

Charleston County Sheriff's Office Policy and Procedures Manual

Sheriff Carl Ritchie

7-06 TASER Energy Weapon

□ NEW

⊠ REVISED

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ACA Standards Reference: 5-ALDF-2B-01, 02, 08, 09, 11

CALEA Standards Reference: 4.1.1, 4.1.4, 4.1.5, 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 35.1.9

NCCHC Standards Reference: N/A SCLEA Standards Reference: N/A

SC Minimum Standards: SC Min. 1061c

Charleston County Sheriff's Office Policy and Procedure Manual

Procedure 7-06 Taser Energy Weapon

I. Purpose:

To provide deputies of the Charleston County Sheriff's Office (CCSO) with established guidelines on the use of TASER Energy Weapons (TEW).

(Ref: CALEA 4.1.4)

II. Policy:

To provide options for controlling subjects in a manner that minimizes the risk of injury and use only the force necessary to accomplish lawful objectives.

(Ref: 5-ALDF-2B-08; CALEA 4.1.1; SC Min. 1061c)

III. Definitions:

- A. For purposes of this procedure, the word "deputy" applies to all agency employees with a certification classification of Class I, Class II, Class III, or Reserve Deputies as defined by the South Carolina Criminal Justice Academy.
- B. Taser Energy Weapon 10 (TEW): The TEW is a handheld electronic control device manufactured by AXON Enterprises and is the only authorized conducted energy weapon issued and approved for use by the Charleston County Sheriff's Office. The device fires a single probe each time the trigger is pulled. The probe is connected to the weapon by an insulated wire. Electrical pulses are sent along the wire to the probe with the intended effect of temporarily incapacitating the targeted subject. To temporarily incapacitate the targeted subject, the trigger must be pulled twice to fire another probe.
- C. Rechargeable Battery Pack: The battery pack has a selection in the AXON Evidence program that allows the battery to be programmed for a "hard shutdown". The "hard shutdown" programming is downloaded prior to the battery being issued by Logistics. This is the only authorized battery pack for use at the Charleston County Sheriff's Office. This programming allows the battery to be shut down after five seconds.
- D. *Cartridge:* The replaceable cartridges of the TEW that contains and discharges the electrical probes. The TEW is a ten-shot device that contains a magazine with ten (10) cartridges. To deploy the cartridges, the trigger must be pulled twice to deploy the cartridges to make contact with the subject.
- E. *TASER Energy Weapon (TEW):* A device that is designed to temporarily incapacitate a subject by delivering electrical pulses to the person. The electrical pulses are intended to affect both the sensory and motor nerves. The desired effect of the TEW is intended to cause uncontrollable muscle

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contractions and to reduce the ability to perform voluntary movements. This is accomplished by delivering electrical pulses across two electrodes to over stimulate the motor nerves.

- F. *Deadly Force:* Any use of force that is likely to cause death or serious physical injury.
- G. *Force:* Conduct on the part of a deputy that is designed to assist the deputy in controlling a situation or the actions or behavior of a person or persons.
- H. Less Lethal Weapon / Intermediate Weapon: A weapon or object that is not part of the human body used to control resistance or an assault.
- I. *Probes:* Small barbed projectiles connected by insulated wires launched from the TEW using a blank round for propulsion.
- J. Serious Physical Injury: Any bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment to any bodily member or organ.
- K. Function Test: The selector switch will be held down for three seconds and then released. While holding the selector switch, a blue circle will spin. This function will finish, and on the CID, it will show the version on the TEW. After that, you will then turn the selector switch up once and a green check will appear. This green check shows the operator that the TEW passed the self-test.
- L. *Show of Force:* Force shown by a deputy by unholstering/removing a firearm or an intermediate weapon and presenting it towards a subject; in an attempt to gain compliance of the situation at hand.

IV. Procedure:

A. Training and Certification:

- 1. Only authorized deputies who have successfully completed the prescribed training course approved by the Training Bureau, and demonstrated proficiency in the use of the TEW, will be authorized to carry such weapons. (Ref: CALEA 4.3.2)
- 2. Deputies authorized to use TEW's are required to attend annual inservice training on the agency's use of force procedures and demonstrate competency and proficiency with the TEW in accordance with applicable agency policies. Instruction and

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certification for the TEW will be provided by a certified TEW instructor assigned by the Training Bureau. (Ref: CALEA 4.3.3 item *a*)

3. The Training Bureau is responsible for scheduling in-service and proficiency training for all deputies authorized to carry a TEW in accordance with agency policy and procedures, and to appropriately document such training and supplemental training.

(Ref: CALEA 4.3.3 items *b* and *c*)

4. All deputies will be issued a copy of this procedure. Training in the content and intent of this policy will be accomplished and acknowledged in writing prior to personnel being authorized to carry the TEW.

(Ref: CALEA 4.3.4)

B. Methods for Carrying:

- 1. The TEW will only be worn in the cross-draw position, for all deputies. All deputies will utilize their issued holster on the deputy's weak side, opposite their sidearm.
- 2. The-TEW will be worn by all authorized deputies when on duty unless exempted as follows:
 - a. when the deputy is involved in undercover or plainclothes work that their supervisor determines would be compromised by wearing the TEW; or
 - b. when the deputy is assigned to perform an administrative function and with the approval of their supervisor.
- 3. The Detention Director will authorize the employees to be allowed to carry the TEW in the secure facility of the Sheriff Al Cannon Detention Center (SACDC). The TEW will remain holstered until necessary.
- 4. All deputies entering the Judicial Center will secure their TEW in the locked boxes located in the Control Room unless assigned to Judicial or Security Services.

C. Inspections of the TEW:

1. Though the TEW is a highly sophisticated electronic device, there are times when the weapon is subject to extreme conditions such as dropping, exposure to significant moisture, etc., and these factors could damage the internal components without external indication.

- 2. Supervisors will be responsible for ensuring that the TEW is properly worn and maintained as required by this policy.
- 3. A monthly inspection of all issued TEW's will be conducted by supervisors for cleanliness, signs of damage, abuse, battery charge, and function testing. During this inspection, data will be downloaded from the TEW'S battery. The results of the downloaded recordings will be documented in the employee's chronological file. In the event of a failure, or other deficiency, supervisors should notify Logistics to have the TEW taken out of service and have the TEW replaced.

(Ref: 5- ALDF-2B-10; CALEA 4.3.1 item *c* & *d*)

- 4. A function test shall be conducted at the beginning of each shift, in a safe and controlled environment. (Ref: CALEA 4.3.1 item *c*)
- 5. In the event the TEW fails to pass the function test, the supervisor may need to replace the TEW before the deputy continues their assignment. The TEW must be re-charged every thirty (30) days for required updates and to receive a full charge per the manufacturer guidelines.

 (Ref: CALEA 4.3.1 item d)
- D. Considerations for Deploying the TEW:
 - 1. The deputy should take into consideration the following factors when deciding to deploy the TEW:
 - a. the age of the subject.
 - b. when a person is visibly pregnant.
 - c. visible or known mental or physical disabilities.
 - d. multiple subjects.
 - e. the relative strength of the subject.
 - f. When an apparent juvenile, deputies shall consider the subject's size, aggression, potential for violence, gravity of the offense, and/or the immediate danger of injury to self or others.
 - 2. The TEW has the ability to ignite flammable liquids. The TEW is not to be deployed on subjects who have come into contact with flammable liquids or in environments where flammable liquids are obviously present.

- 3. Deputies should remember that some chemical agents, such as Oleoresin Capsicum (OC) spray, may have alcohol-based carriers that are flammable. The TEW will not be used on a subject who has been contaminated with a chemical agent containing an alcohol-based carrier.
- 4. Consideration should be given, and care taken in situations where the targeted subject is likely to experience a fall from an elevated position when struck by the TEW, or if in or near a body of water.
- 5. Deputies are able to handle the probe wires during the discharge of the TEW due to AXON insulating the wires.
- 6. If possible, deputies deploying the TEW should be supported by at least one cover deputy.

E. Restrictions:

- 1. TEW devices will not be used in the following situations:
 - a. punitively;

(Ref: 5-ALDF-2B-02)

- b. for the purposes of illegal coercion or to threaten or elicit information;
- c. to awaken unconscious or intoxicated individuals;
- d. to escort;
- e. when an individual in restraints (e.g., handcuffs) is physically resisting and is not an immediate threat to themselves or others and the individual can be safely controlled using other restraint devices;
- f. when the deputy knows of a pre-existing medical condition and the use of the TEW may cause further complications;
- g. to intentionally display or deploy as a practical joke, or as a form of harassment;
- h. when apprehending persons who are not an imminent threat or risk of immediate danger to the public or deputies;
- i. on a subject who is in control of a vehicle while that vehicle is

moving or in gear;

- j. on a subject who is complying with a deputy's commands without hesitation;
- k. during any instance where the subject is only offering passive resistance;
- l. when it is reasonable to believe that incapacitation of the subject may result in serious injury or death;
- m. near water when a potential threat of drowning exists; and
- n. where deadly force is clearly justified unless another deputy is present and capable of providing deadly force to protect deputies, staff, and/or civilians. A single deputy shall not simultaneously deploy a TEW and firearm.

F. Deploying the TEW:

- 1. The TEW is a defensive weapon and is recognized as a less lethal weapon/intermediate weapon. The use of the TEW is an intermediate use of force and will be consistent with agency use of force policies and procedures.
- 2. The TEW can be used at a distance up to 45 feet; however, the optimum distance is 40 feet. The device is equipped with both laser and fixed sights. The trigger must be pulled twice to deploy—the cartridges. Each cartridge contains the probe, and they will go into the area where the TEW is being pointed at. There is no drop when the cartridges are deployed.
- 3. The preferred target zones for the TEW, when practical, are at or below the mid to lower abdomen, (i.e., below the tip of the sternum, to the back, or the legs). The back and lower torso are the most preferred target areas when reasonably practical because they contain larger muscle groups and reduces the risk of hitting sensitive body areas. The TEW should not be deliberately aimed at the face, neck, head, chest, or groin regions.
- 4. When possible, just prior to discharge, the deputy will state "TASER, TASER" to alert other deputies. Also, this will afford the subject ample time to stop resisting and comply with verbal commands.
- 5. Deputies will limit deployment to three (3) five (5) second cycles. The

duration of the cycle may be shortened by depressing the selector switch at the deputy's discretion. The deputy will reassess after each TEW cycle to determine if the cycle was effective. The deputy will also look at body language to determine if another cycle is needed. Additional cycles may be administered by pulling the trigger if the targeted subject is not controlled by the initial or subsequent cycle.

- 6. If feasible, within the secure detention facility, medical personnel will be requested prior to TEW deployment.
- 7. There is no drive-stun availability on the Taser 10 platform.
- 8. The TEW can be deployed on aggressive animals in certain justified situations where the deployment of a firearm may not be the best option or available.
- G. Actions Following the Deployment of the TEW:
 - 1. The targeted subject should be restrained as soon as possible following deployment of the TEW, but prior to the removal of the probes.
 - 2. If the subject attempts to run after being struck, the deploying deputy should run with the subject, if possible, in order to avoid breaking the wires. The wires have been improved and are spooled into the probe area. Tactical and safety considerations should be constantly evaluated under these circumstances.
 - 3. Following deployment of the TEW, the deputy will do the following:
 - a. Contact a supervisor to report to the scene.
 - b. Contact Central Control if within the SACDC. Central Control is responsible for notifying the Command Duty Officer (CDO), who will accomplish further necessary notifications.
 - c. Outside the SACDC, notify the Charleston County Consolidated 911 Center (911 Center).
 - 4. Any marks left by the TEW probes will be photographed. Photographic documentation should be completed at the scene, medical facility, or the SACDC. The photographic documents will be placed into evidence. All photos will be a part of the supervisor's use of force packet.

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- In the event of potential serious injury or death of the target subject, all components of the TEW (e.g., cartridge, wires, handle, magazine, battery, etc.) will be photographed, collected, and placed into evidence.
- 6. Following deployment of the TEW, data will be downloaded from the device for documentation purposes. A supervisor will download the data from the TEW's battery. The data downloaded will be included in the supervisor's use of force packet.
- 7. If a supervisor is unable to download the data, or the device needs to be retained for evidentiary purposes, then the TEW will be placed into evidence so that the data from the device can be downloaded at a later time. In these instances, the supervisor will ensure the deputy is issued another TEW before going back into service.
- 8. If a deputy removes a TEW from it's holster and only presents it towards a subject, in a Show of Force, the deputy will document the Show of Force on an incident/supplemental report but not on a Use of Force Report Form. A Show of Force will not be reviewed as a Use of Force.
- 9. When a deputy's use of force results in a death or serious physical injury, the deputy will be placed on administrative leave pending an administrative review. (Ref: CALEA 4.2.3)

H. Removal of Probes:

- 1. The TEW will be turned off and the wires will be broken prior to removal of the probes.
- 2. Within the SACDC, deputies will have the contracted medical staff remove the probes of the TEW that have penetrated the skin.
- 3. When a TEW is deployed outside of the SACDC, deputies will:
 - a. Wear the issued medical gloves and other personal protective equipment as necessary.
 - b. Consider the probes to be contaminated sharps and handled accordingly.
 - c. The deputy will place their hand 6-8 inches away from the probe site and stabilize the subject.

- d. Using a brisk pull, the deputy will then pull the probe out of the subject.
- e. The puncture site will be wiped with a sterile alcohol swab and an adhesive bandage applied to the site.
- f. Deputies will use all due regard to privacy issues with members of the opposite sex when removing the probe. When practical, the probes should be removed by members of the same sex as the subject.
- g. If the probes penetrated sensitive areas of the body such as the face, neck or groin area, probes will only be removed by medical personnel.

I. Rendering Aid after Use of Force:

- 1. Upon TEW deployment and the subject restrained, primary first aid assessment of airway, breathing and circulation shall be immediately performed by the deputy.
- 2. In the event the subject suffered a secondary injury from any law enforcement action or is displaying any need for immediate medical attention, deputies will render and/or arrange for the immediate and appropriate medical attention. The deputy utilizing force will notify their immediate supervisor of any medical attention requested and/or required.
- 3. When the TEW is used on an inmate within the SACDC, the contracted medical staff will evaluate all cases and render first aid as necessary. Medical staff will clear the inmate for housing and provide further treatment if necessary.
- 4. The procedure for rendering aid when a TEW is deployed outside of the SACDC will be to notify the 911 Center and request emergency medical services (EMS) to respond when necessary. The deputy will, within individual capabilities, render first aid as appropriate.

(Ref: CALEA 4.1.5)

J. Reporting Use of Force:

1. Deputies will submit a detailed Incident Report and Use of Force Report justifying the use and deployment of the TEW. These reports will be completed prior to the conclusion of the deputy's tour of duty.

(Ref: 5-ALDF-2B-11)

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- 2. The on-scene supervisor will complete a synopsis of the incident, a Supervisor's TEW Report, and complete a use of force package after every use of the TEW except for authorized training and daily function test. The use of force package will be forwarded through the deputy's chain-of-command up to the captain, who will forward it to the Office of Professional Standards (OPS) for final review and entry in the agency's Personnel Early Warning System (see Policy 6-04 Personnel Early Warning System). (Ref: CALEA 35.1.9 items *a* and *d*)
- 3. If the deputy who discharged the TEW is in a different chain-of-command, the captain will forward the use of force package to the deputy's captain who will review and take any action if needed and forward it to OPS. (Ref: CALEA 4.2.1 items b & c)
- 4. In the event of an inadvertent and/or negligent discharge, the person discharging the TEW will notify a supervisor immediately and an informational Incident Report will be generated regarding the circumstances of the incident.

K. Administrative Review:

- 1. All use of force incidents involving a TEW will be reviewed by the Office of Professional Standards, who will review the information and reports to determine whether:
 - a. agency rules, policies, or procedures were violated.
 - b. the relevant policy was clearly understandable and effective to cover the situation.
 - c. agency training is currently adequate. (Ref: CALEA 4.2.2)
- The Office of Professional Standards will include incidents of the use of TEW's in the annual analysis of use of force and enter them into the OPS Records Management System and as part of the Personnel Early Warning System. (Ref: CALEA 4.2.4, and 35.1.9 items *a* and *d*)
- L. This directive is for Charleston County Sheriff's Office use only and does not apply in any criminal or civil proceeding. The Sheriff's Office policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this directive will only form the basis for agency administrative sanctions.

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