
Electronic Control Device

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the electronic control device(COMAR 12.04.05.02).

304.2 DEFINITIONS

Deployment: Removal or taking a specific piece of equipment, i.e. firearm, TASER, less lethal launcher, and/or baton, out of the normal method of storage or carry with the purpose of potential use. Example: The mere unholstering of a firearm in the performance of your job would be considered a deployment, however this act in itself would not constitute a use of force or require documentation.

Display: Pointing / aiming a firearm, an electronic control device, or less lethal launcher at a person(s) with the intent to control a person(s). All displays involving firearms, electronic control devices, and/or less lethal launchers will be documented in writing, however, this act in itself will not be considered a use of force.

Electronic Muscular Disruption Technology (EMDT): Commonly referred to as an Electronic Control Device. This less-lethal law enforcement tool is often called by a common brand name TASER.

304.3 POLICY

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

304.4 ISSUANCE AND CARRYING ELECTRONIC CONTROL DEVICES

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

electronic control devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department inventory.

Officers shall only use the electronic control device and cartridges that have been issued by the Department (COMAR 12.04.05.02(C)(1)). Uniformed officers who have been issued the electronic control device shall wear the device in an approved holster. Non-uniformed officers may secure the TASER in the driver's compartment of their vehicles.

Members carrying the TASER should perform a spark test prior to every shift.

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

- (a) All TASERs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

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- (b) Whenever practicable, officers should carry at least two cartridges on their person when carrying the TASER.
- (c) Officers shall be responsible for ensuring that the issued TASER is properly maintained and in good working order.
- (d) Officers should not hold a firearm and the TASER at the same time.

304.4.1 DISPLAY OF ELECTRONIC CONTROL DEVICE

All displays by a member of this department will be documented in writing, via HDG Form 46, prior to the end of the shift. The Form 46 will be completed in a thorough manner, identifying officer(s) involved, type(s) of equipment involved, names of suspect(s) / citizen(s) involved, and the circumstances involved in the display. The Watch Commander / Division Commander shall review each display report by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

304.5 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER 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 TASER 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 display the electrical arc (provided that a cartridge has not been loaded into the device) or the laser to gain compliance prior to the application of the TASER. 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 TASER in the related report.

304.6 USE OF THE TASER

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

304.6.1 APPLICATION OF THE TASER

The TASER 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.

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- (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 TASER to apprehend an individual.

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

Verbal noncompliance, without other known circumstances or factors, does not justify the application of the TASER.

304.6.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER 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 device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Frail, weak individuals or obvious children
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including 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 TASER 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.

304.6.3 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 TASER 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.

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304.6.4 MULTIPLE APPLICATIONS OF THE TASER

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

If the first application of the TASER 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 TASER, 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.

304.6.5 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 TASER. As soon as practicable, officers shall notify a supervisor any time the TASER has been discharged. Reasonable efforts should be made to collect the confetti tags. However, the expended cartridge, along with both probes and wires, must be collected and 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.

304.6.6 DANGEROUS ANIMALS

The TASER 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.

304.6.7 OFF-DUTY CONSIDERATIONS

Officers are authorized to carry department TASERS while off-duty. electronic control device should be holstered and concealed at all times and carried in such a manner to prevent unintentional discharge and loss of physical control.

Officers shall ensure that TASERS 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.

304.7 DOCUMENTATION

Officers shall document all TASER discharges in the related use of force form, (HdG 46), arrest/ crime reports and the TASER 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.

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304.7.1 SUPERVISORY TASER REPORT FORM

Items that shall be included in the TASER report form are:

- (a) The type and brand of TASER 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 TASER 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 TASER was used.
- (f) The type of mode used (probe or 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 Training Officer should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Officer should also conduct audits of data downloads and reconcile TASER report forms with recorded activations.

304.7.2 REPORTS

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

- (a) Identification of all personnel firing TASERS.
- (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.
- (f) Overall photograph of the subject, close-up photos to include probe sites, arching marks (drive stun), any other injuries,

304.8 MEDICAL TREATMENT

Consistent with training protocols and absent extenuating circumstances, ECD trained personnel may remove TASER probes from a person's body, unless the probes are lodged in sensitive soft tissue areas (to include groin, female breast, head, eyes, neck). Medical personnel must be contacted and/or the subject transported to an appropriate medical facility to have these

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probes removed. Used TASER 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 TASER 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 TASER probes are lodged in a sensitive area (e.g. groin, female breast, head, face, eyes, neck).
- (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 TASER (see the Medical Aid and Response Policy).

304.9 SUPERVISOR RESPONSIBILITIES

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

A supervisor shall review each incident where a person has been exposed to an activation of the TASER. The responding supervisor shall secure the involved device as evidence. The device's onboard memory should be downloaded through the data port within 48 hours of the incident by an ECD Instructor and saved with the related arrest/crime report. Ensure photographs have been taken and witnesses have been interviewed.

304.10 TRAINING

Personnel who are authorized to carry the TASER 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 TASER as a part of their assignments for a period of six

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months or more shall be recertified by a qualified TASER instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued TASERs 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 Training Officer. All training and proficiency for TASERs will be documented in the officer's training files.

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

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

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

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

The Training Officer 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 TASER and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER.
- (h) The requirements established in COMAR 12.04.05.05.

304.10.1 TRAINING CERTIFICATION

The Training Officer 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).