

USE OF FORCE

ELECTRONIC CONTROL DEVICE (ECD)

Purpose: The purpose of this policy is to establish procedures for the carrying and use of an electronic control device by members of this Department.

Policy Statement: It is the policy of this Department to provide the tools and training necessary for its officers to perform their duties in a manner that minimizes the risk of injury to any person. An Electronic Control Device (ECD) has been added to the Department resources to facilitate the safe arrest of combative, resisting, and/or violent individuals. The ECD is not a replacement or substitute for other less lethal devices or tactics, and should only be used when it is determined to be the best available tool or tactic under the given circumstances, in accordance with the law and Department policy.

Summary of Changes: Section 7.2-Removed requirement that allowed only MEMS personnel to remove probes from skin. Section 7.3 - added only trained medical personnel permitted to remove probes from skin.

Definitions:

Electronic Control Device: A weapon primarily designed to disrupt a subject's central nerve system by means of deploying electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.

Activate: Depressing the trigger of an ECD causing the ECD to arc or to fire probes.

ECD Cycle: Duration of an ECD electrical discharge following ECD activation.

Drive Stun: To stun a subject with an ECD by making direct contact with the body after an ECD cartridge has been expended or removed for pain compliance.

Sensitive Areas: A person's head, neck, genital area, and a female's breast area.

Spark Test: Non-contact testing of an ECD by arcing it to ensure it is in proper working order.

Standard ECD Cycle: A 5-second electrical discharge occurring when an ECD trigger is pressed and released. The standard 5-second cycle may be shortened by turning the ECD off.

Procedure:

1 General

1.1 Only officers trained and certified by a qualified instructor in the use of an ECD may carry or use an ECD.
[CALEA 1.3.10]

1.2 Only Department issued or approved ECDs will be used.

1.3 An ECD may be used to:

1.3.1 To defend against imminent physical attack;

1.3.2 To prevent injury to any person; and

1.3.3 To control vicious animals when necessary.

1.4 Active resistance from an individual must exist before the decision is made to deploy the ECD.

1.4.1 The use of directional control will not be a prerequisite to the use of an ECD if a subject is demonstrating an assaultive, combative, or threatening behavior.

1.5 The use of an ECD will be documented in the *Incident Report*, *Arrest Disposition Report (ADR)*, and *Subject Control Supplement* as outlined in PD 11-02. [CALEA 1.3.6 c, d]

1.6 The ECD is situated between hard hand and impact weapons on the Use of Force Continuum.

1.6.1 The ECD should be deployed when lesser forms of force have not worked or are reasonably deemed to be inappropriate or not likely to be effective.

1.6.2 The ECD is not a substitute for deadly force and should not be used in those situations.

1.7 ECD cartridges will be issued only to officers certified in the use of the ECD. Each cartridge has a specific serial number for identification purposes. Officers are to ensure they maintain possession of their assigned cartridges. The cartridges will not be shared by officers unless exigent circumstances exist and can be articulated.

1.8 Officers will indicate on an ADR and notify detention personnel that an ECD was used on the arrested party and make note of the time it was used, so that detention employees will know to observe the subject and contact the appropriate medical personnel if the subject should need those services.

2 Restrictions on Use of an ECD

- 2.1 An ECD will only be used as a control and compliance measure and will not be used as a means of punishment or interrogation.
- 2.2 Officers will use only the amount of control reasonably needed to effectively control the situation. Once control is obtained, the use of an ECD will be discontinued immediately.
- 2.3 Officers will not deploy the ECD against individuals that are demonstrating passive resistance. Keep in mind; this is a device which is primarily used to defend one's self, a third party, or to gain control of a combative, violent resistant individual.
- 2.4 Intentionally applying an ECD to sensitive areas is not permitted except in a confrontation where deadly force would be justified.
- 2.5 Officers using an ECD must take all possible precautions to ensure they deploy the device only on the intended violator.
- 2.6 When an officer assigned the use of an ECD enters another agency's facility, the officer will comply with that agency's policy concerning the wearing of the ECD within the facility. The ECD must be secured as you would your firearm prior to entering any facility that prohibits the use of and ECD.
- 2.7 An ECD is normally not the most effective less than lethal device to use when encountering a large gathering of people.

3 Defense against the Use of an ECD

- 3.1 When an officer is confronted by an assailant, attacker, or suspect holding, wielding, or threatening the officer with an ECD, the officer will make reasonable efforts to minimize the amount of self-defense force applied.
 - 3.1.1 The officer confronted must understand that if the person is successful in utilizing the ECD against an officer, the officer will be at the mercy of the person, person's companions, or others for the duration of the activation of the ECD. It is foreseeable and reasonable to believe that during this time the officer may be disarmed, killed, or seriously injured.
 - 3.1.2 If an officer can reasonably retreat safely to a distance outside of the foreseeable effective range of the ECD (minimum 35 feet), the officer should do so, provided that the retreat does not create substantial additional risk of harm or injury to the officer or others.
 - 3.1.3 If the officer confronted by a suspect wielding or threatening the officer with an ECD cannot safely retreat from the scene, the officer may use reasonable force against the ECD attacker up to and including the use of deadly force.

4 Care and Handling of an ECD

- 4.1 Officers will carry the ECD and cartridges in the issued case or holster.
- 4.2 The ECD will be worn on the utility belt in a manner which enables the officer to draw the weapon using a cross draw, strong hand technique.
 - 4.2.1 The officer will keep at least on extra cartridge readily available at all times. This can be accomplished by storing the extra cartridge in the handle of the device which is equipped for easy access or by using an approved cartridge case.
- 4.3 Officers will conduct a spark test at the beginning of each shift or assignment to ensure the device is functioning properly.
 - 4.3.1 A spark test is conducted by first ensuring the ECD is not loaded with a live cartridge, then test firing the device to observe an electrical discharge.
- 4.4 The ECD will be inspected for damage and cleanliness before each shift or duty assignment; this is to include a daily inspection of the cartridge prior to loading the device. Officers will not attempt to make any repairs on the ECD or cartridges. Any defects noted or suspected will be reported to a supervisor immediately.
- 4.5 When the reading on the LCD Display indicates battery strength of less than 20%, the battery will be replaced before the device is placed in service.
- 4.6 When the ECD is not in use*, it will be stored unloaded in a secure, climate controlled environment. *Note: in this case, "not in use" refers to being off duty.

5 Deployment of ECD

- 5.1 When practical, prior to firing the ECD, the officer will:
 - 5.1.1 Warn the suspect that he/she will be "tased" if they do not cooperate.
 - 5.1.2 In a safe manner, unholster the ECD pointing it in a safe direction, disengage the safety device and aim at the target, and
 - 5.1.3 Loudly announce that the ECD is being deployed to avoid confusion by assisting members.

- 5.2 Center mass of the subject's back is the primary aiming point, and lower center mass or legs are the secondary targets.
- 5.3 The officer will not intentionally fire the ECD at sensitive areas, or the chest area, nor will he/she direct the laser aiming device into the eyes of anyone.
- 5.4 Once deployed, the ECD should be allowed to cycle for a period not to exceed five (5) seconds. The ECD will not be applied additional times unless doing so is reasonably necessary to gain control of the subject.
- 5.5 In close quarters confrontations, it is recommended that the ECD be utilized in the drive stun mode; however, if it is not practical to safely remove the cartridge to apply a drive stun, the officer can deploy the ECD at close range. The officer must keep in mind that when using the ECD in this manner only a concentrated muscle group will be affected and the desired result may not be achieved.
- 5.6 Once the ECD has been deployed and the desired results have been achieved, the officer must take measures to secure the individual in restraints as quickly as possible in order to minimize the need for additional cycles of the ECD.
- 5.7 The ECD may be used during exigent circumstances in a drive stun mode.
- 5.7.1 If upon deployment the probes do not strike the intended target, the cartridge can be quickly discarded allowing the device to be used in drive stun mode.
- 5.7.2 While in drive stun mode, target areas should be the abdominal region, hips, thigh, and the brachial plexus origin on the side of the neck or the pelvic girdle.
- 5.7.3 Multiple applications of the ECD by the drive stun method are discouraged unless doing so is deemed reasonable and can be articulated.
- 5.8 The ECD will be pointed at the ground in a safe position with the safety on during loading, unloading, or when handled in other than an operational deployment.

6 Circumstances when the ECD will not be used except when deadly force is the only alternative.

- 6.1 When the officer recognizes the threat of sparks discharged by the ECD could come into contact with flammable liquids or substances; (i.e. meth labs, gasoline, alcohol based OC spray or any similar accelerants).
- 6.2 When the subject could suffer a fall from a significant height or on objects likely to cause serious injury.
- 6.3 When the subject is visibly pregnant.
- 6.4 When the effect of the ECD would present an increased risk of serious injury due to the age or physical disability of an individual.
- 6.5 When the subject is operating a motor vehicle.
- 6.6 When the subject is holding a firearm, knife, or any object that can be used as a deadly weapon.
- 6.7 When the subject flees from officers, unless the officer reasonably believes the subject has committed a violent offense or will likely commit a violent offense if not apprehended in a timely manner.

7 Responsibilities after an ECD Deployment

- 7.1 Contact an on-duty supervisor who will immediately respond to the scene.
- 7.2 MEMS will be requested at the scene in order to provide medical aid to anyone injured in the incident.
- 7.3 Only trained medical personnel will be permitted to remove a probe that is embedded in the skin of any person.
- 7.3.1 Officers may remove probes that are embedded in clothing.
- 7.4 See to the medical needs of the affected individual. He/she should be transported to a medical facility if deemed necessary by the first responding medical personnel, or if the affected individual requests it.
- 7.5 Photograph the site of probe impact and any related injuries. If practical, photograph the site of the probe impact prior to the removal of the probe.
- 7.6 Log into evidence all discharged cartridges, probes, and a few particles of confetti dispersed upon deployment. Use only the storage box provided to safely contain a used cartridge. The storage box must be labeled as "BIO-HAZARD".
- 7.6.1 Upon deployment, each cartridge disperses approximately 40 pieces of confetti which are specific to that cartridge. Use a piece of tape, if practical, in order to collect several pieces of confetti to be turned in as evidence.
- 7.6.2 Carefully return the probes into the ports they were projected from by inserting the sharp end first then wrap the attached wire around the cartridge.
- 7.7 Complete the *Incident Report* and *Subject Control Supplement*. Identify the serial number of the ECD cartridge used on both documents.
- 7.8 Ensure that the medical personnel at the receiving facility are aware that the subject was struck with an ECD.

7.9 Notify the custodian of the replacement ECD cartridges of a deployment and arrange to get a replacement cartridge as soon as possible.

8 Supervisor's Responsibilities

8.1 A supervisor will immediately respond to the scene of an ECD deployment.

8.2 The on-scene supervisor will ensure the medical needs of the affected individual are met.

8.3 The on-scene supervisor will obtain photographs of the probe impact site as well as photographs of any related injuries. If practical, photograph the site of the probe impact prior to the removal of the probe.

8.4 The on-scene supervisor will complete an *ECD Use Report* (Attachment #1)

8.5 The reporting supervisor will ensure that the data from the ECD is copied and included in the Subject Control File.



Mike Davis
Chief of Police