

# **Waltham Police Department**

## **CONDUCTED ENERGY WEAPON**

### **CHAPTER 1D**

*General Order #: GO-07 2023*

*Effective Date: 10/13/2023*

#### **PURPOSE:**

The purpose of this policy is to set forth guidelines for the use of the conducted energy weapon as a tool in the use of force model.

#### **POLICY [1.3.4]:**

It is the policy of the Waltham Police Department to ensure that personnel will follow procedures designed to ensure safety and proficiency with conducted energy weapons.

#### **DEFINITIONS [1.1.9]:**

**ACTIVELY RESISTANT SUBJECT:** A non-compliant subject who has directed his or her physical strength and energy in establishing, achieving, or maintaining a posture of resistance.

**ASSAULTIVE SUBJECT:** A subject whose non-compliance has culminated into a perceived threat or actual attack on officers or others.

**CARTRIDGE, CLOSE QUARTERS:** A replaceable smart cartridge with a 12-degree angle that allows its probes to reach optimal spread when deployed as close as 4 feet. The cartridge has a black front and a black body. The serial number, cartridge degree (12°), 2D bar code, and expiration date are printed on top.

**CARTRIDGE, STAND OFF:** A replaceable smart cartridge intended for longer-range deployments. They have a 3.5-degree angle and can be effective at 11.5 feet or longer engagement ranges. The cartridge has a black front and a gray body. The serial number, cartridge degree (3.5°), 2D bar code, and expiration date are printed on top.

**CONDUCTED ENERGY WEAPON (CEW):** Any portable device or weapon from which an electrical current, impulse, wave or beam may be directed which such beam is designed to temporarily incapacitate.

**CONDUCTED ENERGY WEAPON COORDINATOR (CEWCO):** The Superior Officer, designated by the Chief of Police, bearing overall responsibility for coordinating the repair, maintenance, purchasing, and inventory of the conducted energy weapons. The CEWCO shall also maintain all records concerning training with the CEWs, as well as records concerning the

issue and deployment of CEWs.

**DRIVE-STUN:** The mode of a conducted energy weapon when the device is held against a subject and no probes are deployed. The drive-stun mode does not incapacitate a subject but rather causes localized pain.

**LESS LETHAL FORCE:** That degree of force that, under the circumstances, is neither likely, nor intended to, cause death or serious bodily injury.

**LETHAL FORCE:** That degree of force that is likely to cause death or serious bodily injury. Lethal force is also referred to as deadly force.

**MUNICIPAL POLICE TRAINING COMMITTEE (MPTC):** The MPTC is responsible for the development, delivery and enforcement of training standards of municipal, University of Massachusetts, and Environmental Police officers of the Commonwealth.

**PROBE DEPLOYMENT: [1.1.9]** The activation of a conducted energy weapon resulting in discharging an air cartridge, whether or not the probes strike their intended target. The mere display of a conducted energy weapon without activation is not considered deployment.

**SMART CARTRIDGE:** A replaceable cartridge for the conducted energy weapon, which uses compressed nitrogen to fire two barbed prongs on thin connecting wires, sending a high voltage/low current signal into a subject.

**TASER:** The brand name of the conducted energy weapon currently used and authorized by the Waltham Police Department. The model used by the Waltham Police Department is the Taser 7.

**TASER 7 Tilt Select Technology:** TASER 7 feature that allows the user to choose which cartridge to deploy first by designating the active bay. This feature enables users to quickly select between a standoff and close-quarters cartridge, depending upon which cartridge is the most optimal to deploy under the circumstances.

**WARNING ARC DISPLAY:** A non-contact demonstration of the conducted energy weapon's ability to discharge electricity. The purpose of this display is to convince the subject to comply with a lawful order and avoid the conducted energy weapon from being deployed in the drive-stun or probe deployment mode. Warning arc displays conducted to test the unit at the beginning of an officer's shift are not reportable incidents.

## **PROCEDURE**

### **a. AUTHORIZATION [1.1.10, 1.1.11]:**

- 1.** The Waltham Police Department Chapter 1 Use of Force policy and Chapter 1A Non-Lethal / Less Lethal Use of Force policy applies to CEWs, and are incorporated by reference. For further information, refer to these policies.

2. Only sworn officers who are authorized to carry firearms in the performance of their duties and have been trained in compliance with this policy may be authorized to carry the CEW by the Chief of Police, or his/her designee.
3. Except for training purposes, an officer shall not possess or carry a CEW until successfully completing an approved training program in the use of CEWs.

**b. TRAINING:**

1. Officers authorized to carry the CEW will be trained in compliance with guidelines established by 501 CMR 8.00, and the MPTC.
2. The training curriculum will be identical to that of the MPTC, and will contain, at a minimum, the following components:
  - a. Not less than eight (8) hours of training.
  - b. A review of the mechanics of a conducted energy weapon.
  - c. Illustration of the medical issues involved with the use of a conducted energy weapon, including, but not limited to, information regarding the effects of conducted energy weapons on individuals with pre-existing medical and other conditions, and information on and a demonstration of the removal of probes from an individual after a conducted energy weapon has been discharged.
  - d. Segments on weapon proficiency for trainees, including a demonstration on the accurate discharge of a conducted energy weapon, practice discharge of a conducted energy weapon by trainees, exercises wherein the trainee practices transition to and from a conducted energy weapon, and scenario exercises involving conducted energy weapons.
  - e. A segment on the use of a conducted energy weapon as a force option and a review of the relevant Waltham Police Department's Use of Force policies and the conducted energy weapon's relation to other weapons, tools, and tactics within the relevant Waltham Police Department's Use of Force policies. All trainees will be issued a copy of Chapter 1 Use of Force policy and Chapter 1A Non-Lethal / Less Lethal Use of Force policy, upon both initial training and annual retraining in the use of CEWs. Such issue shall be documented as part of the training record; and,

- f.** Testing to demonstrate knowledge of protocols, use, and effects of conducted energy weapons.
- 3.** All authorized officers who have successfully completed the authorized training program pursuant to 501 CMR 8.05(1) must then complete an annual recertification training of no less than four (4) hours consisting of:
  - a.** A review of the relevant Waltham Police Department's Use of Force policies and any other policies and procedures related to conducted energy weapons;
  - b.** Updates regarding the conducted energy weapon;
  - c.** Testing to demonstrate knowledge of areas such as policies, protocols, use, and effects of conducted energy weapons; and
  - d.** A demonstration of proficiency with the conducted energy weapon.
- 4.** All certified Taser training instructors (present and future) must be certified by AXON.

At a minimum, the instructor must:

- a.** Attend the instructor training program provided by the manufacturer(s) of the conducted energy weapon(s) to be used by the Waltham Police Department, which must consist of no less than sixteen (16) hours of instruction covering training on the use of conducted energy weapons;
  - b.** Attend the AXON instructor certification course; and
  - c.** Attend the AXON instructor recertification training every two (2) years.
  - d.** All In-House Certified training instructors must be trained by a Master Instructor or higher. In-House Instructors must also recertify every two years.
- 5.** Any officer who fails to attend and satisfactorily complete annual training for the CEWs/Taser, shall not carry or use a CEW/Taser until completion of the required course of instruction. Personnel trained in the use of this weapon will be held accountable for proficiency and trained in compliance with the department policy as well as the Massachusetts law in the use of such weapon.

**c. WEAPON READINESS:**

**1. CEW ISSUANCE**

- a.** Officers permanently issued a CEW by authorization of the Chief of Police shall sign an inventory form acknowledging receipt of, and responsibility for, the CEW. (See attachment “A”).
- b.** Only properly functioning and charged CEWs will be issued for field use. Officers shall inspect and test the issued CEW in a manner detailed in their training.
- c.** Any CEW or component found to be defective or damaged should be returned to the supervisor with a detailed written explanation in the form of an email of the malfunction or cause of damage. The supervisor shall secure such CEW pending transfer to the CEWCO.
- d.** When inspecting the Taser 7, the primary cartridge should be a Close Quarters 12-degree Cartridge, and the secondary cartridge should be a Stand Off, 3.5-degree Cartridge.
- e.** Only battery power sources recommended by the manufacturer shall be used with issued CEWs shall be the Taser 7 battery pack. The Taser 7 Battery packs will be available in the docking station located in the Waltham Police Department.
- f.** All rules and procedures for securing firearms shall apply to CEWs. Officers shall ensure that an issued CEW is secured at the end of their shift.

**2. CEW CARRYING**

- a.** The following personnel shall carry the Taser 7:
  - 1.** All on duty uniformed Patrol officers and Patrol Sergeants (except when assigned as OIC) working a patrol shift.
  - 2.** Any uniformed officer assigned to the following:
    - a.** Inside liquor or security detail;
    - b.** Traffic grant assignment
    - c.** City event (Fireworks, Phantom Gourmet, etc.);

**d. Labor dispute.**

- b.** The CEW shall be carried in the approved Taser 7 Safariland holster in a cross-draw configuration on the support side of the body opposite the service handgun.
- c.** The CEW shall be carried fully armed, with the safety on, in preparation for immediate use when authorized.
- d.** Officers shall point the CEW in a safe direction when loading, unloading, or testing the weapon.

**d. USE OF FORCE MODEL:**

- 1.** A CEW is deemed less lethal on the use of force model. It is used to control an uncooperative subject when the use of deadly force is not an option.
- 2.** CEWs are not a substitute for lethal force. Officers are not expected to respond to a lethal force threat with a less lethal force option such as a CEW.
- 3.** A CEW may be used in response to a lethal force threat under exigent circumstances as a weapon of available means.
- 4.** Intentionally firing the CEW at the head or neck is a deadly force countermeasure in response to a lethal threat.
- 5.** When used in Drive Stun Mode, the CEW is a pain compliance tool rather than causing neuro muscular incapacitation. The Drive Stun Mode should be considered at Level 3 on the MPTC use of force model, and may be used in response to an active resistant person.
- 6.** When used in Probe Deployment Mode, the CEW is an incapacitating intermediate weapon. Probe Deployment Mode should be considered at Level 4 on the MPTC use of force model, and may be used in response to an assaultive person.

**e. PERMITTED USE:**

Officers are permitted to use a CEW in accordance with training in the following instances:

- 1.** Drive Stun Mode may be used on actively resistant subjects to counter the subject's degree of resistance. Using the CEW in Drive Stun Mode would be justified as a compliance technique.

2. To incapacitate a subject who poses an immediate threat of physical injury to himself/herself.
3. Probe Deployment may be used when an officer or others are engaged in a confrontation with an assaultive subject. When firing the CEW, it would be considered a defensive tactics technique, with the goal of stopping an assaultive subject.
4. Against aggressive animals that pose an immediate threat of physical injury to officers or others.
5. To demonstrate a warning arc display or paint the subject with the CEW lasers to attempt to gain compliance of the subject where resistance, assault, or violence is reasonably anticipated.
6. During department authorized training programs or demonstrations.

**f. DEPLOYMENT:**

When deploying the CEW, officers will make every effort to comply with the following directives, when reasonable:

1. A command for compliance and a warning should be given prior to activating the CEW unless the officer or any other person(s) are at risk.
2. The subject should be given time to comply with an officer's verbal command unless to do so would place the officer or any other person(s) at risk. This directive serves a dual purpose: to seek compliance from the subject, and to let other officers who are present know that the CEW is being deployed, so that activation of the CEW will not be mistaken, by sight or by sound, as a firearm discharge.
3. When feasible, alert other officers present that a CEW is about to be deployed, by loudly saying, "TASER, TASER, TASER!" This statement will prepare the officers for the CEW deployment and may help prevent sympathetic weapon discharges.
4. In an attempt to minimize the number of CEW discharges necessary for subject compliance, officers should clearly and reasonably order the subject as the incident mandates. Such verbal commands may include, stop resisting, lie flat, put your hands behind your back, etc. Subjects may not be able to respond to commands during or immediately following exposure.
5. Whenever possible, a CEW shall be deployed using a back-up officer to assist with handcuffing or providing cover.

6. A full five-second cycle should be applied without interruption unless circumstances dictate otherwise. The five-second cycle is a “window of opportunity” for an officer to continue to give verbal commands, immobilize, control, or handcuff a subject, as quickly as is safely possible during or immediately following the period of incapacitation.
7. A second, or subsequent, five-second cycle may be necessary, if, after the first cycle, the officer still perceives the subject as a threat. Each cycle applied is an independent use of force and must be authorized as such.
8. The officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective.
9. Only one officer should activate a CEW against a subject at a time.

**g. TARGET AREAS:**

1. The preferred target areas include the back, lower abdomen, and thighs.
2. Attempt to avoid hitting the subject in sensitive tissue areas such as the head, face, groin, or female breast.
3. When encountering subjects wearing heavy or loose clothing on the upper body, the legs should be considered as a target.
4. Fixed sights should be used as the primary aiming device and the laser dot as the secondary aiming device.

**h. SUSCEPTIBLE POPULATION:**

1. Officers should be aware of the greater potential for injury when using a CEW against certain individuals, such as:
  - a. Children reasonably believed to be under the age of eighteen (18).
  - b. Adults reasonably believed to be over the age of seventy (70).
  - c. Women believed to be pregnant.
  - d. Persons of small stature, irrespective of age.
  - e. Persons known to be equipped with a pacemaker.
  - f. Persons known to have cardiac disease.



- i. AFTERCARE [1.1.5]:**

Except for voluntary training exposure, any subject that has been exposed to a CEW activation will receive a medical evaluation from a paramedic (at a minimum).

1. In all cases where the probe has penetrated sensitive tissue areas, such as the groin, eye, female breast, face, or neck.
2. If the subject had a known pre-existing medical condition, especially one affecting the cardio-vascular system; i.e.: a pacemaker or cardiac surgery.
3. Where it appears that the tip of the barbed probe broke off and remains under the skin.

## j. EVIDENCE COLLECTION:

- ## Waltham Police Department Policies and Procedures Chapter 1D – Conducted Energy Weapon

2. The deployed CEW shall be secured in evidence until it is transferred to the control of the CEWCO. The CEW may be returned to service after the deployment report is downloaded by the CEWCO.
3. When appropriate, photographs should be taken of probe impact or drive-stun contact sites, and any other related injuries, as soon as reasonably possible. Officers will take precautions to respect the subject's privacy and confidentiality. **Photographs of impact sites on the genitals, buttocks, or female breast shall not be taken.**
4. When the CEWCO is not working, a certified department CEW/Taser instructor, may issue a temporary CEW/Taser to an officer for use until the CEWCO can complete the download of the deployment report.

**k. REPORTING [1.1.6]:**

1. The deploying officer shall notify his or her supervisor as soon as practical after deploying a CEW, and shall complete a use of force report which includes:
  - a. The facts and circumstances which dictated the officer's response to resistance;
  - b. Commands given to the subject;
  - c. Number of discharges, and length of each;
  - d. Location of probes or drive-stun application on the subject's body;
  - e. Extent, if any, of the subject's injuries;
  - f. Description of first aid or other medical attention provided; and
  - g. The name of the notified supervisor.
2. Officers shall specifically articulate the rationale for any instance of the following in the use of force report:
  - a. A CEW is energized more than three times on a single subject;
  - b. An energy cycle longer than fifteen (15) seconds in duration is used against a subject;
  - c. More than one CEW is used against a subject in any given incident; and/or

- d. A CEW is used against an individual designated to be in a defined susceptible population.
3. A supervisor responding to any incident of a CEW deployment shall:
  - a. Ensure that the subject has received the appropriate medical attention;
  - b. Ensure that photographs of the area impacted by the CEW probes are taken after the probes are removed, if possible, and take all necessary precautions to ensure the privacy of the subject;
  - c. Ensure that all evidence is collected as outlined in section (J), above;
  - d. Ensure that the appropriate incident and use of force reports are completed;
  - e. Notify the Officer-In-Charge of the CEW deployment.
4. The Waltham Police Department will comply with all data collection and reporting requirements as set forth in MGL c.140, s.131J and St. 2004, c.170, sec. 2. [1.1.7]
5. There will be an administrative review of each report of the discharge of a CEW. This review will be conducted by the Commanding Officer of the Administration Division or his or her designee.
6. The Commanding Officer of the Administration Division or his or her designee, will conduct an annual analysis of reported uses of CEWs. Where indicated, training needs, equipment upgrades, and/or policy modifications will be considered.

**I. CONDUCTED ENERGY WEAPON COORDINATOR (CEWCO):**

1. The Chief of Police shall designate a Superior Officer to serve as the CEWCO. Such Superior Officer shall be a certified CEW instructor.
2. The CEWCO is responsible for maintaining the CEWs, cartridges, and batteries, and records associated with the deployment of the CEWs.
3. The CEWCO shall maintain overall responsibility for coordination of the purchase, repair, and replacement of CEWs, cartridges, and batteries. The CEWCO shall insure each CEW, cartridge, and battery to be marked with a unique inventory number, which shall be used for log purposes when issuing CEWs. The CEWCO shall maintain an inventory list documenting

the serial numbers of Waltham Police Department CEWs and air cartridges and their matching inventory numbers.

4. The CEWCO shall conduct data downloads when requested by investigating supervisors. Printed deployment reports shall include the date prior to the deployment, the date of deployment on a subject, and day after if available.
5. The Commander of the Administration Division, or their designee, shall ensure that basic certification and annual re-certification training on the CEW is provided, and shall maintain records of such training.

**TASER RECEIPT**  
**Taser 7 – Conducted Energy Weapon**

I, \_\_\_\_\_, a member of the Waltham Police Department, do hereby accept and acknowledge the receipt of a **Taser 7 Conducted Energy Weapon serial number** \_\_\_\_\_, **Taser 7 Cartridges serial numbers** \_\_\_\_\_ and \_\_\_\_\_, **and Taser Battery**. The same is accepted and received by me with the understanding that said Taser 7 Conducted Energy Weapon, Taser Cartridges, and Taser Battery shall remain the property of the City of Waltham and are simply loaned to me by the City of Waltham to be used in connection with my office of employment as a police officer with the Waltham Police Department. The said Taser 7 Conducted Energy Weapon, Taser Cartridges, and Taser Battery are received and accepted by me with the understanding that I am to return said equipment to the City of Waltham whenever requested by the Chief of Police, or by someone designated by said Chief of Police. I understand that it is my duty as a police officer to accept the responsibility of having said Taser 7 Conducted Energy Weapon, Taser Cartridges, and Taser Battery in proper functional order at all times while in my possession and control. I understand that it is my responsibility to properly lock and secure said weapon when not under my direct control.

I accept and receive said Taser 7 Conducted Energy Weapon, Taser Cartridges, and Taser Battery with the understanding that in the event that I am unable to return said equipment to the City of Waltham, or if said equipment is not returned to the City of Waltham at the termination of my employment as a police officer in the Waltham Police Department, or at any time whenever requested by the Chief of Police or their designee of the Waltham Police Department, or if lost or damaged through my fault or negligence, I shall, in consideration of the privilege of the use of said Taser 7 Conducted Energy Weapon, Taser Cartridges, and Taser Battery, pay to the City of Waltham the sum of Two Thousand Dollars (\$2,000.00). I do hereby bind myself, my heirs, administrators, executors, and assignees to the extent of Two Thousand Dollars (\$2,000.00) if the said Taser 7 Conducted Energy Weapon, Taser Cartridges, and Taser Battery are not returned to the City of Waltham as herein set forth.

**Printed Name of borrower:** \_\_\_\_\_

**Signature of Borrower:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Witness:** \_\_\_\_\_ **Date:** \_\_\_\_\_