



ELECTRONIC CONTROL DEVICE

INDEX CODE: 406
EFFECTIVE DATE: 11-18-09

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I. PURPOSE

The purpose of this policy is to establish guidelines for the use of Electronic Control Devices (ECD).

II. POLICY

The Anne Arundel County Police Department has issued the Advanced TASER (X26) to select trained officers, to provide those officers with additional use-of-force options for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations. It is the policy of the department that personnel may use the TASER when warranted, but only in accordance with the guidelines and procedures set forth in this directive and in the department's use-of-force policy.

III. PROCEDURES

A. Authorization

1. Only personnel who have been trained, demonstrated proficiency, and have been issued a departmental TASER and associated equipment, are authorized to carry and use it. Proficiency must be demonstrated at least annually, and be monitored by a certified TASER instructor.
2. Only the departmentally issued TASER (Model X26), issued TASER holster (mounted on the officer's weak/support side of duty belt), and issued TASER cartridges are authorized for use (*Exception: trained members of the Special Operations Section (SOS) are authorized to carry the TASER in an SOS drop leg or belt attached holster*). Trained personnel, who are carrying a departmental TASER while on duty, must have both (2) cartridges affixed to their TASER at all times. The only exception to this would be if the officer has deployed a single cartridge, and is awaiting a replacement cartridge.

B. Usage Criteria

1. The use of a TASER is considered a use of force and will be employed in a manner consistent with the department's use of force policy.
2. The TASER may be used when verbal dialogue has failed to bring about a subject's compliance, and the subject indicates the intention to actively resist the officer's efforts to arrest him/her, the subject is actively resisting arrest, or to prevent subjects from harming themselves or others.
3. A fleeing suspect will not be the sole justification for the use of the TASER. Severity of the offense and other circumstances will be considered before officers' use a TASER on a fleeing suspect.
4. The TASER may be used to display the ECD's "test arc" or "painting the subject with it's laser" in an attempt to gain compliance of the subject where resistance, assault, and/or violence is reasonably anticipated.
5. No more than one officer at a time should discharge a TASER against a person.

6. Whenever practical and reasonable, personnel should issue a verbal warning prior to discharging the TASER on a person. This could give the suspect the opportunity to voluntarily comply with the officer's lawful orders. If other officers are present, the deploying officer, prior to deployment, should consider announcing, if reasonably safe and feasible, "TASER!" This will give the other officers warning to either not engage or disengage from the suspect before the TASER is deployed.
7. When discharging the TASER, the officer should only use it for one standard cycle (five seconds), then stop and evaluate the situation. In an attempt to minimize the number of TASER discharges needed for subject compliance, officers should, while deploying the TASER, reasonably direct (order) the suspect as the incident mandates. Such verbal commands may include, "stop resisting," "lie flat," "put your hands behind your back," etc. Officers will only use the minimum number of activations necessary to place the suspect into custody.
8. The use of a TASER in "drive-stun" mode will not reliably or foreseeably incapacitate the suspect. Officers will not use the TASER in drive-stun mode if they reasonably believe that discomfort will not cause the subject to be compliant with the officers; i.e., TASER use in drive-stun mode on a drug induced highly pain-resistant subject.
9. Once a person is handcuffed or otherwise restrained, the use of the TASER is no longer justified. Officers will not use any restraint technique that impairs respiration of the suspect.
10. The TASER is not a substitute for deadly force, and generally should not be used in those situations. If a TASER trained officer does deploy the TASER in those situations, he/she must have another officer present to provide deadly force cover.
11. Officers may use deadly force to protect themselves from the use or threatened use of a TASER when the officer reasonably believes that deadly force will be used against them if they become incapacitated.
12. A TASER may be deployed on an animal when the animal is threatening or is attacking a person, including officers, another animal, or property.
13. When lawful and appropriate to do so, the deploying officer will take photographs of the probe impact sites and any related injuries.
14. When not in use, TASER's will be kept in a secure place, inaccessible to all persons who are not trained TASER operators of the department.

C. Elevated TASER Application Risk Factors and Justification Factors

1. The following factors, where apparent to involved officers, require additional justification of TASER use. This is because the risks of foreseeable direct or secondary injuries are elevated:
 - a. Presence of flammable liquids/fumes or explosive environments
 - b. Elevated positions
 - c. Person operating moving vehicle or machinery
 - d. Person running (fleeing)
 - e. Pregnant female
 - f. Swimming pool or other body of water
 - g. Intentional TASER application to sensitive areas
 - h. Frail or infirm individual
 - i. Non-standard repeated TASER applications
2. The following factors involve groups of people from which the general public commonly assumes that these individuals are not capable of being an imminent threat of death and/or serious bodily harm, or that these people should be treated more sensitively and compassionately by officers. Officers understand that the realities are that individuals from each of these groups do commit violent crimes, can be an imminent threat of death and/or serious bodily harm to officers, others, and themselves, can be so resistive that the use of a TASER is eminently justified, etc. However, since society generally places individuals within these groups into protected classes, officers using a TASER on one of these individuals will foreseeably be placed under heightened scrutiny and will likely be required to provide additional justification(s) for the use of the TASER. These groups include:
 - a. Children
 - b. Seniors
 - c. Passive subjects who are being taken into custody.

D. Post TASER Medical Attention

1. All individuals who have been exposed to the TASER by probe deployment or by drive stun will be transported to the hospital by EMS personnel (*an exposure is defined as a probe entering the skin or when an individual experiences Neuro-Muscular Incapacitation by probe deployment or experiences the effects of a drive stun*). The individual will be medically evaluated and if necessary will have the probes removed while at the hospital. (This does not apply to officer exposure during training or if an officer receives a secondary exposure while taking a subject into custody).
2. EMS personnel will be summonsed to the scene by the deploying officer. If the probes have penetrated the skin, EMS personnel should be advised to not remove them prior to transport. The probes should only be removed by a doctor or authorized medical staff at the Hospital.
3. Officers may remove probes which have penetrated clothing and are not intact with the skin. If this occurs, the subject is still required to be transported to the hospital by EMS personnel for a medical evaluation, *if they experience Neuro-Muscular Incapacitation. If the subject does not experience Neuro-Muscular Incapacitation, due to an incomplete circuit (i.e., only one probe making contact to the clothing), then a medical evaluation is not necessary.*
4. Should the probes impale a sensitive area, (head, neck, hands, feet or genitalia) officers will attempt to stabilize the probes in place until EMS personnel arrive on scene. Officers will instruct EMS personnel to continue probe stabilization until the probes can be removed by a doctor or authorized medical staff at the Hospital.
5. Scene security or volatility may necessitate selecting an alternative location for meeting medical personnel for transport. This may be accomplished by moving the subject to a neutral secure location, police facility and/or fire station.
6. Probes that have been deployed and strike the subject (penetrate the skin) will be treated as biohazard sharps. They may be placed point down into the expended cartridge bores and secured (i.e., with latex gloves(s), tape, etc. They will be transported to the station and placed in a sharps container, unless they are needed as evidence, or discarded in the proper receptacle at the Hospital.

E. AFID (Anti-Felon Identification) System

This system provides accountability for each use of the TASER via the dispersal of tiny coded tags. Every time the device is “probe deployed”- a cartridge is discharged. AFIDs shall only be collected and maintained as evidence if reasonably necessary, such as where identification of who discharged the TASER is a foreseeable problem or issue. If a supervisor determines that the AFIDs need to be collected and maintained as evidence, then ECU should be contacted for evidence collection. The AFIDs will be placed into evidence with any expended cartridge.

F. Supervisors Responsibilities

A patrol supervisor in the district of occurrence is responsible for the following actions:

1. Respond immediately to all incidents of ECD deployment.
2. Ensure proper medical attention is requested.
3. Ensure expended cartridge and probes are treated and disposed of as biohazard sharps, unless required for evidence.
4. Determine whether AFIDs and expended cartridges will be needed as evidence based on unanticipated injury to the suspect.
5. Ensure all reporting requirements are met and arrangements are made to transport the TASER to a *District Executive Officer*, SOS or SES Lieutenant for dataport tracking and cartridge replacement.

G. Reporting Procedures

1. Accidental discharges, as well as intentional discharges of the TASER will be immediately reported to a supervisor.
2. A Use-of-Force Report will be completed following all discharges of the TASER except during testing and training. Although a Use-of-Force report is not required for an accidental discharge or use on an animal, an Incident Report is required.

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3. Intentional discharges of the TASER on a person will be reported to the District Executive Officer, SOS or SES Lieutenant as soon as possible. The TASER does not have to be placed out of service before this occurs, unless both cartridges have been expended. The Lieutenant will conduct the dataport download from the TASER and provide the officer a cartridge replacement. A copy of the report generated through the dataport download will be attached to the Use of Force Report and forwarded through the chain of command. TASER replacement cartridges will be tracked, logged and inventoried by the District Executive Officer, SOS and SES Lieutenants.

IV. PROPONENT UNIT: Training Academy.

V. CANCELLATION: This directive cancels Index Code 406, dated 01-24-08.