

Electronic Control Weapon

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of electronic control weapons (ECWs).

304.2 POLICY

The electronic control weapon is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such an ECW should result in fewer serious injuries to officers and suspects.

304.3 ISSUANCE AND CARRYING ELECTRONIC CONTROL WEAPONS

Only members who have successfully completed department-approved training may be issued and carry the electronic control weapon.

ECWs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the ECW to the Department's inventory.

Officers shall only use the ECW and cartridges that have been issued by the Department.

Members carrying the ECW shall perform a spark test for a standard cycle prior to every shift.

When carried while in uniform, officers shall carry the ECW in an approved support-side-draw belt holster on the side opposite the duty weapon. An approved thigh holster may be used in place of the belt holster. The cross draw position using only the support-side hand is permitted. Tactical Team members may use approved holstering systems that meet the specific needs of their tactical equipment and special operations.

- (a) All ECWs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other weapon.
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the ECW.
- (c) Officers shall be responsible for ensuring that their issued ECW is properly maintained and in good working order.
- (d) Officers shall not simultaneously draw and hold an ECW and any firearm.

Officers shall not take a non-working ECW into the field. Any non-working ECW shall be turned in to the ECW coordinator in the Training Section as soon as practical. Any member who discovers a non-working ECW shall notify their immediate supervisor without delay.

Officers shall not alter ECWs in any way.

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304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the electronic control weapon shall precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply with the directives of the officer.
- (b) Provide other officers and individuals with a warning that the ECW may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the ECW), or the laser in a further attempt to gain compliance prior to the application of the ECW. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the ECW in the related report.

304.5 USE OF THE ELECTRONIC CONTROL WEAPON

The electronic control weapon has limitations and restrictions requiring consideration before its use. The ECW should only be used when its operator can safely approach the subject within the operational range of the ECW. Although the ECW is generally effective in controlling most individuals, officers should be aware that the ECW may not achieve the intended results and be prepared with other options.

304.5.1 APPLICATION OF THE ELECTRONIC CONTROL WEAPON

The electronic control weapon may be used when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to overcome one's resistance and effect an arrest or other lawful seizure.

Flight alone from a pursuing officer, without other reasonable circumstances or factors, is not cause for the use of the ECW to control an individual.

An application is each time the trigger is depressed on the ECW. A standard cycle is five seconds. Sparking or testing of the ECW is not a use of force.

304.5.2 DEPLOYMENT CONSIDERATIONS

The use of the electronic control weapon on certain individuals should be avoided unless other options appear ineffective or would present a greater danger to the officer, the subject or others, and the officer believes that the need to control the individual outweighs the risk of using the ECW. This includes:

- (a) Pregnant Women: Officers shall not use the ECW against a woman who the officer knows, or reasonably believes, to be pregnant.

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- (b) Children Ten or Younger/Elderly people: Officers shall not use the ECW against a person who the officer knows, or reasonably believes, to be the age of ten (10) or younger or over the age of seventy (70), due to potential for falling when incapacitated.
- (c) Physically Disabled: The ECW shall not be used against known or visibly disabled subjects unless reasonable alternatives would pose a greater safety risk to the subject and/or cause serious injuries to officers.
- (d) People in a wet environment, where there is a greater potential of drowning.
- (e) People displaying symptoms of excited delirium.

304.5.3 LEGAL CONSIDERATIONS

The use of an electronic control weapon is force, subject to Fourth Amendment considerations and must be legally justified. When considering the use of an electronic control weapon officers shall consider the following:

- (a) Severity of the crime at hand.
- (b) Whether the suspect poses an immediate threat to the safety of the officers or others; and
- (c) Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

304.5.4 ADDITIONAL CONSIDERATIONS

In addition to these considerations, members shall consider the following force standards as they relate to the deployment of an electronic control weapon:

- (a) Each application of an electronic control weapon is a use of force and must be independently justified. Multiple applications and prolonged applications are allowed only under articulable exigent circumstances.
- (b) Multiple applications of an electronic control weapon beyond three five-second applications cannot be justified solely on the grounds that a subject fails to comply with a command, absent other indications that the subject is about to flee, or poses an immediate threat to an officer. Fleeing in and of itself does not justify ECW deployment.
- (c) Any decision to apply multiple applications of an electronic control weapon must take into consideration whether a subject understands and is able of complying with the officers' commands.
- (d) If the circumstances of exigency allow, officers shall give a verbal warning to the subject prior to each application of the electronic control weapon.
- (e) Officers shall give the suspect time to recover from the effects of each application of the electronic control weapon.
- (f) Officers shall give the suspect a reasonable opportunity to consider the consequences of his/her refusal to comply with commands before each electronic control weapon application.

304.5.5 PROHIBITED USE

The ECW shall not be used in any unauthorized or unprofessional manner such as:

- (a) On an unconscious person.
- (b) As a prod or escort weapon.
- (c) On a person who is passively resisting.

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- (d) To rouse unconscious, impaired, or intoxicated individuals.
- (e) On persons who are restrained unless they are actively resisting and their actions present an immediate threat of injury or death to officers, third parties, or themselves.
- (f) Against a person who is at an elevated location (tree or roof top) where a fall may cause substantial injury or death.
- (g) Against an operator in physical control of a vehicle in motion, including automobiles, trucks, motorcycles, ATVs, bicycles, and scooters, unless exigent circumstances exist.
- (h) Against a subject who is in close proximity to a flammable gas or liquid. Examples where these circumstances might exist are the following:
 - Vehicle collisions with fuel leaks
 - Methamphetamine lab investigations
 - Incidents that occur at gas stations
 - Suicidal persons who plan to use gasoline or other flammable liquids or chemicals to kill themselves

304.5.6 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. The preferred application of the ECW cartridge should be deployed to have one probe above the belt line and one probe below the belt line. The ECW should be deployed into larger muscle groups with the back being the most preferred target area. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the ECW probes to a precise target area, officers shall monitor the condition of the subject if one or more probes strikes the subject until examined by paramedics or other medical personnel.

Because the application of the ECW in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

304.5.7 MULTIPLE APPLICATIONS OF THE ELECTRONIC CONTROL WEAPON

Each application of the ECW is considered a use of force. Officers should apply the electronic control weapon for one standard cycle and shall constantly evaluate before applying any subsequent cycles. A standard cycle is five seconds. No more than three five-second cycles shall be used on an individual in the absence of articulable exigent circumstances. Multiple applications of the ECW against a single individual are generally not recommended as it may suggest that such application was ineffective; it should be avoided unless the officer believes the need to control the individual outweighs the increased risk posed by multiple applications.

If the first application of the ECW appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the ECW, including:

- (a) Whether the probes are making proper contact.

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- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.
- (d) A solo officer with delayed cover.
- (e) Continued resistance by the suspect.
- (f) Presence of an accessible weapon

Officers must always assess the effectiveness of any force option they employ and escalate or de-escalate as appropriate.

Officers shall not intentionally cause a subject to be under the power of multiple ECWs simultaneously.

304.5.8 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all electronic control weapon discharges. AFID (Anti Felon IDentification) tags shall be collected if located and the expended cartridge, along with both probes and wire, shall be submitted into evidence.

The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

Once the subject is taken into custody, restrained, and searched, he/she should be placed in a face up (supine) or seated position to assist breathing. Face down restraint positions for extended periods of time should be avoided whenever possible.

If medical personnel are not already on-scene or en route, a Code 3 medical response shall be ordered via Communications Division as soon as practical. At least one officer shall be assigned to continually monitor the subject's physical condition until relieved by emergency medical personnel. Officers should immediately notify supervisors of any breathing difficulties or any other physical and/or mental state changes.

304.5.9 DANGEROUS ANIMALS

The electronic control weapon may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

304.5.10 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department electronic control weapons while off-duty.

Officers shall ensure that ECWs are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the ECW inaccessible to others.

304.6 DOCUMENTATION

Officers shall document all electronic control weapon discharges in the related arrest/crime report. Notification shall also be made to a supervisor in accordance with the Use of Force Policy. Unintentional discharges, will be reported to a supervisor and the ECW Coordinator.

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The ECW Coordinator should periodically analyze the report forms to identify trends, including deterrence and effectiveness, and conduct audits of data downloads.

304.7 MEDICAL TREATMENT

Absent extenuating circumstances, only appropriate medical personnel shall remove electronic control weapon probes from a person's body. Officers may remove probes when connected only to the persons clothing. Used ECW probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by electronic control weapon probes or who have been subjected to the electric discharge of the ECW shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The ECW probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

All subjects shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the electronic control weapon.

304.8 SUPERVISOR RESPONSIBILITIES

A supervisor shall respond to all incidents where the electronic control weapon was deployed at a person.

A supervisor shall review each incident where a person has been exposed to an activation of the ECW. The ECW's onboard memory shall be downloaded through the data port and saved with the related arrest/crime report. Photographs of probe sites shall be taken and witnesses shall be identified and interviewed.

304.9 TRAINING

Personnel who are authorized to carry the electronic control weapon shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the ECW as a part of their assignment for a period of 12 months or more shall be recertified by a department-approved electronic control weapon instructor prior to again carrying or using the ECW.

Proficiency training for personnel who have been issued ECWs shall occur every 18-24 months. A reassessment of an officer's knowledge and/or practical skill may be required at any time if

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deemed appropriate. All training and proficiency for electronic control weapons will be documented and retained by the Training Section.

The ECW Coordinator shall ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the ECW and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the ECW.
- (h) Actual deployment and use of an ECW.