
	<b>SALISBURY POLICE DEPARTMENT</b>
	<b>Written Directive: Conducted Electrical Weapon (CEW)</b>
	<b>Publication Date: April 22, 2021</b>
	 Approved: Barbara Duncan, Chief of Police
<b>Related CALEA Standards: 4.1.1, 4.1.4, 4.1.5, 4.2.1, 4.2.2, 4.3.1, 4.3.3, 4.3.4</b>	<b><u>Conducted Electrical Weapon (CEW)</u></b> <b>Section #1004</b>

## Conducted Electrical Weapon (CEW)

### 1. Purpose:

The purpose of this policy is to provide departmental guidelines to trained officers of the Salisbury Police Department in the use and carry of less lethal weapons, specifically the conducted electrical weapon (CEW), as well as when medical attention is needed after the use of such weapons.

### 2. Policy:

The purpose of this policy is to provide trained officers with guidance on the use, storage, care and maintenance of department approved conducted electrical weapons (CEW) and the supervisory response which shall be taken thereafter.

### 3. Prerequisites to Carrying Lethal and Less Lethal Weapons

During an orientation phase after being hired, entry level sworn officers and animal control officers that will be authorized to carry less lethal weapons will be granted electronic access to all agencies polices related to lethal and less lethal weapons that are approved for use by the department. These same entry level personnel will also be instructed in the policies directly related to use of force before being authorized to carry a less lethal weapon. The issuance and instruction will be documented and forwarded to the Administrative Commander for review and filed by the training officer.

### 4. Definitions

A. Active Resistance: Where the individual is displaying physical evasive movements, verbal communications or other behaviors intended to defeat the officer's attempt to arrest or gain control. Physically evasive movements, verbal communications or other behaviors may include, but are not limited to, physically bracing, twisting, pulling, holding onto objects, fighting words or assuming a stance perceived by an officer to be a "fighting stance".

- B. Active Aggression: A threat or overt act, hostile, or attacking movement by an individual, coupled with the present ability to carry out the threat or assault and where a reasonable officer would believe the threat or assault may cause injury to the officer or other individuals. This aggression may include but is not limited to punching, kicking, biting or pushing.
- C. Passive Resistance Individual is not actively resisting or being physically or verbally aggressive however the individual is not complying with the orders of the officer. Examples include but are not limited to individuals involved in non-aggressive civil disobediences or disturbances and those persons whose behavior is not likely to inflict injury on the officer or other persons.
- D. Imminent Threat of Physical Injury Is the physical or verbal act by an individual which is reasonably perceived by an officer to indicate intent and a present ability to inflict an imminent injury on the officer, another person, or the individual.
- E. Deadly Force The use of force which is intended to, or likely to cause death or serious physical injury.
- F. Sensitive Population Group People who reasonably appear to be, or are known to be under five feet tall and/or weighing under one hundred pounds, elderly, suffering from medical/mental crisis, frail, pregnant, users of cardiac pace makers or have heart conditions.
- G. AFID Tags: Confetti-like pieces of paper that are expelled from the cartridge when (CEW) probes are deployed. Each anti-felon identification (AFID) tag contains an alphanumeric identifier unique to the cartridge used.
- H. Taser (CEW): A less-lethal weapon that emits an electrical energy charge which causes electro-muscular disruption that affects the sensory and motor functions of the central nervous system. The device utilizes compressed nitrogen to propel two probes at 25 feet. The probes are connected to the weapon by a thin 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 two inches of clothing.
- I. Taser CAM HD with Automatic Shut-Down Feature: A high definition video camera attached to and deployed with the CEW.
  - a) Display: The visible presence of the CEW outside of the holster.
  - b) Target: The pointing of an armed CEW at a subject.
  - c) Deploy: The use of the CEW to deliver an electrical energy charge. either by firing probes, or by direct contact.

- i. CEW Coordinator: A member of the Salisbury Police Department, as designated by the Chief of Police (or alternate) who has been trained in accordance with policy as a CEW instructor, user, and technician, and who has been selected by the Department to coordinate the program.
- ii. Neuro-Muscular Incapacitation (NMI): The stimulation of sensory and motor nerves causing uncontrollable muscle contractions that inhibit a subject's abilities to perform coordinated movement.
- iii. X26P Cartridge: A replaceable cartridge for the TASER which fires two barbed probes on thin insulated connecting wires, sending a high voltage/ low amp signal into a subject.

#### **5. Training, Authorization & Accountability:**

- A. Only officers and animal control officers who have successfully completed the Department's Maryland Police and Correctional Training Commissions (MPCTC) approved CEW training program, satisfactory demonstrated proficiency with the CEW, and have been issued a departmental CEW and associated equipment, are authorized to carry and use the device. Proficiency must be demonstrated.
  - a) Initial CEW user certification will consist of a minimum of 8 hours of classroom lecture and practical application exercises.
  - b) User recertification will consist of a minimum of 4 hours of classroom lecture and practical application exercises annually. At least annually, all department personnel authorized to carry a departmentally issued CEW shall receive recertification training on the department's use-of- force policies and demonstrate proficiency with the CEW. Qualification standards for the CEW are reviewed by the Maryland Police Training Commission on a yearly basis. At least annually, personnel authorized to carry a CEW shall meet the qualification standards of the Maryland Police and Correctional Training Commissions (MPCTC).
  - c) Officers whose CEW certifications have expired must attend an initial CEW certification class, not a re-certification class, and may not carry a CEW until the initial certification class has been completed.

#### **6. Instructors:**

- A. CEW instructors will recertify every 2 years to meet MPCTC requirements, which will require an 8-hour training block of classroom and practical application.
  - a) All initial CEW certification training and annual CEW re-certification training

shall be conducted by an instructor selected by the Department, certified by TASER International and approved by the MPCTC. CEW instructors must attend a re-certification program conducted by TASER International biannually.

- b) Only the departmentally issued TASER X26P CEW & TASER X2 CEW, issued TASER holster and issued TASER cartridges are authorized for use.
- c) An officer who carries a departmental CEW shall position the CEW holster on the opposite side of the body from the issued firearm. Generally, this will put the CEW on the “support” side of the body where it will be holstered / un-holstered in a “cross-draw” manner. An officer who carries a departmental CEW shall ensure the CEW’s siting settings are set at “flashlight” and “Laser” at all times, with the exception of Tactical Team Members who carry a CEW and are actively engaged on a tactical operation and at the direction of the Tactical commander.
- d) An officer who carries a departmental CEW must have one cartridge inserted in the CEW at all times. One additional cartridge will be carried in the officers issued pouch that will be attached to the officer’s duty belt or outer carrier vest. If an officer deploys a cartridge, he/she shall contact the squad commander to replace the cartridge prior to the end of their tour of duty.
- e) An officer who needs a replacement cartridge shall contact his/her immediate supervisor via memorandum. The squad commander will have access to additional cartridges that will be maintained in a secure location within the communications room. Replacement cartridges will be maintained in the communications room and will be monitored and accounted for by the Squad Commander on duty.
- f) The squad commander and/or the direct supervisor of the CEW user shall be responsible for ensuring that all trained and certified users of the CEW are carrying the CEW during their normal tour of duty to include any overtime or special assignment where a uniform is being worn.

## **7. Pre-shift Inspection:**

- A. Officers shall inspect their issued CEW prior to beginning each tour of duty to assure proper functionality of the device. The pre-shift inspection shall include the following:
  - a) Un-holster the CEW, point the device into a designated firearms unloading chamber while ensuring the cartridge is removed from the CEW.
    - i. Place the safety switch in the “armed” position (up position) to initiate a “spark test”. This also activates the central information display, laser, and the flashlight.

- ii. While the trigger is depressed, look at the front of the CEW to make sure the current is observed during the spark test. If the current is not observed or is intermittent, take the device out of service immediately and contact your supervisor and CEW coordinator. Do not use the CEW until it has been inspected and released by the CEW coordinator.
- b) Holster the CEW with the safety switch in the “safe” position (down position).
- c) Officers shall conduct a weekly battery life system check of the CEW, as demonstrated during training, to assure proper performance of the device.
  - i. Officers who discover a CEW malfunction during an inspection shall notify his/her immediate supervisor and the CEW coordinator. The officer shall remove the malfunctioning device from service immediately.
- d) Supervisor Inspection
  - i. Supervisors shall routinely monitor officers under their immediate command to ensure that CEW pre-shift inspections are completed. Supervisors shall also ensure that any malfunctioning CEW’s are removed from service and that the CEW coordinator is notified of this action.

## **8. Duties & Responsibilities; CEW Coordinator:**

- A. The CEW coordinator shall be responsible for;
  - a) Planning, overseeing and administering all CEW programs and training.
  - b) Fiscal management of the CEW program to include development and submission of the program’s annual budget.
  - c) Ensuring that a control log is maintained for cartridge sign out, and for CEW assignment.
  - d) Supervising the maintenance, repair, issuance and care of all CEW operational supplies to include;
    - i. Maintaining appropriate records and documentation of any equipment maintenance or repair.
    - ii. Conducting a full data download prior to shipping any device for repairs or service.
    - iii. Monitoring the supply of spare cartridges and battery packs and replenishing stocks as necessary.
  - e) Ensuring that monthly inspections of CEW’s are completed during the months of January, April, July, and October of each year. The inspection shall include;
    - i. Spark Test
    - ii. Battery Life System Check

- iii. Device condition review
  - iv. Data Download to allow for an individual analysis of a CEW to retrieve specific information regarding operation and use.
  - v. Clock reset
- f) Completing administrative reports for the program, to include:
- i. Quarterly CEW use reports for review by the chief of police,
  - ii. Yearly reports as mandated by the Governor's Office on Crime Control and Prevention (G.O.C.C.P.) as outlined in Maryland House bill 507.
  - iii. CEW initial certification and annual re-certification training reports as mandated by the M.P.C.T.C. and sent to the firearms unit separate from a yearly agency training report.

## **9. CEW Use Guidelines**

A. Electrical charges may be released from the CEW by three (3) means:

- a) Warning Arc: A non-contact display of the CEW's ability to discharge electricity. The purpose of this display is to gain a subject's voluntary compliance to a lawful order to avoid either probe deployment or drive stun.
- b) Probe Deployment: Firing of two probes from a disposable cartridge, which are connected to the CEW by insulated wires that release electrical pulses into the body. Probe deployment should be used as the primary option.
- c) Drive Stun:
  - i. When the CEW is applied directly to the body;
  - ii. A drive stun does not inhibit the central nervous system of the subject and is therefore less effective than probe deployment.
  - iii. To supplement probe deployment;
  - iv. As a countermeasure to gain separation between the officer and the subject so that the officer can consider another force option, or;
  - v. For pain compliance when other force options, are ineffective or unavailable.
  - vi. The use of drive stun is discouraged unless a probe deployment is not possible or the CEW has already been deployed and the immediate application of the drive stun will bring a subject displaying active resistance or active aggression under control. Multiple drive stuns are discouraged and the cycles shall be limited to less than 3. If the officer is unable to gain compliance with less than 3 cycles, other alternatives of use of force shall be implemented.
  - vii. Whenever practical and reasonable, officers should issue a verbal warning in sufficient time prior to discharging the CEW on a subject

to:

- 1) Give the subject the opportunity to voluntarily comply with the officer's lawful orders.
- 2) Alert assisting officers of the possible CEW deployment.
- 3) Take into consideration the arrest location and physical surroundings prior to deploying the CEW.

- d) When deploying the CEW in drive stun and probe deployment mode, officers will;
  - i. Continually reassess the situation to ensure that the level of force is appropriate and ensure that each deployment of the CEW is independently justified and necessary.
  - ii. Administer only the minimal number of CEW cycles necessary to achieve control. Cycles shall be limited to less than 3. If the officer is unable to gain compliance with less than 3 cycles, other alternatives of use of force shall be implemented.
  - iii. In instances when multiple CEW certified officers are present, all officers shall communicate and only one officer will discharge his CEW to gain the necessary compliance.
  - iv. The arresting officer will order and direct the subject, as the incident requires, minimizing the number of CEW cycles needed for compliance. Officers should be aware that the subject may not be able to respond to commands while under the effects of a CEW cycle.
  - v. The subject should be secured as soon as practical to minimize the number of CEW cycles and minimize further active aggression or active resistance.
- B. The deploying of a CEW is considered a use of force and will be deployed in a manner consistent with this policy as well as the department's use of force policy.
- C. The agency authorizes the use of the CEW by trained and certified personnel within the agency, to include sworn members as well as non-sworn animal control officers.
- D. The use of the CEW must be preceded by a verbal warning when practical.
- E. A CEW is deployed as an additional police tool and is not intended to replace firearms, other self-defense techniques or de-escalation techniques. A CEW may be used to control a subject who exhibits active aggression or active resistance when:
  - a) Lethal force does not appear to be justified and/or necessary; or
  - b) Attempts to subdue the subject by other methods have been, or will likely be, ineffective in the situation at hand; or
  - c) There is reasonable expectation that it will be unsafe for officers to approach within contact range of the subject to effect an arrest.

- F. The CEW is viewed as less lethal force option and is authorized as an alternative to employing deadly force in situations where time and circumstances exist for CEW use. It is not intended to be used as a general substitute for other less lethal force options.
- G. CEW's will only be used on persons posing an imminent threat of physical injury to themselves or others.
- H. Use of force must be proportional. The CEW will only be deployed when an objectively reasonable officer is confronted with active aggression or active resistance and it is believed that the subject may cause physical harm to themselves, the officer or innocent bystanders. Officers may deploy the CEW when the presence of officer(s) and verbal dialogue have failed to bring about a suspect's compliance.
- I. When officers encounter active resistance, the officer may discharge the CEW when he/she has a reasonable belief, based upon articulable facts, that it may be unsafe or present a tactical disadvantage to the officer to attempt to physically engage the individual. Factors to consider may include:
  - a) the severity of the offense;
  - b) the threat of harm to the officer or others;
  - c) whether the individual is a known police fighter;
  - d) known differences in size and strength;
  - e) known disparity in relative skill level;
  - f) prior knowledge of the suspect;
  - g) whether the individual is resistant, fleeing or failing to obey lawful orders; and
  - h) whether alternative means of restraint are available.
- J. The CEW may be used to target a subject in an attempt to gain compliance of the subject involved in active resistance, active aggression and/or if violence is reasonably anticipated.
- K. Officers shall not discharge their CEW in response to passive resistance.
- L. The CEW is not a substitute for deadly physical force, and generally should not be used in those situations, unless in the officer's discretion a less lethal method of force will achieve the necessary result. If a CEW is deployed in those situations, a second officer should be present to provide lethal force cover.
- M. A CEW may be deployed on an animal when the animal is threatening or is attacking an officer, other person or another animal. However, the CEW may not be used on cats or other small animals.



- N. Preferably, the CEW shall be discharged at distances from seven (7) feet to fifteen (15) feet as each situation presents itself.
- O. A CEW may be utilized in the prisoner processing area in the event exigent circumstances exist to control a prisoner.
- P. Use of CEW by Animal Control Officers
  - a) The use of the CEW is intended to stop an aggressive attack on an animal control officer, a dog, or any other animal. The CEW should not be used to catch animals, although at times, it may be necessary to deploy the CEW on aggressive animals to stop a threat or potential threat to public safety if the animal is running at large. If feasible, other officers present shall attempt to secure the animal while the animal control officer maintains the CEW in a ready position.
  - b) The CEW should not be used on cats or other small animals.
  - c) Removal of the CEW probes is the animal control officer's responsibility. If the probes are removed in the field, the animal control officer can use their discretion regarding the need for medical aid that the animal may need.
  - d) If an animal has been subjected to CEW probe penetration and has not been seen by veterinarian personnel, the animal control officer will notify staff at the shelter.
  - e) Animal control officers shall photograph or cause to be photographed any visible CEW injuries to the animal.
  - f) Animal control officers shall follow the set policy and procedures as it relates to the remainder of the CEW policy.

**10. Prohibited CEW Uses:**

- A. Officers are prohibited from using the CEW under the following circumstances:
  - a) In a punitive or malicious manner;
  - b) In drive stun mode as a prod or escort device;
  - c) To experiment on a person or allow a person to experience the CEW even if the person requests it. This prohibition does not apply to personnel during training or presentations that are authorized by the department;
  - d) To rouse unconscious, impaired, or intoxicated individuals;
  - e) The CEW shall not be used on those who passively resist as defined in this policy;
  - f) On handcuffed subjects, unless the subject poses a risk of immediate danger to the officer, the subject, or others and other techniques have been or would likely be ineffective (specific articulation of exigent circumstances and/or immediate danger is required);
  - g) In a known flammable or explosive environment (i.e., a meth lab, where gasoline is stored, or where alcohol based OC spray was used, etc.) unless the officer's only other option would be deadly force;

- h) The CEW must not intentionally be aimed or discharged in the chest area, near the heart, at the eye, face, head, throat, neck, or groin unless such use occurs when deadly force is authorized;
- i) Officers shall not knowingly simultaneously deploy more than one CEW at a time against a subject;
- j) Additionally, officers are prohibited from using the CEW on an individual who:
  - i. Is merely fleeing apprehension;
  - ii. Is in an elevated position due to the potential for falling and the impact of same;
  - iii. Is in water or who could possibly drown by falling into a body of water (i.e. pool);
  - iv. Is pregnant; or
  - v. Is a member of a sensitive population group as defined by this policy.

## **11. Post-CEW Use:**

### **A. Post Deployment Observation and Medical Aid**

- a) If a subject has been released from a medical facility after a CEW deployment and is in Department custody, all employees having contact with the subject shall monitor him/her for signs of medical distress for the duration of custody.
- b) Whether the subject is being criminally charged or subject to Emergency Petition procedures, appropriate advice concerning medical treatment shall be provided by Emergency Medical Services. If the subject declines transportation to a medical facility, EMS protocols will be followed.

### **B. CEW Probe Removal**

- a) CEW probes that penetrate an individual's skin shall only be removed by medical personnel.
- b) Persons shot with CEW Probe shall be evaluated by EMS personnel and if necessary EMS will transport to the hospital for further evaluation and/or treatment. Medical examinations should determine if the individual has suffered any injury directly from the CEW electrical charge or any indirect injury as a result of CEW use (e.g., such as by a fall after incapacitation), said injuries or the lack thereof will be documented by the reporting officer on the use of force report.

### C. Evidence Collection

- a) If a CEW is deployed, officers shall:
  - i. Collect materials associated with a CEW deployment. Officers should be mindful of bio-hazard concerns and wear protective gloves when collecting and handling all evidence.
  - ii. Take digital images of the probe/drive stun impact sites and any related injuries unless inappropriate to do so. Officers shall submit the images to property and upload into the CAD system and attach the images to the use of force report for processing and evidence retention.
  - iii. Break the connecting wires from each probe prior to removal of the probes from the subject and remove them in accordance with user training protocol.
  - iv. Remove the discharged cartridge from the CEW.
  - v. Collect as many AFID tags as possible from a probe deployment of the CEW.
  - vi. Package and submit as evidence all discharged cartridge(s), AFID tags, probes and connecting wires following CEW user training protocol and departmental policy and practice regarding evidence collection. All collected AFID tags, probes and connecting wires will be placed into a provided "collection kit" and submitted into property. All aforementioned items will be secured within the property room until criminal and/or civil litigation has been resolved. The "collection kit" will consist of a small handgun box with a bag for the collected AFID tags, a bag for the deployed cartridge and a bag for the deployed probes. The individual items will be listed on one property record "SPD-003" and the chain of custody will be reflected on the back of the property record "SPD-003" for each item collected.

## 12. **Mandatory Reporting:**

- A. Any officer who, while either on duty or in an off duty status, discharges his/her departmentally issued CEW, shall submit a written detailed report to the on duty supervisor before ending his tour of duty, or in the case of an off duty officer, within an 8-hour period or as directed by the officer's division commander. If the facts of the incident support a conclusion that the CEW deployment was the result of negligence, the officer shall undergo CEW re-certification within a 7-day period of this determination.
- B. Any officer on duty or off duty who accidentally or unintentionally deploys a CEW, whether at a subject or not; shall:
  - a) Evaluate the need for medical attention and request as necessary
  - b) Immediately notify an on-duty police supervisor

- c) The supervisor will ensure that the incident is properly documented. A report will be completed outlining the circumstances, injuries sustained, photographs of the affected whether physical injuries are present or not. This is not considered a use of force per departmental policy.
  - d) The appropriate Division Commander will be notified immediately following the incident.
  - e) As soon as practical, the officer will successfully complete a (four) 4-hour remedial training session which will consist of classroom lecture and practical application exercises, conducted by a certified CEW instructor. The officer will not carry the CEW until the remedial training is successfully completed.
  - f) Document the incident as follows;
    - i. If the CEW is deployed regardless if someone was injured or not, the officer shall document the incident and forward the memoranda via the chain of command to the Chief of Police.
    - ii. The on-duty supervisor shall complete a first report of injury on the incident if an employee of the agency is injured as a result of the accidental or unintentional deployment of the CEW and in instances where another member of the agency is struck or affected by the deployment of the CEW.
- C. Requirements regarding the reporting of CEW use:
- a) Display / Targeting: The visible presence of a CEW outside of the holster and/or the warning arc of a CEW while held in the depressed position shall be considered a “display” and a “display” report shall be completed. When the display of a CEW serves as an effective deterrent in an escalating incident, officers shall notify the CEW Coordinator via e- mail detailing the incident. The CEW coordinator will maintain this statistical data for analysis.
  - b) Deploy: The firing of the CEW to deliver an electrical energy charge into a subject shall require the completion of a use of force report.

### **13. Data Collection:**

- A. An officer who deploys a CEW will request that the CEW coordinator download the stored deployment data from the CEW. This request shall be made via departmental e-mail as soon as practical after the deployment.
  - a) The CEW coordinator shall ensure that the data download is accomplished within 7 days of the deployment.

**14. Safety and Storage:**

- A. A CEW shall always be carried with the safety switch in the “safe” position (down position).
- B. At the conclusion of a tour of duty, an officer shall secure a CEW in a manner that prevents unauthorized persons, to include adults and children, from having access.
- C. Officers must never leave the CEW unattended for any amount of time, for any reason, unless the device is properly secured and stored.
- D. When stored for extended periods of time, a CEW shall be kept in a climate controlled environment with the power performance magazine inserted. Officers should avoid, when possible, storing the CEW in extreme heat or cold conditions.

**15. Maintenance:**

- A. Officers are prohibited from making modifications or attempting repairs to a CEW or to a CEW holster.
- B. Officers shall avoid exposing a CEW to excessive moisture.
- C. Officers are cautioned that a CEW is a sensitive electronic device and should exercise care so as not to drop the device.