

Conducted Energy Weapon

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the TASER (TM) (COMAR 12.04.05.02).

304.2 POLICY

The conducted energy weapon is used to control a violent or potentially violent individual. The appropriate use of such a weapon should result in fewer serious injuries to officers and suspects.

304.3 ISSUANCE AND CARRYING CONDUCTED ENERGY WEAPONS

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

Conducted energy weapons 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 conducted energy weapon and cartridges that have been issued by the Department (COMAR 12.04.05.02(C)(1)). Uniformed officers who have been issued the conducted energy weapon shall wear it in an approved holster.

Members carrying the conducted energy weapon will perform a spark test prior to every shift while in the presence of a permanent rank 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.

When carried while in uniform, officers shall carry the conducted energy weapon in a weak-side holster on the side opposite the duty weapon.

- (a) All conducted energy weapons shall be clearly and distinctly marked to differentiate them from the duty weapon and any other weapon.
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the conducted energy weapon.
- (c) Officers shall be responsible for ensuring that the issued conducted energy weapon is properly maintained and in good working order.
- (d) Officers should not hold a firearm and the conducted energy weapon at the same time.

304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the conducted energy weapon 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.

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- (b) Provide other officers and individuals with a warning that the conducted energy weapon may be deployed. This warning is "Taser, Taser, Taser!"

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 display the electrical arc or the laser to gain compliance prior to the application of the conducted energy weapon. The aiming 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 conducted energy weapon in the related report.

304.5 USE OF THE CONDUCTED ENERGY WEAPON

The conducted energy weapon has limitations and restrictions requiring consideration before its use. The conducted energy weapon should only be used when its operator can safely approach the subject within the operational range of the weapon. Although the conducted energy weapon is 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](#)

304.5.1 APPLICATION OF THE CONDUCTED ENERGY WEAPON

The conducted energy weapon may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject 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, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the conducted energy weapon to apprehend an individual.

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

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the conducted energy weapon on certain individuals should 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 risk of using the weapon. This includes:

- (a) Individuals who are known to be pregnant.

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

Because the application of the conducted energy weapon in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode 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

The preferred targeting areas include the individual's back or front lower-center mass. The head, neck, chest and groin should be avoided when reasonably practicable. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the conducted energy weapon probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

304.5.4 MULTIPLE APPLICATIONS OF THE CONDUCTED ENERGY WEAPON

Officers should apply the conducted energy weapon for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Officers should not intentionally apply more than one conducted energy weapon at a time against a single individual.

If the first application of the conducted energy weapon appears to be ineffective in gaining control of an individual, the officer should evaluate the situation and consider certain factors before additional applications of the conducted energy weapon, including:

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

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the conducted energy weapon. As soon as practicable, officers

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shall notify a supervisor any time the conducted energy weapon has been discharged. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

304.5.6 DANGEROUS ANIMALS

The conducted energy weapon may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

304.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department conducted energy weapons while off-duty. Furthermore, officers issued a conducted energy weapon will not spark test or use it in any other way while not on official duty, will not carry or use the conducted energy weapon in conjunction with any secondary employment, and will be required to secure the conducted energy weapon just as they are required to secure their firearm, both by departmental policy (Policy 306) and by state law. Officers shall be aware that negligent storage of a conducted energy weapon could result in civil liability.

Officers shall ensure that conducted energy weapons are secured while in their homes, 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 conducted energy weapon discharges in the related arrest/crime reports and the conducted energy weapon report forms. Unintentional discharges, pointing the device at a person, laser activation and arcing the device, other than for testing purposes, will also be documented on the report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy.

304.6.1 CONDUCTED ENERGY WEAPON FORM

Items that shall be included in the conducted energy weapon report form are:

- (a) The type and brand of conducted energy weapon and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of conducted energy weapon activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the conducted energy weapon was used.
- (f) The type of mode used (probe or drive-stun).

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- (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 data downloads and reconcile conducted energy weapon report forms with recorded activations. Conducted energy weapon 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 conducted energy weapons.
- (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 should remove conducted energy weapon probes from a person's body. Used conducted energy weapon 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 conducted energy weapon probes or 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.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The conducted energy weapon probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

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- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) 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 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 conducted energy weapon (see the Medical Aid and Response Policy).

304.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the conducted energy weapon may be used. A supervisor should respond to all incidents where the conducted energy weapon was activated.

A supervisor should review each incident where a person has been exposed to an activation of the conducted energy weapon. The device's onboard memory should be downloaded through the data port by a supervisor or Rangemaster and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

304.9 TRAINING

Personnel who are authorized to carry the conducted energy weapon 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 conducted energy weapon as a part of their assignments for a period of six months or more shall be recertified by a qualified conducted energy weapon instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued conducted energy weapons 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 conducted energy weapons will be documented in the officer's training files. Members who fail to demonstrate proficiency with the conducted energy weapon will be provided remedial training. If the member cannot demonstrate proficiency after remedial training, the member will be restricted from carrying the conducted energy weapon.

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

Officers who do not carry conducted energy weapons should receive training that is sufficient to familiarize them with the weapon and with working with officers who use the weapon.

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

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

The E and T Lieutenant should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws 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 near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the conducted energy weapon and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the conducted energy weapon.
- (h) The requirements established in COMAR 12.04.05.05.

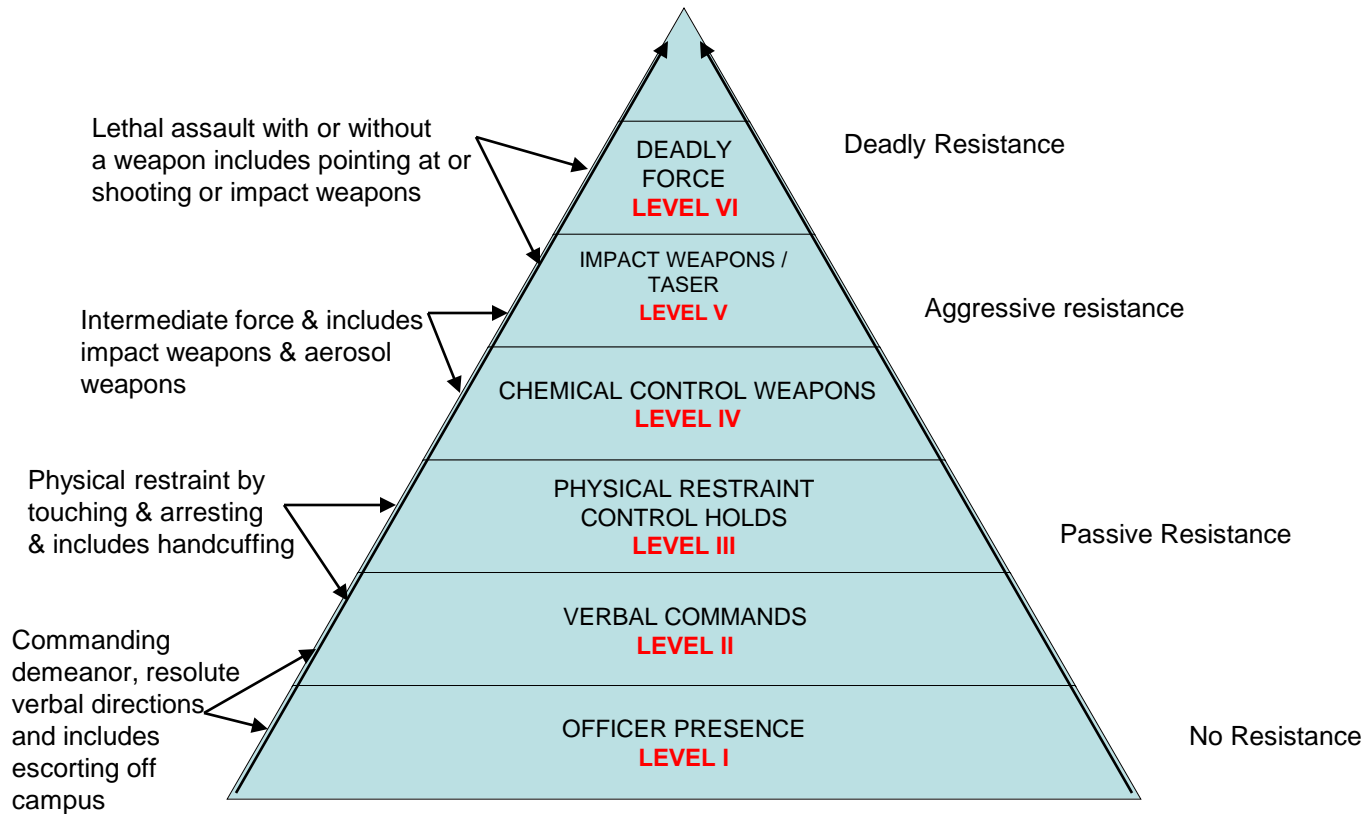
304.9.1 TRAINING CERTIFICATION

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

University of Maryland Baltimore Police Department 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?

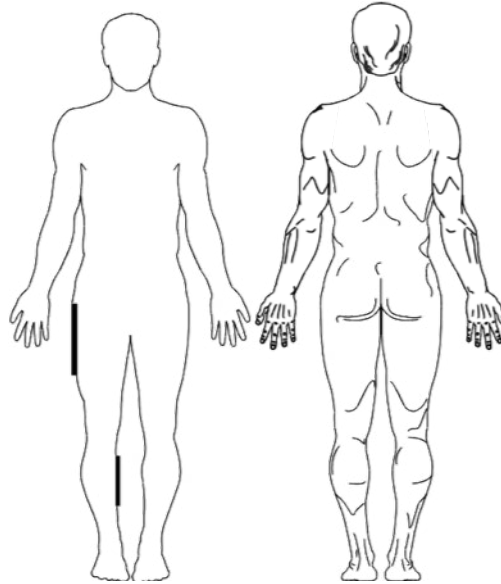
Was an officer/law enforcement employee injured? *(select one)*: Yes No

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



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: