



OFFICE OF THE COUNTY SHERIFF
Montgomery County, Maryland
Darren M. Popkin, Sheriff



GENERAL OPERATIONAL PROCEDURES

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
<i>Electronic Control Device (ECD)</i>	3.01.D	08/04/14

Purpose: The purpose of this directive is to establish policies and procedures for carrying and using *Electronic Control Devices (ECD)*. (1.3.4)

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I. Definitions

- A. Taser: ***An electronic control device issued as a protective instrument, which utilizes neuro-muscular incapacitation technology to temporarily incapacitate an individual. The taser utilizes compressed nitrogen to project two (2) small probes. These probes are connected to the weapon by insulated wires. When contact is made with a subject, they transmit an electrical pulse along the wires and into the body. The probes do not have to penetrate the flesh to be effective. The taser may also be discharged as a contact device with or without the use of the air cartridge.***
- B. AFID Cartridge Tracking: Each time an air cartridge is fired; up to forty (40) small confetti-like microdot ID tags called AFIDs are ejected. Each AFID is printed with the serial number of the air cartridge fired; allowing the Office to identify which taser fired the air cartridge.
- C. ***Passive Resistance: A refusal by an unarmed person to comply with a deputy's verbal command in such a way that the subject does not use physical force of any kind towards the deputy.***

II. Authorized *Electronic Control Device (ECD)* (1.3.9.a)

- A. The only authorized *ECD* are the office issued tasers as specified in General Operational Procedure 3.01.A, Authorized Weapons.

- B. The tasers comes in two (2) colors, yellow and black.
 - (1) All deputies authorized to carry and utilize the taser must use the yellow model, with the exception of the Sheriff's Office Special Response Team (SRT) deputies.
 - (2) SRT deputies are authorized to carry and utilize the black model taser on SRT operations or when assigned to a tactical detail. The black model taser is not to be worn when assigned to Court duty.

III. **Training (1.3.10)**

- A. Prior to being issued or authorized to carry a taser, deputies must successfully complete an approved user certification course.
- B. Any deputy wanting to continue to carry and utilize the taser must annually complete a re-certification course.
- C. A certified taser instructor must monitor all certification and re-certification courses. **(1.3.11.a)**
- D. All certification and re-certification course records must be forwarded to the Training Section Lieutenant and are maintained in the deputy's training file. **(1.3.11.b)**

IV. **Assignment of the Taser**

- A. *Tasers* will be issued to all *taser certified* deputies as they become available.
 - (1) Deputies who are issued a taser must carry the taser on their person whenever they are on-duty, except,
 - (a) When they are at a firing range,
 - (b) When they are assigned to administrative duties, and are not engaged in enforcement activities,
 - (c) When they are attending any professional improvement training and the training does not require the use of their issued taser,
 - (d) When they are engaged in an undercover or plain-clothes assignment where a Section Supervisor determines that the use of the taser would compromise the assignment,
 - (e) When they are attending an event where the issued dress blouse is required to be worn,
 - (f) When they are utilizing a commercial carrier,
 - (g) When the Sheriff or Chief Deputy determines that wearing of the issued taser is optional.
 - (2) Deputies issued a taser will be held accountable for the proper care, custody, and use of the taser.

- (3) The issued taser and cartridges will have a history record that will be maintained by the property custodian as outlined in General Operational Procedure 3.05, Issued Equipment/Uniforms. **(1.3.9.e)**

V. Use of the Taser

A. *General*

- (1) *Deputies must inspect **their taser prior to starting each tour of duty**. This inspection includes:*
 - (a) Checking for proper charge;
 - (b) *Removing* the air cartridge, conducting a spark test; *and*
 - (c) Checking for any damage or malfunction.
- (2) In the event the taser is damaged or malfunctioning, the deputy must fulfill the reporting requirements in Section VII of this directive.
- (3) All deputies carrying a taser must carry it in *an* approved holster, and must wear it on the opposite side of the body from their handgun. ***The only approved holsters are the BlackHawk Serpa, Blade-Tech or Taser eXoskeleton holsters.***
 - (a) *Deputies may attach the approved holster to a black manufacturer's corresponding thigh platform.*
 - (b) *Deputies choosing to carry the taser in this configuration must purchase their own platform.*
- (4) *If practical, deputies must* announce "Taser" to the other deputies on the scene prior to discharging the taser.
- (5) ***Deputies must only use a taser for one standard cycle of five (5) seconds and then evaluate the situation to determine if subsequent cycles are necessary. In determining the need for additional cycles, deputies must consider that the individual may not be able to respond to commands either during or immediately following a taser exposure. Assisting deputies must attempt to gain control or handcuff the subject during the five (5) second cycle.***

B. *Appropriate Use*

- (1) *The taser may be used as a de-escalation technique by sparking the taser from a safe distance without a cartridge, as well as pointing the taser's laser at the subject in order to gain compliance prior to deploying the taser.*
- (2) *The taser may be used against subjects who are exhibiting active aggression or who are actively resisting in a manner that, in the deputy's judgment, is likely to result in injuries to themselves or others.*

- (3) *The taser may be used in probe mode, to incapacitate a subject who is fleeing when the deputy has probable cause to believe the subject fleeing is involved in criminal activity. However, fleeing should not be the sole justification for using a taser. Deputies should consider the severity of the offense, the subject's threat level to themselves or others, and the risk of serious injury to the subject before deciding to use a taser on a fleeing subject. (Reid v. State, 428 Md. 289, 292)*
- (4) *The taser may be used during Office authorized training or presentations.*

C. *Prohibited Use*

Deputies are prohibited from using the taser under the following circumstances:

- (1) *In a punitive or malicious manner.*
- (2) *As a prod or escort device.*
- (3) *To rouse unconscious, impaired or intoxicated individuals.*
- (4) *On people who are passively resisting.*
- (5) *On handcuffed subjects, unless the subject poses an imminent threat to themselves, the deputy, or others and other techniques have been or would have been ineffective.*
- (6) *To experiment on a person or allow a person to experience the taser even if the person requests it. This prohibition does not apply to sworn personnel during training or presentations that are authorized by the Office.*
- (7) *In a known flammable or explosive environment, such as a methamphetamine lab or when alcohol based OC spray was used, unless deadly force is the only option; and*
- (8) *The taser must not intentionally be aimed or discharged in the area of the heart, eyes, face, head, throat, neck, breast, or groin unless deadly force is the only option.*

D. *Elevated Risk Factors*

The Office discourages using the taser under the following conditions due to the increased risk of harm to the subject. However, deputies may face circumstances that dictate the necessity to utilize the taser when elevated risk factors are present. Deputies must specifically articulate the circumstances justifying the use of the taser when:

- (1) *The immediate surroundings create an obvious undue hazard, such as the subject falling from a significant height or falling into water.*

- (2) *The subject has control of a moving motor vehicle.*
- (3) *The subject is elderly, frail, a small child or is obviously pregnant.*
- (4) *Taser applications of more than three (3), five (5) second cycles or drive stuns are used.*
- (5) *More than one taser is simultaneously used on the same subject. This applies even when combined use with another agency.*

VI. Responsibilities

- A. In the event the taser is discharged, the discharging deputy must:
 - (1) *Take photographs of all visible signs of injury by the taser and any secondary injuries. This includes the taser probes in the skin or clothing before removal and any marks produced by the taser drive stun.*
 - (2) *Document the impact site area by taking photographs above and beneath the clothing even if there are no visible signs of injuries.*
 - (3) *Remove probes penetrating the skin in non-sensitive areas. Deputies are responsible for providing first aid after removing the probes by applying an alcohol wipe, and, if needed, a band aid. The probes must be treated as biohazard sharps, and disposed of accordingly.*
 - (4) *Have medical personnel remove probes from sensitive areas, such as the eyes, face, breast, throat, head, neck, groin or probes that are deeply embedded in a body part.*
 - (5) *Collect the expended air cartridge, including the probes, and a limited number of microdots.*
 - (6) *Report the discharge, including any accidental discharges of the taser to a supervisor as soon as possible.*
 - (7) *Fulfill the reporting requirements in section VII of this directive.*
- B. *If discharged or damaged, replacement cartridges must be obtained from the property custodian after submission of a completed Request for Replacement Equipment/Uniform Form (MCSO147).*

VII. Required Reports and Notifications (1.3.6.b., 1.3.6.c)

- A. *Deputies must comply with the reporting and notification requirements of General Operational Procedure 3.01, Use of Force when the taser is deployed.*
- B. *If the air cartridge is utilized, the expended air cartridge, including the probes and microdots must be collected and submitted as evidence in accordance with General Operational Procedure 3.25, Evidence and Property Management.*

- C. All reports regarding the deployment of the taser will be reviewed in accordance with *General Operational Procedure 3.01*, Use of Force and the data collected will be included in the annual analysis conducted by the Chief Deputy. **(1.3.7, 1.3.13)**
- D. If the taser is accidentally discharged, the discharging deputy must:
 - (1) Notify the on-duty supervisor.
 - (2) Complete and submit an Incident Report (MCSO9) in accordance with General Operational Procedure 3.11, Incident Report Writing.
 - (3) Submit a copy of the Incident Report (MCSO9), expended air cartridge, *probes* and microdots to *the Property Custodian* as soon as practical.
 - (4) Make the taser available for the Taser Technician to perform a data download.
 - (5) Submit to the Property Custodian a completed Request for Replacement Equipment/Uniform Form (MCSO147) to receive a replacement cartridge.
- E. If the taser is damaged or malfunctions, the deputy must complete and submit an Incident Report (MCSO9) in accordance with General Operational Procedure 3.11, Incident Report Writing *and give* the damaged taser to a Taser Technician as soon as practical. **(1.3.9.d)**

VIII. Taser Technician Responsibilities

- A. The Taser Technician is responsible for:
 - (1) *Inspecting and approving* each taser before it is issued to a deputy. **(1.3.9.c)**
 - (2) Removing any unsafe or damaged tasers from use. The *Taser Technician* must give the damaged taser to the Property Custodian *who* will return the *taser* to the manufacturer for repair or replacement. **(1.3.9.d)**
 - (3) Conducting an inspection and download each time a taser is deployed or discharged *except for training*.
 - (4) Conducting an annual inspection and data download on all tasers.
 - (a) This inspection must be documented on a Taser Inspection Form. (MCSO40).
 - (b) Once all taser inspections have been completed, the Taser Technician must forward the original inspection forms to the Planning and Policy Management Section who maintains the records for a period of three (3) years. **(82.1.3)**

- (5) Compiling information each January about the previous years' taser discharges. The information is required by MD Code, Public Safety Article, § 3-508 and must be in the format provided for in the law. The Taser Technician must forward the discharge data in the proper format to the Training Section Lieutenant. The Training Section Lieutenant must submit the information to the Maryland Statistical Analysis Center by March 31 of each year.
- (6) Coordinating the training required by Section III of this directive with the Training Section Lieutenant.
- (7) Maintaining a current list of all deputies certified to carry the taser. **(1.3.10)**

IX. CALEA Standards

1.3.1, 1.3.4, 1.3.5, 1.3.6.b, 1.3.6.c, 1.3.7, 1.3.9.a, 1.3.9.c, 1.3.9.d, 1.3.9.e, 1.3.10, 1.3.11.a, 1.3.11.b., 1.3.13, 82.1.3

X. Cancellation

This directive cancels and replaces General Operational Procedures 3.01.D, Effective Date: *05/20/09*.

AUTHORITY:


Darren M. Popkin, Sheriff
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