

# THURMONT POLICE DEPARTMENT

## GENERAL ORDER

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Authority: Chief of Police

David Armstrong

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Subject: *Electronic Control Device - Taser*

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Accreditation Standard: Chapter 1.3.4

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This Directive is for internal use only, and other than as contraindicated here this Directive does not create or enlarge this Department's, governmental entity's, any of this Department's officers, and/or any other entities' civil, criminal, and/or other accountability in any way. This Directive is not to be construed as the creation of a standard of safety or care in any sense, with respect to any complaint, demand for settlement, or any other form of grievance, litigation, and/or other action. Deviations from this Directive, if substantiated, can only form the basis for intra-Departmental administrative action(s) (including discipline and/or termination).

### I. PURPOSE:

To specify the type of electronic control devices (ECD) 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.

### II. POLICY:

It is the policy of the Thurmont Police Department that its members will use the Taser only in accordance with the Subject Management Policy. In addition, no member will be issued or permitted to carry or use a Taser until they have been trained in its use and demonstrated proficiency with it on an annual basis. The provisions of the Order apply to personnel both while on and off duty.

### III. DEFINITIONS:

Electronic Control Device (Taser) – is a less-lethal weapon that emits an electrical energy charge which causes Neuro-Muscular Incapacitation (NMI) disruption that affects the sensory and motor functions of the central nervous system. Taser is a copyrighted trademark symbol and shall be treated accordingly.

Display – the visible presence of the Taser outside of the holster and/or pointing a taser at a subject.

Deployment – the discharge and delivery of an electrical energy charge via the probes and/or a drive stun.

Probe Mode – firing two (2) probes up to twenty-one (21) feet from a disposable cartridge, which one connected to the Taser by insulated wires and release electrical discharge pulses into the body.

Drive Stun Mode – when the Taser is applied directly to the body, consistent with training, as a pain compliance technique.

#### IV. PROCEDURE:

Electronic Control Device (ECD) (TASER).

A. The Taser is deployed as an additional law enforcement tool and is not intended to replace firearms or self-defense techniques. The Taser may be utilized to assist in gaining control of a dangerous or violent subject when deadly physical force doesn't appear to be justified and/or necessary; or attempts to subdue the subject by other conventional tactics have been, or will likely be ineffective in the situation at hand, **and verbal de-escalation techniques have been attempted**, and here is reasonable and articulable expectation that it will be unsafe to achieve contact range (e.g., known police fighter, known differences in size and strength, known disparity in relative skill level, prior knowledge of subject.)

B. Deployment:

1. The use of the Taser is only justified is the officer believes the subject(s) present a risk of immediate danger that could be mitigated by the use of the Taser. A Taser should not be used in situations where individuals are non-compliant or resistant unless the noncompliance or resistance creates a risk of immediate danger that can be mitigated by use of the Taser.
2. The Taser will only be assigned to, and used by, sworn officers who have been trained and are currently certified in its use. Training will be provided through annual in-service.
3. Only properly functioning and charged Tasers will be carried by the officers. Any Digital Power Magazine (DPM) registering a battery life of less than 25% will not be used and will be turned in for a new DPM.
4. Always replace the Cartridges by their expiration date, and ensure the batteries are properly charged.

5. An officer will immediately notify Communications and Supervisor after he/she discharges the Taser. A Supervisor or officer at the scene will ensure that photographs are taken of the subject.
6. Officers will announce "Taser," if possible, to other officers before the Taser is deployed. This will let the officers involved know that the Taser is being deployed, so that it is not mistaken by sight or sound of firearm discharge.
7. The Taser shall only be used to accomplish the legitimate objective of stopping the assaultive behavior of individuals that pose an imminent threat of physical injury to others and bring the subject under control. As with any use of force, the officer must continually reassess the situation to ensure the level of force is appropriate. When deploying the Taser, only the minimal number of cycles of energy should be administered to accomplish control. Officers should be aware that the subject may not be able to respond to commands while an electrical charge is being released from the Taser. The subject should be secured as soon as practical to minimize the number of electrical charges.
8. No more than one Taser may actively deliver electrical charges against a suspect at one time.
9. The officer will not intentionally target the suspect's groin, neck, face, hands, feet, or anywhere on the head with the Taser, as it could result in serious injury.
10. Officers may use the Taser against a domesticated or wild dangerous animal that presents a risk of immediate danger to themselves or others that could be mitigated by the use of the Taser.

C. Discharge:

1. Once discharged operationally, the Taser cartridge, wire leads, darts and the anti-felon identification (AFID) tag shall be placed into Property/Evidence as evidence prior to the end of the shift. The Property/Evidence Section will maintain custody of the canister for a minimum of thirty-nine (39) months. Since the probes may have blood on them (biohazard), the officers shall wear protective latex gloves when handling.

2. The Taser shall not be used in the following situations:
  - a. On a handcuffed suspect, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
  - b. Against small children, frail and/or elderly, individuals who are obviously pregnant, known mentally ill persons, or have an apparent medical condition unless they present an immediate threat of physical injury to others and officers.
  - c. Against a suspect in physical control of a motor, battery or manpower propelled vehicle in motion unless exigent circumstances exist and that person presents an imminent danger to others .
  - d. Against a fleeing individual unless there is an objectively reasonable and necessary reason to do so (e.g. – clear and imminent danger to officers and/or citizens.)
  - e. In an environment where an officer knows that flammable or explosive materials are present.
  - f. Officers should use caution on persons on elevated platforms or other areas where it is likely a fall from that height may cause serious injury.
  - g. Care should be taken in use around water to avoid a possible drowning.
  - h. The Taser shall never be used in a punitive manner.
  - i. The Tasers will not be used during peaceful civil disobedience situations against subjects engaged in passive resistance.
  - j. Officers should consider restricting the use of a Taser on persons under the influence of drugs or intoxicated by alcohol due to a heightened risk of serious injury of death.
  - k. A taser may not be used as a pain compliance device.

3. Drive Stun Mode – is discouraged unless a probe deployment is not possible, or the Taser has already been discharged AND the immediate application of the drive stun (consistent with training) will bring a subject displaying active resistance or active aggression safely under control.
  - a. Multiple drive stuns are discouraged.
  - b. Factors that should be considered when using the Taser in Drive Stun Mode:
    - 1) Primarily used as a pain compliance tool due to the lack of probe spread.
    - 2) Does NOT inhibit the central nervous system of the subject and is therefore less effective when compared to conventional Probe Mode discharge.
    - 3) More likely to leave marks on the subject’s skin.
    - 4) The mode is subject to the same guidelines and restrictions as a Probe Mode Taser discharge.
    - 5) Least preferred method because of the above listed factors.
  - c. Following the delivery of an electrical charge, officers will use a restraint technique that does not impair respiration.

D. Supervisors:

1. Will ensure that photographs are taken of the suspect as soon as practical after the use of a Taser. Particular attention will be taken to photograph the impacted area and any obvious physical injuries.
2. Monitor the use of Tasers and related tactics.
3. Ensure that the officer(s) who use the Taser complete a Subject Management Report, an Incident Report, and the Subject Management Notification Report, detailing their actions. The Subject Management Notification will be forwarded to the Supervisor, Deputy Chief of Police, and the Chief of Police.
4. Investigate each incident in which the Taser is used and review the pertinent reports, providing their findings.

E. After Care:

1. All subjects, upon whom a Taser has been discharged, will be evaluated, or treated by competent medical personnel (Department of Fire and Rescue Services). All subjects will be transported to a hospital for medical evaluation and/or treatment following a Taser discharge, unless the subject declines transportation to the hospital. **If so, EMS will record whether the patient screening reveals any lack of medical decision-making capability to ensure the subject is capable of signing the refusal of medical treatment form.** Only medical personnel will remove the probes.
- 2) If the subject was transported to the hospital, the officer must receive a clearance from the Emergency Room physician prior to departing the hospital. Documentation will be made in the Subject Management Report and Incident Report.

F. Detention Areas:

1. The Taser must be locked in the officer's trunk or in a mounted weapons locker before entering the Frederick County Detention Center or any T.P.D. detention area, unless a detainee has been combative with officers or has verbalized their intention to become combative.

G. Storage:

1. The Taser may be stored and transported in the trunk of the officer's vehicle.
2. The Taser cartridge shall be removed when it is stored in the officer's residence.

H. Inspection of Tasers:

1. Officers shall check their issued Taser at the beginning of each shift to ensure that the unit is adequately charged and free of damage. This inspection should include the Taser's firing bay to ensure it is free from dirt and dust, and a brief spark test.
2. Officers shall routinely inspect the Taser's cartridges to ensure the cartridge doors are free of debris and the cartridge has not expired.
3. Supervisors, or the designee, will inspect tasers on a quarterly basis.

4. All incoming shipments of Tasers shall be inspected by a certified instructor prior to issue or placement into active inventory. This inspection shall ensure that the approved product has been delivered and that the devices are free of defects. Any Taser found to be defective or not functioning properly shall not be issued or placed into service.

I. Record Keeping:

T.P.D. certified instructor or training division shall be responsible for issuing and maintaining all records for Tasers.

J. Community – Agency Relations:

Annually the Chief of Police may arrange to have an informative discussion with citizens of Thurmont during a community event or meeting to educate the public about ECDs. The public will be informed about their advantages to other weapons used by the agency, the risks posed by their use, and how the agency intends to use them.

**DOCUMENT DATES :**

*Amended Date: 8-20-24*

*Review Date:*

*Review Date:*

*Review Date:*

*Rescinds:*

*Order Written By: Lt. Jerry Morales*

*Order Edited and Approved By: Chief David Armstrong*

*Accreditation Standards Included in this Order*

**CHAPTER**