

# Conducted Energy Weapon

## **304.1 PURPOSE AND SCOPE**

This policy provides guidelines for the issuance and use of the conducted energy weapon (CEW) (COMAR 12.04.05.02).

## **304.2 POLICY**

The CEW is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a weapon may result in fewer serious injuries to officers and suspects.

## **304.3 ISSUANCE AND CARRYING CEWS**

Only members who have successfully completed department-approved training may be issued and may carry the CEW (COMAR 12.04.05.03(B)).

The Rangemaster should keep a log of issued CEW weapons and the serial numbers of cartridges/magazines issued to members.

CEWs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the weapon to the department inventory.

Officers shall only use the CEW and cartridges/magazines that have been issued by the department (COMAR 12.04.05.02(C)(1)). Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed officers who have been issued the CEW shall wear the weapon in an approved holster.

Members carrying the CEW will perform a spark test prior to every shift while in the presence of the Shift Supervisor.

Any member equipped with a CEW will also be equipped with a BWC. Under no circumstances will a member be equipped with a CEW and no BWC.

Officers who carry the CEW while in uniform shall carry it in a holster on the side opposite the duty weapon.

- (a) All CEWs shall be clearly distinguishable to differentiate them from the duty weapon and any other weapon.
- (b) For single-shot weapons, whenever practicable, officers should carry an additional cartridge on their person when carrying the CEW.
- (c) Officers should not hold a firearm and the CEW at the same time.
- (d) Non-uniformed officers may secure the CEW in a concealed, secure location in the driver's compartment of their vehicles.

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#### **304.3.1 USER RESPONSIBILITIES**

Officers shall be responsible for ensuring that the issued CEW is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the officer's shift.

CEWs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Rangemaster for disposition. Officers shall submit documentation stating the reason for the return and how the CEW or cartridge/magazine was damaged or became inoperative, if known.

#### **304.4 VERBAL AND VISUAL WARNINGS**

A verbal warning of the intended use of the CEW should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the CEW may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate any warning on the weapon, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CEW. The laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the CEW in the related report.

#### **304.5 USE OF THE CEW**

The CEW has limitations and restrictions requiring consideration before its use. The CEW should only be used when its operator can safely deploy the weapon within its operational range. Although the CEW may be effective in controlling most individuals, officers should be aware that the weapon may not achieve the intended results and be prepared with other options.

[See attachment: OOF Continuum Diagram.pdf](#)

[See attachment: Taser\\_Report\\_Form-FY20-v3.pdf](#)

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a CEW may be considered for officer safety.

#### **304.5.1 APPLICATION OF THE CEW**

The CEW may be used when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:

- (a) Is violent or is physically resisting.
- (b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themself, or others.

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Mere flight from a pursuing officer, without additional circumstances or factors, is not good cause for the use of the CEW to apprehend an individual.

The CEW shall not be used to psychologically torment, to elicit statements, or to punish any individual.

#### 304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CEW on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject, or others, and the officer reasonably believes that the need to control the individual outweighs the potential risk of using the weapon. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any CEW capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

#### 304.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, officers should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

#### 304.5.4 MULTIPLE APPLICATIONS OF THE CEW

Once an officer has successfully deployed two probes on the subject, the officer should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.

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- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

Given that on certain weapons (e.g., TASER 10) each trigger pull deploys a single probe, the officer must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

#### **304.5.5 ACTIONS FOLLOWING DEPLOYMENTS**

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CEW. As soon as practicable, officers shall notify a supervisor any time the CEW has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the weapon). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

#### **304.5.6 DANGEROUS ANIMALS**

The CEW may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

#### **304.5.7 OFF-DUTY CONSIDERATIONS**

Officers are not authorized to carry department CEWs while off-duty.

Officers shall ensure that CEWs are secured while in their vehicles, or any other area under their control, in a manner that will keep the device inaccessible to others.

### **304.6 DOCUMENTATION**

Officers shall document all CEW discharges in the related arrest/crime reports and the CEW report forms. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CEW report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy 300. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form. Data downloads from the CEW after use on a subject should be done as soon as practicable using a department-approved process to preserve the data.

#### **304.6.1 CEW REPORT FORM**

As applicable based on the weapon type, items that shall be included in the CEW report form are:

- (a) The brand, model, and serial number of the CEW and any cartridge/magazine.
- (b) Date, time, and location of the incident.
- (c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.
- (d) The number of probes deployed, CEW activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

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- (e) The range at which the CEW was used.
- (f) The type of mode used (e.g., probe deployment, drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The E and T Lieutenant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The E and T Lieutenant should also conduct audits of CEW weapon data downloaded to an approved location and reconcile CEW report forms with recorded activations. CEW information and statistics, with identifying information removed, should periodically be made available to the public.

#### **304.6.2 REPORTS**

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing CEWs.
- (b) Identification of all witnesses.
- (c) Medical care provided to the subject.
- (d) Observations of the subject's physical and physiological actions.
- (e) Any known or suspected drug use, intoxication or other medical problems.

#### **304.7 MEDICAL TREATMENT**

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or officers trained in probe removal and handling should remove CEW probes from a person's body. Used CEW probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CEW probes, who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.

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- (c) The person reasonably appears to be in need of medical attention.
- (d) The CEW probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CEW (see the Medical Aid and Response Policy 430).

#### **304.8 SUPERVISOR RESPONSIBILITIES**

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CEW may be used. A supervisor should respond to all incidents where the CEW was activated and complete an investigation involving the use of force, as outlined in the Use of Force Policy (Supervisor Responsibilities - 300.7).

A supervisor should review each incident where a person has been exposed to a CEW. The device's internal logs should be downloaded by a supervisor or Rangemaster and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

#### **304.9 TRAINING**

Personnel who are authorized to carry the CEW shall be permitted to do so only after successfully completing the initial department-approved training (COMAR 12.04.05.03). Any personnel who have not carried the CEW as a part of their assignments for a period of six months or more shall be recertified by a qualified CEW instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued CEWs should occur every year (COMAR 12.04.05.04). A reassessment of an officer's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the E and T Lieutenant. All training and proficiency for CEWs will be documented in the officer's training files.

Command staff, supervisors, and investigators should receive CEW training as appropriate for the investigations they conduct and review.

Officers who do not carry CEWs should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The E and T Lieutenant is responsible for ensuring that all members who carry CEWs have received initial and annual proficiency training. Periodic audits should be used for verification.

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Application of CEWs during training could result in injuries and should not be mandatory for certification.

The E and T Lieutenant should include the following training:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.
- (e) Scenario-based training, including virtual reality training when available.
- (f) Handcuffing a subject during the application of the CEW and transitioning to other force options.
- (g) De-escalation techniques.
- (h) Restraint techniques that do not impair respiration following the application of the CEW.
- (i) The requirements established in COMAR 12.04.05.05.
- (j) Proper use of cover and concealment during deployment of the CEW for purposes of officer safety.
- (k) Proper tactics and techniques related to multiple applications of CEWs.

#### 304.9.1 TRAINING CERTIFICATION

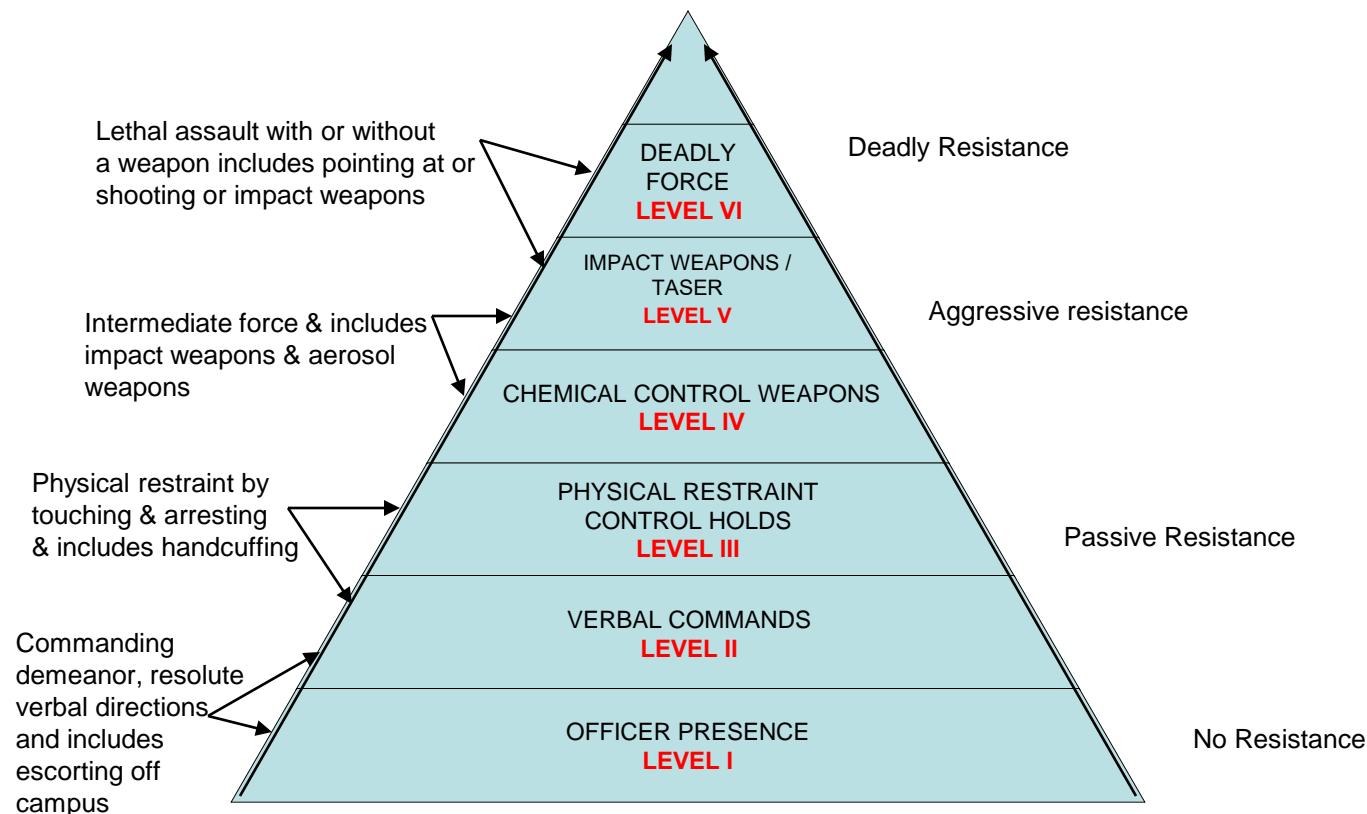
The E and T Lieutenant should ensure certification is made to the Maryland Police Training and Standards Commission (MPTSC), on forms or in a manner determined by the MPTSC, that officers have successfully completed training requirements (COMAR 12.04.05.02).

## Attachments

## **OOF Continuum Diagram.pdf**

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## Use Of Force Pyramid



When determining the appropriate use of force, an assessment of the age, size and strength of the suspect, the availability of back up personnel and the presence of multiple suspects, etc. should be considered.

## **Taser\_Report\_Form-FY20-v3.pdf**

## Supervisory TASER CEW Use Report

Date/Time:

CEW deploying officer's name:

Email: Agency name:

Agency address:

Phone: On-scene supervisor:

Officer(s) involved:

### Incident & Subject Information

Incident Type *(select appropriate response(s) below):*

Civil disturbance      Suicidal      Suicide by cop      Violent suspect      Barricaded      Warrant  
Other

Nature of the call or incident:

Charges:      Charged *(select one):*      Yes      No  
Type of subject: :      Human      Animal      Location of Incident:      Indoor      Outdoor      Jail      Hospital  
Type of force used *(Check all that apply):*      Physical      Baton      Impact munition      Chemical      Firearm  
Control holds      Other

Describe other means attempted to control the subject:

Nature of the injuries and medical treatment required:

Admitted to hospital for injuries? *(select one):*      Yes      No

Admitted to hospital for psychiatric testing? *(select one):*      Yes      No

Medical exam? *(select one):*      Yes      No

Subject under the influence: Alcohol/Drugs *(specify):*

Treating medical facility for subject?

Treating doctor of subject?

Was an officer/law enforcement employee injured? *(select one):*      Yes      No

Subject: Age:      Sex:      Height:      Race:      Weight:



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## **TASER CEW Information**

TASER model (select one): TASER M26 TASER X26 TASER X26P TASER X2

TASER CEW serial no.:

Type(s) used:	Standard cartridge	15-ft	21-ft	25-ft XP	35-ft XP
	Smart cartridge	15-ft	25-ft	35-ft	

Was any other video captured? Yes No

Type of camera:

Photographs taken? Yes No

TASER CEW use (select one):      Success      Failure

Suspect wearing heavy or loose clothes: Yes No

Number of CEW cartridges fired:

Number of CEW cycles applied:

Usage (select one):  Arc display only  LASER Display Only  TASER CEW application

TASER: Is this a probe contact? Yes No

Is this a drive-stun contact? Yes No

Approximate target distance at the time of the probe launch: **feet**

Did probe contacts penetrate the subject's skin? Yes No Probes removed on scene? Yes No

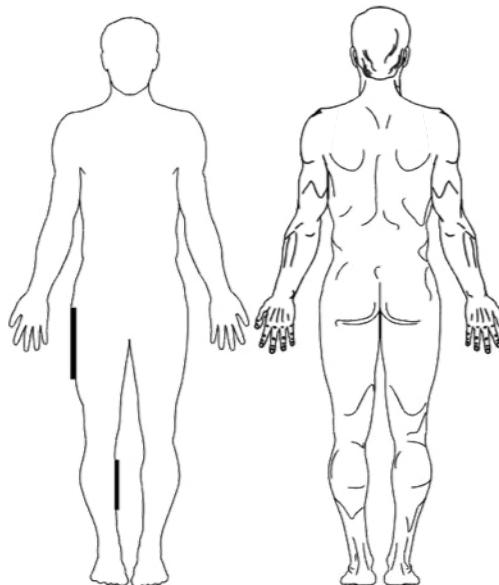
Need for additional CEW applications? Yes No Did the CEW respond satisfactorily? Yes No

If the TASER CEW deployment was unsuccessful was a drive-stun follow-up used? Yes No



**APPLICATION AREAS**

(Place "X's" where probes hit subject AND "O's" where drive-stunned)



Describe the subject's demeanor after the CEW was used or displayed.

SYNOPSIS OF CEW USE:

ADDITIONAL INFORMATION:

Report Completed by:

Date:

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