

Electronic Control Weapons

309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Electronic Control Weapons.

309.2 POLICY

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

309.3 ISSUANCE AND CARRYING ECWS

Only officers who have successfully completed department-approved training may be issued and carry an ECW. Officers will have the option to carry the ECW, and if carried, then an impact weapon will be an optional carry for uniformed officers. However, a baton ring will be mandatory carry and a straight baton will be accessible in the officer's vehicle. All uniformed personnel who are issued an ECW will carry it when on duty and in uniform.

ECWs are issued for use during an officer's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

Officers shall only use the ECW and cartridges that have been issued by the Department. Uniformed officers who have been issued the ECW shall wear the device in an approved holster on their person. Non-uniformed officers may secure the ECW in the driver's compartment of their vehicle when on duty. The ECW will be secured in an approved locked container within the vehicle or removed from the vehicle when the officer is not on duty.

Officers carrying the ECW should perform a spark test on the unit prior to every shift.

When carried, officers shall carry the ECW on the front of the duty belt on the weapon side and deploy it with the reaction side hand.

- (a) All ECWs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry two 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 hold both a firearm and the ECW at the same time except briefly during a weapons transition.
- (e) SWAT or other non-uniformed specialized units, with approval from their Deputy Chief, may be authorized to carry the ECW in an approved holster other than in a weapon side cross-draw holster. However, the ECW will only be carried in a manner to be drawn with the support hand.

309.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the ECW should 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.
- (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 device), 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.

309.5 USE OF THE ECW

The ECW 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 device. Although the ECW is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

309.5.1 APPLICATION OF THE ECW

The ECW may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not sufficient cause for the use of the ECW to apprehend an individual.

309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.

- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

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.

The ECW shall not be used to psychologically torment, elicit statements or to punish any individual.

309.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. 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 should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

309.5.4 MULTIPLE APPLICATIONS OF THE ECW

Officers should apply the ECW for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the ECW against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially 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.
- (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.

Officers should generally not intentionally apply more than one ECW at a time against a single subject.

309.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all ECW discharges. Identification Tags (AFIDs) should be collected and the expended cartridge, along with both probes and wire, should 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.

309.5.6 DANGEROUS ANIMALS

The ECW 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.

309.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department ECWs while off-duty unless engaged in authorized outside police employment.

Officers shall ensure that ECWs are secured while in their homes or any other area under their control, in a manner that will keep the device inaccessible to others. ECWs must be in an approved, locked container in a vehicle when the assigned officer is off duty.

309.6 DOCUMENTATION

Officers shall document all ECW discharges in the related arrest/crime report and as required by "Response to Resistance Reporting and Review: Policy 301" and the "Early Intervention System (EIS): Policy 1021". Notification shall also be made to a supervisor in compliance with the Response to Resistance Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented in the Early Intervention System.

309.6.1 EIS Entry

Items that shall be included in the EIS Entry report form are:

- (a) The cartridge type and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of ECW activations and the duration of the cycle(s).
- (e) The range at which the ECW was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The SWAT Sergeant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The SWAT Sergeant should also conduct audits of data downloads and reconcile ECW report forms with recorded activations. ECW information and statistics, with identifying information removed, should periodically be made available to the public.

309.6.2 REPORTS

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing ECWs
- (b) Any verbal warnings given
- (c) Identification of witnesses
- (d) Medical care provided to the subject
- (e) Observations of the subject's physical and physiological actions
- (f) Any known or suspected drug use, intoxication or other medical problems

309.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only trained officers shall remove the probes from a suspect. If the probes have imbedded in a sensitive area (head, groin, face, neck or breast area on a female) then removal shall be done by medical professionals. 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 ECW probes or who have been subjected to the electric discharge of the device shall be medically cleared at the hospital prior to booking. If any individual refuses medical attention at the hospital, such a refusal should be witnessed by another officer and/or medical personnel and shall be documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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

309.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the ECW may be used. A supervisor should respond to all incidents where the ECW was activated.

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

309.9 TRAINING

Personnel who are authorized to carry the ECW 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 six months or more shall be recertified by department-approved ECW instructors prior to again carrying or using the device.

Proficiency training for personnel who have been issued ECWs should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by any supervisor. All training and proficiency for ECWs will be documented in the officer's training file.

Command staff, supervisors and investigators should receive ECW training as appropriate for the investigations they conduct and review.

Officers who do not carry ECWs shall receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The SWAT Sergeant is responsible for ensuring that all officers who carry ECWs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of ECWs during training could result in injury to personnel and are not mandatory for certification. Annual ECW training shall include:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing reaction hand draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the accidental 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.