

**NEW SMYRNA BEACH POLICE DEPARTMENT
NEW SMYRNA BEACH, FLORIDA**

POLICY AND PROCEDURE DIRECTIVE

TITLE: TASER UTILIZATION

NUMBER: 4-4

EFFECTIVE: 2/16

REFERENCE:

RESCINDS/ AMENDS: 4-3-13

REVISED: 06/23

ATTACHMENTS: [FSS 943.1717.html](#)
[FSS 790.001\(15\).html](#)

A. PURPOSE

The purpose of this directive is to establish guidelines for officer's on the use, carry, certification, and reporting requirements as they relate to approved Conducted Electrical Weapon (CEW's).

B. POLICY

New Smyrna Beach Police Officers' actions must be objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. It is the policy of the New Smyrna Beach Police Department to use only that level of force that reasonably appears necessary to control non-compliant individuals who have escalated their level of resistance from passive physical resistance to active physical resistance. CEW's may be used by authorized and trained personnel in accordance with the department's Use of Force Directive and additional guidelines established in this policy.

C. DEFINITIONS

CONDUCTED ELECTRICAL WEAPON (CEW) - A device designed to disrupt a subject's motor and sensory nervous system by deploying battery-powered electrical energy sufficient to cause Neuro-Muscular Incapacitation (NMI) and override voluntary motor responses. TASER manufactured Conducted Electrical Weapons are currently authorized for use by the New Smyrna Beach Police Department.

AFIDs (ANTI-FELON IDENTIFICATION) - 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.

ARC WARNING - A de-escalation technique that can be utilized by an officer

DART-FIRING STUN GUN - Means any device having one or more darts that are capable of delivering an electrical current.

DEPLOYMENT - The intentional or unintentional discharge of the CEW at or toward a subject using either probes or drive stun mode. Deployment does not include testing, training, or display of the CEW.

DRIVE STUN MODE - A manner in which the CEW is deployed in direct contact with the offender's skin.

CARTRIDGE: A replacement cartridge for the CEW which uses compressed nitrogen to fire two barbed probes on the

connecting wires conducting the energy in a subject.

DATAPORT- The electronic USB port on the CEW which permits it to be connected to a computer to download CEW data.

PROBE - A metal dart that is propelled from the cartridge.

DIGITAL POWER MAGAZINE (DPM) - A custom lithium energy cell power supply system for the Conducted Electrical Weapon (CEW).

TASER INSTRUCTOR - An officer of the Department who has obtained an instructor's certification from TASER International.

SPARK TEST- A test activation conducted without a cartridge installed to ensure that the CEW is operational.

ACTIVE RESISTANCE - A subject's use of physically evasive movements directed toward the officer. Examples include, but are not limited to: bracing, tensing, pushing, taking an aggressive fighting stance, running or pulling away to prevent the officer from establishing control over the subject.

PASSIVE RESISTANCE - A subject's verbal and/or physical refusal to comply with an officer's lawful direction causing the officer to use physical techniques to establish control. Examples include, but are not limited to: the subject refuses to move at the officer's direction; running with no predicate offense; the subject refuses to take his hands out of his pockets or from behind his back.

EXCITED DELIRIUM - A subject's exhibition of signs of extreme uncontrolled agitation or hyperactivity prior to the CEW exposure.

D. PROCEDURE

4.4.1 Authorized Use & Training: Prior to carrying a CEW, officers shall successfully complete agency approved training in the proper use, handling and care of the device. Training shall include, but not be limited to, the following:

1. Basic certification for the use of a CEW shall consist of no less than the manufacturer's and Florida's minimum requirements and only current Certified TASER instructors are eligible to instruct in the use of the device:
 - When available, CEW's shall be issued to all officers that have successfully completed the training.
 - Officers issued CEW's are required to carry the CEW at all times while in uniform unless authorized by the Division Supervisor.
 - During initial training, officers may volunteer to be exposed to the effects of the CEW. This is voluntary exposure and officers shall not be precluded from carrying the device based solely on their declination to submit to the effects of the device.
2. Recertification shall be conducted annually by only certified TASER instructors.
3. Training topics shall include, minimally:
 - Deployment/Use;
 - The department's use of force policy;
 - Response to Resistance and other Tactical Options;
 - CEW/Retention and Transition Drills;
 - Scenario Based Training;
 - Medical Considerations; including excited delirium;
 - Reporting Requirements; and
 - Legal Updates (as applicable).

4. Officers who are unable to demonstrate the required proficiency with issued CEW's will receive remedial training. These officers will be required to surrender the CEW to a supervisor until they have satisfactorily completed the remedial training. The training shall be documented.
5. The TASER instructor is required to bring a first-aid/trauma kit to every training session where students may volunteer to be exposed to the effects of the CEW.
6. The Office of Professional Standards shall maintain a record of each CEW issued to include:
 - Serial number:
 - Cartridge identification number/expiration dates; and
 - Any other information deemed necessary by the Chief of Police:
 - Annual inspection records to ensure that cartridge expiration dates have not been exceeded.

NOTE: This section does not exempt custodian delegates and inventory appointees from performing their duties with regard to Evidence/Property Control.

E. DEVICE READINESS

4.4.2 The CEW will be carried in an approved holster. Officers who are assigned plain clothes duties may utilize other Department approved holsters as deemed necessary.

4.4.3 The device shall be carried with the safety on in preparation for immediate use.

4.4.4 Officers authorized to use the device shall be issued a minimum of one spare cartridge. The spare cartridges shall be stored, carried, and replaced in a manner consistent with training.

4.4.5 Digital Power Magazines should be replaced when the capacity drops to 20%. The used CEW Power Magazine shall be forwarded to the Department Training Coordinator for training purposes.

4.4.6 Officers will conduct a spark test at the beginning of each shift. This will be performed in a safe manner and location to ensure there are no injuries to personnel or damage to equipment. The test shall not be conducted, as much as possible, within public view. (**NOTE:** a spark test is not conducted with a cartridge installed.)

4.4.7 No changes, alterations, modifications, or substitutions shall be made to the CEW. All repairs to the CEW or accessories shall be performed by a CEW Armorer who has received the manufacturer's certification:

1. In the event the CEW malfunctions or is in need of repair, officers shall notify their supervisor.
2. The device shall be immediately taken out of service and returned to the Department Training Coordinator.
3. If possible, prior to any CEW being repaired or put out of service, a final download of the data shall be made for record purposes.
4. The Division Commanding Officer or their designee and Department Training Coordinator shall maintain data port download information.

4.4.8 CEW's shall be inspected quarterly by a supervisor or certified TASER instructor to ensure that they are functioning properly, cartridge expiration date has not been exceeded, and that they are being maintained in accordance with the manufacturer's recommendations.

F. DEPLOYMENT

4.4.9 In accordance with [FSS 943.1717\(1\)](#), an officer's decision to deploy the CEW shall involve an arrest or custodial situation 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; has the apparent ability to physically threaten the officer or others; or is preparing or attempting to flee or escape.

4.4.10 The CEW is considered an intermediate control device, and the decision to utilize it involves the same

basic justifications as with the use of the ASR spray. Officers shall not use the device in the following situations:

1. In a punitive or coercive manner;
2. On a handcuffed or secured prisoner/detainee (unless exigent circumstance exists that may be clearly articulated);
3. In an environment where the officer knows that a potentially flammable, volatile, or explosive material is present (including, but not limited to, OC spray with volatile propellant, gasoline, natural gas, or propane) (unless exigent circumstance exists that may be clearly articulated);
4. Unless the use of deadly force is justified, in any environment where the subject's fall could reasonably result in death (such as in water or on an elevated structure); and
5. The CEW will not be exhibited in a playful or unprofessional manner. Horseplay is prohibited and will not be tolerated. Officers who violate this provision are subject to disciplinary action.

4.4.11 In Axon Taser Training version 22, the manufacturer recommends that prior to deployment the officer should attempt to do an ARC warning as a means of de-escalation, if practical. This is a de-escalation technique, not a requirement. This technique may prevent the use of the less-lethal tool in its full capacity. Taser also provides the following warning: "remove cartridge from X26P before conducting ARC Warning". When completing the Use of Force Incident Report, Officers shall indicate and articulate the circumstances as to why an ARC warning was used or not used. All NSBPD officers will be trained to conform to this ARC warning technique.

4.4.12 In preparation for firing, the point of aim should be the lower center of mass to the front of the body or below the neck to the rear of the body.

4.4.13 When reasonable, officers preparing to fire the device should announce a verbal warning such as, "Stop Resisting, Taser! Taser! Taser!" to warn the violator, and to alert other officers at the scene of the impending deployment.

4.4.14 The subject should be secured and handcuffed as soon as practical while disabled by the CEW to minimize the number of deployment cycles. In determining the need for additional energy cycles, officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure.

4.4.15 Upon firing the device, the officer shall utilize the least number of Taser cycles necessary to accomplish compliance.

1. When practical, the officer deploying the CEW should attempt to secure additional backup to assist with taking the subject into custody.
2. Unless exigent circumstances exist, no more than one officer at a time should deploy the CEW at a subject.
3. When a Taser is proving ineffective, deploying officers should consider other use of force options.

4.4.16 The CEW may also be used in certain circumstances in a "drive-stun" mode. It is important to remember that when the device is used in this manner, it is:

1. Primarily a pain compliance tool due to a lack of probe spread;
2. Minimally effective compared to conventional cartridge-type deployments;
3. More likely to leave marks on the subject's skin; and
4. Subject to the same deployment (use) guidelines and restrictions as those of the CEW in cartridge deployments.

4.4.17 The CEW shall be pointed in a safe direction with the safety on during loading, unloading, or when handled in other than an operational deployment.

4.4.18 A CEW may be used on animals in circumstances where the use of such device is necessary for the safety of the officer, the public, or the animal. Officers should be aware of the possibility of an aggressive response from the animal after deployment.

4.4.19 The TASER instructor or authorized supervisor will be required to download CEW data anytime it is deployed. The download will be conducted by the end of the deploying officer's shift.

G. POST DEPLOYMENT AFTERCARE

4.4.20 The CEW probes may be removed from the subject after they are properly restrained following procedures outlined in training. Barring exigent circumstances, probes may only be removed by EMS personnel.

1. In instances of repeated use, the subject should be medically examined and kept under close observation.
2. The used probes will be treated as biohazard material and will be handled in a manner consistent with training.

4.4.21 Officers shall summon medical assistance for probe removal or, the subject sustains claimed or evident injury.

1. Drive stun – officers shall summon medical assistant when the person claims or sustains an evident injury.

4.4.22 Photographs of the affected area shall be taken after the probes are removed. Photographs, probes, cartridges, and wire leads shall be submitted as evidence and shall be entered into the Evidence/Property function prior to the end of shift.

H. REPORTING REQUIREMENTS

4.4.23 The deploying officer shall immediately notify his or her supervisor after the deployment of a CEW.

4.4.24 Officers shall follow all reporting requirements subsequent to a CEW deployment. Reports are required under every condition in which the CEW is deployed, regardless of whether the intended target was struck or not. Reports which are required include:

1. Arrest/Notice to Appear Report;
2. Offense/Incident Report; and
3. All accidental discharges shall be reported and documented on an Offense/Incident Report. A Supervisor's Report is required for an accidental discharge.
 - Officers are reminded that all discharged CEW cartridges present a potential bio-hazardous contamination possibility as a result of exposed probes. Use caution when handling the exposed probes.
 - Simply because the discharge of a CEW cartridge has been deemed "accidental," officers shall continue to take all proper biohazard precautions outlined in their CEW training and as highlighted in the [Directive 29-1 Infectious Disease Policy/Plan](#).
 - Once the criminal case is closed, spent cartridges must be placed in a red bio-hazard bag and properly disposed of in a designated bio-hazardous receptacle.

I. SUPERVISORY RESPONSIBILITY

4.4.25 Supervisor responsibilities include:

1. Ensure that the TASER has been assigned to an officer who has been trained in the proper use of the TASER.
2. Ensure that Fire/Rescue respond to the subject's location to administer emergency medical care when subject is struck by probes or sustains claimed and/or evident injury.
3. The supervisor will ensure that if the subject is refusing medical treatment, the subject refuses directly to the trained medical personnel. The refusal will be documented in reports that are submitted into the (RMS) Report Management System module.
4. Ensure that photographs are taken of the probe penetration sites, signature marks and/or any secondary injuries caused by falling to the ground, etc.

5. Ensure that officers who use the TASER complete an incident report or supplement report. (This includes the presentation, “drive-stun”, or discharge of the TASER.)
6. Investigate each incident in which a TASER is deployed or used in “drive-stun mode”.
7. Completing the Blue Team report. The report will be completed electronically and forwarded to the appropriate Division Supervisor prior to the supervisor’s end of shift.

4.4.26 The following reports/forms will be required to be attached to Blue Team:

1. A copy of the incident/arrest report
2. A copy of evidence forms
3. All photographs will be attached to the RMS Report.

4.4.27 The Divisional Commanding Officer will review the Blue Team report and indicate approval or disapproval. The Division Commanding Officer will forward the entire Blue Team report to the Chief of Police or designee. Once approved by the Chief/designee, the report will be forwarded to the Office of Professional Standards and imported into IA-Pro for inclusion into the “Early Warning System.”

J. EVIDENCE SUBMISSION

4.4.28 The deploying officer is required to collect the cartridge, wires, and probes used to be submitted into evidence.

1. Officers shall wear protective latex gloves when handling the probes.
2. The probes shall be inserted into the portals they originally were deployed from or pushed into the empty wire bays. Tape should then be placed over the portals to secure the probes in the cartridge.
3. The cartridge/wires/probes should be bagged and marked as biohazard prior to submittal.

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**Approved: Signature on File
Chief Eric Feldman**