

NUMBER: 02-003	Original Issue: January 1, 2002	Revised Date: June 27, 2013	Effective Date: July 26, 2013
SUBJECT: Electronic Control Weapons			Pages: 7

Electronic Control Weapons (“ECW”)

All uses of ECW are governed by the Use of Force Policy 96-007, and the additional requirements of this policy. All ECW uses must be legally justified and objectively reasonable, as set forth in the Use of Force Policy 96-007. The definitions set forth in the Use of Force Policy 96-007 apply to this policy.

The ECW is deployed as an additional tool and is not a substitute for lethal force. The ECW may be used to control dangerous or violent subjects when lethal force does not appear to be justified and/or necessary. Deployment of an ECW is a serious use of force. Officers should only use an ECW as a weapon of need, not as a tool of convenience. Officers should not over-rely on the ECW in situations where more effective and less risky alternatives are available. Officers should only deploy the ECW against subjects who are exhibiting Active Resistance. The ECW should never be used for coercion of any type. The ECW gives officers a means of controlling dangerous situations. It is not a foolproof weapon. The ECW is not a substitute for common sense and good judgment or a cure all for all violent offenders. Nor should officers use ECWs in all circumstances. When used within the design parameters of the device, the ECW can be an effective, less-lethal control device.

I. Qualification, Maintenance, and Reporting Procedure

- A. The ECW shall be issued to and only used by officers who have completed the ECW training program. A certified ECW instructor will conduct training.
- B. Only a properly functioning and charged ECW shall be carried on duty.
 1. Officers must test their assigned ECW at the beginning and end of the shift.
 2. Officers should carry the ECW in a weak-side holster.
- C. Officers shall document every discharge, including accidental discharges, of an ECW. Officers shall complete a Use of Force Report for all applications of ECW. Supervisors shall investigate every ECW discharge.
 1. Discharges of the ECW during approved training sessions will not require completion of a Use of Force Report or further investigation unless an injury occurs during the training session.
- D. Officers shall never aim the ECW at the eyes or face. An ECW has laser light and front and rear sights.

- E. Officers shall not fire the ECW near flammable liquids or fumes. The ECW discharge can ignite gasoline and other flammables. Some self-defense sprays are flammable and should **not** be used in conjunction with the ECW.
- F. Officers shall ensure that they replace the cartridges to their assigned ECW by the expiration date listed on the cartridge. All expired cartridges will be turned into the Weapons Unit and replaced with new cartridges. Expired cartridges may be disposed of or used for training exercises.
- G. Officers trained to carry the ECW shall re-qualify on the ECW once a year.

II. Lieutenant/Sergeant Responsibilities

- A. Respond to scenes where the ECW is expected to be deployed.
- B. Evaluate scene and ensure appropriate investigative units respond, if necessary.
- C. Ensure that officers who discharge the ECW complete a Use of Force Report.
- D. Ensure the reports are forwarded through the chain of command. A copy of the Use of Force Report shall be forwarded to the Chief of Police, Division Commander, and the Weapons Unit Commander.
- E. Review incident report and Use of Force Report.
- F. Ensure that medical personnel examine the subject on whom officers deployed the ECW, whenever probes make contact or current is applied.
- G. Ensure photographs are taken of the probe penetration sites and any secondary injuries caused by falling to the ground, etc.

III. Officer Responsibilities (Not issued an ECW)

- A. Upon encountering a situation that may require the use of an ECW, the officer will request an officer respond to the scene who is equipped with an ECW. The officer will respond to the requesting officer's location expeditiously. If the situation changes and the ECW is no longer needed, the requesting officer shall broadcast a cancellation of the request. The communications personnel will repeat the request to cancel the ECW.
- B. When practical, do not escalate the situation before the arrival of an officer equipped with the ECW.

IV. Deployment of the ECW

- A. Each application of an ECW is a separate use of force requiring independent legal justification.
- B. Multiple applications of an ECW 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 or others.
- C. Fleeing should not be the sole justification for deployment of the ECW. Officers should also consider the severity of the offense, the subject's threat to others, and the risk of serious injury to the subject before using the ECW on a fleeing subject.
- D. ECW deployments shall be no more than three, separate, five-second applications, absent exigent circumstances. Officers shall evaluate the situation after each cycle.
- E. Any decision to apply multiple applications of an ECW must take into consideration whether a subject is capable of complying with the officer's commands.
- F. The officer should give the subject a reasonable opportunity to consider the consequences of his/her refusal to comply with commands before each ECW application.
- G. Drive stun should not be used as a pain compliance tactic; its use should be restricted to those instances where the officer is in close quarters for the purpose of protecting the officer or creating a safe distance between the officer and subject.
- H. The ECW should not be used on handcuffed subjects except to prevent them from causing serious harm to themselves or others and if lesser attempts of control have been ineffective.
- I. Whenever feasible, officers must give a verbal warning to the subject prior to each application of the ECW and give the subject time to comply. Before discharging the ECW, the officer shall state, "**TASER, TASER,**" so other officers on the scene are aware the use is imminent.

V. Tactical Deployment

- A. Officers should consider a variety of factors prior to deploying the ECW to include but are not limited to:
 - 1. the amount of time the officer has to react;
 - 2. the officer's relative proximity to the person(s) posing the threat to the officer or bystanders;

3. the immediacy of the need to incapacitate the subject, which includes the severity of the crime at issue;
 4. the officer's ability to isolate or contain the subject(s) posing the threat, which includes the subject's attempts to resist arrest or flee;
 5. the limitations of the ECW device being deployed; and
 6. the belief that the application is likely to be successful.
- B. Officers should use verbal commands and point laser sight at subject prior to firing, and time for the subject to comply before repeating application.
 - C. Officers should have additional cartridges available or a second ECW ready to fire in case probes miss target or there is a malfunction.
 - D. Officers should have back up present to prepare to arrest or use other force options as appropriate and necessitated by the situation.
 - E. Officers should only aim at the rear of the subject's the body, center mass, or, if that is not possible, the lower half of the front of the body.
 - F. Officers should use cover and distance to ensure officer safety.
 - G. Once deployed, if suspect runs, the officer must also to prevent the ECW's wires from breaking.
 - H. Officers should avoid, if at all possible, striking the subject with the ECW probes or applying a drive stun to areas near the subject's heart, face, neck, and groin.

VI. Non-Deployment Situations and Constraints

- A. The ECW will not be deployed in the following situations:
 1. when the subject is a fleeing misdemeanant not involved in a crime of violence; OR
 2. when the subject is obviously mentally or physically handicap.

However, if the situation escalates and the subject becomes an imminent danger to themselves, the officer, or others, an officer may deploy the ECW if objectively reasonable. Upon deployment, every subsequent means must be taken so as to avoid a second deployment.

- B. While the ECW is designed to be a less-lethal force option, it should NOT be used without considering the subject, the environment, and physical setting. An ECW deployment can result in a fatality. The

ECW will not be deployed unless lethal force is justified in the following circumstances:

1. when the subject has been exposed to flammables such as gasoline, gunpowder, explosives, or alcohol-based pepper spray that may be ignited from a spark;
2. when the subject's physical location (e.g., near a fire, edge of a building, stairwell, or swimming pool/deep bodies of water, on a bicycle etc.) increases the risk of secondary injuries resulting from the ECW application;
3. when the subject appears to be under the age of thirteen (13) or over the age of seventy (70);
4. when the subject is obviously pregnant; OR
5. when the subject is in control of a motor vehicle with the engine running and in gear.

VII. Treatment of Person Subjected to ECW Use

- A. To decrease the risk of positional asphyxia, officers should not use a restraint technique that impairs the subject's breathing following an ECW deployment.
- B. Officers equipped with the ECW will be supplied with protective gloves, alcohol swabs, adhesive bandages, evidence bags and biohazard stickers. These supplies shall be provided to the officers on the scene responsible for securing the ECW evidence and removing the probes from the subject.
 1. The air cartridge and probes shall be retained and submitted as evidence. The officer shall wear protective gloves when handling the cartridges due to the potential biohazard. The wires shall be wound around the cartridge and the probes inverted into the portals of the cartridge. This will prevent the sharp ends from penetrating the evidence bag. Tape shall be placed over the portals to secure the probes in the cartridge. The evidence shall be placed into an evidence bag and appropriately packaged. A biohazard sticker shall be placed on the outside of the evidence bag.
 2. The evidence will be logged into the Evidence Safe and processed as normal evidence. The evidence only will be destroyed according to Departmental procedures.
- C. After securing the subject in handcuffs or other appropriate restraints, the officer shall remove the probes using prescribed methods, provided the officer has been trained in such methods. However, if the probes are in soft tissue areas such as the neck, face, or groin, the officer shall seek treatment of the subject by medical personnel and will

request removal of the probes only by medical personnel. Removal from other areas will be at the discretion of the on-scene supervisor.

1. Removal of Probes: The cartridge shall be removed from the ECW prior to removal of the probes.
 - a. Officer shall put on protective gloves
 - b. Officer shall place one finger on either side of the probe and stretch the skin tight.
 - c. Using a brisk pull, the officer shall pull the probe out of the subject.
 - d. The puncture site shall be wiped with a sterile alcohol swab and an adhesive bandage applied to the site.
 - e. Alcohol swabs, gloves and bandage packaging shall be disposed of in a biohazard bag or receptacle. If appropriate, the biohazard receptacle on the ambulance can be used. If not the biohazard bag may be disposed of at a local hospital.
- D. Once in custody, the arresting officer shall advise the medical personnel that the person has been subjected to the ECW and relate the time of the incident. If the probes penetrate the skin, the officer shall bring to the attention of medical staff the puncture sites. Only medical personnel may remove probes that embed in soft tissue areas such as the neck, face, groin, or eyes.
- E. After examining the affected person, the medical personnel will make the determination if the person should be transported to the hospital for additional treatment.
- F. If treatment, including removal of probes, is done at a medical facility, officers shall request the probes from medical personnel and shall maintain all evidence collected.
- G. The affected person shall not be placed in jail or other detention facility until medical personnel have cleared them.
- H. Officer must be aware that one easily overlooked aspect of injury in shooting a subject with the ECW is that of falling from the standing position.
- I. Officer shall request that medical personnel perform a physical examination with attention on possible secondary injuries.

VIII. Weapons Unit Responsibilities/ECW Instructors

- A. The Weapons Unit shall receive, inspect and ensure the maintenance and replacement of the ECW devices assigned to department personnel.
- B. The Weapons Unit shall establish and maintain a record of issuance of the ECWs and air cartridges. The serial numbers shall be recorded.
- C. An ECW certified trainer shall provide annual retraining to certified users of the ECW.
- D. The Weapons Unit shall Review copies of the Use of Force Reports. One copy of the chart will be maintained in the ECW user file and one copy will be sent to Air Tam International for inclusion in the national use database.
- E. The Weapons Unit shall maintain training updates from Air Tam International.

END POLICY/PROCEDURE 2002-003

The aforementioned rules, regulations, policies, and procedures, to wit: PO/PR 02-003 is and the same are ratified prescribed, adopted, approved, made and promulgated, by me, on this 11th day of July, at 2013 AM/PM.


AS SO ORDERED



**Enzo C. Cantalamessa
Director of Public Safety & Service**

The aforementioned rules, regulations, policies, and procedures, to wit: PO/PR 02-003 is and the same are ratified prescribed, adopted, approved, made and promulgated, by me, on this 11th day of JULY, 2013, at 2 AM/PM.

AS SO ORDERED



**Eric J. Merkel
Chief of Police**