

GENERAL ORDER

April 2019

Immediately

II-44

Distribution: All Employees

Subject: **CONDUCTED ELECTRICAL WEAPON (CEW)**

Index as:	Anti-Felon Identification Tag (AFID)	De-escalation	Medical Aid
	Blue Team	Force Guidelines	Reporting Use of Force
	CEW	Force, Use of	Spark Test
	Conducted Electrical Weapon (CEW)	Less-lethal Proficiency	Totality of Circumstances
	Dataport (CEW)	Less-lethal Weapon	Use of Force

Accreditation Standards: 4.11, 4.1.3, 4.1.4, 4.1.5, 4.2.1, 4.2.2, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.2.4, 33.4.1
CFA 4.06, 10.04

Cross Reference: G.O. II-42, Use of Force
§943.1717 and §790.01(4)(b), F.S.S.
Graham v. Conner, 490 U.S. 386 (1989)

Replaces: Chief's Memo 18-037_G.O. II-44, Conducted Electrical Weapon (CEW)_Interim Change
(March 12, 2019)

All employees shall be issued a copy of General Order II-42, Use of Force. Prior to being permitted to carry any weapon or assigned any duties which require the possession of a weapon, Officers shall be 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. Legal Considerations
- IV. The Conducted Electrical Weapon
- V. Authorized Use
- VI. Unauthorized Use
- VII. Care after the Use of a Conducted Electrical Weapon
- VIII. Reporting and Investigating the Use of a Conducted Electrical Weapon
- IX. Training and Proficiency Requirements

I. POLICY

A. It is recognized that Officers may encounter situations where force may be necessary to overcome resistance in order to achieve a specific law enforcement objective. The force applied by an Officer in any situation may range from verbal direction to the use of deadly force, if confronted with a situation where the Officer or some other person is threatened with serious physical injury or death.

B. It is the policy of the St. Petersburg Police Department that the use of force in any situation shall be limited to the force which is needed to halt aggressive actions and/or to overcome specific resistance by the subject in order to accomplish a lawful objective.

C. A Conducted Electrical Weapon is considered to be a less-lethal weapon and is among those 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. Anti-Felon Identification Tag (AFID) – A confetti-like tag marked with the cartridge serial number which is ejected by the weapon at the time of firing.

B. Conducted Electrical Weapon (CEW) – A battery-operated, conducted energy device that uses compressed gas to propel two probes to a target. The probes remain connected to the weapon by wire to administer an electrical shock which disrupts the person's voluntary motor response.

C. Dataport – The electronic USB port on the weapon which permits it to be connected to a computer to; upload weapon status; i.e., time, date and duration of each discharge, temperature, etc., and download firmware updates.

D. 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 <J:\Research\GeneralOrders\II Administrative General Orders\II-42 Use of Force.pdf>.)

E. 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. LEGAL CONSIDERATIONS

A. Florida Law provides that a Law Enforcement Officer, or any person whom they have summoned or directed to assist, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. The Officer is justified in the use of any force which they reasonably believe to be necessary to defend themselves or another from bodily harm while making the arrest.

B. Florida law also provides that:

1. The subject must know or have a reasonable belief the person employing force is a Law Enforcement Officer or someone assisting a Law Enforcement Officer;
2. The arrest must be lawful; and
3. The deployment of force, beyond that which is necessary to control and apprehend the subject, is unlawful and subjects the Department and the Officer to civil and/or criminal liability.

IV. THE CONDUCTED ELECTRICAL WEAPON

A. A Department-issued CEW is an optional less-lethal weapon and is authorized for use by sworn personnel who have been trained and demonstrated proficiency in its use.

1. Once issued, authorized personnel shall carry the CEW in a fully armed state, with the safety on, in the issued holster on the weak (support) side, in a cross-draw fashion to prevent both the CEW and sidearm from being utilized simultaneously.
2. Authorized, non-uniformed sworn personnel may:
 - a. Consider the CEW as an optional item of equipment and, when worn, shall carry it in a fully armed state, with the safety on, in the issued holster on the weak (support) side.
 - b. Sworn personnel not having an issued CEW may check one out of the Equipment Room if one is available.

c. The CEW will be issued through the Department's Records Management System (RMS) as with any other equipment.

- 1) The Officer/Detective will test the CEW as described in this Order.
- 2) When the assignment is complete, the CEW will be returned to the equipment room and scanned back into RMS.

3. Authorized Officers who no longer wish to carry the CEW shall turn it in to the Equipment Room, and have it removed from their personal inventory as soon as practical.

B. The CEW, the cartridge(s), and the holster shall not be altered or tampered with in any way, nor shall 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 CEWs, air cartridges, and accessories delivered to the Department for issue. These items will be stored in the secured Armory Office. Batteries will be inventoried by physical count.

D. Testing the CEW

1. The CEW shall be tested for proper operation each work day within fifteen (15) minutes of the start of the employee's shift, commute to work, or receipt of the CEW from the Equipment Room.

2. The test shall be conducted in the manner specified by the manufacturer.

3. A malfunctioning CEW shall be turned over to the Equipment Room for servicing.

a. The Equipment Room shall issue a replacement CEW, if available, and properly record weapon and cartridge data to indicate the transfer of the weapon.

b. Only a properly functioning and charged CEW will be carried in the field.

4. Spark Testing Procedures

a. The Taser Model X2 CEW is as follows:

1) Remove the CEW from the holster, finger off the trigger; visually inspect the weapon making sure the green dot is in clear view, indicating the safety is activated. Then inspect for any obvious damage.

2) Activate the CEW by turning the safety off. This will also activate the laser and flashlight units.

a) Read the battery level from the Central Information Display (CID).

b) If it is charged below 20%, exchange your battery for a new one at the equipment room.

c) Batteries at 20% or less will then be turned over to the Training Division for in-service training use.

d) Verify the display shows both cartridges loaded.

3) With the safety off and the CEW pointed in a safe direction, press and hold the ARC button located just forward of the trigger guard, activating the CEW, and allow it to arc for 5 seconds (there will be a count up from 1-5 in the CID window). This will activate the CEW allowing the user to determine the unit is functioning properly. This test, known as the "Spark Test" will be conducted away from any other persons and out of sight from the public, with the weapon pointed away from anyone so as to avoid an accidental contact.

4) Once the test has been conducted, deactivate the CEW, holster and secure the CEW.

E. CEW Battery

1. The battery shall be kept in the CEW at all times except when removal is required for uploading or maintenance.

F. Air Cartridge Replacement

1. Anytime, on or off duty, a CEW is discharged, it will be necessary to obtain a replacement air cartridge.

2. Equipment Room personnel are authorized to issue a replacement air cartridge.

3. The discharged air cartridge, if available, will be scanned back into RMS to have it removed from the Officer's issued equipment inventory.

4. A new cartridge will then be issued through RMS.

5. Deployed air cartridges will be properly disposed of by the personnel deploying the cartridge.

G. Repairs to the CEW or Accessories

1. Repairs to the CEW or accessories will only be performed by an authorized vendor designated by the St. Petersburg Police Department.
2. Malfunctioning CEWs will be returned to the Equipment Room for repairs/replacement.
3. Equipment room personnel will issue a replacement CEW and/or air cartridges, if available, and have the Officer properly record weapon and air cartridge data on the CEW Repair Log, kept in the Equipment Room.
4. The Department Armorer will upload data from all CEWs prior to returning them to the manufacturer for repairs/replacement.

H. Safe Handling and Evidentiary Procedures

1. Safe Handling

a. CEW 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.

- 1) Only an authorized CEW user may remove probes in accordance with the manufacturer's instructions.
- 2) Since probes may have blood on them (biohazard), the Officer will wear protective gloves when

handling.

- 3) The wire will be wound completely around the air cartridge.
- 4) The probes will be inverted in the portals they were originally deployed from (this will prevent the sharp ends from penetrating the envelope).

5) Biohazardous tape should then be placed over the portals to secure within the air cartridge.

6) The air cartridge and probes will then be placed in a plastic property/evidence bag.

7) The biohazardous material will be handled in accordance with bloodborne pathogen and exposure control procedures.

2. Evidence Handling Procedures

a. The on-scene Supervisor shall:

- 1) Collect and photograph materials related to the CEW's discharge; e.g., probes, wires, AFIDs, etc.
- 2) Be responsible for placing these photographs into evidence.
- 3) When a Supervisor deploys a CEW, another Supervisor of equal rank or above shall respond to the

scene and handle the on-scene supervisory duties.

b. The Officer shall follow the safe handling procedures as listed in this Order.

c. Absent extenuating circumstances, the collected items may be discarded by the Officer in a manner similar to any other bio-hazardous material.

d. When the on-scene Supervisor determines there are extenuating circumstances, the collected items will be placed in evidence following the rules of bio-hazardous material.

I. Upload of CEW Data

1. Biannually, the electronic information from the weapon will be uploaded and saved for review by the respective employee's direct Supervisor.

2. Only Supervisors shall connect a device to the Dataport in order to review and/or upload information from the CEW.

a. The uploading cycle will be done in the months of January and July.

b. The Supervisor:

1) Should upload the CEWs of their Officers as part of inspections and accept any firmware updates.

1) Will complete the uploads in **online mode** using the latest instructions, see [L:\Taser - New Download Instructions.pdf](#).

2) No PDF copy is required to be saved.

c. The Training Division will generate a compliance report at the end of January and July.

3. The Department Armorer will conduct the upload and save the data for review for CEWs that are assigned to the equipment room as loaner CEWs.
 - a. The uploading cycle will be done in the months of January and July.
4. Supervisors access the L-drive, via their supervisory log-in credentials, in order to utilize the Evidence Sync on-line program.
5. The proper procedure for uploading data from the CEW X2 Model):
 - a. Requires "USB Dataport Download Kit" software.
 - b. Connect cable to CEW to the computer.
 - c. Instructions are available at <L:\Taser - New Download Instructions.pdf>.

J. Inspections

1. Random inspections/audits will be conducted as directed by the Chief of Police.
2. Assistant Chiefs, or designee, will be responsible for conducting a random annual inspection, within their Bureau, of sworn personnel assigned CEWs. The purpose of the inspection is to ensure proper usage of the CEWs.
3. The Assistant Chief, USB, or designee, will be responsible for conducting a random annual audit for the CEWs loaned out of the Equipment Room.
4. During annual firearms qualifications, the Training Division will conduct a documented annual inspection of all CEWs, to include an inspection to ensure expiration dates are not exceeded and battery life is sufficient.

K. The CEW shall be safely stored and secured in a manner similar to the firearm and in accordance with the manufacturer's storage instructions.

L. The CEW is not authorized for use as an off-duty weapon.

M. A CEW issued to an Officer shall not be transferred or loaned to another.

N. Wet Weather and Exposure to Water

1. The CEW is an electronic piece of equipment and as such, water inside the unit is harmful. Officers are advised not to carry their CEW if they expect to be outside in periods of heavy rain.
2. If the CEW has been submerged or become excessively wet, the following procedure should be followed.
 - a. Leave the CEW holstered.
 - b. Remove the battery while the CEW is in the holster.
 - c. Keep the CEW 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.

V. AUTHORIZED USE

A. The CEW shall be utilized, only when necessary, to take a person into custody for a violation of the law or protective custody for their own well-being.

B. The "Totality of Circumstances" may lend themselves to resolution by the use of a CEW in lieu of engaging in a struggle with the subject when:

1. The situation is immediately preceded by an unsuccessful physical ("hands-on") attempt to arrest the person for a violation of law, and the subject is aware they will be taken into custody, to include fleeing.
2. A person has the intent and immediate means to harm themselves or another.
3. A need to apprehend a person who has committed a felony is fleeing.

C. When a situation exists that meets the requirements for the use of a CEW, the Officer shall consider:

1. Whether the person is excluded from potential use as defined by this Order.
2. The relative size, apparent physical condition and threat potential of the subject.
3. The potential for injury to the subject to be caused by:
 - a. The person falling after deployment of the CEW. 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 shall:

1. Give a verbal warning when it is feasible to do so.
2. The Taser Model X2 CEW has the capability to produce a warning arc, without actually firing the CEW smart cartridge probes. Deployment of the warning arc may be useful as a de-escalation technique possibly preventing the actual discharge of the CEW in some situations. It may be deployed only in those situations where the subject meets the criteria for CEW 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 for back of body.

E. Once discharged, the CEW shall not be re-energized again unless there is ongoing resistance.

1. After each five (5)-second cycle, the subject shall be evaluated and the CEW shall 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 actually being taken into custody and is continuing to display ongoing resistance.
3. The CEW may be used in the drive stun mode as a defensive measure to halt an attack on an Officer.
4. The Taser Model X2 CEW may be used in a drive-stun/touch type mode to widen a narrow probe spread or provide for the placement of a second point of contact should one probe miss the mark. This would allow for the completion of the circuit and increase the effectiveness of the CEW.

F. If, during the administration of the electrical cycle, the situation becomes dangerous for the Officer or for the subject, the CEW safety shall be engaged to stop the electrical discharge.

G. The use of a CEW to deter an animal attack is discouraged, but it is an option to be considered. Officers must be prepared to secure the animal immediately after the CEW cycle is complete.

VI. UNAUTHORIZED USE

A. Absent extraordinary circumstances, the CEW shall 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 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 Officer at a time shall discharge their CEW at a subject.

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

3. Officers taking a secondary role in the event shall keep their CEW on "safe" unless necessary to discharge.

C. The CEW shall not purposely be pointed or discharged at the face, head, neck, or groin of a person.

D. The CEW shall not be pointed at a person unless its use, should it be necessary, is authorized by this policy.

E. Intentional misuse or abuse of the CEW is not permitted.

VII. CARE AFTER THE USE OF A CONDUCTED ELECTRICAL WEAPON

A. Appropriate medical aid shall 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 a CEW trained user in accordance with the manufacturer's instructions.

C. Emergency medical services (EMS) shall 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 shall 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 shall be carried out at the hospital.
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 or more CEW five (5) second discharges 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 exposures discharges or time in excess as detailed in this Order, is not required. Emergency Medical Services (EMS) shall be summoned and a field evaluation conducted. The subject shall be taken to a medical facility for clearance if deemed necessary by the EMS personnel or upon determination by a Field Supervisor.

D. Probes that have penetrated skin shall be treated both as a medical “sharps” item and as a potential source of a communicable, bloodborne disease and handled accordingly. Universal precautions shall be taken.

E. If a CEW is used to subdue a person, once in custody they shall be directly taken to the Pinellas County Jail (arrested) or other appropriate facility (protective custody) or hospital.

1. With approval of a field Supervisor, a person subdued by a CEW may be transported to the Pinellas County Jail in the Prisoner Transport Van (PTV). The arresting/transporting Officer shall inform the Prisoner Transport Van Operator of the deployment of the CEW on the subject.

2. Upon arrival, for the purposes of monitoring the subject, the Jail Intake Officer, or other responsible party, shall be advised a CEW was utilized during the apprehension, and a notation that the person was controlled through the use of a CEW will be placed on the applicable advisory, referral or Baker Act form.

3. The name of the responsible person, so advised, shall be included in the *Police Report*.

VIII. REPORTING AND INVESTIGATING THE USE OF A CONDUCTED ELECTRICAL WEAPON

A. An accidental discharge, not at a person, during the TESTING of the CEW, does not require the completion of a *Use of Force Report*.

B. Pointing or discharging a CEW at a person, with or without an aiming laser, is considered a use of force.

C. Pointing, discharging, or accidentally discharging the CEW at a person, requires the incident be reported on a *Use of Force Report*, in addition to the completion of the *Police Report*.

D. Each Officer at the scene of the incident who points, discharges, or accidentally discharges their CEW at a subject shall file a *Use of Force Report* in Blue Team.

E. Materials related to the CEW discharge; e.g., probes, wires, AFIDs, etc., shall be collected and photographed.

1. After being photographed, for safety while handling, the probes shall be reinserted in the expended cartridge and secured with “biohazard” tape.

2. Absent extenuating circumstances, the collected items may be discarded in a manner similar to any other biohazardous material.

F. Anytime, on or off duty, that a CEW is discharged, a scene supervisor shall be notified and respond to the scene of the incident. The supervisor shall:

1. Ensure that appropriate medical treatment is provided.

2. Obtain the CEW from the Officer and:

a. Confirm that the discharged AFIDs match the cartridge number;

b. Ensure the required data upload is completed. Once completed, the CEW shall be returned to the Officer;

or

c. If unable to complete the data upload, secure the CEW as evidence until such time as this task can be completed.

3. If necessary, obtain a replacement CEW and cartridge(s) for the Officer, if needed and if one is available, ensuring that the serial numbers are properly recorded.

4. Ensure the incident is properly reported on the required *Use of Force Report*, in Blue Team, and in an Incident Report.
5. Ensure that photographs are taken of the place on the subject, impacted by the probes, and of any injuries, related to the event; i.e., from a fall, etc., and:
 - a. A technician shall 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 shall be explained in the *Police Report*.
6. The Supervisor approving the *Use of Force Report* will ensure the Incident Summary portion is complete in the *Use of Force Report* before being routed it through the Officer's Chain of Command.
7. The *Use of Force Report* shall be sent electronically, via Blue Team, to be administratively reviewed by the Officer's Chain of Command through the rank of Major.
8. Following the administrative review, the respective Major, shall electronically forward the *Use of Force Report* to the Office of Professional Standards (OPS) via Blue Team.
9. The Office of Professional Standards will:
 - a. Enter the approved *Use of Force Report* into IAPro, and
 - b. Send a PDF version to the Records and Identification Division.
 - c. If any report indicates additional training may be needed, the report will be forwarded to the Training Division for their review.
 - d. Include information about the use of the CEW in their *Annual Report*.
10. The Office of Professional Standards will conduct an investigation:
 - a. Into any discharge of a CEW when:
 - 1) There is serious injury or death;
 - 2) The use appears to be abusive or punitive; or
 - 3) There is substantial deviation from CEW training procedures.
 - b. The use of a CEW against a person in a risk category as listed in this Order shall be evaluated on a case-by-case basis.

IX. TRAINING AND PROFICIENCY REQUIREMENTS

- A. Training by a certified CEW instructor in the use of physical force and in the proper use of the CEW is required before the weapon may be carried.
- B. Annually, the Training Division will schedule all full-time Officers and certified Reserve Officers for CEW training, including a review of the *Use of Force* policies and proficiency training.
- C. Successful participation in the training is required in order to remain authorized to carry a CEW.

Anthony Holloway
Chief of Police