

# Malden Police Department

## Conducted Energy Weapons (CEW)

Massachusetts police accreditation standards referenced: [1.2.2](#); [1.3.1](#); [1.3.2](#); [1.3.4](#); [1.3.5](#); [1.3.6 c, d](#); [1.3.9 a,b,c,d,e,f](#); [1.3.10](#); [1.3.11 a,b,c](#); [16.3.5](#); [33.1.2](#); [33.5.1](#); [33.6.1 a,b](#)

GENERAL ORDER

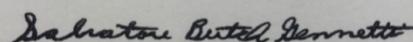
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Police Commissioner



*Salvatore "Butch" Gennetti*



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## **I. General Considerations and Guidelines:**

The Malden Police Department places the highest value on the life and safety of its officers and the safety of the public. Because of our law enforcement and peacekeeping role, officers will be required at times to resort to the use of physical force to carry out our responsibilities. Police officers are confronted continually with situations requiring or resulting in the use of various degrees of force to affect a lawful arrest, to ensure public safety, or to protect themselves or others from harm. The degree of force used is dependent upon the facts surrounding the situation the officer confronts. Officers will only use reasonable force when force is used to accomplish lawful objectives. The degree of force the officer is authorized to use is dependent upon the amount of danger or threat to officer safety that the situation presents. [1.2.2](#), [1.3.1](#), [1.3.2](#)

The objective of the use of force is to maintain or reestablish control over a situation, focusing on the recurring need for officers to protect themselves and others and to take actively resisting combatants or violent subjects into custody using tools and tactics that reduce death and injuries. Control is reached when a subject complies with the officer's directions and is restrained or apprehended and no longer presents a threat to the officer(s) or the personal safety of uninvolved individuals. Since an officer will encounter a wide range of behaviors, the officer must be prepared to utilize a range of force options that are reasonable and necessary to maintain or reestablish control by overcoming resistance to the officer's lawful authority while minimizing injuries.

Because there are an unlimited number of possibilities, allowing for a wide variety of circumstances, no written directive can offer definitive answers to every situation in which the use of force might be appropriate. Rather, this directive will set certain specific guidelines and provide officers with an objective basis on which to utilize sound judgment based on continuous training, to make reasonable and prudent decisions.

## **II. Purpose:**

The purpose of this policy is to provide guidance and direction for Malden Police Officers for the lawful use and deployment of the Conducted Energy Weapon (CEW) a less-lethal defensive impact weapon. Every sworn officer or student officer will have access to this policy and will be instructed in applicable policies before employing any of the weapons, devices or tactics set forth herein. Only department-issued or approved weapons, equipment, and chemical agents will be authorized to be used. [1.2.2](#)

### III. Policy:

All officers of the Malden Police Department shall use reasonable force when force is used to accomplish lawful objectives and to effectively bring an incident under control.

#### 1.3.1

Members of the Department may use lethal force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious physical injury. Officers may also use lethal force to prevent the escape and effect the arrest of an individual whom the officer has probable cause to believe has committed a felony involving the use, attempted use or threatened use of lethal force and whom reasonably believes will cause death or serious physical injury if apprehension is delayed. 1.3.2

In each individual instance, lawful and proper force is restricted to only that force necessary to control and terminate unlawful resistance and to prevent any further physical attack against the police officers or any person. This would include lethal force, with lethal and less-lethal weapons, specifically the Conducted Energy Weapon (Taser 7) outlined in this policy.

### IV. Definitions:

**Conducted Energy Weapon (CEW):** A less-lethal defensive weapon designed to disrupt the human nervous system. The human nervous system is made up of the Central, Sensory and Motor Nervous Systems. Control of the subject is accomplished by deploying battery powered electrical energy sufficient to cause Neuro-Muscular Incapacitation (NMI). NMI is the uncontrolled muscle contractions which reduces the subject's ability to perform voluntary movements.

**Taser 7:** A brand name for the Conducted Energy Weapon, and is currently authorized for use by the Malden Police Department. A Conducted Energy Weapon uses propelled wires to conduct energy affecting the human nervous system causing Neuro-Muscular Incapacitation (NMI). A CEW used in the drive stun mode causes localized pain in the area touched by the CEW but does not cause NMI. 1.3.9 a

**Active Resistance:** Occurs when an officer encounters behavior that physically counteracts his or her attempt to control, and which creates a risk of bodily harm to the officer, subject, and/or other person.

**Cartridge:** The Taser 7 uses a replaceable cartridge containing compressed nitrogen to deploy two small probes that are attached to the Taser 7 by insulated wires. The Taser 7 transmits electrical pulses along the wires and into the body affecting the human nervous system causing Neuro-Muscular Incapacitation. 1.3.9 b

**Close Quarters (CQ) Cartridge**  
**– 12 Degree Angle**

**Identifiable by:**

- BLACK cartridge body
- Cartridge angle (12 degree) is printed on the top of the cartridge

**Stand Off (SO) Cartridge**  
**– 3.5 Degree Angle**

**Identifiable by:**

- GRAY cartridge body
- Cartridge angle (3.5 degree) is printed on the top of the cartridge

**Less-Lethal Force Philosophy:** A concept of planning and force application, which meets operational objectives, with less potential for causing death or serious physical injury than conventional methods.

**V. General Information:**

There are three separate types of reportable CEW applications that require a Use of Force Report by the deploying officer.

**1. Arc Display:** A non-contact demonstration of the CEW's ability to discharge electricity. The purpose of this display is to convince the subject to comply with lawful commands and avoid the CEW being deployed in the Drive Stun Contact Mode or Probe Deployment mode.

**2. Drive Stun Contact Mode:** Contact is made by pressing the front of the CEW **with** an expended / deployed cartridge or **with** the cartridge in the CEW against the body of the subject and activating the CEW. The Drive Stun causes significant localized pain in the area touched by the CEW but does not cause NMI. The Drive Stun does not cause NMI to a subject but may assist in taking a subject into custody by pain compliance.

**3. Probe Deployment Mode:** The CEW is most effective when the cartridge is deployed and the probes make direct contact with the subject. Proper application will result in temporary immobilization of the subject known as NMI. During the 5 second cycle the officer is provided a "window of opportunity" in which to take the subject into custody.

**Optimum range deployment: [See Addendum A1](#)**

- 12 degree angle **Close Quarters (CQ) Cartridge** Rule of thumb:  
~1 foot (.3 m) spread for every ~4 feet (1.2 m) of travel

- 3.5 degree angle **Stand Off (SO) Cartridge** Rule of thumb:  
~1 foot (.3 m) spread for every ~11 feet (3.3 m) of travel

## **VI. Training:**

**Authorized users:** Only officers who have satisfactorily completed the Basic User Training course or the Instructor Training course shall be authorized to carry and/or use the CEW (Taser7). The Officer-in-Charge or his/her designee shall issue the CEW (Taser7) to all officers assigned to a sector car and all spare officers assigned to his/her shift. **1.3.10, 33.1.2**

**Basic User Training:** Eight (8) hour certification course is mandatory training for all Malden Police Officers. The Training curriculum will follow the lesson plan that is provided to the certified instructors through Axon. Axon was formally known as Taser International and they are the makers' of and provided the training for the Taser 7 which is the device that will be used by the Malden Police Department. **16.3.5, 33.1.2**

**Instructor Training:** All department instructors are required to complete a sixteen (16) hour Axon Academy certification course and an additional four (4) hour instructor training course from the Massachusetts Police Training Committee (MPTC). Instructors are required to be trained and re-certified biannually. **33.1.2, 33.6.1 a, b**

**In-Service Training:** All officers who are certified to carry and deploy the CEW less lethal device shall complete annually a minimum of four (4) hours in-service documented proficiency and legal update training, conducted by certified weapons instructor with remedial training available if needed. **1.3.11 a, b, c, 33.1.2, 33.5.1, 33.6.1 a, b**

**Supervisor Training:** Annually, superior officers of all ranks shall receive specialized CEW (Taser7) awareness in-service training by qualified instructor so they can intelligently investigate, properly review and approve CEW deployment incidents. This training shall be in addition to the annual CEW in-service training requirement and shall not be less than two (2) hours in length. **33.1.2, 33.6.1 a, b**

## **VII. Device Readiness and Assignment:**

- A. The device shall only be carried by certified officers in a department approved holster on the support side (opposite of the firearm side) of the body.
- B. The device shall be carried fully armed with the safety on in preparation for immediate use when the appropriate situation presents itself in accordance with this policy.

- C. Officers certified to use the device shall be issued a minimum of one spare cartridge as a back-up in the event of cartridge failure, the need for reapplication, or in the event the first cartridge's leads break during deployment. The spare cartridge shall be carried in a manner consistent with training protocols and cartridge replacement consistent with the manufacturer's expiration requirements.
  - D. Only the Taser 7 battery pack which is a lithium energy cell power supply system available from the manufacturer shall be utilized in the Taser 7.
  - E. The CEW shall be pointed in a safe direction with the safety on during loading, unloading, or when handled in other than operational deployment.
  - F. At least monthly the Patrol Commander or his designee, qualified as a weapons instructor or armorer, shall conduct inspections and download individually all CEW/Taser 7 units. This inspection shall be documented for mandatory reporting and maintenance purposes and the removal of unsafe devices. **1.3.9 c, d**
  - G. All CEW devices and related equipment shall be stored in a designated room. At the start of each patrol shift, the Officer-in-Charge or his/her designee, shall issue the CEW to all officers assigned to sector cars and all spare officers assigned to his/her shift. Training in the use and deployment of the device is mandatory for all officers as a safety precaution. Any officer or supervisor from a specialized unit or a detail officer, who is certified, may be issued the CEW from the on-duty Officer-in-Charge or his/her designee, the device must be returned at the end of the officer's tour of duty or detail assignment. **NO EXCEPTIONS. 1.3.9 f**
- \* A sign out log shall be maintained by the Officer-in-Charge or his/her designee to include the following information; **1.3.9 e**
- Date issued;
  - Time issued;
  - Officer's name and ID number;
  - Serial number of the device;
  - Serial number of battery;
  - DPM power level;
  - Date/Time returned

### **VIII. Deployment Restrictions: 1.3.4**

Although the **CEW** is a very effective control device, it's important to realize that it **DOES NOT** take the place of other intervention options available and necessary for officers to carry out their duties. The **TASER 7 IS NOT** a replacement for active countermeasures, OC spray, batons, or under extreme conditions use of the firearm or deadly force. It is yet another tool or option for law enforcement officers.

The CEW should avoid being used in the following circumstances;

- A. In the known presence of combustible vapors and liquids or other flammable substances;
- B. Against subjects in control of a motor vehicle in motion unless exigent circumstances exist;
- C. On a fleeing or handcuffed subject unless they are actively resisting lawful commands and control techniques or exhibiting combative and violent aggression, presenting a further threat to the safety of the community;
- D. When an officer has reason to believe, or knows a woman is 1) **pregnant**, has reason to believe an individual is either a 2) **juvenile under eighteen (18) years of age**, an 3) **elderly person over seventy (70) years of age**, 4) **visibly frail persons**, or 5) **on persons with cardiac pacemakers (if known) unless exigent circumstances exist**;
- E. When the subject is in a position where there exists a substantial risk of injury or death resulting in a fall from a platform, boat dock, ladder, roof top, bridge deck or railing. It is not recommended to use the device on a subject submerged in water, where they cannot be immediately reached and controlled, and could possibly drown.
- F. **See Addendum A2 and A3** for recommended safety guidelines and when deploying the CEW while dealing with special populations.

## **IX. Deployment:**

The use of the TASER is dependent on the subject displaying "***active resistance***" or its corresponding threatening behavior.

"***Active Resistance***" occurs when an officer encounters behavior that physically counteracts his or her attempt to control, and which creates a risk of bodily harm to the officer, subject, and/or other person.

Note: Passive resistance is truly passive, i.e. the subject is not physically resisting in any way.

Please see the full ***Spectrum of Resistance*** that goes from:

1. Unresponsive (Subject apparently unconscious).
2. Non-responsive (Subject conspicuously ignoring).
3. Dead-weight tactics (Subject decision not to assist his/her movement).
4. Resistive tension (Subject tightening up muscles).
5. Defensive resistance (Subject attempting to get away).

### **Use of Taser Justified:**

6. **Aggressive / active resistance** (See explanation listed below).
7. **Physical assault** (Subject's personal weapons striking at officers).
8. **Great bodily harm assault** (Subject's actions/ability to cause harm).
9. **Life threatening assault** (Subject's ability to cause death).
10. **Life threatening weapon assault** (Subject's ability to cause death).

There are two (2) levels of force when CEW deployment is authorized (See below):

#### **(1) COMPLIANCE TECHNIQUES;**

This includes countermeasures designed to counter the subject's **active resistance** (See Numbers 6-10 on the *Spectrum of Resistance* above). These tactics could include control and restraint techniques, takedowns, pressure points, distraction techniques, OC spray, and impact munitions.

Note: **Using the CEW in the Drive Stun Contact Mode would be justified as a Compliant Technique.**

#### **(2) DEFENSIVE TACTICS:**

This includes countermeasures designed to control the subject's **active resistance** or violent, aggressive behavior on the officer or others, to regain control, and assure continued compliance.

These tactics could include weapon or weaponless strikes, OC spray, impact munitions, K-9, and CEW/Taser. **When deploying the CEW it would be considered a less-lethal defensive tactic, deployed with the goal of stopping an assault situation against you, other officers present or any possible victims by the combative subject.**

When one of these two (2) levels of force is met the following deployment steps shall be strictly adhered to:

- A. **Officers should if possible, announce the intent of CEW deployment prior to using it by clearly announcing "Taser" as circumstances permit.** This allows the subject to consider compliance with the officer's lawful commands and additionally alerts police officers on scene to remain clear of the subject.
- B. Subjects who are verbally warned should be given a further opportunity to comply with the officer's commands prior to deployment of the CEW if time permits.
- C. Officers should avoid intentionally firing the probes at the subject's head, face/neck and chest/breast or genitalia area.

- **Back shots remain the preferred area when practical.**
  - The Primary frontal target area is the lower torso below the chest.
  - The most effective probe deployment is to split the belt line of the subject with the probe spread + 12 inches.
  - Distance and movement of the subject are the primary cause of an improper probe placement.
  - **See Addendums A4 and A5 for the preferred target zones.**
- D. As circumstances permit, **only one officer shall deploy a CEW on a single subject.**
- E. Duration of each cycle applied should be no more than five (5) seconds, unless the subject continues to actively resist the officers.
- Officers are always required to continually assess the situation to determine whether a suspect is capable of complying with commands given by officers.
  - Always remember that each application of the CEW is a separate application of a use of force. Each application must be justified and documented as such.
- F. Restraint techniques that do not impair respiration should be used after the CEW deployment. The subject should be placed on the ground, on their side while handcuffed in the “recovery position”.
- G. **Qualified medical EMS personnel shall be summoned and shall transport the subject to a medical facility.** Supervisors or officers on scene should demonstrate “situational awareness” and pre-activate EMS personnel during ongoing or prolonged confrontations if time permits.
- H. The CEW may be used to control an aggressive animal that is threatening officer safety, the safety of any person or attacking another animal. Prior to deployment on a domestic animal, consider having the Animal Control Officer available to restrain the animal. Be aware, animals will usually run away at the end of a five (5) second cycle. A longer cycle may be necessary to maintain control or prevent further attacks.
- I. **Police K-9 Caution:** When the CEW has been deployed in the probe mode, do not release a K-9 dog. If a K-9 bites a probe or bites the subject between the probes, the K-9 can receive a shock. This could have negative impact on future duty use of the K-9.

## **X. Post-Activation Response:**

- A. Normally, the CEW probe may be removed by police officers from the subject once he/she has been restrained using the procedure outlined in training. Universal precautions shall be followed to protect the officer from the transfer of body fluids.
- B. EMS shall be immediately activated and the subject shall be transported to a medical facility for evaluation or treatment. **1.3.5**
- C. Street Supervisor shall be immediately requested and respond to the scene.
- D. A subject who is exposed to CEW activation shall be actively monitored while in police custody after they have received medical care. If the “in custody” subject requests further medical attention they shall be transported immediately by EMS to a medical facility. **1.3.5**

## **XI. Jurisdictional Considerations:**

The Chief of Police shall notify all surrounding local police departments, with contiguous borders of the City of Malden including the Massachusetts State Police and the Transit Police Department that the Malden Police Department has authorized the use of Controlled Energy Weapons CEW/Taser 7. The written communication will serve as an official notice that all Malden Police Officers have been trained to carry and deploy electronic less-lethal defensive weapons. However, actual deployment of the CEW/Taser 7 device requires immediate response of EMS personnel.

In the event a subject is pursued from the City of Malden into another jurisdiction or a subject is pursued into the City of Malden by officers from another jurisdiction, resulting in the deployment of a CEW/Taser by a Malden Police Officer, Malden Police Officers shall follow established procedures in this policy mandating the immediate response of EMS personnel and transportation of the subject to a medical facility for evaluation or treatment.

## **XII. Reporting:**

The deploying officer shall notify the Street Supervisor or the on-duty Officer-in-Charge as soon as practical after deploying the CEW device, but in any event prior to clearing the scene. The deploying officer shall file the appropriate incident or arrest report and use of force report prior to the conclusion of their tour of duty or immediately after their detail assignment. The incident or arrest report shall provide an accurate account of

circumstances and events that resulted in the need for CEW deployment including but not limited to the following; **1.3.6 c, d**

1. If the subject was compliant with or without probe deployment, i.e., **ARC** display at the scene and subject voluntarily complies with arrest.
2. Area of the body struck by the probes or drive stun.
3. Injuries to the subject resulting from the subject's initial aggressive behavior, secondary injuries caused by a fall after CEW deployment, or continued violent resistance to control techniques.
4. Injuries to officers and subsequent treatment received that was caused by the subject. Damage to department property or officer's equipment shall also be noted and the subject shall be criminally charged for any applicable resulting damages.
5. Evidence associated with the incident or arrest shall be collected by the Detective Unit in coordination with Patrol Units and documented according to established department policies and procedures.

**The on-scene Street Supervisor shall be responsible for the following:**

- A. Identifying and interviewing officers and witnesses and contacting the Detective Unit. The Detective Unit will coordinate with the Patrol Units to process the scene i.e., photograph the subject, collect discarded cartridges and probes if possible, and any other evidence that is relevant to the incident.
- B. Take custody of the CEW/Taser 7 device and discarded cartridge that was deployed and submit the device to the Patrol Commander or his designee for data downloading.
- C. If the subject is admitted to a medical facility for treatment, respond to the facility and document the condition or injuries. **1.3.5**
- D. Ensure Incident, Arrest and Use of Force Reports are completed by the deploying officer prior to the conclusion of his tour of duty or immediately after their detail assignment.

### **XIII. Mandatory Reporting Procedures:**

Pursuant to Massachusetts General Law Chapter 140 Section 131J, the Malden Police Department shall submit a **quarterly report** to the Executive Office of Public Safety to include the following;

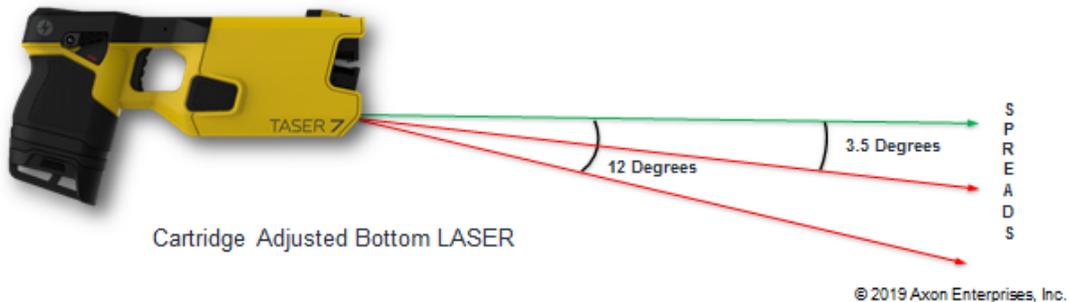
- **Part I. Agency Level Information**
  1. How many sworn officers were in your department at the end of this quarter?
  2. How many officers have completed a training program for electronic weapons?
  3. How many officers have been issued an electronic weapon?
  4. In how many *incidents* was an electronic weapon fired during this quarter?
  5. How many *times* was an electronic weapon fired?
  6. How many individuals were the targets of an electronic weapon?
  7. What is the racial/ethnic composition of the targets of an electronic weapon?
  
- **Part II. Incident level information**
  - Manufacturer and Model #
  - Weapon Serial #
  - Date of Incident
  - # of times fired
  - Target's Gender
  - Target's Race/Ethnicity (based on information from question 7 above).

## Addendums:

### A1

## TASER 7 Cartridges

- 12 degree angle **Close Quarters (CQ) Cartridge** Rule of thumb:  
~1 foot (.3 m) spread for every ~4 feet (1.2 m) of travel
- 3.5 degree angle **Stand Off (SO) Cartridge** Rule of thumb:  
~1 foot (.3 m) spread for every ~11 feet (3.3 m) of travel



### A2

## RECAP: Key Safety Guidelines

1. Avoid Dangerous Falls
2. Avoid Flammables & Explosives
3. Use Preferred Target Zones
4. Restrain Fast – Avoid Prolonged Exposures
5. Use Caution with Sensitive Populations

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A3

### 5. Use Caution with Sensitive Populations



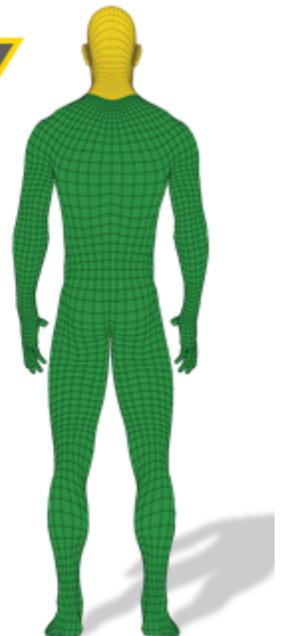
A4

### 3. Use Preferred Target Zones: Rear (when practicable)

#### Below neck (green zone)

- Large muscles
- Avoid head and neck

*The back is the most preferred target area when reasonably practicable because it contains larger muscle groups and reduces risk of hitting sensitive body areas*

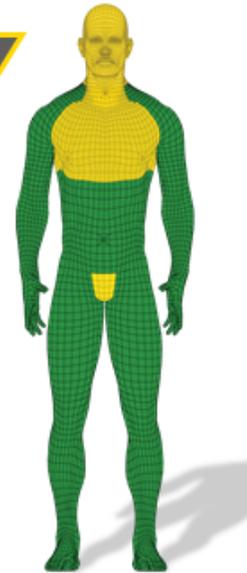


## A5

### 3. Use Preferred Target Zones: Front (when practicable)

#### Lower torso (green zone below chest)

- More effective than hitting the chest
  - Larger muscles (legs)
  - Split the beltline
- Reduces risk of hitting sensitive body areas (see product warnings)
- Increases dart-to-heart safety margin distances
- Do not intentionally target head, eyes, throat, chest or genitals



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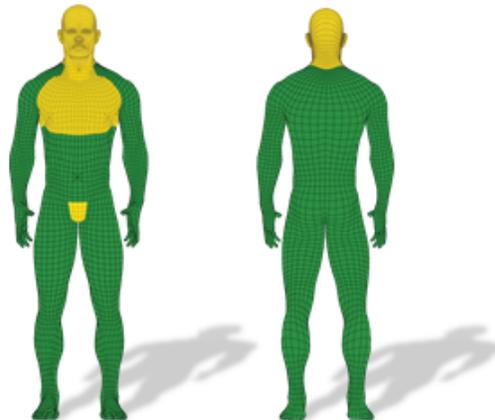
## A5 continued:

### 3. Use Preferred Target Zones: Front (when practicable)

CEW cardiac risks are low, but not zero

To reduce cardiac risks (when practicable):

- Target the back
- Avoid targeting the chest
- Avoid heart region
- Avoid repeated or continuous exposures



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