

# TAKOMA PARK POLICE DEPARTMENT - GENERAL ORDERS



TITLE: <b>CONDUCTED ELECTRICAL WEAPON</b>	NUMBER: <b>617C</b>
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**01. Purpose:** The purpose of this policy is to establish the theory, guidelines, and training necessary to safely and effectively operate the TASER 7 – Conducted Electrical Weapon.

**02. Policy:** It is the policy of the Takoma Park Police Department to utilize the safest and most effective technology in law enforcement to detain and apprehend subjects with the lowest risk of injury ratio for both officers and subjects.

**03. Definitions:** Conducted Electrical Weapons (CEW) use propelled wire or direct contact to conduct energy to affect the sensory and motor functions of the nervous system.

**A. TASER 7:** Two-shot CEW designed to provide the operator with the capability to immediately follow-up a missed shot or clothing disconnects with an additional cartridge discharge without reloading.

The TASER 7 may be discharged in two ways:

- **Probe Discharge:** Expulsion of two small probes into a target delivering electricity to create Neuro-Muscular Incapacitation (NMI). NMI is the stimulation of the peripheral nervous system by causing direct stimulation of motor nerves that contract muscles creating muscular disruption.
- **Drive-Stun:** CEW is driven into the nerve plexus with force like a stun gun to cause muscular dysfunction.

**B. Passive Resistance:** Subject displays defiant behavior refusing to comply with an officer’s verbal command or physical control techniques by non-violent actions. Passive resistance may include, but is not limited to, standing stationary and not moving upon lawful direction, falling limp and refusing to move (dead weight), or other non-compliant behavior that does not pose a threat to the officer or another.

**C. Active Resistance:** Subject displays physically evasive movements or behaviors to defeat the officer’s attempt to arrest or control. Physically evasive movements or behaviors may include, but are not limited to, physically breaking the officers grip or control, bracing, twisting, pulling, fleeing arrest, or refusing to be taken into custody by exerting some degree of physical force.

**D. Active Aggression:** Subject displays physically aggressive or combative movements which may cause injury to the officer or another. This aggression may manifest itself through actions including, but not limited to, a fighting stance, punching, kicking, biting, pushing, threat of an instrument that may be perceived as a weapon or other actions which present an imminent threat of harm to the officer or another.

**04. Training:** Officers who carry the CEW must complete an initial 6-hour course of instruction prescribed by AXON/MPTSC, pass a written exam carried out by a certified instructor, and pass a practical exam firing (2) cartridges in a high stress training scenario on a pass/fail basis, and a review of all TASER informational updates.

**A. Re-Certification:** All officers must be re-certified annually and complete a 6-hour course of instruction and continue to show proficiency in the use of the CEW through a written exam with a passing score, a practical exam firing (2) cartridges in a high stress training scenario on a pass/fail basis, and a review all TASER informational updates.

**B. Instructor Certification:** TASER instructors must complete the TASER Instructor certification course taught by AXON and obtain MPTSC instructor certification. TASER Instructors must re-certify biennially.

**05. Preferred Target Area:** The preferred target areas are lower center mass (below chest) for front shots “splitting the belt” and below the neck area for back shots. The head, face, neck, genitalia or other sensitive areas are to be avoided, if possible. If a probe does strike a sensitive area officers should monitor the condition of the subject until they are examined by medical personnel.

**06. Issuance and Carry:** Only CEWs authorized or issued by the department may be carried. The CEW must be carried on the support hand side of the officer’s belt (opposite side of the officer’s firearm) in a cross-draw position in an approved holster.

**A.** On-duty non-uniformed officers may secure the CEW in their vehicle’s gun safe, locked trunk, or as otherwise specified by the Chief of Police when it is not practical to carry.

**B.** The CEW must be carried in the off position to ensure battery life with two cartridges properly inserted.

**C.** Officers are authorized to carry the CEW when working police related secondary employment and all department related overtime assignments.

**D.** Officers will not make any modifications to the CEW or its holster without authorization from the Chief of Police.

**07. Use of the CEW:** In conjunction with General Order 617 – Use of Force, force must be proportional. The CEW will only be discharged when an objectively reasonable officer would conclude the circumstances present a risk of immediate danger that could be mitigated by the use of the CEW, the officer’s presence and verbal dialogue has failed to bring about a subject’s compliance, and the following conditions exist:

- The subject displays active aggression and/or active resistance, and
- Attempts to subdue the subject by other methods have been, or will likely be, ineffective in the situation at hand, or
- A reasonable expectation exists that it is unsafe for officers to approach the subject to effect an arrest

**08. Warnings and CEW Application:** Officers shall announce their intent to discharge the CEW unless it would otherwise endanger the safety of officers or when it is not practicable under the circumstances. Announcements let involved officers know the CEW is being discharged so it is not mistaken by sight or sound as a firearm and will give the subject opportunity to comply. Officers will document whether a verbal warning was given or the reasons it was not on all related reports.

- A. Officers who encounter a situation where the possibility of violence or resistance to lawful arrest is present, if possible, shall attempt to defuse the situation through advice, warning, verbal persuasion, or other de-escalation techniques.
- B. Officers must articulate the facts and circumstances surrounding their tactics, decision making, and the extent of force used in any given situation.
- C. Officers will announce “TASER” when practical and reasonable to notify surrounding officers and the subject of their intention to discharge the CEW. When practical and reasonable, the officer will give direct verbal commands, such as: “Stop Resisting”, “Get On The Ground”, “Put Your Hands Behind Your Back”, “You’re Under Arrest”, etc.
- D. Officers must be aware the CEW may not achieve the intended results and be prepared with other force options. All individuals who have received a CEW exposure should be restrained in a manner and position that does not interfere with their breathing.
- E. Officers shall apply the CEW for one cycle (5-seconds) and evaluate the situation before applying subsequent cycles. CEW exposures exceeding a cumulative of 15-seconds may increase the risk of death or serious injury. Every application of the CEW must be independently justified and the application of additional cycles must be weighed against other force options (e.g., Probe miss, clothing disconnect, CEW/cartridge malfunction, poor shot placement failing to bring about NMI and compliance).
- F. Officers will secure the subject as soon as practical and administer only the minimum number of CEW cycles necessary to achieve control. When available and practicable, officers will move in and “cuff under power” at the direction of the officer discharging the CEW.
- G. Officers will order and direct the subject, as the incident requires, in an effort to minimize the number of CEW cycles needed for compliance. Officers must recognize the subject may not be able to respond to commands while under the effects of the CEW cycle and give the subject an opportunity to comply with orders and continually assess the situation to ensure the continued application of force is appropriate.
- H. Officers are reminded “fleeing” shall not be the sole justification for discharging the CEW. The discharge of a CEW against a fleeing subject is limited to:
  - Instances where the subject is reasonably suspected to have committed a crime of violence;
  - Instances where the subject is reasonably suspected of being armed; or
  - Instances where failure to quickly apprehend the subject poses a risk of immediate danger to officers or others.

- I. The CEW is not a substitute for deadly force and generally should not be used in those situations. If an officer is faced with a deadly force situation and utilizes the CEW, they must have another officer present to provide deadly force cover.
- J. Officers may discharge the CEW at an animal that reasonably appears to pose a threat to public safety, a person, or another animal.

**09. Special Discharge Considerations:** The use of the CEW on certain subjects should be avoided unless the totality of the circumstances indicates the potential benefit of using the device reasonably outweighs the associated risks.

A. The following are circumstances/risk factors to consider in the discharge of a CEW:

- Visibly Pregnant Women
- Elderly Persons
- Children
- Subject (s) under medical care/visibly frail
- Subject (s) in large pools of water
- Subject (s) location (stairway, near busy roadway, etc.)
- Subject (s) running
- Subject (s) operating motor vehicles
- Subject (s) in elevated positions

**10. Restricted Use:** As with all law enforcement equipment, the CEW has limitations and restrictions requiring consideration before its use.

- A. Officers are not permitted to aim a CEW (painting with laser) or perform/display an “ARC warning” unless they reasonably believed such action would de-escalate the situation in an effort to gain compliance.
- B. Officers will not use the CEW in a punitive or coercive manner to inflict unnecessary pain and/or injury and will only use the CEW under the guidelines set forth on General Order 617 – Use of Force and this policy.
- C. The CEW will not be discharged on subjects who display passive resistance, nor will it be used in a flammable environment to include subjects exposed to flammable O.C. Spray or flammable liquids (explosive materials).
- D. Multiple CEWs will not be simultaneously discharged against a person unless exigent circumstances exist. If multiple CEW are discharged their use must be fully justified and articulated (e.g., Probe miss, clothing disconnect, CEW/cartridge malfunction, poor shot placement failing to bring about NMI and compliance).
- E. CEWs will not be used in the pain compliance (drive-stun) mode unless it is necessary to complete the incapacitation circuit (three-point contact) or when the probe mode has been or would be ineffective.

**F.** Officers shall not hold a firearm and the CEW at the same time; holding both weapons at the same time may lead to a sympathetic hand response and accidental discharge.

**11. BWC Activation, Uploads, and Inspections:** Prior to each shift, officers are required to perform a functionality test on their assigned CEW; the test will ensure the CEW is functioning properly prior to field use. Upon performing the functionality test, officers are to inspect the CEW CID for battery life, malfunction icons, and ensure the weapon is arcing properly. All malfunctions must be documented on a TASER Inspection Report and forwarded to the department's Senior TASER Instructors for further inspection and removal from field use. When not in use, the CEW will be kept in a secure place inaccessible to anyone other than the assigned officer with the battery fully inserted (CEWs will not be stored in police vehicles when the officer is off-duty).

**A. BWC Activation:** When the CEW is armed, BWCs within close proximity will automatically activate. Officers must be cognizant of their BWC status (buffer mode) and of arming their CEWs within 30 feet of places where a reasonable expectation of privacy exists (e.g., locker rooms, restrooms).

**B. Upload to Evidence.com:** All TASER 7 batteries will be docked and uploaded to Evidence.com every 30 days and after every field discharge by the assigned officer to document an accurate record of use, allow for applicable firmware updates, and recharging. Officers are required to dock the batteries of their assigned CEW after all discharges, as soon as practicable, and prior to the end of their shift/assignment. All event logs associated with a Use of Force/discharge will be uploaded into BlueTeam with all associated documentation on the incident.

**C. Inspections:** Shift Supervisors will conduct monthly inspections on CEWs assigned to personnel under their charge. Supervisors will inspect the CEW CID for battery life, malfunction icons, and ensure the weapon is arcing properly with a functionality test. Any malfunction will be documented on a TASER Inspection Report (TPPD Form 600-017) and forwarded to the department's Senior TASER Instructors for further inspection and removal from field use.

**12. Medical Evaluation:** Officers must study the subject's behavior before and after a CEW exposure to ensure proper medical treatment. The events that may lead to death and/or injury are frequently set in motion hours, days, even weeks before police are called or summoned. Often times those events result in Excited Delirium. Anyone subjected to CEW exposures shall be taken to a medical facility as soon as practically possible. The probes may only be removed by EMS/medical personnel; all medical release papers must be given to Corrections Officials upon presentation and a copy retained by the Takoma Park Police Department.

**A. Secondary Injuries:** The use of the CEW causes incapacitation and strong muscle contractions making secondary injuries a possibility to include cuts, bruises, impact injuries, and strained muscles. Officers should be aware of the potential side effects of a CEW exposure when evaluating their prisoners.

Possible side effects are as follows:

- Critical stress amnesia (point in time can be skewed)
- Involuntary muscle contraction
- Clinched fists
- Locked arms
- Screaming or yelling
- Freezing in place with locked legs
- Feeling dazed
- Potential vertigo
- Falling to the ground unable to catch themselves

**B. Excited Delirium:** A state of extreme mental and physiological excitement, characterized by extreme agitation, hyperthermia, hostility, exceptional strength, and endurance without apparent fatigue. Excited Delirium should be treated as a medical emergency with the subject receiving medical treatment as soon as possible and practical. Officers shall summons medical assistance for subjects exhibiting signs of excited delirium prior to, during, or after a CEW exposure.

Possible warning signs are as follows:

- Bizarre or violent behavior
- Overheating or profuse sweating
- Disrobing
- Violent reaction to lights
- Self-mutilation
- Disturbances in breathing patterns

**13. Report Procedures:** The post incident documentation of a CEW discharge requires the justification for the application of force, the collection of witness statements, photographs, evidence, and related reports. All field discharges of the CEW (drive stun and probe) will be recorded in BlueTeam by the discharging officer's supervisor and routed to the Patrol Lieutenant with copies sent to the Operations Captain, Support Services Captain, and Deputy Chief for review. CEW discharges will be recorded on an Incident Report, Command Information Summary Report, Use of Force Memorandum, and Shift Report prior to the end of the officer's and supervisor's shift.

**A. Show of Force:** "ARCing" the CEW or "painting" an individual with the laser from a CEW in an effort to de-escalate an incident will be reported in BlueTeam as a Show of Force following the same routing and reporting procedure for review.

**B. Unintentional Discharge:** Unintentional discharges will be recorded in BlueTeam following the same routing and reporting procedure for review. The Senior TASER Instructor will be notified and examine the device to determine if any malfunctions contributed to the accidental discharge. Within 72-hours of the discharge, the officer will be re-educated on the CEW and must successfully complete CEW training. Any remedial action related to the incident will be captured in IAPro in accordance with policy.

**C. Death or Serious Injury:** While instances of death or serious injury proximal to a CEW discharge are rare, they can occur. In all cases where serious injury or death occurs, immediate notification will be made to the Chief of Police via the Chain of Command. The Criminal Investigations Division will be notified, respond to the scene, and take over all investigate responsibilities. The CEW will be recovered and placed into evidence.

**D. Use of Force Memorandum and Command Information Summary Report will outline:**

- CEW application and justification
- Subject's resistance
- CEW serial number
- Cartridge serial number if discharged
- Number of cycles delivered
- Effectiveness in gaining compliance
- Additional cycles delivered once taken into custody/restrained
- Type of medical treatment and where treatment occurred
- Unintentional discharges
- Malfunctions during field discharges

**E. Additionally, officers must:**

- Notify a Supervisor
- Photograph all CEW exposure sites (if possible)
- Report all injuries to include secondary injuries
- Obtain all medical paperwork
- Recover spent cartridges, probes, wires, and place them into evidence
- Complete all applicable reports and Use of Force Memorandums in accordance with GO 617 – Use of Force prior to the end of their shift unless the respective officer is incapacitated (Md. Code PS § 3-514)

**F. Supervisor Responsibilities:**

- Conduct monthly inspections on CEWs assigned to personnel under their charge
- Immediately respond to all CEW discharges and ensure all aspects of CEW protocols and procedures are followed in a manner consistent with policy and applicable law
- Ensure proper medical attention is provided for injured parties
- Ensure the post incident investigation includes the collection of evidence to include witness statements, photographs, and a canvass for any cameras that may have captured the incident
- Review, approve, and upload of all related reports to BlueTeam
- Complete a Command Information Summary Report
- Ensure the Chief of Police is notified via the Chain of Command

**14. Cancellation:** This policy cancels, supersedes, and replaces any policy or directive that conflicts with it regarding CEWs.