1. Purpose

To provide Harford County Sheriff's Office (HCSO) employees with guidelines for proper deployment of the Conducted Electrical Weapons (CEW) and the actions which shall take place thereafter.

2. Policy

Deputies have been given the responsibility to protect and serve all citizens while balancing the need for officer safety and are granted the authority to use force when necessary to accomplish lawful ends. This authority is grounded in the laws of the State of Maryland, the United States Constitution, Court rulings and the provisions of this policy. Recognition of, and respect for the dignity of all persons and the value of human life shall guide all training, leadership, and procedures, as well as guide deputies in the use of force.

3. Definitions

ACTIVE RESISTANCE: physical evasive movements or behaviors to defeat a deputy's attempt at arrest or control, including physical bracing, twisting, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into custody.

ACTIVE AGGRESSION: overt, hostile, attacking movements or actions by a subject, which may cause injury to the deputy. This aggression may manifest itself through actions including, but not limited to, punching, kicking, biting or pushing.

AGGRAVATED AGGRESSION: when a subject's actions create an objectively reasonable perception on the part of the deputy that the deputy or another person is subject to imminent death or serious physical injury as a result of the circumstances and / or nature of an attack. Aggravated Aggression represents the least encountered but most serious threat to the safety of law enforcement personnel or another person.

ARMED SETTING: the CEW is fully armed and ready for immediate deployment.

AUTOMATIC-SHUTDOWN PERFORMANCE POWER MAGAZINE (APPM): the re-chargeable lithium power supply system for the CEW.

CONDUCTED ELECTRICAL WEAPON (CEW): the CEW is a less lethal weapon that emits an electrical energy charge which causes neuromuscular incapacitation (NMI) that affects the sensory and motor functions of the central nervous system.
DRIVE STUN: the process where the CEW user makes physical contact with the target, exposing the target to an electrical current without the deployment of the probes; therefore not causing NMI.

PASSIVE RESISTANCE: subject is not physically cooperating with the deputy’s attempt to restrain them, and is not assaulting the deputy or trying to escape (e.g., going limp).

PROBES: metal projectiles that are connected to high voltage insulated wires that are propelled from the Smart Cartridge of the CEW, delivering the electrical current from the CEW to the target.

PROBE DEPLOYMENT SETTING: the primary setting of the CEW, where if activated will deploy the probes at the selected target by firing two (2) probes up to twenty-five (25) feet from a disposable cartridge, which are connected to the CEW by insulated wires and release electrical discharge pulses into the body.

SPARK TESTS: testing to determine the functionality and the battery life of the CEW.

USE OF FORCE: any execution of a physical act to control a person, overcome resistance and / or defend oneself or another. The force may entail the use of body parts, issued Agency defense equipment, an instrument of necessity or deployment of a K-9.

4. References

HCSO Use of Force Policy OPS 0501

5. Procedures

A. General

1. The use of a CEW by a deputy in the performance of his duties is considered a use of force, and must therefore conform to the methods, tactics and procedures established in the HCSO Use of Force Policy OPS 0501.

2. Deputies are only authorized to utilize HCSO issued CEWs upon successful completion of CEW training.

3. The use of personally owned CEWs on-duty is strictly prohibited.

4. Deputies are not authorized to carry agency issued CEWs while off-duty, unless working approved secondary employment while in uniform or supplemental law enforcement assignments. Deputies shall ensure that CEWs are secured in a manner that will keep the weapon inaccessible to others.

B. Training and Inspection

1. Deputies at the ranks below Lieutenant are required to receive training and be certified by the HCSO Training Academy. Personnel holding other ranks may also receive the training and certification.

2. Deputies are permitted to carry and use a CEW only after successfully completing written and practical testing as set forth by the agency and weapon manufacturer.
3. To continue to carry and use the CEW, each deputy will be required to qualify annually with an agency issued CEW.

4. If a deputy fails to qualify at any stage of qualification the deputy will have remedial training arranged through their supervisor with the Training Academy and be given a second opportunity to successfully qualify.

5. If a deputy fails to qualify after the second attempt, any additional re-qualification attempts will be based upon the recommendations of the CEW instructor and the Training Academy.

6. Until such time as the deputy qualifies, shall not be authorized to carry or deploy the weapon.

7. The agency issued CEW used by the deputy shall be inspected annually by a CEW instructor during the annual requalification.

8. Supervisors shall inspect CEWs and cartridges of subordinates on a monthly basis and record the results on the Monthly Personnel and Equipment Inspection Report (Form SO-139).

9. Division Commanders will ensure that the CEW assigned to personnel under their commands are downloaded to the database in July of each year.

10. Prior to every tour of duty, deputies must perform a spark / functionality test of their assigned CEW. With the cartridge removed, turn the safety switch to the "FIRE" position and depress the trigger allowing the electrical current to pulse for one full cycle (five seconds). Turn the CEW off by moving the safety switch from "FIRE" to the "SAFE" position.

11. CEW batteries shall be changed by the deputy in accordance with manufacturer's recommendations.

12. CEWs shall not be deployed if found to be defective or not functioning consistent with the manufacturer's training guidelines and shall be forwarded to the Agency CEW Coordinator.

C. Deployment

1. Only those deputies trained as instructors and/or operators shall be permitted to carry and use the CEW and shall do so consistent with training received regardless of direction given.

2. Law enforcement deputies at the rank of Sergeant and below while in uniform shall carry the CEW in the agency issued holster on a duty belt on the support side of the body, or carried within an instructor approved holster which is integrated into an external body armor cover on the support side.

3. When the CEW is carried by other deputies, it will be secured in the agency issued holster and attached to a waist belt on the support side of the body or carried within an instructor approved holster which is integrated into an external body armor cover on the support side.

4. The CEW shall be carried fully armed, with safety on, in preparation for immediate use under appropriate circumstances.

5. Deputies approved to use the CEW shall have a minimum of one spare cartridge, and have it accessible in the storage bay of the Power Magazine in the event of cartridge failure, need for re-application, or the cartridge leads break during the engagement.
6. Each standard cycle is a separate use of force that must be separately justifiable as reasonable, necessary and proportional. Deputies must be able to articulate the facts and circumstances that justified each cycle of the CEW.

7. When reasonable, unless it would otherwise endanger the safety of the deputy or others, every deputy should loudly announce that the CEW is going to be deployed. The purpose of the warning is to:
   a. provide the individual with a reasonable opportunity to voluntarily comply; and
   b. provide other deputies and other individuals with a warning that the CEW may be deployed.

8. The CEW shall be pointed at the ground in safe direction with the safety on during loading, unloading, and any other required handling outside of an operational deployment.

9. In preparation for deployment, at least one additional deputy should be assigned to assist the CEW operator whenever practical. This is to assist with handcuffing and controlling the subject once exposed to the CEW probes.

10. If the first application of the CEW appears to be ineffective in gaining control of a subject, the deputy shall evaluate the situation and consider certain factors before additional applications of the CEW, including whether:
   a. it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications;
   b. the probes are making proper contact;
   c. the individual has the ability and has been given a reasonable opportunity to comply; and
   d. verbal commands, other options or tactics may be more effective.

D. Considerations for CEW use

1. The use of a CEW could increase the risk of death or serious injury if:
   a. the subject is apparently a child or elderly;
   b. the subject is obviously pregnant, infirm, or in an altered mental state;
   c. the subject is in water or situations with increased fall potential;
   d. the subject is visibly frail or has a low body mass; or
   e. the subject is in physical control of a vehicle in motion.

2. The CEW shall not be used in the presence of volatile gases or combustible vapors, such as gasoline or O.C. Spray.
3. CEWs will not be used on handcuffed or restrained persons unless the subject is displaying an overtly assaultive, self-destructive, or violently resistive behavior and lesser means have been tried and failed or would be ineffective.

4. Deputies shall not use a CEW in the following instances:
   a. to intimidate a subject;
   b. to punish a subject;
   c. if the CEW is or has been submerged in water or other liquid (do not turn on a CEW that has been submerged in water);
   d. if the suspect is fleeing and does not pose an imminent threat of physical harm to the deputy or others. Flight will never be the sole reason for applying a CEW on a subject; or
   e. to overcome a subject who is engaging in only Passive Resistance. CEW use is only authorized where the subject is displaying, Active Resistance, Active Aggression, or Aggravated Aggression.

E. Deployment Methods

1. All deployments of a CEW will be in accordance with the manufacturer's training guidelines and the training provided by the HCSO Training Academy.

2. Pointing the CEW
   a. a show of force or threat of force may be all that is necessary to de-escalate a volatile situation.
   b. a non-compliant subject may become compliant once faced with the realization that a CEW may be used on him or her.
   c. displaying the arc shall not be used in circumstances where actual use would not be justified (e.g., where the subject is exhibiting merely Passive or Active Resistance, and other circumstances described in this policy).

F. Duty to Provide Medical Assistance

1. Whenever there is an obvious injury or complaint of injury due to an application of a CEW, or if requested by any individual, deputies shall render aid in a timely manner or as soon as practical without further endangering the deputy or others, consistent with the deputy's training and experience, and request that a medic unit respond to the scene to treat or transport the individual directly to the nearest hospital emergency room.
   a. The deploying deputy shall remove the darts from the suspect in the field, if appropriate, using the procedure outlined in the training. Universal precautions shall be followed to protect the deputy from the transfer of bodily fluids / materials.

2. Emergency Medical Services (EMS) shall be requested to respond for dart removal in cases where sensitive tissue impalement has occurred (i.e. groin, eye, breast, face, or neck) or in situations in which the deputy feels it is necessary or appropriate. If required, the subject shall be transported to a medical facility for treatment.
3. The deputy will document the requested medical aid and / or assistance provided or made available to all persons who have sustained a physical injury occurring as a result of an employee's use of force on the Incident Report (Form SO-001) for the original call for service.

G. Reporting Requirements

1. A deputy is required to immediately notify his supervisor or the on-duty supervisor whenever he:
   a. applies force through the use of the CEW; or
   b. pointed the CEW at a person.

2. Deputies will document the event in the Incident Report (Form SO-001) for the original call for service or a Supplemental Report (Form SO-002) prior to the end of that deputy’s tour of duty.

H. Supervisory Responsibilities

1. Any supervisor who is notified of a use of CEW must follow the guidelines established in the HCSO Use of Force Policy OPS 0501.

2. It shall be the responsibility of the trained Shift / Unit Supervisor to ensure that the CEW data is downloaded to the appropriate database within 24 hours of the discharge.

3. The supervisor completing the Use of Force Report (Form SO-044) will verify that the deputy made the appropriate entry on an Incident Report (Form SO-001) or Supplement Report (Form SO-002) as required above.

4. The supervisor will complete the Use of Force Report (Form SO-044) before the end of the supervisor's tour of duty and forward it through the chain of command.

I. Conducted Electrical Weapons Coordinator

1. The Sheriff will appoint a member of the command staff as the Conducted Electrical Weapons Coordinator.

2. The Conducted Electrical Weapons Coordinator will:
   a. maintain a current inventory list of all CEW units assigned to deputies;
   b. maintain a sufficient number of replacement CEWs, batteries and cartridges in stock;
   c. replace spent cartridges, batteries or defective CEW units as requested by Division Commanders;
   d. ensure all downloads to the database are completed prior to the CEW being sent to the manufacturer or repair facility for service, prior to permanently re-assigning the CEW to another deputy and annually as required by this policy; and
   e. be the liaison with the CEW vendor for ordering replacement items and arranging for unit repairs.
J. Chain of Command Review

1. Shift Lieutenants, Duty Officers and Division Commanders will ensure the use of force reporting requirements, training, investigations, review process and distribution of the Use of Force Reports (Form SO-044) are conducted in accordance with the procedures established in the HCSO Use of Force Policy OPS 0501.

Approved

JEFFREY R. GAHLER
SHERIFF

DATE 6-1-18