

TAKOMA PARK POLICE DEPARTMENT - GENERAL ORDERS



TITLE: Secondary Weapons	NUMBER: 617B
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New X Amends Rescinds	General Order 617B, dated June 15, 2010
AUTHORITY: Chief Ronald A. Ricucci	ACCREDITATION STANDARDS: 1.2.2, 1.3.4, 1.3.5, 1.3.9-1.3.12
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01 Purpose: To establish this Department's policy on authorization of Secondary Weapons, and the procedures for use of them on and off duty.

02 Policy: It is the policy of the Takoma Park Police Department that only authorized Secondary Weapons will be carried by officers on or off duty, that they will be carried in accordance with laws of this state and any other jurisdiction that officers might enter, and that they will be handled in a manner that maximizes the safety of the officers and the public.

03 Authorized Secondary Weapons:

Authorized Secondary Weapons for officers shall be as follows:

A. Pepper Spray: Oleoresin Capsicum is an inflammatory substance naturally occurring in Cayenne peppers (genus capsicum). It is the active ingredient in defensive pepper spray aerosol dispensers. The department issues a 10% solution contained in a conical or fog type dispenser or grenade. Only O.C. Pepper Spray issued by the department is authorized for officers to carry on or off duty.

B. Batons: The only authorized baton is the standard model ASP brand collapsible baton in any length. Other brands of collapsible batons are not authorized.

C. The use of a police K-9 to apprehend individuals shall be in accordance with this procedure and General Order 617, Use of Force, and shall be deemed a secondary weapon for required procedures set forth therein.

D. Less Lethal Launcher. The only approved model is the FN 303, which uses either Oleoresin Capsicum projectiles or marking paint projectiles. In addition to the procedures specific for this weapon, procedures for pepper spray exposure will be followed.

E. ECDs (Electronic Control Devices): The only authorized ECD is the Advanced Taser (Model X26). It is designed to override the sensory and motor functions of the central nervous system, and to incapacitate violent or potentially violent subjects via uncontrolled contractions of the muscle tissue (*Neuro-Muscular Incapacitation*). The weapon utilizes compressed nitrogen to shoot two small

probes up to 21 feet (or further depending upon the cartridge used). These probes are connected to the weapon by high-voltage insulated wire. When the probes make contact with the subject, they transmit an electrical pulse along the wires and into the body through up to 2 inches of clothing. The probes do not have to penetrate the flesh or cause bodily harm to be effective. The Taser X26 can also be discharged in the drive-stun mode as a contact device that generates “electrical noise” interpreted by the sensory nervous system as pain or discomfort, but does not cause incapacitation. Use of the drive-stun mode is a pain compliance technique.

F. Each officer will be certified in the use of pepper spray and ASP baton, and will be issued these secondary weapons. The securely maintained FN 303 Less Lethal Launcher will be checked out by the certified officer(s) to whom assignment is made by the Watch Commander at roll call and returned to secure storage at shift’s end. Tasers are issued to individual certified officers as inventory allows.

04. Results of pepper spray exposure: The reaction to pepper spray should be immediate and intense, regardless of the size, strength, sobriety or mental state of the person exposed. Complete incapacitation usually results. Persons exposed will usually experience some or all of the following symptoms:

- * Involuntary closing and excessive watering of the eyes,
 - * Inflammation of the respiratory system causing coughing, shortness of breath, gasping for air, or a gagging sensation in the throat,
 - * Inflammation of the skin accompanied by an acute burning sensation, and
 - * Brief periods of nausea and/or loss of upper body motor skills have been noted in some people.
- These reactions vary depending on the amount of pepper spray used, how it is used, the condition of the exposed person and wind conditions. All of the symptoms are temporary and post exposure procedures are simple. Exposed individuals are usually returned to normal within 45 minutes.

05 Use of Pepper Spray:

Pepper spray may be used under the following conditions:

- A.** An officer’s physical presence and verbal commands are ineffective and the use of more substantial methods is imminent.
- B.** Persons to be arrested are not in the officer’s physical control and pose a physical threat to themselves, officers and/or others.
- C.** To effect and maintain a lawful arrest.

D. With the express authority of the Shift Supervisor or higher authority, large capacity OC Spray Canisters or grenades may be used to disperse an unruly or rioting crowd threatening physical violence or property damage. In the event the crowd does not pose an imminent threat of violence or property damage, these devices will not be used.

06 Prohibitions on Pepper Spray Use:

Pepper spray will not be used in the following circumstances:

- A.** To remove people locked or barricaded in vehicles or buildings; unless approved by a supervisor or higher authority.
- B.** In the Hospital Emergency Room.
- C.** Against mere passive resistance.
- D.** To punish a prisoner who presents no threat.

07 Care and Consideration towards use of Pepper Spray:

- A.** If pepper spray is used inside a structure, officers should make every attempt to warn and remove bystanders from the area prior to use, if reasonably possible.
- B.** Any person directly exposed to pepper spray, who exhibits extreme symptoms or demands medical attention, will be taken to the Emergency Room.
- C.** Officers who decide to utilize pepper spray will announce "O.C.", to alert other officers of his/her intention. Officers should use short bursts in still air and at close distances, and use longer bursts in moving air, at longer distances, or while spraying multiple suspects. It is recommended that officers maintain a minimum distance of four (4) feet from the suspect, when administering the OC. After the initial burst, the officer should increase his/her distance from the suspect and assess the effect. Another burst may be used only if the initial burst failed. Bursts will only be administered by one officer at any given time, unless his/her supply has been diminished.
- D.** Post Exposure Procedures: Officers using pepper spray will make every effort to relieve the suspect's discomfort after exposure. Personal and area treatment are relatively simple. This may include placing the suspect in fresh air and providing soap and water. Officers should, if possible, allow the suspect a short adjustment period prior to transporting. Allowing the clothing to dry in fresh air will usually render the subject transportable. Area treatment can be achieved by opening doors and windows. Normal ventilation should remove irritable levels of OC from the environment in about 45 minutes.

08 FN 303 Launcher Procedures:

A. Less Lethal Launchers, such as the FN 303, are extended range impact weapons that have the capability of delivering the following projectile payloads:

1. OC - Oleoresin Capsicum (primary Duty Round)

2. Marking Paints, both washable and indelible (used to help identify suspects)

3. It is recommended that the Less Lethal Launcher be loaded alternately with OC and Marking Paints. When so loaded it is recommended that the operator discharge the launcher twice at each intended target in rapid succession, then observe for effect. Alternatively, the launcher may be loaded with OC only if desired.

B. Less Lethal Launchers will be stored in a securable location, accessible only to supervisors, and will be checked out by officers to carry in the field only with the approval of the working watch commander. It is recommended that assignments to carry the weapon be made at roll calls so that other working officers will know if the weapon is available for deployment. Officers shall not leave the launchers in a vehicle at the end of their shift, and shall be responsible to return them to the appropriate storage location. The launcher shall be carried concealed in a duffel bag while on-duty, within the passenger compartment of the departmental vehicle. The Launcher will be carried in the vehicle in "car safe" condition, which is defined as assembled, safety on, magazine out, and air valve to off position.

C. Less Lethal Launchers will only be carried if they are inspected and determined to be in proper functioning condition and are properly charged with air.

D. Tactical consideration should be given to requesting and deploying the Less Lethal Launcher when officers have a need to remain at a longer distance from potential suspects than the range at which spray OC or a Taser is effective.

E. Upon arrival on the incident scene, the operating officer will inform the other officers present of their capability, for example "303 Here."

F. If practical, before firing the Less Lethal Launcher, the operator should give other officers the warning "Pepperball" so that they can ensure an adequate distance is maintained between the officers and potential target subjects. If possible, the operator should refrain from firing until officers and non-targeted persons can create adequate distance from the suspect.

G. On-scene post exposure treatment of subjects on which the Less Lethal Launcher is deployed will be consistent with treatment for both the ASP baton and OC Spray, as described in these directives.

H. All subjects struck by Less Lethal Launcher Projectiles will be transported to an appropriate medical facility for evaluation prior to transportation to a detention facility, including any unattended holding within the TPPD processing areas.

I. Indiscriminate discharging of a Less Lethal Launcher into a crowd is prohibited. All targets individually should be deemed aggressive or resistant and it should be the intent of the operator to have them placed under arrest.

09 Taser X26 Procedures:

A. The Taser X26 is deployed as an additional use-of-force option and not as a replacement for other self-defense measures. It is categorized as less-lethal force and should be used only when subjects are physically offensive or assaultive and pose an imminent threat of physical harm to themselves or others. Absent such circumstances, Tasers should not be used against a passive or restrained subject, or otherwise to counter passive noncompliance.

B. The Taser may be discharged in the following circumstances:

1. When deadly force is otherwise legally permitted.
2. To control a dangerous or violent subject when deadly force does not appear to be justified and/or necessary.
3. Attempts to control the subject by other conventional tactics have been ineffective and likely will continue to be ineffective.
4. There is reasonable and articulable expectation that it would be unsafe for officers to approach within physical contact range of the subject.
5. The subject is physically offensive or assaultive in resistance to arrest.

C. The Taser should not be discharged in the following situations, unless deadly force would otherwise be an option:

1. The use would occur in a flammable or explosive environment (e.g., a meth lab; where gasoline is stored; where alcohol based OC spray has been used; etc.)
2. The result from a fall could be unduly dangerous to the subject (e.g., the subject could fall from a significant height and receive injury or into water where the subject may not be able to swim or support himself/herself).

3. The subject is handcuffed, unless the subject continues overtly assaultive behavior and to pose an immediate threat or danger.
4. The subject is in a moving vehicle or a stationary vehicle with the engine running and in gear.
5. The subject refuses to obey commands but is not posing an immediate threat or danger and is not combative.
6. The intended target is the eye, face or groin.
7. The intended target is obviously a pregnant female, elderly person or a young child.
8. The subject's action is limited solely to an act of fleeing or destroying evidence.
9. In a purely punitive manner

D. When deciding whether to discharge an ECD, either in probe mode or drive-stun mode, the officer should consider the heightened risk of serious injury or even death for the following persons and be able to articulate with specific facts the justification for exposing such a person to increased risk:

1. persons with known heart conditions, including pacemakers.
2. frail or infirm persons or persons of very thin stature (i.e., persons who may have thin chest walls).
3. persons in mental/medical crisis.
4. persons under the influence of drugs or intoxicated by alcohol. .

E Deployment Safety and Security:

1. When a Taser is deployed the officer will announce a loud verbal warning "Taser" prior to discharging the weapon whenever possible. This warning is for two purposes: (a) provide an aggressive subject a final warning that his/her actions are dictating the use of the device; and (b) notification to officers and bystanders on the scene the device is about to be discharged.
2. Officers should not aim or threaten to use the Taser by a display of its "test arc" or "painting the subject with its laser" unless it is reasonably believed such action would help de-escalate the situation.

- 3.** The preferred target area when deploying the Taser should be just below center mass of the body, i.e., *the solar plexus area and below, being careful to avoid the pelvic area in the front; and on the back below the neck to the legs* where clothing tends to be tighter. The head, face, neck, genitalia or other sensitive areas are to be avoided, if possible.
- 4.** Multiple ECDs should not be simultaneously discharged against a person unless there is a specific articulable reason for doing so and should be avoided when possible.
- 5.** The deploying officer should have a second cartridge ready to discharge in case the probes miss the subject or the Taser malfunctions.
- 6.** The Taser is programmed to give up to five (5) seconds of electrical current *with each trigger pull*. The operator can provide additional bursts to gain compliance, should an aggressive subject not comply with the deploying officer's commands. Officers will only use the minimum number of activations necessary to place the subject in custody. Officers should be aware that repeated discharges and continuous cycling of ECDs may increase the risk of death or serious injury and should be avoided whenever possible.
- 7.** ECDs should not be used in pain compliance (drive-stun) mode except when necessary to complete the incapacitation circuit, or when the probe mode has been or would be ineffective and use of the drive-stun mode is necessary to prevent imminent harm to the officer or others.
- 8.** The probes should not be touched during deployment and officers should avoid stepping on or tripping over the insulated wires.
- 9.** The deploying officer will be responsible for directing the actions of any other on-scene personnel concerning the restraint of the subject. Consideration should be given to the use of restraint techniques that do not impair respiration.
- 10.** The working patrol shift supervisor will be notified as soon as possible whenever the Taser is discharged either accidentally or on a subject, or in the direction of a subject, and regardless of the discharging officer's duty status. The supervisor will document the incident in a Use of Force Report, except that, in the case of an accidental discharge not in the general direction of any individual, it may be documented in memorandum form. A display of the device's "test arc" or "painting the subject with its laser" in an attempt to gain compliance short of discharge shall be reported to the working patrol shift supervisor, who will determine what, if any, follow-up action is necessary. The patrol shift supervisor, at a minimum, will report the incident and any recommended follow-up action in a memorandum to the patrol Operations Commander.
- 11.** Photographs will be taken of the probe penetration sites and any secondary injuries caused by falling, etc.

- 12.** The discharging officer will impound the photographs, expended cartridge with probes, and several AFIDs collected from the discharge site as evidence. (*AFID or Anti-Felon Identification is an identifying "confetti" expended at each discharge of the Taser.*)
- 13.** Once probes are removed from a subject they will be treated as biohazards, placed back into the cartridge, and impounded as evidence and marked biohazard.
- 14.** Officers without delay will summons emergency medical care through the MCFRS for any person on whom the Taser is utilized and who either becomes unconscious or otherwise exhibits a serious or life threatening injury. Officers shall be responsible for arranging treatment of other injuries resulting during use of the Taser at the earliest appropriate opportunity. Officers should remain alert to the symptoms of "excited delirium" and other medical distress symptoms exhibited by any person subjected to a Taser discharge.
- 15.** Any person exposed to the Taser, by probe deployment or drive-stun, and who demands medical attention, will be taken to the emergency room.
- 16.** Subsequent to any medical examination or treatment, a person on whom an ECD has been discharged should be afforded heightened monitoring while in custody so that any medical complications might be more quickly identified and treated.
- 17.** Only certified Taser operators or medical personnel may remove the probes from a subject after the Taser is utilized. Should the probes impale a sensitive area (e.g., head, neck, hands, feet or genitalia); only medical personnel will remove the probes.
- 18.** Officers to whom Tasers have been issued/authorized will store them while off duty in a like manner as their departmental issued/authorized firearm, i.e., pursuant to General Order 617A Section 10 D.
- 19.** The Taser will only be carried if it is inspected and determined to be in proper functioning condition. Any malfunctions or damage to the Taser units will be reported to the Operations Division Commander and the Department's Taser instructors in order for the existing problem to be addressed.
- 20.** The discharging officer's supervisor or his/her designee (i.e., a Taser Instructor) will conduct the dataport download from the Taser and provide the officer a cartridge replacement. A copy of the report generated through the dataport download will be attached to the Use of Force Report prepared by the supervisor/designee and forwarded through the chain of command.
- 21.** Only Tasers authorized or issued by the Department may be carried.
- 22.** The Taser will be carried only on the officer's support side in the issued holster.

23. Additional Reporting Requirement: The Public Safety Article in Maryland's Annotated Code, § 3-508, requires Maryland law enforcement agencies that issue their officers **electronic control devices** (e.g., Tasers) to report certain information regarding the use of those devices on an annual basis to the Governor's Office of Crime Control and Prevention (GOCCP).

a. The information to be collected, *for each discharge or firing of an ECD/Taser at a person (excluding training exercises)*, will be recorded in the Use of Force Report or a supplementary page attached thereto by the working shift supervisor.

b. The first report to the GOCCP is due by March 31, 2013. Subsequent annual reports will be due by March 31st of the year following the calendar year for which the data has been collected. The information to be included in the annual report will consist of the department's ORI Number, the number of times an ECD was discharged by departmental personnel in the past year, and the data recorded in each of the Use of Force Reports for ECD (Taser) discharges. The annual report to the GOCCP will be prepared and submitted by the Patrol Operations Commander or designee using a Microsoft Excel spreadsheet. A copy of the Excel template can be downloaded by visiting www.goccp.maryland.gov.

c. Pursuant to PS § 3-508, the Chief of Police or designee will provide a copy of the annual report to the City Manager.

d. Pursuant to PS § 3-508, the PIO will make the annual report available to the public on request.

10 Other Prohibitions on Weapons:

A. Officers shall not carry any other instrument as a weapon, or which is designed to function as a weapon, except that it is recognized that officers carry or may have available knives for a variety of necessary uses. In no circumstances will a knife be used as a weapon except where deadly force would be appropriate.

B. Officers shall not use any other item as a weapon, except under exigent circumstances such as when an approved weapon is not already available at hand.

C. Officers are cautioned against the use of their own hands as an impact weapon, due to the high potential for injury to themselves, except in cases of dire need. If at all possible, an approved secondary weapon should be employed.

11 Training:

A. The Training Officer shall ensure that the agency has, or has access to, instructors certified to teach techniques for the use of O.C. Pepper Spray, FN303 Launcher, Tasers, and the ASP Baton. (**Note:** Taser instructors must be certified as an electronic control device instructor by the Maryland

Police and Correctional Training Commission in the specific manufacturer's model of electronic control device for which they provide training.) Instructors will be responsible for conducting initial training for each secondary weapon, unless an officer received the training in an academy or another police agency within the previous two years. Instructors should consider that, in some instances, an officer may be able to qualify on a particular secondary weapon but his/her physical characteristics might render the weapon too much of a burden to be carried on the belt and/or the weapon could encumber the officer's movement. In such cases, issuance of the weapon to the officer will be done in consultation with his/her Division Commander.

B. The Training Officer shall ensure the following are integrated into secondary weapons training:

1. How to recognize and de-escalate incidents involving persons in mental health crisis, including the application of crisis intervention techniques and how to call on available mental health resources.

2. What actions may unnecessarily escalate or aggravate a mental health crisis and the risks of doing so.

3. Consideration of non-force or other quick restraint options for persons in mental health or medical crisis. Verbal dialog with such persons should be emphasized and the use of a secondary weapon, e.g., an ECD, should be an option only if the person poses an imminent threat of physical harm to self or others.

4. Recognizing that mere non-compliance with officer's orders may stem from a communication breakdown caused by language barrier, physical disability, or cognitive impairment. Officers need to be trained to differentiate between resistance to an order and non-compliance with an order, and to realize that use of less-lethal secondary weapons must be consequent to an imminent threat of physical harm.

C. Officers authorized to carry a specific manufacturer's model Taser shall successfully complete annual in-service training curriculum for the specific Taser model. The training will meet the minimum MPCTC-approved requirements for classroom instruction, practical exercise, and discharge of the device as specified in Code of Maryland Regulations (COMAR) 12.04.05.05. Re-training in the use of other secondary weapons will be provided to officers at least biennially, and shall include a demonstration of proficiency with the weapon and scenario-based training.

D. The Training Officer will maintain a current list of officers certified as instructors and officers certified in the use of each Secondary Weapon, as well as the date and source of certification/re-certification.

E. The Training Officer will maintain a record of inspection and approval of the issued and authorized secondary weapons.