

1.3.11 Electronic Control Weapons

A. PURPOSE

The purpose of this policy is to provide guidance and direction on the use of electronic control weapons (ECWs).

B. POLICY

It is the policy of this agency to use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer and others. This includes the use of less-lethal options such as the ECW.

C. DEFINITIONS

Electronic Control Weapon (ECW): A device that uses electricity to override voluntary motor responses, or cause discomfort to gain compliance or overcome resistance.

Passive Resistance: A refusal by an unarmed person to comply with an officer's verbal commands or physical control techniques that does not involve the use of physical force, control, or resistance of any kind.

Active Resistance: The use of non-assaultive physical measures by an unarmed person, including flight, to resist and or prevent an officer from gaining control.

Elevated Risk Population Groups: Individuals who are potentially at greater risk of injury or death following an exposure to an ECW, including those who reasonably appear or are known to be children, elderly, medically infirm, pregnant, users of a cardiac pacemaker, or who have low body mass.

Data Download: Method of electronic recovery of information saved by the ECW upon each discharge.

Discharge: The initiation of a probe deployment or a drive stun.

D. PROCEDURES

1. Authorized Users

Only officers who have successfully completed this agency's approved training program(s) are authorized to use an ECW.

2. Weapon Readiness

1. The ECW **shall be carried in an approved holster on the side of the body opposite the service handgun.**
2. The ECW shall be carried with cartridge in place and with the safety in the “safe” position.
3. Officers shall be issued a minimum of one spare cartridge as a backup in case of cartridge failure or the need for redeployment. The spare cartridge shall be stored and carried in a manner consistent with training and the cartridges will be replaced following the manufacturer's expiration requirements.
4. To ensure the device is functioning properly, the ECW shall be subjected to a pre-shift “spark test” consisting of a full, five second cycle.
5. Modifications or repairs to the device shall only be performed by a trained technician and consistent with the manufacturer’s guidelines and directions.

E. General Considerations For Use

1. The ECW is authorized to be used
 1. to protect the officer or others from immediate physical harm
 2. to restrain or subdue an individual who is actively resisting or evading arrest, or
 3. to bring an unlawful situation safely and effectively under control.
1. The ECW shall not be used
 - i. On individuals who passively resist.
 - ii. On individuals in restraints, except to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. However, in these situations, only the minimal amount of force necessary to control the situation shall be used.
 - iii. When the officer has a reasonable belief that deployment may cause serious injury or death from situational hazards including falling, drowning, or igniting a potentially explosive or flammable

material or substance, except when deadly force would be justified.

- iv. When the suspect's movement and or body positioning prevents the officer from aiming or maintaining appropriate body part targeting.
- v. Officers shall be aware of the general concerns raised when an ECW is used on a member of an elevated risk population group. Officers are not prohibited from using an ECW on such persons, but shall limit use to those exceptional circumstances where the potential benefit of using the device reasonably outweighs the enhanced risks involved.
- vi. Absent exigent circumstances, officers shall not intentionally activate more than one ECW at a time against a subject.
- vii. Officers shall energize a subject no longer than reasonable to overcome resistance and bring the subject under control.
- viii. Officers shall issue verbal and visual warnings consistent with training prior to deploying the ECW, when feasible, and allow a reasonable amount of time for the subject to comply unless doing so would increase the risk of injury to officers or the subject involved. Officers should also notify assisting officers that they intend to deploy the ECW.

F. Primary Deployment

1. The ECW is most effective at overcoming resistance and gaining subject control when used in the probe mode, and from adequate distance consistent with training to allow sufficient probe spread on contact. Accordingly, this is the preferred method of deployment.
2. Immediately prior to deployment, the officer shall visually and physically confirm that the device selected is the ECW and not a firearm.
3. The ECW shall be aimed at a preferred probe target location, consistent with training and manufacturers' recommendations.
4. The ECW shall not be intentionally aimed at a sensitive area, which includes the subject's face, eyes, head, throat, chest area, female breasts, groin, genitals, or known pre-existing injury areas, absent reasonable belief by the officer that he or she is facing an imminent risk of serious physical injury or death.

5. Officers shall consider the totality of circumstances, including suspect movement, limited sighting capability, and their ability to accurately deploy the device, to reduce the risk of accidental probe contact to an unintended body part.
6. The ECW shall be fired for an initial five second cycle:
 - i. During and immediately after this cycle, the officer shall verbally give resistance control instructions to the subject.
 - ii. The officer shall be aware that an energized subject may not be able to respond to commands during or immediately following exposure.
 - iii. The officer shall allow a reasonable amount of time to assess the effectiveness of the cycle, and to give the subject the opportunity to comply with the instructions given.
 - iv. The officer shall evaluate, under the totality of circumstances presented, whether additional cycles are reasonably necessary to overcome resistance and gain subject control, and whether additional cycles appear reasonably likely to be effective in overcoming resistance and gaining subject control. The evaluation shall include consideration of the enhanced risks to subjects exposed to multiple and or prolonged ECW cycles.
 - v. The officer should transition to alternative resistance control measures if the subject does not respond to the ECW in the anticipated manner based on training and experience, and additional cycles do not appear reasonably likely to be effective in overcoming resistance and gaining subject control.
 - vi. To reduce the number of cycles and time exposed, the subject should be secured as soon as practical while exposed to the ECW cycle or immediately thereafter.

G. Secondary Deployment

1. All secondary deployment techniques are subject to the same deployment guidelines and restrictions as probe deployments.
2. The ECW may also be used in close-range, self-defense, and brief distraction situations in the drive-stun mode with the cartridge removed. When the device is used in the drive-stun mode it is:
 - i. Primarily a coercive control tool.
 - ii. Less effective than when probes are deployed with adequate probe spread.
3. A preferred method of close-range secondary deployment involves firing the probes at close range with the cartridge on, then applying the device in drive-stun mode consistent with training to an area of the body away from the probe location. This potentially creates a “probe spread” effect between the probe location and point where the ECW is placed in contact with the subject’s body. When used in this manner the ECW is potentially as effective as a primary cartridge-type probe spread deployment, though more difficult to maintain continuity during the cycle due to the need to hold the device in contact with the body.

H. Post-Deployment

1. Photographs shall be taken of any visible injury sustained by a subject during the discharge of an ECW when the injury requires medical treatment.
2. The probes shall be removed from the subject as soon practical after deployment and control, following procedures outlined in training.
3. The probes shall be treated as a biohazard risk.
4. Officers shall request emergency medical response if any of the following occurs:
 - i. The subject requests medical attention.
 - ii. A probe has contacted a sensitive area such as the face, groin, or female breasts.
 - iii. There is difficulty removing the probes.

- iv. The subject does not appear to be recovering in a manner consistent with training and experience.
 - v. The subject is part of an elevated risk population group.
 - vi. The subject has been exposed to more than three ECW cycles or 15 seconds of energy.
 - vii. The subject has been exposed to the effects of more than one ECW device.
 - viii. The subject has exhibited signs of excited delirium as described in training, prior to or during ECW exposure.
 - ix. The subject reasonably appears to be affected by mental illness or is in medical distress.
 - x. The subject has been rendered unconscious or unresponsive.
5. When the device has been used in probe mode, the officer shall collect the cartridge, wire leads, darts, and anti-felon identification markers (AFIDs) when possible, and secure them as evidence.

I. Reporting

1. The deploying officer shall notify his or her supervisor as soon as practical after using the device, and the appropriate use-of-force reports shall be completed. Data from the ECW shall be downloaded as soon as practical following use and the file shall be considered a part of the use-of-force review.
2. Officers shall document in their use-of-force report the facts and circumstances that reasonably required the use of the ECW, and specific justification shall be provided when the device has been used in any of the following manners:
 - i. in the drive-stun mode
 - ii. subject is energized more than three cycles or longer than 15 seconds
 - iii. more than one ECW is used against the subject
 - iv. on an individual in an elevated risk population group

J. Auditing / Time Synchronization

1. ECWs will be subjected to periodic and random data downloading. The data obtained will be reconciled with existing use-of-force reports to ensure accountability between the cycles recorded, and those documented in such reports and in pre-shift testing.
2. Access to download cables used to connect the ECW data port to a computer will be restricted to the Captain of Police Administration. ECW cables shall be kept in a secure area when not in use.
3. The Captain of Police Administration is the only person authorized to correct time synchronization issues.
4. Time synchronizations shall be performed quarterly (at least once during the months of January, April, July, and October), regardless of ECW usage. Documentation of the synchronization shall be recorded by the Captain of Police Administration in an administrative log.

K. Lost or Damaged ECW

1. A lost or damaged ECW shall be immediately reported to the shift supervisor by the officer who the ECW is issued.
2. The shift supervisor shall ensure a City/Personal Property Damage Report is prepared immediately following disclosure.
3. This report will then be forwarded to the Captain of Police Administration in electronic and hard copy with original signatures by the end of their shift.