



## Policy 719

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<b>CONDUCTED ELECTRICAL WEAPON</b>	
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*By Order of the Police Commissioner*

### POLICY

The purpose of this policy is to establish guidelines for proper deployment of the Conducted Electrical Weapon (CEW), and the supervisory response which shall be taken thereafter.

1. **Less-Lethal Alternatives.** It is the policy of the Baltimore Police Department (BPD) to equip members with less-lethal alternatives, such as a CEW, to resolve encounters with aggressive subjects.
2. **Training.** Only members who have been trained and certified by the Professional Development and Training Academy (PDTA) are permitted to carry and use a CEW.
3. **Reporting and Review.** The BPD will thoroughly investigate and accurately document all facts and information when a member of the BPD deploys a CEW, intentionally or unintentionally. Members are prohibited from using the CEW as a punitive device.
4. **Use of Force Policy.** The use of a CEW by a member in the performance of his/her duties is considered a use of force, and must therefore conform to the methods, tactics, policies and procedures adopted by the BPD. (See Policy 1115, *Use of Force*).
5. **De-escalation.** The use of a CEW is not intended to replace tactics or training that can be utilized to calm or control a person, or to de-escalate a situation and avoid the use of force.
6. **Re-evaluation.** When discharging the CEW, the officer should only use it for one standard cycle (five seconds), then stop and evaluate the situation.
7. **Permissible Use.** Each standard cycle is a separate use of force that must be separately justifiable as reasonable, necessary and proportional. Officers must be able to articulate the facts and circumstances that justified each cycle of the CEW.
  - 7.1. Officers may use the CEW only where:
    - 7.1.1. Grounds for arrest or detention are present and the subject is exhibiting Active Aggression or Aggravated Aggression; or
    - 7.1.2. Such force is necessary to protect the officer, the subject, or another party from immediate physical harm. Once the law enforcement objective has been achieved, CEW use must stop.
  - 7.2. Unless lethal force is justified, members will not employ more than three cycles or 15 total seconds of a CEW deployment against a subject during a single incident.

- 7.3. The CEW shall not be used on passively or merely actively resisting subjects.
- 7.4. Officers will determine the reasonableness of CEW use based upon relevant circumstances, including the subject's apparent age, size, physical, and mental condition and the feasibility of lesser force options. The least amount of CEW deployment cycles necessary shall be utilized to accomplish a lawful objective.
- 7.5. In determining whether any additional application is reasonable, officers will consider that a subject may not be able to respond to commands during or immediately following a CEW application, and the officer will allow sufficient time for the subject to comply prior to applying another cycle.
- 7.6. Warnings should be given before CEW use where possible and doing so would not compromise officer safety.

### **GENERAL**

1. The CEW works by delivering an electric current into the targeted subject, disrupting the subject's motor and sensory nervous system, commonly referred to as neuro-muscular incapacitation (NMI). The CEW's electric current overrides the subject's motor nervous system and causes uncontrollable contractions of the subject's muscles. Under normal circumstances the results of the NMI are immediate and very intense, regardless of the targeted subject's size, strength, sobriety, or mental state, provided both probes penetrate the subject.
2. The CEW is a High Level Force tool, however, the CEW is not designed or intended to replace the firearm, OC Spray, expandable baton, or any other approved control equipment or technique.
3. Each CEW contains a trilogy log that consists of an event log, pulse log and an engineering log. When turned on without pulling the trigger, the unit records the date and time. When the trigger is depressed, the unit will record the date and time, as well as the duration of the trigger depression, internal temperature and battery life.
4. Each CEW is color coded. Each color represents three months of the year. During these months, the CEW will be downloaded at the Armory Unit to ensure compliance with this policy (See Appendix A). Members will be held accountable for every trigger depression of their assigned CEW, and all discrepancies will be investigated by the Office of Professional Responsibility (OPR).
5. Officers will holster the CEW in a weak-side holster to reduce the chances of accidentally drawing and/or firing a firearm.
6. Officers are not authorized to carry department CEWs while off-duty, unless working approved secondary employment while in uniform. Officers shall ensure that CEWs are secured in a manner that will keep the device inaccessible to others.
7. Members are only authorized to utilize BPD issued CEWs upon successful completion of CEW training. The use of personally owed CEWs on-duty is strictly prohibited.

**DEFINITIONS**

**Active Resistance** — Resistance exhibited by a suspect that is between Passive Resistance and Active Aggression (e.g., attempts to leave the scene, flee, hide from detection, or pull away from the officer's grasp). Verbal statements, bracing, or tensing alone do not constitute Active Resistance.

**Active Aggression** — A subject's attempt to attack or an actual attack on an officer or other person. Exhibiting aggressive behavior (e.g., lunging toward the officer, taking a fighting stance, striking the officer with hands, fists or kicks) are examples of Active Aggression. Neither Passive nor Active Resistance, including fleeing, pulling away, bracing, or tensing, constitute Active Aggression.

**Aggravated Aggression** — When a subject's actions create an objectively reasonable perception on the part of the officer that the officer or another person is subject to imminent death or serious physical injury as a result of the circumstances and/or nature of an attack. Aggravated Aggression represents the least encountered but most serious threat to the safety of law enforcement personnel or another person.

**Anti-Felon Identification Tags (AFIDs)** — AFIDs provide accountability for each deployment of a CEW cartridge via the dispersal of minute coded tags specific to that cartridge.

**Conducted Electrical Weapon (CEW)** — A weapon designed primarily to discharge electrical impulses into a subject that will cause involuntary muscle contractions and override the subject's voluntary motor responses.

**NOTE:** TASER is a registered trademark of TASER International, Inc., and can only be used to identify a TASER brand CEW.

**Drive Stun** — Activating the CEW with the cartridge removed or discharged, and placing the electrodes upon the skin/clothing of the subject.

**Displaying the Arc** — A compliance function of the CEW. This method involves displaying the electrical current to a non-compliant subject by first removing the cartridge and then depressing the trigger.

**Passive Resistance** — Subject is not physically cooperating with officer's attempts to restrain him/her, but he/she is not assaulting the officer or trying to escape (e.g., going limp).

**Probes Deployment** — The CEW is equipped with one cartridge on the front of the unit and a replacement cartridge housed in the Performance Power Magazine. Each cartridge houses two wired probes. When the trigger is depressed, the probes are deployed from the cartridge which can penetrate a subject's clothing or skin, simultaneously discharging an electric current into the subject. Probes may be fired from a distance of up to 25 feet; the optimum distance is 7-15 feet.

**Spark Tests** — With the cartridge removed, turn the safety switch to the "FIRE" position and depress the trigger allowing the electrical current to pulse for one full cycle (approx. five seconds). Turn the CEW off by moving the safety switch from "FIRE" to the "SAFE" position. The test shall assist the member in determining the functionality and the battery life of the device.

**CEW MAINTENANCE**

1. Do not tamper with the CEW.
2. When required, respond to the Armory Unit to have your CEW data downloaded, following the predetermined color coded schedule (See Appendix A). Failure to have your CEW data downloaded may result in disciplinary action to include revocation of your CEW.

**NOTE:** Data may be downloaded at any time at the request of the member's commanding officer or any other responsible authority.

3. To replace a spent cartridge, after a use of force, submit a copy of the Use of Force, Blue Team printout, signed by an authorizing permanent-rank supervisor and a copy of the Property Receipt, Form 56, from ECU to the Armory Unit.
4. If there is an accidental/unintentional discharge of the unit, author an Administrative Report, Form 95, after notifying your supervisor.

**VERBAL AND VISUAL WARNINGS**

When reasonable, unless it would otherwise endanger the safety of the member or others, prior to deployment of the CEW, every member shall loudly announce that the CEW is going to be deployed. This should aid in the prevention of contagious fire. The purpose of the warning is to:

1. Provide the individual with a reasonable opportunity to voluntarily comply.
2. Provide other officers and other individuals with a warning that the CEW may be deployed. The fact that a verbal or other warning was given or the reason it was not given shall be documented by the officer deploying the CEW in the related report.

**STANDARD CYCLE AND ASSESSMENT**

When discharging the CEW, the officer should only use it for one standard cycle (five seconds), then stop and evaluate the situation. Each standard cycle is a separate use of force, and members must be able to articulate the facts and circumstances that justified each cycle of the CEW. Officers will only use the minimum number of cycles necessary to place the person into custody, and in any event, unless lethal force is justified, will not employ more than three cycles or 15 total seconds of a CEW against a subject during a single incident.

In an attempt to minimize the number of CEW discharges needed for a person's compliance, officers should verbally direct the subject to comply with the officer's commands. Such verbal commands may include, "drop the weapon," "put your hands behind your back," etc. Multiple applications of the CEW cannot be justified solely on the grounds that a person failed to comply with a command, absent other considerations such as a weapon in close proximity or the individual posing an imminent threat of physical injury to themselves or others.

If the first application of the CEW appears to be ineffective in gaining control of a subject, the officer shall evaluate the situation and consider certain factors before additional applications of the CEW, including:

1. Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
2. Whether the probes are making proper contact.
3. Whether the individual has the ability and has been given a reasonable opportunity to comply.
4. Whether verbal commands, other options or tactics may be more effective.

### **RESTRICTIONS ON CEW USE**

1. Except where lethal force would be permitted (see Policy 1115, *Use of Force*), the officer shall not use a CEW:
  - 1.1. If the subject has been exposed to the MK-9 Pepper Fogger or flammable material, such as gasoline or an alcohol-based pepper spray. (BPD OC Spray is water-based).
  - 1.2. If the subject is obviously pregnant.
  - 1.3. If the subject is apparently elderly.
  - 1.4. If the subject is apparently a child.
  - 1.5. If the subject is visibly frail or has a low body mass.
  - 1.6. If the subject is in apparent medical crisis.
  - 1.7. If the subject is in physical control of a vehicle in motion.
  - 1.8. If a subject is in danger of falling from a significant height.
  - 1.9. More than three cycles or 15 total seconds of a CEW against a subject during a single incident.
2. CEWs will not be used on handcuffed or restrained persons unless the subject is displaying an overtly assaultive, self-destructive, or violently resistive behavior and lesser means have been tried and failed or would be ineffective.
3. Members shall not use a CEW in the following instances:
  - 3.1. To intimidate by reckless display.
  - 3.2. To punish a subject.
  - 3.3. If the CEW is or has been submerged in water or other liquid (Do not turn on a CEW that has been submerged in water. Immediately take the CEW to the Armory Unit.).
  - 3.4. If the suspect is fleeing and does not pose an imminent threat of physical harm to the officer or others. Flight will never be the sole reason for applying a CEW on a subject.
  - 3.5. To overcome a subject who is engaging in only Active or Passive Resistance. CEW use

is only authorized where the subject is displaying Active Aggression or Aggravated Aggression.

Alternative tactics shall be considered where the officer has credible information that the subject suffers from a disability which would increase the danger to that person by using the CEW (e.g., a person at the scene tells an officer that the subject has a heart condition).

### **SPARK TESTS**

Prior to every tour of duty, members must perform a spark test of their assigned CEW. To prepare the CEW for a spark test, adhere to the following steps:

1. Remove the cartridge from the front of the CEW.
2. Point the CEW toward the floor, and ensure others are not within arm's length.
3. Turn the CEW on by moving the safety switch to the "FIRE" position. Check the battery strength level; if the battery strength is below 20 percent, a fault icon is displayed or the CEW does not turn on, request from the Armory Unit for a replacement battery/unit.
4. Depress the trigger, allowing the electrical current to run for one full cycle (approx. five seconds), then turn the CEW off by moving the safety switch from "FIRE" to the "SAFE" position.
5. If your tour of duty requires the completion of a Daily Activity Report, Form 339, record the spark test on the Daily Activity Report.

**NOTE:** Spark tests are recorded in the CEW's internal memory and must mirror the member's work schedule. Depending on the member's assignment, data should reveal at least one spark test per tour of duty. Any additional trigger depressions and/or discrepancies revealed by the data must be supported by documentation on file at the Professional Development and Training Academy (PDTA). Failure to have such documentation on file constitutes a Neglect of Duty, and an investigation shall be initiated by the Office of Professional Responsibility (OPR). Members should note that use of force reporting is not required for a spark test.

### **DEPLOYMENT METHODS**

#### **PROBES DEPLOYMENT - Level 2 Reportable Force**

The preferred method of CEW deployment is a probes deployment. Discharging the CEW with the cartridge attached allows two probes to deploy and penetrate the skin/clothing of a subject. The probes deployment allows the electrical current to be effective along the "spread" of the probes, creating NMI across a greater length of the subject's body. Probes deployment also allows the member to maintain distance with the suspect, as the probes are effective up to 25 feet.

To initiate a probes deployment:

1. Turn the CEW on by following the steps listed for testing the unit,
2. Aim the CEW at the low center mass area of the subject,
3. Announce that the CEW is about to be deployed,

4. Depress the trigger to allow the probes to be deployed from the front of the cartridge,
5. Deploy additional probes, if necessary, by releasing the used cartridge and replacing it with a new one,
6. Holster the CEW once the subject is no longer a threat.

**NOTE:** Members shall notify EMS immediately when a CEW has been deployed on a subject. Members shall ensure that the cartridge has been detached from the CEW. Only trained medical personnel shall remove the probes from a subject. Probes that have penetrated the skin are considered bio-hazardous and shall be treated as such. Members shall submit the probes and cartridge to the Evidence Control Unit (See Policy 1401, *Control of Property and Evidence*).

#### **DRIVE STUN DEPLOYMENT - Level 2 Reportable Force**

Officers may use the CEW in drive stun mode to supplement the probe deployment to complete the incapacitation circuit, or as a countermeasure to gain separation between officers and the subject so that officers can consider other force options. Officers shall not use the CEW in drive stun mode solely as a pain compliance technique. When using the CEW in drive stun mode, officers shall wait a reasonable amount of time between applications to assess effectiveness.

**NOTE:** Members should refrain from applying the drive stun method to the subject's head, neck, chest and groin, unless the use of deadly force is justified.

To initiate a drive stun deployment:

1. Remove the cartridge from the unit,
2. Turn the CEW on by following the steps listed for the testing of the unit,
3. Announce that the CEW is about to be deployed,
4. Physically place the electrodes upon the subject,
5. Depress the trigger to activate the CEW, delivering a 5-second electric cycle,
6. Holster the CEW once the subject is no longer a threat.

#### **DISPLAYING THE ARC OR POINTING THE CEW - Level 1 Reportable Force**

A show of force or threat of force may be all that is necessary to de-escalate a volatile situation. A non-compliant subject may become compliant once faced with the realization that a CEW may be used on him or her. This show of force with a CEW may be achieved either by displaying the arc, as explained below, or simply by pointing a CEW at the subject. However, displaying the arc shall not be used in circumstances where actual use would not be justified (e.g., where the subject is exhibiting merely Passive or Active Resistance, and other circumstances described in this policy).

To initiate displaying the arc:

1. Detach the cartridge from the front of the CEW,

2. Turn the CEW on by following the steps listed for the testing of the unit,
3. Depress the trigger to display the electric current,
4. Holster the CEW once the subject is no longer a threat.

#### **REQUIREMENTS AFTER DEPLOYMENT**

1. Members will obtain appropriate medical treatment for suspects after a CEW deployment by immediately requesting EMS and a permanent-rank supervisor to respond to the scene.
2. Members shall advise EMS that a CEW was used on the subject and advise EMS personnel if the subject loses consciousness, appears to exhibit signs of a serious medical condition, sustains a secondary injury (e.g., as the result of a fall), and/or is shocked in sensitive areas (e.g., face, eyes, neck, breast and groin). Members will give the approximate time of the CEW use on the subject to EMS.
3. Members shall document any additional injury that occurred as a result of a CEW being used on a subject.
4. Members will clearly articulate the following regarding their use of a CEW on an Administrative Report, Form 95, each and every:
  - 4.1. CEW cycle(s) used on a subject or attempted against a subject.
  - 4.2. Use of the CEW in drive stun mode.
  - 4.3. CEW application for more than 15 seconds.
  - 4.4. CEW application on a fleeing person.
  - 4.5. CEW application by more than one officer.
  - 4.6. Location that the probe(s) contacted the subject.
  - 4.7. Continuous cycling of a CEW
5. Members shall notify their supervisor whenever the CEW is deployed in any fashion.

#### **First-Line Permanent-Rank Supervisors / Shift Supervisors**

1. Upon being notified that a subordinate deployed a CEW, supervisors shall:
  - 1.1. Ensure medical attention is requested.
  - 1.2. Ensure subordinates adhere to protocols listed in this policy consistent with the method of CEW deployment.
  - 1.3. Conduct a Use of Force review consistent with Policy 1115, *Use of Force*. Enter the use of force into Blue Team. Collect/submit AFIDs when instructed.

- 1.4. Ensure any spent cartridges and probes are submitted to the Evidence Control Unit (ECU) after a use of force.
  - 1.5. Ensure any spent cartridges and probes are submitted to the Armory Unit after an accidental/unintentional discharge. If a subject was struck with a probe during an accidental/unintentional discharge, submit the cartridge and probes to ECU.
  - 1.6. Ensure subordinates obtain replacement cartridges, as needed, from the Armory Unit.
2. When required, or after a use of force, ensure subordinates respond to the Armory Unit to have their CEW data downloaded within 24 hours or on the next business day.

**Armory Unit**

1. Replace spent CEW cartridges only when in receipt of a Use of Force, Blue Team printout, signed by an authorizing permanent-rank supervisor and a copy of the Property Receipt, Form 56, from ECU. Due to potential bio-hazard conditions, do not accept probes involved in a use of force deployment. Advise members to submit spent probes to ECU.
2. Notify members when quarterly downloads are scheduled.
3. Download data from the CEW when scheduled or after a CEW use of force.
4. Notify the respective commanding officer via official channels when members fail to have their CEW data downloaded and/or indicators of abuse arise.

**Evidence Control Unit (ECU)**

Ensure cartridges and probes are packaged consistent with bio-hazard standards prior to submission.

**Commanding Officer, Professional Development and Training Academy (PDTA)**

1. Ensure the CEW Database is maintained. The database shall include the assigned member's information, serial and model number of the CEW, and the CEW schedule.
2. Ensure all reporting is reviewed for compliance and entered into the CEW Database.
3. Conduct random audits of CEW application data. The audit shall include a comparison of the downloaded data to the Use of Force, Blue Team entries. Discrepancies within the audit will jointly be investigated by PDTA and OPR.
4. Forward reports of discrepancies or abuse to the appropriate member's commanding officer and the Chief, OPR.

**APPENDICES**

- A. CEW Download Schedule
- B. Aiming the Conducted Electrical Weapon

**RESCISSION**

Remove and destroy/recycle Policy 719, *Conducted Electrical Weapon* dated 08 August 2015.

**ASSOCIATED POLICIES**

Policy 1115, *Use of Force*  
Policy 1401, *Control of Property and Evidence*

**COMMUNICATION OF POLICY**

This policy is effective on the date listed herein. Commanders are responsible for informing their subordinates of this policy and ensuring compliance.

**APPENDIX A**

**CEW Download Schedule**

**POLICE DEPARTMENT  
Baltimore, Maryland**

**TASER DOWNLOAD SCHEDULE**

<b>RED-</b>	<b>OCTOBER-FEBRUARY-JUNE</b>
<b>WHITE-</b>	<b>NOVEMBER-MARCH-JULY</b>
<b>BLUE-</b>	<b>DECEMBER-APRIL-AUGUST</b>
<b>GREEN-</b>	<b>JANUARY-MAY-SEPTEMBER</b>

***All Departmental Tasers must be taken to the Headquarters Armory to be downloaded according to the above schedule. Compliance is mandatory.***

***By Order of,***

**The Police Commissioner**

**APPENDIX B****Aiming the Conducted Electrical Weapon**

When possible, the point of aim when discharging the CEW probes at a subject will be lower center mass at the belt line, known as "splitting the hemisphere."

**NOTE:** In the absence of any extreme circumstances that would justify doing so, members are not to intentionally target a subject's head, face, neck, groin, or chest/breast area.

Lower center mass has been selected as the point of aim for the following reasons:

1. You avoid the sensitive areas of the head, face, neck, chest/breast area or areas of a preexisting injury.
2. It allows one probe to strike the upper torso and the other probe to strike the legs. This probe placement insures a good connection which establishes complete neuro-muscular incapacitation.

Members should note that the directive to intentionally target a subject's lower center mass is qualified by "when possible." This qualifier addresses the reality that an arrest situation is fast-moving and dynamic, and that exact shot placement into the lower center mass will not always be possible. In addition, it may not even be possible to intentionally aim the CEW. It may only be possible to point and shoot.

This policy also recognizes the reality that extreme circumstances may, at some point in time, justify intentionally aiming at areas outside the lower center mass target zone. An example would be if an officer is attacked by a suspect wielding an edged weapon and the only shot available is one to the face or chest/breast area. The primary target zone of lower center mass does not mean that other areas are prohibited. However, when the situation allows for sufficient time to intentionally aim the CEW, officers must try to aim for the lower center mass. The preferred target area (if possible) is the back.

**PREFERRED TARGET AREAS ARE SHOWN IN DARK SHADING**