


**The Pennsylvania State University
Police and Public Safety Department**

POLICY AND PROCEDURAL ORDER

SUBJECT 5.14 Taser Energy Weapons		
ddCALEA REF. 4.1.5, 4.2.1c, 4.2.2, 4.3.1b, 4.3.2, 4.3.3 (a-b)	EFFECTIVE DATE 11/15/18	REVISED DATE 4/22/24
APPROVED BY Chief of Police and Public Safety, Wesley Sheets 		ASSIGNED TO GROUP(s): 6

This Policy is for departmental use only and does not apply in any criminal or civil proceeding. This Policy should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this Policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting

I. PURPOSE

The purpose of this policy is to establish guidelines and limitations for the Pennsylvania State University Police and Public Safety (UPPS) Department sworn police personnel for the training and use of a Taser Energy Weapon (TEW),

II. POLICY

It is the policy of UPPS to use only that amount of force reasonably necessary to effect an arrest, control a situation, or defend themselves or others from harm. UPPS recognizes that combative, non-compliant, armed, and/or violent subjects cause handling and control problems that require specialized training and equipment. Thus, UPPS has adopted a less lethal force philosophy to assist with the de-escalation of potentially violent confrontations. Consistent with this philosophy, UPPS is authorizing the use of department owned, maintained, and issued Conducted Electrical Weapons to trained sworn personnel.

III. DEFINITIONS

- A. **Actively Resisting**: When a subject makes physically evasive movements to interfere with an officer's attempt to control that subject; including bracing, tensing, pulling away, actual or attempted flight, or pushing.
- B. **Taser Energy Weapon (TEW)**: An incapacitating, intermediate weapon used for subduing a person that administers an electric shock for the purpose of disrupting superficial muscle functions. The TEW is an intermediate weapon that is classified as less lethal. The weapon should only be used when an officer is met with a certain degree of resistance or aggression through either actions or words.
- C. **Taser Energy Weapon Coordinator (TEWCO)**: A UPPS TEW instructor charged with the responsibility for overseeing the training, deployment, and maintenance of a TEW.
- D. **Deployment**: Includes removal of any firearm, TEW or less lethal weapon from its carrier.
- E. **Discharge**: The firing of any weapon.
- F. **Drive Stun**: When the TEW is applied directly to pressure points on the body for a pain compliance technique.
- G. **Force**: Any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes, the act of pointing a firearm at or in the direction of a human being, discharge of a firearm, pointing or discharging an active Taser Energy Weapon (TEW) in the direction of a human being, use of impact weapon to strike, discharge of chemical spray, use of chokeholds or hard hands, taking of a subject to the ground, and a K-9 bite. The term does not include escorting or handcuffing a person with minimal or no resistance. Use of force is lawful if it is objectively reasonable

under the circumstances to effect an arrest, prevent escape or protect the officer or other person.

- H. **Less Lethal Force:** Any use of force not intended to, nor likely to, cause death or serious bodily harm.
- I. **Passively Resisting:** When a subject does not cooperate with an officer's commands but does not take action to prevent being taken into custody. For example, a protestor who lies down in front of a doorway and must be carried away upon arrest.
- J. **Show of Force:** Displaying a weapon from its holstered or stored position, during an incident where no force is applied against a human being or animal.
- K. **Function Test:** A test conducted to ensure the TEW is functioning properly, and that all batteries and electronic components are performing adequately.
- L. **Standard Cycle:** A standard cycle is five seconds.
- M. **University Police Officer:** A **sworn member** of the University Police who is granted law enforcement authority from the Pennsylvania Municipal Police Officers Education and Training Commission and who is specifically named a Police Service Officer by the Director of the University Policy.

IV. USE OF FORCE STANDARDS

The following are applicable use of force standards directly related to the deployment of the Taser Energy Weapon (TEW):

- A. The deployment of a TEW is considered an application of force.
- B. Each application of a TEW involves an additional use of force.
- C. Multiple applications of a TEW cannot be justified solely on the grounds that a subject fails to comply with a command, absent other indications that the subject is about to flee or poses an immediate threat to an officer.
- D. Any decision to apply multiple applications of a TEW must take into consideration whether a subject is capable of complying with the officers' commands.
- E. The TEW is not intended to replace the use of firearms when deadly physical force is necessary, but rather to provide a less lethal alternative within the guidelines of the Department's Use of Force Policy.

V. PROCEDURES FOR USE OF TASER ENERGY WEAPON

- A. Sworn Personnel Responsibilities:

A TEW will be carried in accordance with the manufacturer's recommendations and Department training. **Sworn** personnel will be assigned or issued TEW Taser 7 and two or more Taser 7 live cartridge (standoff 3.5 degree) and Taser 7 live cartridge (Close quarters 12 degree) (4.3.1b). **Sworn** personnel assigned or issued a TEW will:

- 1. Carry the TEW in a Department approved holster on the opposite side of their firearm, with the cartridges inserted, while working their assigned shifts and/or functions. Officers not assigned to uniformed patrol may be authorized to utilize other Department-approved holsters and carry the device consistent with Department training.
- 2. Point the TEW in a safe direction when loading, unloading, or testing the weapon.
- 3. Visually and physically inspect the TEW and cartridges at the beginning of their shift.

4. Prior to taking a TEW into the field, the officer will test the TEW according to protocol.
5. Officers will secure and store the TEW, both on and off duty, in such a way as to ensure that no unauthorized person will have access to, or gain control over, the TEW.
6. The spare cartridges will be stored and carried in a manner consistent with training and will not be carried unprotected in a shirt or pants pocket.
7. Cartridges will be replaced consistent with the manufacturer's expiration requirements.
8. Whenever an officer removes their TEW, the item must not be left in the open, and must be secured so that it is not readily accessible to civilians, subjects, victims, or witnesses.
9. Any discharge of a TEW must be immediately reported to a supervisor.
10. The main housing of the Taser 7 carried and used by Department sworn officers will be yellow in color so as not to be mistaken for a firearm.
11. All Department TEWs will be carried on duty with two (2) live cartridges: one (1) Taser 7 live cartridge (standoff 3.5 degree) and one (1) Taser 7 live cartridge (Close quarters 12 degree).

B. Permitted Use:

Authorized personnel are to use a TEW in accordance with training in the following instances:

1. A TEW should only be used against subjects who are actively resisting in a manner that, in the officer's judgment, is likely to result in injuries to themselves or others.
2. To incapacitate a subject who poses a threat of physical injury to themselves.
3. A TEW may be used when an officer is engaged in a physical confrontation with a combative individual and attempts to control the subject by lower levels of force or tactics are ineffective. *See the Department's Use of Force Policy 5.2 for clarification.*
4. Against aggressive animals that pose a threat of physical injury to officers or others.
5. During Department authorized training programs and/or demonstrations including use of the Hook-And-Loop (HALT) training suit.

C. Prohibited Use:

The TEW will not be used:

1. Against a subject who is passively resisting the lawful commands of the officer.
2. Against a female who the officer knows, or reasonably believes, is visibly pregnant, unless deadly force is the only other option.
3. Against a person who the officer knows, or reasonably believes, to be under the age of fourteen (14) or over the age of seventy (70), due to the potential for falling when incapacitated, unless the encounter rises to a deadly force situation.
4. Against a person who is at an elevated location where a fall may cause substantial injury or death.
5. In an area where it is likely that the subject may drown.
6. Against handcuffed persons.
7. Against an operator in physical control of a vehicle in motion, including automobiles, trucks, motorcycles, ATVs, bicycles, and scooters.

8. Against a subject who is in close proximity to a flammable gas or liquid. (e.g. a meth lab, where gasoline is stored, alcohol-based OC Spray, etc.).
9. To rouse unconscious, impaired, or intoxicated individuals.
10. In an unprofessional manner.
11. To experiment on a person or allow a person to experience the TEW, even if the person requests it, when the TEW's use would not otherwise be allowed under this policy. This TEW experience does not apply to voluntary TEW training exposures or TEW demonstrations as authorized by the Department.
12. Officers should not intentionally activate more than one TEW at a time against a subject.
13. For illegal purposes (e.g. illegal coercion, torture, etc.).

D. Deployment

When deploying a TEW, officers will make every effort to comply with the following directives, when reasonable:

1. A command for compliance and a warning should be given prior to activating the TEW. The subject should be given time to comply with an officer's verbal command unless to do so would place the officer or any other person at risk. This directive serves a dual purpose: to seek compliance from the subject, and to let other officers who are present know that the TEW is being deployed, so that the activation of the TEW will not be mistaken, by sight or sound, as a firearm discharge.
2. When feasible, alert other law enforcement officers present that you are about to deploy a TEW by saying "Taser, Taser." This statement will prepare the officers for the TEW deployment and help prevent sympathetic weapon discharges.
3. When aiming the TEW at a subject, officers should adhere to the manufacturers preferred target zones whenever reasonably possible. Officers should take into consideration the capabilities and limitations of the TEW whenever employing it at close quarters. A TEW should be aimed by use of the aiming laser(s) when possible. Fixed sights can be used when the laser sight(s) are ineffective or as a secondary aiming tool.
4. Upon discharging the device, the officer will energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective.
5. To minimize the number of TEW discharges necessary for subject compliance, officers should, while deploying the TEW, clearly and reasonably order the subject as the incident mandates. Such verbal commands may include, "stop resisting, lie flat, put hands behind your back," etc.
6. The device may also be deployed in certain circumstances in a "drive stun" mode. Deployment of the TEW in drive stun mode, from a policy perspective, is no different than a cartridge deployment. It is important to note that when the device is deployed in this manner, it is primarily a pain compliance tool: is minimally effective compared to a conventional cartridge deployment; and is more likely to leave marks on the subject's skin.
7. Whenever possible the TEW will be deployed using a back-up officer to assist with handcuffing or providing cover.
8. The subject should be secured as soon as practical while disabled by the TEW 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. Personnel should deploy the TEW for one standard cycle and then evaluate the situation to determine if subsequent cycles are necessary. Each application of the TEW should be independently justifiable. Officers should only deploy the TEW to the extent necessary to gain control of the subject.

9. The subject will be handcuffed as soon as safe; which may be prior to, during or after deployment.
10. As soon as the subject is compliant, and the situation is under control, a supervisor and communications will be notified of the use of force.

E. Post TEW Deployment Medical Attention (4.1.5)

1. Any subject against whom an TEW is deployed will be evaluated by qualified medical personnel. Qualified medical personnel include medical professionals including medical doctors, licensed nurses, or EMS first responders. The Department must also be cognizant of any medical regulations or guidelines regarding TEW's asserted by any medical authority having jurisdiction over the agency in whose jurisdiction the TEW is deployed.
2. UPPS Officers certified to carry the TEW may remove prongs that have embedded in a subject's skin, clothing or any other objects. Consideration should be given prior to prong removal from a sensitive area (e.g., face, head, female breasts, male groin). If the probes are in a vulnerable location or the officer otherwise feels they cannot safely remove the barbs, additional EMS assistance will be needed.

F. Evidence Collection

1. Once the subject has been controlled, and the need for medical care has been evaluated, officers will collect all evidence resulting from TEW discharge. Offices are reminded of the importance of respecting human dignity and privacy, taking steps to avoid embarrassment, and preserving confidentiality regarding the subject's medical treatment. Whenever feasible, the following items will be secured as evidence:
 - a. TEW Probes;
 - b. Cartridges; and
 - c. Wire Leads.
2. When lawful and appropriate, photographs should be taken of the probe impact sites and any other related injuries as soon as reasonably possible.
3. In some instances, however, photographs may not be taken. Such as, in certain juvenile cases, or when probes impacted the suspect's genitals, female breasts, etc. It is important to preserve evidence of TEW use; however, it is also important not to violate any medical, HIPPA, or privacy statutes or other legal restrictions.
4. The TEW cartridges and probes used will be processed and logged in as evidence. Officers will wear latex or nitrile gloves when handling the probes as they may have blood on them (biohazard).
5. Deployed TEW wires will be wrapped around the expended cartridge. The probes will be placed "barbs" first into the portals from which they were fired to prevent sharp ends from penetrating the evidence envelope. Tape should be placed over the portals to secure the probes in the cartridge.
6. The TEW shall then be turned over to the department TEW Coordinator, or his/her designee. The battery will be removed from the taser and docked in the charging station for downloading of all stored firing and video-audio data.

G. Reporting Required (4.2.1c)

1. After deploying a TEW, the officer must notify a supervisor as soon as it is practical to do so.
2. After deployment of a TEW, the officer who discharges the TEW will comply with all reporting and investigation requirements outlined in the Department's Reportable Use of Force Policy, and will include:
 - a. The facts and circumstances which dictated the officer's use of force;
 - b. Commands given to the subject;
 - c. Manner in which the subject refused to comply;
 - d. Witnesses to the discharge of the TEW;
 - e. Number of discharges, and length of each;
 - f. Location of probes on the subject's injuries;
 - g. Extent, if any, of the subject's injuries;
 - h. Description of first aid provided; and
 - i. The name of the supervisor notified, and time of such notification.
3. In addition, the officer who discharges the Taser Energy Weapon will complete an incident report and Blue Team Use of Force Report. The Executive Deputy Chief, or designee will be notified of any deployment for discharge tracking purposes.

H. Repair/Maintenance of TEW (4.3.1d)

1. Officers are responsible for the general care, and cleaning, of issued weapons.
2. Officers are responsible for the security of weapons issued to them.
3. Any damage, or mechanical failure of any kind, will be immediately reported to a supervisor and the UPPS Quartermaster. Arrangements will be made by the QM for repair.
4. Each UPPS station is issued a spare TEW and that TEW will be used as a replacement for a damaged or malfunctioning weapon. The replacement TEW will be reassigned to the officer by the QM.

I. Supervisory Responsibilities

Supervisors will:

1. Ensure trained personnel, who are issued and carry the TEW, comply with this policy while working their assigned shift.
2. If available and on duty, immediately respond to any scene in which the TEW has been deployed.
3. Secure the expended cartridge with probes and the TEW for data download.
4. Deputy Chiefs and other supervisors will comply with all reporting and investigation requirements outlined in the Department's 5.3 Reporting and Investigating Force Policy. They will conduct an investigation, including:
 - a. Identifying and obtaining reports from all officers involved;
 - b. Identifying and interviewing witnesses;
 - c. Ensuring that photographs are taken of the probe penetration sites and any secondary injuries (caused, for example, by falling to the ground, etc.); and
 - d. Entering all evidence into the Department's evidence and recovered property inventory system to ensure proper chain of custody.
5. Review the circumstances surrounding the use of the TEW to determine if the use of, or deployment of, the TEW was in compliance with policy and

procedure. Supervisors must also prepare a report of his/her investigation that includes a determination of whether the use of the TEW is consistent with this policy (4.2.2)

6. The Executive Deputy Chief, Lieutenant, or designee will prepare an overview of the incident and confer with the appropriate Deputy Chief for a policy review of incident. Once the overview has been completed, the Executive Deputy Chief, or designee will forward the report to the Chief of Police for final review.

J. Data Download

1. When a TEW incident occurs, personnel shall present the weapon to a taser instructor (if available/on duty) for firing recording data download, prior to the end of shift. If an instructor is not on duty, the TEW will be immediately secured for a later download and the closest instructor will be notified the taser battery will immediately be docked as soon as practical. A copy of the firing data download will be attached to the Blue Team Use of Force Report Form. If the TEW firing or video recording data download is not available, a notation will be made on the Use of Force Report Form. The officer will forward the download, however, when it is available.
2. Monthly, the Quartermaster or department Taser Instructors, if assigned, are responsible for ensuring all taser batteries are docked for recharging, and the data will automatically be download to Evidence.com. It is the responsibility of the Station Commander or designee to make sure this occurs.

VI. TASER ENERGY WEAPON COORDINATOR (TEWCO)

- A. The Executive Deputy Chief will designate a current TEW Instructor to serve as the TEW Coordinator (TEWCO).
- B. The TEWCO in conjunction with the Quartermaster is responsible for maintaining the equipment and records associated with the deployment of the Department's TEW.
- C. The TEWCO in conjunction with the Quartermaster will be given time to log TEWs, cartridges, and replacement batteries, and maintain a TEW and cartridge inventory, or access to inventory records.
- D. The TEWCO in conjunction with the Quartermaster will:
 1. Be responsible for issuing TEWs and cartridges, and ensure they are recorded in the TEW/cartridge log.
 2. The Quartermaster will record the serial number of each issued TEW cartridge, and to what station it was issued and to whom;
 3. Ensure cartridges are replaced before their expiration date;
 4. The TEWCO will conduct data port downloads when requested by investigating supervisors or Command Staff; and
 5. Maintain overall responsibility for coordination of the purchase, repair, and replacement of TEWs and cartridges.

VII. TRAINING AND CERTIFICATION

- A. TEW Authorization: Officers are required to successfully complete training on the functionality of the TEW and the Department's policy on its use prior to issuance of the Weapon. Only trained and qualified Department officers may carry and/or use a TEW Weapon (4.3.2)
- B. TEW Training: All members of the Department who carry and/or use a TEW must first successfully complete a Department approved and mandated TEW

familiarization program, including written and practical tests. No officer may carry an TEW without first successfully completing the training.

- C. TEW Re-Certification: A mandatory annual (calendar year) re-certification program must be successfully completed. Officers who fail to attend training and allow their certification to elapse will not be authorized to carry the TEW (4.3.3).
- D. Certified Instructors: All Department TEW certification programs will be presented by an Axon Enterprise, Inc. certified (or equivalent) TEW instructor (4.3.3a).
- E. Training Records: The Department will maintain TEW training and certification records (4.3.3b).
- F. Annual Audit: The Training Coordinator will conduct an annual audit (calendar) of TEW training records to ensure all officers carrying a TEW have met proficiency training. The Training Coordinator will submit a report to the Training Unit Supervisor or designee with their findings.
- G. Annual Review: The Training Unit Supervisor, or designee will annually review the training curriculum along with the TEWCO and revise it as necessary. The department Training Unit Supervisor, or designee will submit, via the chain of command, a report to the Chief of Police confirming the annual review and updates, if any.

VIII. MAINTAINING THE TEW

- A. The UPPS Taser Instructor responsibilities during the annual retraining session:
 - 1. Check the cartridges expiration date;
 - 2. Check the remaining percentage of battery life, and;
 - 3. Check that there are two cartridges that were issued to the officer, and that they coincide with the serial numbers on file.
- B. Officer's responsibilities:
 - 1. Carry the TEW in the issued holster.
 - 2. Ensure the batteries of the TEW are properly charged.
 - a. Replace cartridges before their expiration date.
 - b. Extra cartridges should not be carried in pockets due to the risk that static electricity could cause an unintentional discharge of the cartridge.

Updates

- 11/3/22
 - Definitions updated or added for Deployment, Discharge, Force, and Show of Force.
 - IV.A. updated to reflect definitions.
 - V.A. updated to reflect Taser 7.
 - V.B. updated to reflect Taser 7.
 - V.G. updated to reflect Taser 7.
 - V.I. updated to reflect Taser 7 protocols.
 - VII. Changes made to responsibilities.
 - VIII. F and G Updated to reflect Taser 7.
- 11/1/23
 - Definition and titles updated
 - CEW changed to TEW per Axon