

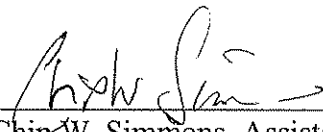
Memorandum 09 – 18

Subject: Taser

To: Captain UPD  
Captain ATSD  
Captain CID  
Captain CSD  
Lieutenant V&N

Our current “Taser” policy mandates that “officers are expected to make every effort to act professionally, impartially and safely when dealing with resisting suspects and to use only the amount of force reasonable and necessary to deal with the situation”.

While shooting a Taser from a moving vehicle is not specifically prohibited, such use is not consistent with this standard. Effective immediately, firing a Taser from a moving vehicle or into a moving vehicle is prohibited.

  
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Chip W. Simmons, Assistant Chief of Police

Date: October 9, 2009

Copy: Chief  
Assistant Chief  
Professional Standards (2)  
Media Relations Assistant  
Budget & Planning  
Administration (4)  
Special Projects (2)  
Training  
DSO Manual



**PENSACOLA POLICE DEPARTMENT  
GENERAL ORDER**

**Subject:** Use of deadly force

**Section:** H - 3

**Reference:** F.S.S. 776; Force, Use of

**POLICY**

Deadly force may be used when an officer reasonably believes an individual poses a threat of death or serious physical harm to the officer or others.

**PROCEDURE**

**I. DEFINITION**

"Deadly Force" (Florida Law Chapter 776.06 S.S.) means force which under the circumstances used, is likely to cause death or great bodily harm to another person, and includes, but is not limited to:

- A. The firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm.
- B. The firing of a firearm at a vehicle in which the person to be arrested is riding.

**II. SELF DEFENSE**

A police officer is justified in using deadly force when it is necessary to save himself/herself or another person from death or great bodily harm, regardless of the offense for which an arrest is being made.

**III. APPREHENSION OF FELONS**

- A. The decision to use deadly force upon a fleeing felon is based upon circumstances known by the officer(s) at the time who is attempting to affect the arrest.
- B. Suspicion and/or flight alone are an insufficient basis for using deadly force upon a suspect.
- C. When there is a reasonable doubt, the value of human life outweighs the importance of immediate apprehension.
- D. In order to use deadly force, an officer must have probable cause to believe the person fleeing from arrest poses a significant threat of death or serious physical injury to the officer or others.
- E. A verbal warning should be given where feasible to do so.

**IV. RESTRICTIONS**

- A. Shooting at or from a moving vehicle is generally a dangerous and ineffective practice which shall be refrained from in all instances except those which do not endanger innocent persons and are justified by unusual or mitigating circumstances.

- B. Warning shots are generally a dangerous and ineffective practice and should be avoided.
  - C. Officers will not cock their weapons unless justified in using deadly force and they intend to fire for effect.
- V. USE OF DEADLY FORCE
- A. The use of deadly force by a police officer is justified when it is reasonably necessary to defend him/her or others from serious bodily harm.
  - B. When it becomes necessary to use a firearm in the apprehension of a suspect, such force should be directed toward stopping the suspect.
- VI. USE OF DEADLY FORCE OFF DUTY
- Officers are reminded that all policies, procedures and regulations pertaining to use of deadly force apply to police officers off duty as well as on duty, when the officer is acting within their scope of authority.
- VII. EFFECTIVE DATE AND DISTRIBUTION

This order is effective 8/24/05

John W. Mathis  
John W. Mathis, Chief of Police

**PENSACOLA POLICE DEPARTMENT  
GENERAL ORDER**

**Subject:** Use of force

**Section:** H-4

**Reference:** F.S.S. 776; Policy and Procedure H-3 Use of deadly force

**POLICY**

It is the policy of the Pensacola Police Department to provide its officers with a guideline to select effective reasonable and legal force options in verbal or physical encounters. As a subject increases his/her resistance level from verbal to physical, an officer will have to increase the level of his/her response until the resistance ceases and the officer is able to gain control of the subject. As soon as the point of subject compliance is reached, an officer must de-escalate his/her response level to the minimum force necessary to control the subject.

It is the policy of the Pensacola Police Department to limit the use of unnecessary force by officers. Unnecessary and/or excessive use of force is expressly prohibited. Physical force should be used only when necessary to achieve the police objective and only when persuasion, advice and warning are found to be insufficient or ineffective.

Officers of this department **shall not use more force than is reasonably necessary** to accomplish a lawful purpose. In any analysis of a use of force incident, consideration must be given to the fact that officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation.

Use of any force is usually reactionary in that an officer is responding to a subject's actions. The officer's goal may then change in response to the subject's actions. Progression of use of force options will normally proceed from verbal persuasion through the use of lethal force. However, officers may immediately use any authorized option if justified.

Officers are authorized to carry only weapons approved or issued by the department, while on duty. Officers shall be trained in procedures and methods for utilizing such weapons, i.e., firearms, ASP, tasers, flashlight, and chemical agents. Officers should review Policy and Procedure H-3, Use of Deadly Force.

**PROCEDURE**

I. USE OF FORCE IN MAKING AN ARREST

- A. F.S.S. 776.05. Law enforcement officers; use of force in making an arrest.
- B. A law enforcement officer, or any person whom the officer has summoned or directed to assist him or her, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest.
- C. The officer is justified in the use of any force:
  - 1. Which he/she reasonably believes to be necessary to defend himself/herself or another from bodily harm while making the arrest;
  - 2. When necessarily committed in retaking felons who have escaped; or
  - 3. When necessarily committed in arresting felons fleeing from justice. However, this subsection shall not constitute a defense in any civil action for damages brought for the wrongful use of deadly force unless the use of deadly force was necessary to prevent the arrest from being defeated by such flight and, when feasible, some warning had been given.
  - 4. The officer reasonably believes the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person. (Chgd. by L.1997 ch. 102(1191), eff. 7/1/97.)
- D. Deadly force may be used when an officer reasonably believes an individual poses a threat of death or serious physical harm to the officer or others.
- E. The amount of force to be used in any particular situation depends upon facts and circumstances of the situation known to the officer at that time.
- F. The following are factors to be used in the use of force decision making:
  - 1. Seriousness of crime committed by subject.
  - 2. Size, age, and weight of subject.
  - 3. Apparent physical ability of subject.
  - 4. Number of subjects present who are involved, or may become involved.
  - 5. Weapons possessed by or available to the subject.
  - 6. Known history of violence by subject.
  - 7. Presence of innocents or potential victims in the area.
  - 8. Whether the subject can be recaptured at later time.
  - 9. Whether evidence is likely to be destroyed.
- G. OFFICER FACTORS
  - 1. Size, physical ability and defensive tactics expertise of the officer.
  - 2. Number of officers present or available.

3. Immediate reaction in case of sudden attack.
4. Weapons or restraint devices available to the officer.
5. Legal requirements.
6. Agency policy.
7. Environment.

II. DEFINITIONS/CLASSIFICATION OF HARM

- A. **Slight Physical Harm.** An injury not prohibiting normal duties or activities. Examples: Bruises, redness or slight strains.
- B. **Moderate Physical Harm.** Cannot perform normal duties, medical treatment necessary. Examples: Common result of most fistfights.
- C. **Serious Physical Harm.** Great bodily harm.

III. REPORTING METHOD

- A. Where an arrest results in slight physical harm, moderate physical harm, or where a subject complains of injury, the officer shall:
  1. Notify his/her immediate supervisor of such use of force as soon as possible after the occurrence.
  2. The department member using force will mention the use of such force in the Offense Report and complete a Use of Force report.
  3. Any department member on the scene at the time of the occurrence who is witness to, or participates in the occurrence, will complete a supplement to the original Offense Report and a Use of Force report stating what happened or was observed.
  4. The department member's immediate supervisor shall respond to the scene and shall determine which support services, if any, would be beneficial to the reporting and evaluation of the occurrence. The supervisor shall request the response of these units as appropriate.
  5. Upon completion of all reports and investigations, all documentation shall be submitted to the proper reviewing authority.
- B. Where an arrest results in serious physical harm, fatality or likelihood of fatality, the following procedure shall be adhered to:
  1. The officer will notify their immediate supervisor and unit lieutenant.
  2. The unit lieutenant of the officer involved will respond and take charge of the scene and will then notify the division commander.
  3. The division commander will determine whether to respond or to turn over the investigation to the unit lieutenant.
  4. The officer's unit lieutenant will notify the Internal Affairs lieutenant.
  5. The police legal advisor shall be advised by the officer's unit lieutenant.
  6. The Chief of Police will be notified by the officer's unit lieutenant via the Communications Section.
  7. The State Attorney will also be notified by the officer's unit lieutenant via the Communications Section.

8. The department member using the force will complete the Use of Force Report.
  9. Any department member on the scene at the time of the occurrence who is witness to, or participates in the occurrence, will complete a supplement to the original Offense Report; supervisors may require an additional Report to the Chief be completed.
  10. The Crime Scene investigator will respond to the scene.
- C. Photographs will be taken of all injuries sustained during an incident.
  - D. It will be left to the discretion of a supervisor whether or not photographs and/or diagrams will be completed.
  - E. Upon completion of all reports and investigations, all documentation shall be submitted to the proper viewing authority.
  - F. Any use of deadly force resulting in fatality will result in an officer being immediately placed on administrative leave with return to duty pending review and decision by the Chief of Police.

IV. EFFECTIVE DATE AND DISTRIBUTION

This order is effective

8/24/05

John W. Mathis  
John W. Mathis, Chief of Police



**PENSACOLA POLICE DEPARTMENT  
GENERAL ORDER**

**Subject:** TASER

**Section:** H-12

**Reference:** Use of Force H-4

**POLICY**

It is the intent of this policy to establish guidelines for the use and training of the M-26 Taser, and to develop safety practices concerning the handling, carrying, and storage of the M-26 Taser probes after use of the taser.

**PROCEDURE**

**I. DEFINITION**

- A. The M-26 Taser is an electro-muscular disruption device that fires two probes up to a distance of 21 to 25 feet from a replaceable cartridge.
- B. These probes are connected to the Taser by high voltage insulated wires.
  - 1. When the probes make contact with the target, the M-26 Taser transmits electrical, T-wave pulses along the wire and into the target's body.
  - 2. The pulses can travel through 2.25 inches of clothing.
  - 3. This electro-muscular disruption technology uses a 26-watt electrical signal to temporarily override the central nervous system and directly control the skeletal muscles.
  - 4. This causes an uncontrollable contraction of the muscle tissue, allowing the M-26 Taser to physically debilitate a target regardless of pain tolerance, mental focus or influence of narcotics.

**II. QUALIFICATION AND CERTIFICATION**

- A. Officers must successfully complete a 7-hour department authorized training class prior to being issued a Taser and carrying it on duty.
- B. Unexcused absences will terminate the authorization to carry the M-26 Taser until the qualification can be made up.
- C. Taser training will be done twice yearly, and will include role playing scenarios.
- D. All supervisors will be required to attend Taser training, even if they do not carry one.

**III. USE OF FORCE ISSUES**

- A. The use of the M-26 Taser constitutes a use of force.
- B. The M-26 Taser will be placed at the hard-control level, which allows use of the Taser in situations of "active resistance" and not "passive resistance" unless factors exist that can be articulated.

- C. These factors would be such that an objectively reasonable officer would believe the "soft-control" tactic to be dangerous or futile; these can include but are not limited to officer/subject factors.
- D. The M-26 Taser may be used when physical control is necessary and justified to prevent the possibility of injury to the officer, subject, or another person and/or to affect a legal arrest.
- E. The M-26 Taser may be utilized on animals when necessary.
- F. Special caution should be used when deploying the Taser on the elderly, very young or on individuals in obvious poor health.

IV. TACTICAL DEPLOYMENT

- A. Use common sense.
- B. Use verbal commands if the situation permits.
- C. Have a second air cartridge present or a second M-26 Taser ready to fire in case the probes of the first M-26 Taser miss the target, or a malfunction occurs with the cartridge.
- D. Utilize backup units and/or arrest teams whenever possible.
- E. Aim to the center of mass and from the rear of the subject if possible.
- F. Watch for thick and /or loose clothing as it may influence the effectiveness of the Taser.
- G. Use cover and distance to ensure officer safety.
- H. Utilize the M-26 Taser to prevent violent or escalating confrontations.
- I. If a subject runs, the officer must also run to prevent wires from breaking.

V. IMPROPER USE

- A. Near flammable gases or liquids.
- B. Drug houses where ether is suspected to be in use.
- C. Avoid the use of the M-26 Taser on subjects near slanted rooftops or on the edges of tall buildings.
- D. Pregnant women.
- E. To wake up a suspected intoxicated individual.
- F. To gain information from a suspect.
- G. No officer shall playfully, maliciously, or intentionally misuse the unit (laser) in a display of power or against an individual except to gain control of a situation.
- H. Tasers shall not be taken into correctional facilities.
- I. Violation of this policy will result in disciplinary action.

VI. APPLICATION

- A. After an M-26 Taser is used on a subject the following procedure shall be followed:
  - 1. The on-duty supervisor shall be notified.
  - 2. Each Taser deployment will be reviewed by a supervisor who will complete their review on a Report to the Chief.

3. The subjects' injuries, if any, shall be photographed and photos secured as evidence.
  4. The expended barbs and cartridge shall be recovered and placed into Evidence for destruction.
  5. The barbs should be treated as "sharps" and biohazard protocol should be followed.
  6. In most cases, the police officer who uses the M-26 Taser will remove the barbs from the individual against whom the Taser was deployed.
  7. Any strikes with the Taser probe in the face, throat, groin, female breast, or male nipple area **must** be treated by rescue.
    - a. Officers who have deployed their Tasers must monitor the affected subject for breathing irregularities and level of consciousness.
    - b. The officer must notify rescue if there is any doubt on the person's condition.
    - c. The individual should be taken for medical evaluation if he or she insists, or the officer or supervisor determines treatment is necessary.
- B. Officers will maintain an individual log on their use of the Taser, detailing tests, use and training; logs will be checked periodically by a supervisor.
- C. A restitution form will be completed to replace the current cost of a 21-foot Taser Air Duty Cartridge.
- D. The current cost will be provided through department memorandum.

VII. MAINTENANCE

- A. The M-26 Taser is a sensitive electronic product and costly device that should be encased in its protective holster when not in use.
- B. Care should be taken to avoid dropping the M-26 Taser and assure that the M-26 Taser is adequately secured while being transported in vehicles.
- C. Direct sunlight, heat, or pressing on the faceplate may cause the cover to disengage from the air cartridges.
- D. The M-26 Taser has a data port that stores the time and date when it was fired.
- E. This data port protects officers from claims of excessive use of force by providing a complete and accurate documentation of each firing.


- F. Each M-26 Taser shall be down loaded yearly during recertification or as directed.
- G. Officers are to conduct a test firing of the M-26 Taser each duty day for one 5 second cycle, to ensure proper working order of the unit.
- H. Batteries are to be charged once a week.

VIII. SUMMARY

- A. The decision to use force places a heavy responsibility on each officer.
- B. While there is no way to provide specific guidelines for every situation, officers are expected to make every effort to act professionally, impartially and safely when dealing with resisting suspects and to use only the amount of force reasonable and necessary to deal with the situation.
- C. The M-26 Taser is an effective tool to resolve standoff situations quickly, and is a method less likely to result in injury to the officer and the subject.
- D. The M-26 Taser is not a replacement for the firearm and should not be used without firearm back up in those situations where there is a real threat towards the officers involved in the situation.
- E. It is deployed as an additional police tool and is not intended to replace firearms or self-defense techniques.
- F. The M-26 Taser may be used to/if:
  - 1. Control a dangerous or violent subject when deadly physical force does not appear to be justified and /or necessary; or,
  - 2. Attempts to subdue the subject by other conventional tactics have been, or will likely be, ineffective in the situation at hand; or,
  - 3. There is reasonable expectation that it will be unsafe for officers to approach within contact range of the subject.
- G. Professional Standards shall do a quarterly review to check for undesirable patterns or misuse.

IX. EFFECTIVE DATE AND DISTRIBUTION

This order is effective April 4, 2005.

  
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John W. Mathis, Chief of Police