

## FREDERICK POLICE DEPARTMENT GENERAL ORDER

**Section 07:** Force, Detention, and Arrest  
**Topic:** LESS LETHAL FORCE:  
CONDUCTED ELECTRICAL WEAPON

**Order Number:** 715  
**Issued by:** Chief of Police

**Approved:** 11/21/18  
**Review:** Annually in February by Support Services Division Commander  
**Supersedes:** G.O. 715 dated 02/13/18

### **.01 PURPOSE:**

To specify the type of Conducted Electrical Weapon (CEW) approved for use by sworn members of the agency, to specify the appropriate uses for these weapons, and to provide the training and reporting guidelines required for officers to carry them

### **.02 CROSS-REF:**

G.O. [705](#), "Use of Force"  
G.O. [710](#), "Less Lethal Force: Chemical Agent Weapons"  
G.O. [712](#), "Less Lethal Force: Impact Weapons"  
G.O. [773](#), "Sick or Injured Prisoners"  
G.O. [1125](#), "Inventory and Inspection"  
G.O. [1663](#), "Uniforms and Appearance"  
G.O. [1710](#), "Roll Call"  
CALEA Standards: 1.3.1, 1.3.4, 1.3.5, 1.3.6, 1.3.9, 1.3.11, 1.3.12  
Form OSB-011A "Use of Force Report"  
Form OSB-011B "Use of Force Report"  
Form OSB-024 "Empty-Hand Control / Pointing of Firearm"  
Form SOD-017 "Taser Contact Form"

### **.03 DISCUSSION:**

A Conducted Electrical Weapon (CEW) is a less lethal weapon system that provides law enforcement personnel with an additional method of controlling subjects who may be dangerous or violent to themselves or others. The CEW will be used to enable the officer to carry out his duties in a safe and professional manner with minimal injuries to officers and citizens. The Frederick Police Department (FPD) currently issues the X26 and X26P Taser ® to designated qualified members of the Department as an alternative tool for appropriate use of force situations. The FPD will educate interested citizens regarding CEWs and the Department's policy on its use during appropriate educational forums, such as the Citizen's Police Academy.

### **.04 POLICY:**

It is the policy of the FPD that its members will use a CEW only in accordance with the use of force policy and guidelines specified in [G.O. 705, "Use of Force."](#) In addition, no member will be issued or permitted to carry or use a CEW until he has been trained in its use and demonstrated proficiency with it on an annual basis. The provisions of this Order apply to personnel both while on and off duty.

### **.05 DEFINITIONS:**

**CONDUCTED ELECTRICAL WEAPON (CEW):** A weapon which can be used in two different modes which are listed below from an inserted cartridge. The Frederick Police Department currently purchases and uses the X26 and X26P Taser ® conducted electrical weapons

**PROBE DEPLOYMENT:** Utilizing compressed nitrogen gas to propel two (2) probes attached to the end of wires stored in a cartridge already inserted into the weapon. The CEW sends an electrical signal to the probes, via the wires, which can disrupt the body's ability and usually causes motor skill dysfunction.

**DRIVE STUN:** The CEW acts as a stun system when it is brought into immediate or close proximity contact with the subject's body or clothing. Due to the narrow spread of the probes and/or the cartridge removed from the CEW, drive stun application will be less likely to create motor skill dysfunction.

**CEW CARTRIDGE:** A removable plastic cartridge containing two probes, wires, a compressed nitrogen charge, and up to forty (40) small Anti-Felon Identification Tags (AFID).

**AFID:** The AFIDs are small plastic disks that can be traced to the individual weapon charge. The system provides accountability for each use of the Taser via the dispersal of tiny unique coded tags every time the device is probe deployed.

**PASSIVE RESISTANCE:** Physical actions which do not actively or dynamically oppose an officer's attempt to control a suspect and do not pose a threat to the officer's safety. Actions such as remaining limp or simply refusing to act as instructed are passive resistance. Verbally indicating an intention to actively oppose an officer's attempts at control raises a suspect's resistance above purely passive.

**ACTIVE RESISTANCE:** Physical actions which actively and/or dynamically oppose an officer's attempt to control a suspect, or actions that a reasonable officer would believe pose a threat to his/her safety.

**PROBES:** Small metallic pins with a barbed point. The probes are used to transmit the electrical pulse into the target's body.

**ARC SWITCH:** An ambidextrous switch located forward of the trigger used to select options from the Taser X2 menu, to select a specific cartridge, or to activate the Taser X2 without deploying a cartridge.

**MPCTC Certified CEW Instructor:** An officer who is authorized by this agency to carry and/or use a specific electronic control device, has successfully met Maryland Police and Correctional Training Commissions (MPCTC) general instructor requirements, and has successfully completed an MPCTC approved training course for the specific manufacturer's model of an electronic control device for which the officer will be providing training.

#### **.10 LEGAL STANDARD:**

This Order is for departmental use only and does not alter any criminal or civil standard of care. The Department's policy and procedures should not be construed as creating a greater or higher legal standard of safety or duty of care in an evidentiary sense with respect to third party claims. Violations of this Order will only form the basis for departmental action.

#### **.20 TRAINING:**

1. Only officers who have successfully completed the Department's approved course of instruction on the CEW are authorized to carry and to use the CEW. Designated officers will receive an initial course of instruction on the use of the CEW from certified MPCTC CEW instructors. Additionally, designated officers will receive annual in-service training in accordance with the manufacturer's recommendations and MPCTC regulations.
2. Use of the CEW is currently restricted to officers specifically designated via Personnel Order by the Deputy Chief. Training will be developed and conducted by certified MPCTC CEW instructors. Initial and annual in-service training curriculums for CEWs will include, at a minimum: nomenclature, characteristics, capabilities, limitations, maintenance, safety, operating principles and technology, agency policy on the use of CEWs, use of force, escalation and de-escalation of force and deadly force, judgment/decision making, legal considerations, physiological and psychological effects, target zones, defensive measures, potential for collateral occurrences, after care measures, side effects, and individuals with an elevated risk.
3. Only sworn officers demonstrating proficiency in the use of CEW during initial and annual in-service training may carry or utilize CEW. "Demonstrating proficiency" means attaining a

score of at least 80% on a written test covering the training topics and successfully demonstrating, to a certified MPCTC CEW instructor, skills in the safe handling and deployment of a CEW. In addition, officers must successfully complete an initial CEW certification course. Officers attending the initial training course will be exposed to the CEW under the supervision of a certified MPCTC CEW instructor. Training and testing, both academic and practical/skills, will be documented by the Training Unit. The Training Unit will also submit the names of certified CEW users to MPCTC.

4. In the event that an officer is unable to successfully demonstrate proficiency with a CEW during annual in-service training, the course instructor will immediately notify the Training Unit Supervisor. If, after reasonable remedial training avenues have been exhausted, the officer is unable to demonstrate proficiency with a CEW, the Training Unit Supervisor will notify the Deputy Chief, in writing and via chain of command, of the officer's unsatisfactory performance, and the officer's designation to carry a CEW will be removed. The Training Unit Supervisor or the officer's supervisor may also immediately suspend the officer's designation to carry a CEW at any time.
5. During initial CEW training, and before being issued a CEW, all designated officers will be issued copies of, and instructed in, all of the Department's General Orders concerning use of force and CEW use. The Training Unit will document the issuance of, and instruction in, these General Orders.
6. Supervisors will receive annual in-service training for CEWs to include, at a minimum: nomenclature, characteristics, capabilities, limitations, maintenance, safety, operating principles and technology, agency policy on the use of CEW, use of force, escalation and de-escalation of force and deadly force, judgment/decision making, legal considerations, physiological and psychological effects, target zones, defensive measures, potential for collateral occurrences, after care measures, side effects, and individuals with an elevated risk.
7. Use of Force Reports involving the deployment of a CEW will only be reviewed and approved by supervisors and commanders who have received the annual CEW in-service training or who have completed CEW operator certification training.

### **.30 AUTHORIZATION, ISSUANCE, AND INSPECTION:**

1. Following the successful completion of initial CEW training and submission of names to MPCTC, the Training Unit will issue officers, who are specifically designated by the Deputy Chief, a Taser® X26 or X26P should the weapon be available. The Training Unit will file this original record, and will forward a copy documenting the issued equipment to the Manager, Fiscal Unit.
2. Officers who have been issued a CEW will inspect their weapon and conduct a "spark test" prior to each tour of duty. Officers who have been issued a CEW will also inspect their weapon after each use. Additionally, CEWs will be inspected for damage and serviceability during monthly inspections by the designated members' supervisors. Damaged or unserviceable CEWs will be immediately removed from duty and returned to the Training Division for repair or replacement. The Digital Power Magazine (DPM) or Power Performance Magazine (PPM) will be replaced if the charge display is less than "20."
3. The Training Unit, in conjunction with the Department's defensive tactics instructors, will continually evaluate the effectiveness of the Department's CEWs in comparison to other available less-lethal weapons systems. In the event that the Training Unit believes that the Department should replace its CEWs with more effective less-lethal weapons, they will submit such recommendation in writing, via chain of command, to the Chief of Police.
4. Officers will carry and utilize only those CEW that were issued to them by the Department.

5. Officers who are issued a CEW are responsible for properly syncing the CEWs on a quarterly basis. Officers will also sync/download their CEWs after each deployment and whenever firmware updates are issued by Axon. Officers will also sync their CEWs during time changes (i.e. Daylight Savings Time, etc.)

#### **.40 USE OF A CEW:**

1. Any use of a CEW will be in accordance with the use of force policy and guidelines specified in [G.O. 705, "Use of Force,"](#) and as defined in that order as "appropriate force."
2. When feasible, officers will give a verbal warning that the CEW is about to be used, and will give verbal commands and directions for compliance during CEW uses.
3. CEWs will only be used on persons posing an imminent threat of physical injury to themselves or others.
4. The ARC switch should not be the primary method of activating the Taser X2.
5. The ARC switch should primarily be used to activate the Taser X2 when the officer is giving a Taser warning, or when the decision has been made to re-activate a deployed cartridge without deploying a loaded second cartridge, or when the decision has been made to re-activate both deployed cartridges. The ARC switch should be activated for five (5) seconds every time it is activated.
6. Consistent with CEW training, when an officer causes the "initial probe deployment," he will release the trigger to allow the automatic "5-second" deployment to activate, and he will not hold the trigger down for an undetermined length of time.
7. CEWs may be used against an animal that is a hazard or is threatening or is attacking a person, including officers, or another animal.
8. The CEW is a less-lethal weapon, and is not intended to replace the firearm in deadly force situations.
9. Officers may request that a certified CEW operator respond to their location for potential appropriate application of the CEW as a use of force under circumstances dictated in this general order and in [G.O. 705, "Use of Force."](#) Requesting officers will broadcast a brief description of the circumstances involved, and will notify their supervisor, if feasible. Supervisors will monitor all requests for CEW responses, and will intervene when appropriate.
10. In deadly force situations, an officer capable of deploying deadly force will always be designated as a cover officer to the officer potentially deploying a CEW. This officer will be in the cover position, ready to deploy deadly force if appropriate, prior to the deployment of the CEW.
11. CEWs will be carried in their protective holsters. CEWs may be kept in the secured passenger compartment of the cruiser, but once removed from the car, they will be carried in their issued holsters except while being used.
12. **CEWs will be carried on the non-firearm side of the duty belt with the straight draw configuration in the issued holster. CEWs will not be drawn at the same time as a firearm.**
13. No changes, alterations, modifications, or substitutions will be made to the CEW other than those recommended by the manufacturer and approved by the Deputy Chief.

14. Following the probe deployment of a CEW, the CEW cartridge and probes used will be placed on property as evidence. The probes will be treated as biohazard sharps. The officer collecting the cartridge and probes will wear latex gloves when handling them. The wires will be wound around the cartridge. The probes will be inverted into the portals from which they were fired. This will prevent sharp ends from penetrating the evidence bag. Tape will be placed over the portals to secure the probes in the cartridge. Additionally, at least two AFIDs will be placed inside the evidence bag with the air cartridge. The number from the AFIDs will be logged on the related incident report.
15. Any officer who uses a CEW will notify his immediate supervisor as soon as possible, if the immediate supervisor is working. If the officer's immediate supervisor is unavailable or if the incident occurs while the officer is off-duty, then the on-duty Patrol Division supervisor will be notified.
16. The Court of Appeals of Maryland, in Reid v. State, ruled that a CEW used in probe deployment mode turned what otherwise may have been a Terry stop into a de facto arrest for Fourth Amendment purposes. Officers are required to have probable cause to arrest prior to using their CEW in probe deployment mode during criminal investigations. This does not prohibit the officer from utilizing the CEW in probe deployment mode if objectively reasonable when necessary to accomplish a legally permitted law enforcement activity such as the service of an emergency petition.

**.50 PROHIBITED USES OF A CEW :**

CEW will not be used under the following circumstances:

1. In a punitive or unnecessarily threatening manner;
2. As a prod or escort device;
3. On an individual whose resistance is solely passive;
4. On an individual who is only attempting to destroy evidence;
5. Inconsistent with training procedures;
6. In close proximity to known flammable liquids or gases, or explosive materials;
7. When potential incapacitation of the subject would expose the subject to serious bodily injury or death (e.g. a fall from a high place or in water; when the subject is handcuffed and running; when the subject is running across a hard surface where he is likely to strike his head during a fall), except in a scenario where deadly force is justified;
8. When an individual is in care and control of any vehicle or machinery.
9. When a police canine has been deployed for suspect apprehension or handler protection, except if the canine has become ineffective for the purpose deployed;
10. In violation of [G.O. 705, "Use of Force."](#)

**.60 SPECIFIC FACTORS:**

When reasonably perceived by the officer, the following factors will be considered by the officer when deciding to utilize a CEW. The known presence of these factors will require enhanced justification for deciding to utilize the CEW:

1. Known pregnant female;
2. Elderly persons, small children, and those individuals under eighty (80) pounds;

3. Individuals with known heart problems, neuromuscular disorders, or otherwise frail and infirm;
4. Persons exhibiting obvious signs of medical or mental crisis;
5. Persons demonstrating obvious signs of drug or alcohol intoxication;
6. CEW discharged multiple times on an individual;
7. Potential significant injury to a running suspect ;
8. Persons who are handcuffed or otherwise partially restrained; or,
9. Intentional CEW application outside of the target areas recommended by the manufacturer, such as the face, neck, genitalia, or chest. Without exigent circumstances, the CEW will not be intentionally aimed at these areas.

#### **.70 SUPERVISOR RESPONSIBILITIES:**

1. The supervisor will respond to the scene of the CEW usage, and investigate the use of force per [G.O. 705, "Use of Force."](#) which will include causing photographing of probe impact sites or drive stun marks on the subject/animal on which the CEW was used.
2. Supervisors will respond to any anticipated CEW deployments.
3. Supervisors will ensure that EMS is activated following all CEW deployments, and that subjects that CEW have been used on are evaluated and treated by medical personnel.
4. Supervisors will conduct visual inspections of subordinates' assigned CEW and related equipment during monthly inspections.

#### **.80 REPORTING CEW USE:**

1. A Use of Force Report (Form OSB-11A) will be submitted by any officer who uses a CEW as required under [G.O. 705, "Use of Force."](#) The supervisor of the officer will download data documenting the deployment from the CEW onto a designated computer using the Taser Evidence Sync program. The downloaded data will be printed and attached to the officer's Use of Force Report. The supervisor will complete Form OSB-11B.
2. Form OSB-024 ("Empty-Hand Control / Pointing of Firearm" Use of Force Report) will be submitted any time an officer aims a CEW at a person.
3. The mere un-holstering or presentation of a CEW, use of a CEW for training, or CEW use on an animal, will not require a Use of Force Report to be completed. Use on an animal or an accidental cartridge discharge must be documented via the Department's incident reporting system.
4. Officers will complete appropriate incident reports, and will place the spent air cartridge and probes in property following a probe deployment.
5. Officers will photograph the probe impact sites / drive stun marks following the use of a CEW. If the impact sites/marks are in a private area, the officer will ask permission of the subject to have a same sex officer or medical personnel photograph the impact site/marks at the medical facility where the subject is treated.
6. A Taser Contact Form (Form SOD-017) will be read to any person a CEW has been used on and completed as soon as reasonable after the CEW use. Medical aid rendered to the person will not be delayed in order to read the form. The completed form will be attached to the "Use of Force Report" with the paperwork documenting the incident. CEW training

deployments are accepted.

7. Per House Bill 507, "Electronic Control Device (ECD) Reporting," the FPD will submit an annual report titled, "Electronic Controlled Device Discharge Report" to the Maryland Governor's Office of Crime Control and Prevention (GOCCP) prior to March 31<sup>st</sup> of the following calendar year containing all required ECD data for the year. The Support Services Division Commander will designate one of the Department's MPCTC certified ECD Instructors to complete and submit the required report to the State each year.

**.90 MEDICAL TREATMENT OF TASED PERSONS:**

1. Following the use of a CEW, the officer utilizing the weapon will ensure that appropriate steps are taken to determine if the use of the CEW caused injury to the suspect or any other person. All injured persons will be provided with appropriate medical aid as described in [G.O. 705, "Use of Force."](#)
2. An officer utilizing the CEW on an individual will immediately have EMS activated to provide medical aid. As soon as it is safe to do so, officers will place the suspect / arrestee in a recovery position that is less-likely to impair respiration. (E.g.; seated or on his side versus prone) An officer will monitor the suspect for medical complications prior to the arrival of EMS. Officers will not attempt to remove any probes that are still imbedded in the subject's body. During training, probes may be removed under the supervision of the class instructor following the training protocol.
3. All suspects who are in FPD custody on whom the CEW has been used will be transported to the hospital, even if the suspect wants to refuse treatment. If a suspect refuses treatment at the hospital, the arresting officer will copy paperwork documenting this refusal, and will provide a copy of this paperwork to Central Booking personnel, as well as submitting a copy of this paperwork with the arrest file. The suspect will not be left unattended for any period of time while in custody. If the suspect is treated at the hospital, the arresting officer will copy the arrestee's release paperwork, and will forward copies of this paperwork to the same locations. One exception to this requirement is a person who has been struck with a CEW who is not in FPD custody. EMS will be called for these individuals, but they are free to refuse treatment or transport by EMS. A second exception to this requirement is a person on whom the CEW is used for training purposes. During training, medical treatment will be obtained when appropriate.