

St. Joseph, Missouri Police Department



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SUBJECT: Conducted Energy Device		
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I. POLICY

It is the policy of the St. Joseph Police Department to ensure the safety of all Officers and Citizens. Conducted Energy Devices 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 deployed when a subject presents an imminent physical threat to himself and others. The St. Joseph Police Department recognizes Conducted Energy Devices as additional police tools that are not intended to replace verbal problem solving skills, self-defense techniques, or firearms. When used properly, Conducted Energy Devices 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 Energy Devices appropriately and effectively while maintaining the highest level of safety for both the officer and the suspect.

III. DEFINITIONS

- A. Conducted Energy Device (CED): A device designed to disrupt a subject's central nervous system by deploying battery-powered electrical energy sufficient to achieve neuromuscular incapacitation (NMI) and is designed for long range engagement.

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 CED's.
2. Officers carrying a CED will be required to attend department training annually, and qualify in the use of the device. Remedial training will be conducted prior to requalifying, in the event a member fails to qualify.

3. Officers carrying the device shall conduct a function 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 CED.
5. Only an authorized vendor/certified instructor may make repairs to the CED.

B. User Responsibilities:

1. The device shall be carried fully armed with the safety on in preparation for immediate use when authorized.
2. Officers authorized to use the device shall be issued a CED duty magazine and 10 live cartridges.
3. Only agency/vendor approved battery power sources shall be used in the CED.
4. Stealth mode may be utilized on a CED in situations where the activation of the device's laser sight and/or audible alerts could compromise officer safety, escalate a subject's behavior, or hinder tactical operations.

C. Deployment:

1. Members of the St. Joseph Police Department are not authorized to draw or display the CED, except for training, unless the circumstances create reasonable belief that it may be necessary to use it. The CED will be handled in the same manner as a firearm and fired with the members non-dominant hand, unless exigent circumstances prevent use of the non-dominant hand. The CED will be secured, upon request, prior to entering any detention facility.
2. There are two separate types of reportable CED applications.
 - a. **Laser Painting** – A non-contact demonstration of the presence of the CED. The purpose of this display is to convince the subject to comply with a lawful order and avoid the CED from being deployed. The laser light should be directed to the body and should not be aimed at the subject's eyes.
 - b. **Probe Deployment** – The CED is most effective when the probe is fired and the barbs make direct contact with the skin. Proper application will result in temporary immobilization of the subject and provide the officer a “window of opportunity” in which to take the subject safely into custody. Optimum range for probe deployment is 7 to 33 feet.
3. The CED will be a hard empty hand technique on the St. Joseph Police Department Use of Force Continuum. **It should not be used AFTER OC spray deployment.** The CED is one of the options available to officers. The CED, like the baton, OC spray or empty hand techniques, may not be effective in every situation. Officers must assess the effectiveness of each application and determine whether further applications are warranted, or a different tactic should be employed. The decision to use the CED will be dependent upon the actions of the suspect, the threat facing the officer, and the totality of circumstances surrounding the incident.

4. The CED shall not be used on passive, non-violent or non-threatening subjects. It shall be deployed only in circumstances where it is deemed reasonably necessary to control a dangerous or violent subject, or a subject that has demonstrated the intent to be dangerous or violent toward themselves, the officer or another person.
5. The CED shall be deployed when attempts to subdue the subject by other means such as verbal direction, defensive tactics, etc. have been, or will likely be, ineffective in the situation at hand; or there is a reasonable expectation that it will be unsafe for officers to approach within personal contact range of the subject.
6. The CED may be used when a subject is offering threatening, aggressive or violent resistance pursuant to an officer attempting to conduct legal law enforcement activities.
 - a. Levels of Resistance: A member's "control action" to resistance shall be based on the member's perception of the level of resistance. 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 themselves 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 CED may be used when it is reasonably necessary to prevent the level of resistance of the subject from escalating to a higher level.

7. The CED **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.
8. The CED **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. probes miss by one officer, broken wire, CED malfunction, extremely violent subject etc.);
 - f. When a subject resists by flight, where the flight alone is the sole justification for deploying the CED.
 - 1) Prior to deploying the CED 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 CED 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 CED'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 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 CED 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 CED that is issued by the St. Joseph Police Department. The CED will be equipped with a battery. The battery display will be checked at the beginning of each shift. The battery must be charged on an approved Evidence.com docking station at least once within every 30-day period, to ensure proper updates are applied to the CED. The CED will be inspected for damage and cleanliness by the officer. Any damage must be reported to a supervisor immediately. The officer is responsible for the cleanliness of their issued CED.

1. Officers must conduct a function check at the beginning of a shift to ensure the CED is functioning properly. A function check is an equipment check conducted outside of public view to ensure the CED is operable. It is conducted by holding down the selector switch until a full circle forms on the CID. When a green check mark displays on the CID the function check is complete.
2. Uniformed officers will carry the CED in a department issued holster. The holster will be carried on the duty belt, on the side opposite the duty firearm, in the non-dominant hand draw position. The CED may also be holstered on the department approved outer vest in the non-dominant hand draw position.

F. Officer Deployment:

When an officer deploys a CED they:

1. Will give a warning of “taser, taser, taser”, when practical, to the subject and other officers before firing a CED 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 CED. 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 CED should not be used;
 - f. has been energized more than three times;
 - g. has had more than one CED effectively used against them 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 CED exposure.
7. Will remember the risk of positional asphyxia and use a restraint technique that does not impair the subject's respiration following a CED application.
 8. Will take photographs of any serious injuries sustained as a result of TASER deployment. They 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.
 9. When the device has been used operationally, the officer shall collect wire leads, and probes for disposal.
 10. Will make notification to immediate supervisor whenever a CED has been used.
 11. Will notify detention personnel at the time of booking that the subject has been struck with a CED.

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 CED is fired) and a written account of the circumstances that led to using the CED. This will occur whenever a CED is fired, whether a subject is struck or not, and when a 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 their CED battery into an Evidence.com approved TASER battery docking station in roll call at the end of their shift, with all reports covered in this policy. Only if a subject was struck by probes in a sensitive area, or the use of force resulted in death or serious injury, the officer will book the used cartridges, wires and probes into evidence.
- d. Forwards a copy of the use of force to the shift Captain and Professional Standards.

2. Supervisor:

- a. Ensures that officer(s) completes reports and required photographs are taken.
- b. Replenishes used cartridges to officer.
- c. Verifies TASER battery is secured in an Evidence.com approved TASER battery docking station at end of shift.

- d. Shall respond to the scene of any CED deployment.
- 3. Shift Commander:**
- a. Ensures TASER has been used properly, use of force report completed and accurate and forwarded to Professional Standards.
 - b. Responsible for maintenance or returns to TASER International for repairs.
- 4. Taser Administrator:**
- a. Designated TASER administrators are responsible for monitoring and managing the operational readiness of all assigned TASER devices.
 - b. Battery Monitoring: Ensuring that all TASER devices are regularly checked for adequate battery levels and replaced or recharged as needed to maintain operational functionality.
 - c. Docking Compliance: Verifying that each device has been docked at an approved Evidence.com docking station at least once within every 30-day period.
 - d. Data Management: Monitoring and confirming the successful upload of all recorded data to the Evidence.com cloud platform, in accordance with departmental data retention and audit policies.

Paul Luster, Chief of Police

Date