

Conducted Energy Device

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

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

The CED is a hand-held Electronic Control Device which deploys probes from cartridges. These probes are connected to the device with insulated wires which transmits the electrical pulses.

This Neuro-Muscular Incapacitation (NMI) technology utilizes up to 44 pulses per second, for a five second duration to temporarily override the central nervous system and directly control the skeletal muscles. This causes an uncontrollable contraction of the muscle tissue, allowing the CED to physically debilitate a target regardless of pain tolerance or mental focus.

The CED is categorized as less-lethal force and may be used to control a dangerous or violent subject when lethal force does not appear to be justified, attempts to control the subject by other conventional tactics have been ineffective, or there is reasonable expectation it is unsafe for officers to approach within contact range of the subject.

303.3 ISSUANCE AND CARRYING CEDS

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

The Armorer will maintain a log of issued CED devices.

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

Uniformed deputies who have been issued the CED shall wear the device in an approved holster on their duty belt or outer carrier vest. The holster shall be carried on the side opposite their duty weapon, in a cross-draw position.

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

- (a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device. (Taser 7 and Taser 10 will be the agency-issued CEDs and will have a bright yellow frame)
- (b) Deputies should not hold a firearm and the CED at the same time.

Non-uniformed deputies may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

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The Taser 10 is classified as a firearm by the Bureau of Alcohol, Tobacco, and Firearms (BATF) and not allowed inside of the St. Mary's County Detention and Rehabilitation Center.

303.3.1 USER RESPONSIBILITIES

Deputies shall be responsible for ensuring that the issued CED 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 deputy's shift.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Armorer for disposition. Deputies shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

Deputies will ensure that the Taser battery is cycled at a minimum of 20 days, to ensure software updates are obtained utilizing the following procedure:

- (a) While still holstered, remove the battery from the device
- (b) Place the battery into the battery dock
- (c) Retrieve a charged battery from the dock (as indicated by a green light)
- (d) Place the charged battery into the taser handle
- (e) DO NOT turn on the device while the battery is syncing with the handle. The CID will turn off once this process is complete.

Failure to follow these steps will result in an upload error.

303.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED should precede its application unless it would otherwise endanger the safety of deputies 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 deputies and individuals with a warning that the CED may be deployed.

If after a verbal warning, an individual fails to voluntarily comply with a deputy's lawful orders and it appears both reasonable and feasible under the circumstances, the deputy may, but is not required to, activate any warning on the device, which may include display of a flashing strobe light, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CED. 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 deputy deploying the CED in the related report.

303.5 USE OF THE CED

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely deploy the device within its operational range. Although

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the CED may be effective in controlling most individuals, deputies should be aware that the device may not achieve the intended results and be prepared with other options. Deputies should communicate with each other in the event the probes miss the subject or the CED malfunctions.

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

303.5.1 APPLICATION OF THE CED

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

- (a) Is violent or is physically resisting or
- (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 deputies, themselves, or others.

Mere flight from a pursuing deputy, without any of the above circumstances or factors present, is not justification for the use of the CED to apprehend an individual.

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

303.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED 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 deputy, the subject, or others, and the deputy reasonably believes that the need to control the individual outweighs the potential risk of using the device. 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) The CED has the ability to ignite flammable liquids. Use is prohibited against a subject who is known to have been in contact with flammables or environments where flammables are obviously present. This includes any chemical defensive spray which is alcohol based.
- (f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles, in or near bodies of water).

The CED probes should not be touched during deployment and officers should avoid stepping on or tripping over the insulated wires.

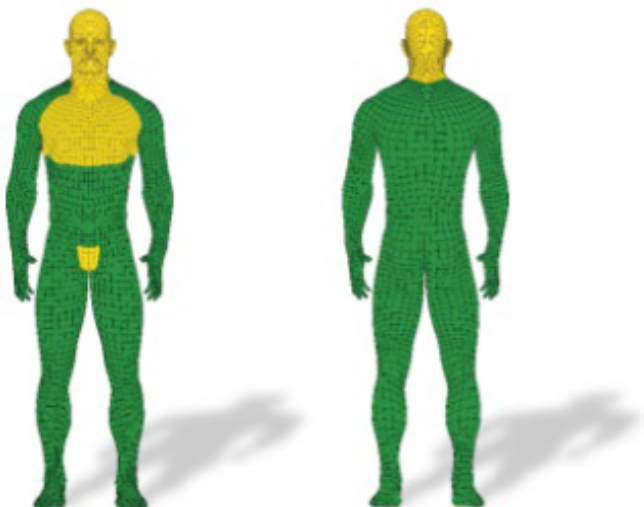
303.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, deputies should:

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- (a) Attempt to target the back, lower center mass, and upper legs of the subject (green areas below).
- (b) Avoid intentionally targeting the head, neck, area of the heart, or genitals (yellow areas depicted below).

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.



303.5.4 MULTIPLE APPLICATIONS OF THE CED

Once a deputy has successfully deployed sufficient probes on the subject and achieved either the desired change in behavior or Neuro-Muscular Incapacitation (NMI), the deputy should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Members shall not use CEDs for more than three standard cycles unless exigent circumstances exist. Additional factors deputies 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.
- (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.

With the Taser 10, each trigger pull deploys a single probe. The deputy must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

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The Taser 10 can be deployed on more than one subject; however, the delivery of the electrical pulses cannot be isolated to only one individual subject. Thus, the deployment of the Taser would have to be justified for anyone connected with a probe.

303.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Deputies 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 CED. As soon as practicable, deputies shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be inventoried and submitted into evidence. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

303.5.6 DANGEROUS ANIMALS

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

303.5.7 OFF-DUTY CONSIDERATIONS

Deputies shall ensure that conducted energy devices 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.

303.6 DOCUMENTATION

CED usage will fall under the guidelines set forth in the Use of Force Policy. Blue Team will be utilized to document the Use of Force (UoF) or Show of Force (SoF) when the CED is utilized. The member will complete all CED related blocks which are predefined in the UoF/SoF reports. The Blue Team report will be reviewed and approved by the deputy's chain of command, which will be forwarded to OPR. The UoF and SoF Blue Team reports will be completed prior to the end of the shift. If the deputy is unable to complete the report, the deputy's supervisor will initiate the Blue Team report and notify OPR of the special circumstances.

A SoF Blue Team report will be completed when a deputy points the CED at another person with the green laser activated, but not deploying the probes. If a deputy points the CED, with the laser activated, at multiple persons in one incident, a single SoF Blue Team report is completed listing all involved persons. A UoF or SoF Blue Team report narrative should include the following in the narrative sections:

- (a) The circumstance surrounding the incident,
- (b) The reason for the CED usage UoF or SoF,
- (c) The effects the CED use had on the subject,
- (d) Treatment provided to the subject post-deployment,
- (e) Injury, if any, sustained by the subject

Deputies shall also document in the applicable Offense Reports the CED was utilized and will refer in the narrative to the Use of Force reports with the associated case number listed.

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303.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or deputies trained in probe removal and handling should remove CED probes from a person's body. Used CED 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 CED 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.
- (c) The person reasonably appears in need of medical attention.
- (d) The CED 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 refusal should be witnessed by another deputy 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 deputy shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED (see the Medical Aid and Response Policy).

303.8 SUPERVISOR RESPONSIBILITIES

Supervisors shall ensure only certified officers carry the CED. When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the conducted energy device may be used. A supervisor should respond to all incidents where the conducted energy device was deployed.

Supervisors shall review each incident where a person has been exposed to an activation of the conducted energy device. Photographs of probe penetration sites and any secondary injuries (i.e., injuries caused from falling to the ground) should be taken and ensure related evidence was collected. Supervisors shall interview involved officers, witnesses, and the subject(s) on which the CED was deployed. Supervisors shall verify a Use of Force Report is completed in Blue Team prior to the end of shift.

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The shift supervisor will ensure the deploying officer replaces the battery in the Taser prior to securing the shift so the incident will be downloaded. The shift supervisor will also ensure arrangements are made for replacement cartridges.

303.9 TRAINING

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

Recertification training for personnel who have been issued CEDs will occur every year (COMAR 12.04.05.04). A reassessment of a deputy's knowledge and/or practical skills may be required at any time, if deemed appropriate. All training and proficiency for CEDs will be documented in the deputy's training files.

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

Deputies who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with deputies who use the device.

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

The Training module 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 CED and transitioning to other force options.
- (g) De-escalation techniques.
- (h) Restraint techniques that do not impair respiration following the application of the CED.
- (i) The requirements established in COMAR 12.04.05.05.
- (j) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- (k) Proper tactics and techniques related to multiple applications of CEDs.

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303.9.1 TRAINING CERTIFICATION

The Training Coordinator is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

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