verbal Non-Compliance: Dialogue in the form of threats or other resistance.
- 3) Passive Resistance: The subject resists control by the use of passive, physical actions with no attempt to defeat the physical contact of the member. Passive resistance is the lowest level of physical resistance.
- 4) Defensive/Escape Resistance: The subject attempts to push, pull, or run away in a manner that does not allow the member to establish control. There is no attempt by the subject to strike or harm the member.
- 5) Active Aggression: Physical action of assault from a subject.
- 6) Aggravated Active Aggression: The subject is assaulting a member with a weapon and/or using techniques or objects which could result in death or serious physical harm to the member or others.

The CEW may be used when it is reasonably necessary to prevent the level of resistance of the subject from escalating to a higher level.

8. The CEW **will not** be used:
 - a. When the officer knows a subject has come in contact with flammable liquids or is in a flammable atmosphere;
 - b. When the subject is in a position where a fall may cause substantial injury or death;
 - c. Punitively for purposes of coercion, or in an unjustified manner;
 - d. When a prisoner is handcuffed, unless compelling justification is present **(i.e. assaultive behavior, and a detailed report must be written to justify the use on such individuals)**;
 - e. To escort or jab individuals;
 - f. To awaken unconscious or intoxicated individuals;
 - g. When the subject is visibly pregnant, unless deadly force is the only other option; or
 - h. When a subject is verbally non-compliant in a non-threatening manner or is offering only passive non-violent resistance.
9. The CEW **should not** be used in the following circumstances (unless there are compelling reasons to do so which can be clearly articulated):
 - a. When the subject is operating a motor vehicle;

- b. When the subject is holding a firearm, **unless a lethal cover officer is immediately proximal to the Taser officer;**
- c. When the subject is at the extremes of age (juveniles obviously weighing less than 80 pounds, elderly, physically disabled, or obviously frail or small stature);
- d. In a situation where deadly force is clearly justifiable unless another officer is present and capable of providing deadly force to protect the officers and/or civilians as necessary;
- e. By **multiple officers on the same subject**, unless extenuating circumstance exist (i.e. probe miss by one officer, broken wire, CEW malfunction, extremely violent subject etc.);
- f. When a subject resists by flight, where the flight alone is the sole justification for deploying the CEW.
 - 1) Prior to deploying the CEW on a fleeing subject, the officer should consider such factors as:
 - a) The severity of the offense;
 - b) Any immediate threat to the safety of the officer or others posed by the suspect;
 - c) The ability of the officer to safely affect the arrest without CEW deployment; and
 - d) The risk of secondary injury to the subject, who could fall from a running position.

Officers must understand that repeated applications and continuous cycling of CEW's may increase the risk of death or serious injury and should be avoided.

D. Training and Certification:

Instructors who have been certified by TASER International will be the only authorized persons to instruct on the device. Training will be conducted in accordance with department protocols. Officers authorized to use a CEW must successfully complete an initial certification training course, to include written and practical tests. Once certified, officers must attend annual re-certification training. All commissioned officers must obtain and maintain a current certification.

E. Equipment Care and Handling:

Officers will use only authorized equipment from the vendor of the CEW that is issued by the St. Joseph Police Department. The CEW will be equipped with an XDPM. The battery display will be checked at the beginning of each shift. The CEW will be inspected for damage, cleanliness and batteries recharged/exchanged when required by the officer. A reading of 20% or less will require the XDPM to be removed from service, charged and replaced with a new XDPM. CEW's must be stored and secured in a climate controlled area—not in a vehicle.

- 1. Officers must conduct a spark check at the beginning of a shift to ensure the CEW is functioning properly. A spark check is an equipment check conducted outside of public view to ensure the CEW is operable. It is conducted by removing the cartridge, test firing the weapon and observing the electrical arc. This spark check does not require completion of a use of force report.

2. Uniformed officers will carry the CEW in a department issued holster. The holster will be carried on the duty belt, on the side opposite the duty firearm, preferably in the cross draw position.

F. Officer Deployment:

When an officer deploys a CEW he/she:

1. Will give a warning, when practical, to the subject and other officers before firing a CEW at the subject, to avoid sympathetic gunfire.
2. Will consider the center mass of the back as the primary target area. Clothing tends to be tighter on this part of the body and the muscle mass is greater.
3. When encountering subjects wearing heavy or loose clothing on the upper body, the legs should be considered as a target.
4. Will attempt to avoid hitting in sensitive tissue areas such as head, face, neck, groin or female breast area; however probes penetrating these areas will be removed by medical personnel at a medical facility.
5. Will ensure the probes in other areas will be removed from the subject's skin, after the subject is restrained, following procedures received in training.
6. Shall see that the following persons shall be transported to a medical facility for examination following exposure to a CEW. Any person who:
 - a. requests medical attention;
 - b. is hit in a sensitive area (e.g. face, head, female breasts, male groin) unless cleared by EMS at the scene and refusing medical;
 - c. officers have difficulty removing probes (due to probe or barb separation);
 - d. does not recover properly after being hit;
 - e. is in the category of people on whom the CEW should not be used;
 - f. has been energized more than three times;
 - g. has had more than one CEW effectively used against him/her in any given incident;
 - h. has been subjected to a consecutive or cumulative energy cycle of 15 seconds or more; or
 - i. Has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to CEW exposure.
7. Will remember that use of the Drive Stun is discouraged except in situations where the probe deployment is not possible and the immediate application of the Drive Stun will bring a subject displaying active, aggressive or aggravated aggressive resistance safely under control. Multiple Drive Stuns are discouraged and must be justified and articulated in writing. If initial application is ineffective, the officer will reassess the situation and consider other available options.
8. Will remember the risk of positional asphyxia and use a restraint technique that does not impair the subject's respiration following a CEW application.
9. Will take photographs of any serious injuries sustained as a result of Taser deployment. He/she shall also take photos if the suspect complains of

injuries sustained from use of the Taser and if probes hit any sensitive areas of the body.

10. When the device has been used operationally, the officer shall collect the cartridge, wire leads, and darts as evidence.
11. Will make notification to immediate supervisor whenever a CEW has been used.
12. Will notify detention personnel at the time of booking that the subject has been struck with a CEW.

G. Post Deployment

1. Police Officer

- a. Handles the probes the same as contaminated needles and sharps in accordance with department biohazard disposal procedures.
- b. Completes Use of Force Report, Taser Restitution Form (if CEW is fired) and a written account of the circumstances that led to using the CEW. This will occur whenever a CEW is fired, whether a subject is struck or not, when the drive stun mode is used on a subject, when a spark demonstration or laser painting is conducted. Any photos from the event will be booked into evidence in accordance with department policy. (The Taser Restitution Form will be attached to any tickets that are included in the report, to be sent to the appropriate court of jurisdiction.)
- c. Places his/her CEW into a Taser evidence locker at the end of his/her shift with all reports covered in this policy. The officer will then use the clear evidence bag to place all cartridges, wires, probes, into and seal. The subject's name, today's date, case number, and cartridge number will be placed on the outside of bag. The bag will then be placed in the provided container in the patrol clerk's office. As soon as practically possible, a Taser Instructor will download the data and return the CEW back into service.
- d. Forwards a copy of the use of force to the shift Captain and Professional Standards.

2. Supervisor

- a. Notifies Taser Instructor of deployment for weapon download.
- b. Ensures that officer(s) completes reports and required photographs are taken.
- c. Replaces Taser cartridges to officer.
- d. Verifies Taser and pertinent information are secured in Taser locker at end of shift, if download has not been completed.

3. Shift Commander

- a. Ensures Taser has been used properly, use of force report completed and accurate and forwarded to Professional Standards.
- b. Ensures a control log is maintained for weapon/cartridge checkout and check-in and weapon repairs.

4. Taser Instructor

- a. Downloads Taser data.

- b. Forwards downloaded information to appropriate Commanders and Professional Standards.
- c. Shall be responsible for reviewing all Use of Force reports related to Taser deployment to ensure that use is consistent with department policy and training.
- d. Book appropriate items into evidence.
- e. Return Taser into service.
- f. Responsible for maintenance or returns to Taser International for repairs.
- g. Unless a case of critical injury or death, will dispose used cartridges one year after the deployment date, in a prescribed manner deemed by the Patrol Commander.

5. Evidence Custodian

- a. Will collect evidence bags with spent cartridges from the patrol clerk's office to be stored for a period of one year from date of deployment.
- b. Is responsible for destroying cartridges that have met the one year retention limit.
- c. Will preserve cartridges past the one year mark when requested by a Taser instructor or court order.

Chris Connally, Chief of Police

Date