



# TALLAHASSEE POLICE DEPARTMENT

## GENERAL ORDERS

 Proudly Policing Since 1841	<b>SUBJECT</b>  Conducted Energy Weapons	 Nationally Accredited 1986	
	<b>CHIEF OF POLICE</b>  <i>Signature on File</i>		
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### AUTHORITY/RELATED REFERENCES

FS Chapter 776, Justifiable Use of Force  
 General Order 42, Impounding and Control of Property and Evidence  
 General Order 60, Response to Resistance  
 General Order 61, Weapons, Firearms and Less-lethal Firearms  
 General Order 63, Officer-Involved Action Resulting in Serious Injury or Death

### ACCREDITATION REFERENCES

CALEA Chapter     4  
 CFA Chapter       10

### KEY WORD INDEX

<b>Application Cautions and Prohibitions</b>	Procedure III
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### POLICY

Officers authorized to use a Conducted Energy Weapon (CEW) shall adhere to the Department's response to resistance standards, CEW training, the protocols of this general order, and applicable Florida Statutes.

## DEFINITIONS

**Active Resistance:** Physically evasive movements, with or without verbal resistance, to defeat an officer's attempt at control, but not intended to harm the officer. Examples include, but are not limited to, linking arms with others, bracing or tensing, attempts to push or pull away, and walking or running away.

**Aggressive Resistance:** Assaultive or attacking movements which present an imminent threat of physical harm (but not likely to cause death or serious injury) to any person (i.e., the officer, the person offering the resistance, others), and prevents the officer from placing the person under control and in custody. Examples include, but are not limited to, taking a fighting stance, punching, kicking, striking, biting, and attacking with weapons not likely to cause serious injury or death.

**Air Cartridge:** The replaceable unit for the CEW, which uses compressed nitrogen to propel two barbed probes on thin connecting wires.

**Apply/Application:** When a CEW is discharged on, or fired at, a person or animal.

**Conducted Energy Weapon (CEW):** A Department-issued conducted energy weapon, used in either drive stun or propelled probe applications, which is designed to affect the sensory and motor functions of the central nervous system.

**Deployment:** With the exceptions of training, inspection, or storage, anytime a CEW is drawn from its holster or displayed.

**Drive Stun Application:** The secondary application method of the CEW where the weapon is applied to a person by making direct contact with the body, with or without the cartridge removed, but without a utilization of the probes.

**Excited Delirium:** A condition manifested as a combination of delirium, psychomotor agitation, anxiety, hallucinations, speech disturbances, disorientation, violent and bizarre behavior, insensitivity to pain, elevated body temperature and/or excessive strength.

**Function Test:** An assessment of the proper operation of a CEW where the operator intentionally initiates a discharge of current without the intent of conducting an application.

**Less-lethal Force:** Any force other than deadly force which is neither likely to cause, nor intended to cause, death or serious injury.

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**Objectively Reasonable:** In the context of response to resistance encounters, officer's actions which are deemed appropriate in light of the facts and circumstances confronting them at the time. An officer's response to resistance actions are always analyzed from the perspective of a reasonable officer possessing the same information and facing the same circumstances as the officer who actually used force.

**Off-duty:** When an officer is not engaged in on-duty or secondary employment activity.

**On-duty:** When an officer is working their regular duty assignment or any special assignment compensated by the Department.

**Passive Resistance:** Verbal and/or physical refusal to comply or cooperate with (or respond to) an officer's lawful directions, but taking no or only minimal physical action to prevent an officer from placing the person in custody and taking control. Examples include, but are not limited to, refusing to move or remaining stationary, and not moving when directed.

**Probe:** For the purposes of this policy, a metal dart propelled from the air cartridge.

**Propelled Probe Application:** The primary application method of the CEW where the weapon's probes are fired at a person or an animal.

**Secondary Employment:** Employment of an officer by an entity other than the Department, where a condition of the employment is the actual or potential use of law enforcement powers by the employed police officer.

**Trained Medical Professional:** A paramedic, nurse, doctor or other certified medical services provider employed by a licensed medical facility or contracted medical provider.

**Unintentional Discharge:** A non-deliberate propelling of CEW probes.

### PROCEDURES

#### I. AUTHORITY TO CARRY AND TRAINING REQUIREMENTS

- A. Only sworn members are authorized to carry and utilize a CEW.
- B. Only officers who successfully complete the Training Section's initial CEW operator's certification course are authorized to utilize a CEW.
- C. CEW-certified officers must successfully complete the Training Section's annual CEW recertification course in order to continue utilizing a CEW.

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- D. CEW-certified officers are authorized to carry the CEW only when on-duty or engaged in secondary employment.
- E. When off-duty, CEW-certified officers shall ensure their CEW is stored in a prudent and safe manner, and not utilize their CEW except for:
  - 1. Training,
  - 2. Inspections, and
  - 3. Function testing (as outlined in subsection II E below),

### **II. EQUIPMENT AND MAINTENANCE PROTOCOLS**

- A. Only Department-issued CEWs are authorized for use by officers.
- B. Officers are responsible for maintaining their assigned CEW in a state of operational readiness, to include the proper maintenance and care of its air cartridges, battery and holster, and officers shall adhere to the following:
  - 1. Not make changes, alterations, or modifications to the CEW except as authorized by the Training Section,
  - 2. Forward all requests for CEW repairs and accessories to the Training Section,
  - 3. Not utilize a malfunctioning or uncharged CEW, and
  - 4. Return inoperable or defective CEWs to the Training Section.
- C. The CEW shall be carried loaded with two (2) air cartridges and in an approved holster at all times.
  - 1. While in uniform and wearing the CEW on the duty belt, it shall be placed on the support side in a cross-draw manner, and
  - 2. Officers wearing the CEW on a raid vest or any other type of outer vest carrier shall adhere to the CEW carry method and training methodology approved by the Training Section.
- D. Commanders of specialty and support units shall adopt a CEW carry method and training methodology approved by the Training Section.

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- E. Officers should conduct a function test before the beginning of their tour of duty to ensure the CEW is functioning properly.
  - 1. The function test does not require the completion of a Response to Resistance Report.
  - 2. The function test shall be completed in accordance with CEW training provided by the Training Section.
  - 3. Failure to function test the CEW as directed by the Training Section could result in progressive discipline.

### III. CEW APPLICATION CAUTIONS AND PROHIBITIONS

- A. Officers are prohibited from utilizing a CEW in any manner contrary to Department training or the protocols of this written directive.
- B. The application of a CEW is not authorized to overcome passive resistance.
- C. An officer must have lawful authority over a fleeing person to utilize the CEW and its CEW application must be objectively reasonable based on the totality of the circumstances.
- D. A CEW should not be applied to a handcuffed person unless doing so is necessary to prevent the person from causing serious injury to themselves or others **and** lesser attempts of control are reasonably determined to be futile or have proven ineffective.
- E. Absent a deadly force situation, officers applying a CEW shall not intentionally target a person's head, face, neck or groin.
- F. Absent a deadly force situation, officers shall not apply a CEW on a person who is:
  - 1. Pregnant (when known or apparent),
  - 2. A young child (i.e., pre-teen),
  - 3. Visibly frail and/or elderly,
  - 4. In danger of falling from a noticeable height,
  - 5. In close proximity to a body of water, or

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6. In contact with known or perceived combustible or flammable liquids or gases.
- G. Unless necessary to prevent imminent physical harm to another person, officers shall not apply a CEW to a person in physical control of a:
  1. Moving motor vehicle, bicycle, moped or other conveyance.
  2. Stationary motor vehicle, moped or other motorized conveyance when the conveyance is capable of moving once the person is affected by the CEW.

### IV. CEW APPLICATION PROTOCOLS

As with any other level of control/force in a response to resistance encounter, officers shall use a CEW application only when it is objectively reasonable to overcome resistance in order to accomplish lawful objectives and effectively bring the incident under control.

- A. The application of a CEW is less-lethal force.
- B. Less-lethal force is utilized to compel compliance by a person displaying *aggressive resistance* (e.g., punching) and in some cases, *active resistance* (e.g., running away).
- C. Officers may use a CEW application to overcome a person's *active resistance* in arrest, custodial and detention situations **only** when:
  1. The officer reasonably believes the person has the apparent ability, and the apparent intent, to physically harm any person, or
  2. The person has taken some overt physical action in an attempt to flee, escape, or otherwise avoid/prevent detention or apprehension.
- D. In making the decision if it is objectively reasonable to apply a CEW, officers are responsible for assessing the totality of the circumstances and the person's apparent physical abilities and mental state, to include:
  1. The person's size, weight and apparent age, and
  2. The person's likelihood of causing imminent physical harm to themselves or others, and
  3. The opportunity to successfully use other control techniques.

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- E. When feasible, the officer should give a verbal warning intended for both the person and other officers prior to applying the CEW.
- F. Officers should only apply one CEW at a time.
- G. Officers should apply a CEW for one standard cycle (five seconds) and then evaluate the situation to determine if subsequent cycles are necessary.
  - 1. Any subsequent applications must be independently justifiable, and
  - 2. The risk (of subsequent applications) should be weighed against other force options.
- H. Officers applying a CEW are responsible for being aware of the injury risk from the person falling down and, if feasible prior to the application of the weapon, should observe the area for potential dangers.
- I. In the decision to utilize a CEW, officers are to be mindful of the information below.
  - 1. CEW exposure causes certain effects, including physiologic and metabolic changes, stress and pain.
  - 2. In some persons, the risk of death or serious injury may increase with cumulative CEW exposure.
  - 3. Repeated, prolonged or continuous CEW applications may contribute to cumulative exhaustion, stress, cardiac, physiologic, metabolic, respiratory, and associated medical risks which could increase the risk of death or serious injury.
- J. To reduce the risk of injury to the person receiving a CEW application, officers should adhere to the following targeting protocols:
  - 1. Use preferred target areas –
    - a. Below the neck area for back shots and the lower center mass (below the chest) for front shots.
    - b. The preferred target areas increase dart-to-heart distance and reduce cardiac risks.
    - c. Back shots are preferable to front shots when practicable.

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2. Avoid sensitive areas –

In addition to the mandate of subsection III F above (i.e., *not intentionally targeting a person's head, face, neck or groin absent a deadly force situation*), when practicable, avoid intentionally applying the CEW to sensitive areas of the body such as the throat, chest area (area of the heart), breast or known pre-existing injury areas.

K. To secure the person who received the CEW application, officers should:

1. Begin attempts to complete the control and handcuffing during the application of the CEW, and
2. If unable to complete the control and handcuffing, observe the person for compliance prior to subsequent CEW applications.

### V. MEDICAL AID PROTOCOLS

- A. Officers should be aware there is a higher risk of sudden death in persons under the influence of drugs and/or exhibiting symptoms associated with excited delirium.
- B. Officers shall provide appropriate initial medical aid to the person who received a CEW application and regularly and continually monitor them while they are in Department custody.
- C. When a person has received a CEW application, the officer shall summon a trained medical professional to provide appropriate medical aid to the person prior to transport to a receiving facility.
- D. When a person has received more than 15 seconds of continuous or repeated CEW applications, the officer is responsible for ensuring the person is transported to an emergency medical facility for evaluation.
- E. In both situations cited in subsections C and D above, the officer is responsible for informing the trained medical professional of the CEW application so they can better evaluate the need for medical treatment.
- F. Officers may remove the CEW probes in accordance with training procedures and, when doing so, shall adhere to the following:
  1. Do not remove the probes until the person is restrained or otherwise under physical control,



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2. Do not remove probes embedded in sensitive tissue areas of the person's body (e.g., groin, eyes, female breasts, face and neck),
  3. Probe wires may be cut or broken for persons requiring EMS transport for probe removal (allowing for enhanced stability of the embedded probe),
  4. Wear nitrile gloves when removing CEW probes, and
  5. Handle the probes and probe wires as evidence (see section VIII below).
- G. When a person who has received a CEW application is transferred to a receiving facility (e.g., Leon County Detention Facility, Juvenile Assessment Center, TMH Behavioral Health Center) the transporting officer is responsible for ensuring:
1. Facility personnel are informed of the application, and
  2. Notation of the CEW application is made on any transfer of custody document (e.g., Arrest/Probable Cause Affidavit).

### **VI. CEW APPLICATION – AGGRESSIVE ANIMALS**

- A. Officers are authorized to apply a CEW against an aggressive animal (i.e., one which poses an imminent threat of physical harm to any person).
- B. The CEW application against an aggressive animal does not preclude an officer from shooting the animal with a firearm if it is objectively reasonable to do so to protect any person from an imminent threat of physical harm.
- C. Officers shall complete a Response to Resistance Report for any CEW application to an aggressive animal.
- D. Officers who have applied a CEW to an aggressive animal are responsible for submitting the weapon to the Training Section (or their designee) for data downloading within 72 hours of the application.
- E. The evidence collection protocols for a CEW application to an aggressive animal are as follows:
  1. If feasible, take photographs or a video recording (via a Department-issued cellular telephone and/or a body-worn camera) of any probe impact, drive stun, or other related injuries (and if no photographs/recordings are taken, document the reason in the related offense report).

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2. After a CEW propelled probe application, and only when the animal is restrained or otherwise under physical control, the following items should be collected:
  - a. Probes (in accordance with training procedures and while wearing latex gloves),
  - b. Expended air cartridges (re-insert the barbed ends of the probes into the air chambers),
  - c. Some of the expended confetti (if able to locate), and
  - d. The probe wires.
3. All evidence collected shall be handled in accordance with General Order 42 (Impounding and Controlling of Property and Evidence).

### VII. NOTIFICATIONS, REPORTING, AND DOWNLOADS

- A. Whenever an officer applies a CEW, or has an unintentional discharge *while on-duty or engaged in secondary employment*, the officer shall ensure notification is made to the appropriate on-duty sworn supervisor contemporaneous to the event.
- B. Whenever an officer has an unintentional discharge *while off-duty*, the officer shall ensure notification is made to the Watch Commander contemporaneous to the event.
- C. Officers shall complete a Response to Resistance Report for any of the following CEW-involved situations:
  1. Application,
  2. Unintentional discharge, or
  3. Deployment with a subsequent encounter with a person involving one of the following:
    - a. The CEW is pointed knowingly and intentionally at the person, or
    - b. The CEW is visible to the person while any officer is giving verbal commands for compliance.

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- D. Officers are responsible for submitting their assigned CEW to the Training Section (or their designee) for data downloading in the following situations:
1. Within 72 hours of an application or unintentional discharge.
  2. At the direction of a supervisor due to a complaint involving its use or for another legitimate Department purpose.

### **VIII. EVIDENCE COLLECTION PROTOCOLS**

- A. The protocols listed in this section are only applicable for CEW applications to a person (see subsection VI above for applications to an aggressive animal).
- B. The officer who applies a CEW shall, if feasible, ensure photographs or a video recording (via a Department-issued cellular telephone and/or a body-worn camera) are taken of the probe impact or drive stun area and other related injuries.
- C. If the probe impact, drive stun, or other related injuries (or any claim of injury) are in the groin or buttocks area of a man or the groin, buttocks or breast area of a woman, the officer shall not take photographs/recordings, but document the information in the related offense report.
- D. Any photographs/recordings taken shall be handled as outlined in General Order 16 (Digital Audio/Video Recording System) for body-worn cameras or General Order 19 (Digital Evidence Capturing Devices) for Department-issued cellular telephones.
- E. If photographs/recordings are not taken, the officer shall document the reason in the related offense report.
- F. After a CEW propelled probe application, and only when the person is restrained or otherwise under physical control, the officer utilizing the CEW is responsible for ensuring the collection of the following items:
1. Expended air cartridges (re-insert the barbed ends of the probes into the air chambers),
  2. Some of the expended confetti (if able to locate), and
  3. The probe wires.

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- G. Items collected as described in subsection F above, as well as any CEW probe removed by an officer, shall be handled as evidence in accordance with General Order 42.
- H. Probes removed by a trained medical professional shall be collected as soon as practical by the appropriate member (e.g., officer or forensic specialist) and handled as evidence in accordance with General Order 42.
- I. Expended air cartridges and any probes removed from a person shall be impounded using biohazard impound procedures.

### **IX. SUPERVISOR AND WATCH COMMANDER RESPONSIBILITIES**

- A. Supervisors should conduct a mandatory function test during each line inspection of officers under their command.
- B. Upon notification of an off-duty unintentional discharge, the Watch Commander shall determine if a supervisory response to the scene is needed. Factors to consider in making such a decision include, but are not limited to:
  - 1. Persons present,
  - 2. Injuries sustained, and
  - 3. Property damaged.
- C. A supervisor is responsible for promptly responding to the scene of the following CEW-involved situations to conduct an initial review of the circumstances:
  - 1. Applications,
  - 2. Unintentional discharges when the officer is on-duty or engaged in secondary employment, and
  - 3. Off-duty unintentional discharges as directed by the Watch Commander.
- D. In conducting the initial review of the circumstances of the CEW application or unintentional discharge, supervisors shall ensure:
  - 1. The medical aid protocols in section V above are implemented when any person received a CEW application,

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2. The incident is properly documented,
  3. Reviewing, if available, photographs and/or video recordings from Department-issued cellular telephones and/or a body-worn cameras, and
  4. The Watch Commander is provided all pertinent information regarding the incident.
- E. In incidents where a supervisor is the officer who applied the CEW – or is an active participant in the response to resistance encounter precipitating the CEW application by another officer – a non-involved supervisor is responsible for responding to the incident scene and conducting the initial review of the circumstances.
- F. A supervisor directly involved in a CEW/Response to Resistance encounter is relieved of their responsibility to review and approve/disapprove the incident's Response to Resistance Report and any related offense reports.
- G. In incidents as described in subsections E and F above, the Watch Commander is responsible for ensuring the review process is directed to a supervisor not directly involved in the incident.
- H. The Watch Commander or designee may, under circumstances deemed necessary, seize and impound an officer's CEW.
- I. The Watch Commander shall direct the Training Section's Supervisor and/or their designee to respond to incidents involving a CEW application or unintentional discharge whenever:
1. The person who received the application (whether intentionally or an unintentional discharge) subsequently dies or is seriously injured, or
  2. Any other circumstances exist requiring the expertise of the Training Section's Supervisor, the CEW Coordinator, and/or their designee.

History: initial title (*assignment orientation*) – issued 07/15/1985, revised 01/05/1996, retired 11/05/2001. second title (*electronic control device*) – issued 07/02/2007, revised 01/15/2009, 08/03/2012, 02/12/2016 (title change – *conducted electrical weapons*), and 07/16/2020.