

IACP National Law Enforcement Policy Center ELECTRONIC CONTROL WEAPONS

Model Policy
April 2010

I. PURPOSE

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

II. POLICY

It is the policy of this agency to use objectively reasonable force to control or overcome the resistance put forth by individuals who are violent, exhibiting threatening or potentially violent behavior, or physically resisting arrest or detention. ECWs may be used by authorized and trained personnel in accordance with this use-of-force policy and additional guidelines established herein.

III. DEFINITIONS

Electronic control weapon (ECW): A weapon that uses electricity to override voluntary motor responses, or apply pain in order 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.

Sensitive population groups: Sensitive population groups include those who reasonably appear to be, or are known to be, children, elderly, medically infirm, pregnant, or users of a cardiac pacemaker.

IV. PROCEDURES

A. Authorized Users

Only those who have successfully completed this agency's approved initial and in-service training programs are authorized to use an ECW.

B. Weapon Readiness

1. The device shall be carried in an approved holster on the side of the body opposite the service handgun. Officers not assigned to uniformed patrol may utilize other department-approved holsters and carry the weapon consistent with department training.
2. The device shall be carried fully armed with the safety on in preparation for immediate use.
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. Only manufacturer-approved battery power sources shall be used in the ECW.
5. The ECW shall be subjected to a pre-shift "spark test" as defined in training to ensure that the device is functioning properly.

6. No modifications or repairs shall be performed on the device unless authorized by the department in writing.

C. Deployment

1. The ECW is generally authorized to be used in circumstances where grounds to arrest or detain are present and the subject's actions cause a reasonable officer to believe that physical force will be used by the subject to resist the arrest or detention. Such actions may include but are not limited to:
 - a. use of force against the officer or another person
 - b. violent, threatening, or potentially violent behavior
 - c. physically resisting the arrest or detention
 - d. flight in order to avoid arrest or detention, in circumstances where officers would pursue on foot and physically effect the arrest or detention
 - e. self-destructive behavior
2. The ECW is most effective at overcoming resistance and assisting officers with subject control when used in the "probe mode," which is the preferred deployment technique when practical.
3. The device should be aimed at the subject, fired, and cycled in a manner consistent with and as outlined in training.
4. The ECW may also be used in limited close-range, self-defense, and pain-compliance circumstances in the "contact" mode, if there is no opportunity to use the device in the preferred "probe mode." When the device is used in "contact" mode it is:
 - a. primarily a pain compliance tool,
 - b. generally less effective than when probes are deployed with spread in excess of 12 inches, and
 - c. subject to the same deployment guidelines and restrictions as probe deployments.
5. An alternative method of close-range deployment involves firing the ECW cartridge at close range, then applying the ECW in "contact" mode to an alternate part of the body. This creates a "probe spread" effect between the impact location of the probes and the point where the ECW is placed in contact with the subject's body, resulting in an increased probability of subject control as compared to the standard "contact" mode. When the ECW is used in this manner, it is:
 - a. potentially as effective at subject control as a conventional cartridge-type probe spread deployment, and
 - b. subject to the same deployment guidelines and restrictions as any other ECW cartridge deployment.
6. The ECW shall not be used on those who passively resist as defined in this policy, and should generally not be used:
 - a. On a handcuffed or secured prisoner, absent overtly assaultive, self-destructive, or violently resistive behavior that cannot reasonably be controlled by other readily available means.
 - b. In any environment where an officer reasonably believes that a flammable, volatile, or explosive material is present, including but not limited to OC spray with volatile propellant, gasoline, natural gas, or propane.

- c. In any situation where the officer has a reasonable belief that the subject might fall resulting in death or serious physical injury, and the circumstances presented do not justify that risk.
 7. Officers shall be aware of the general concerns raised when an ECW is used on a member of a sensitive population group. Officers are not prohibited from using an ECW on such persons, but use is limited to those exceptional circumstances where the potential benefit of using the device (i.e., injury reduction) reasonably outweighs the risks and concerns.
 8. Upon activating the device against a person, the officer shall energize the subject no longer than objectively reasonable to overcome resistance and bring the subject under control.
 9. In determining the need for additional energy cycles, officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure.
 10. If the subject does not respond to the ECW deployment in the anticipated control manner based on training and experience, personnel should consider transitioning to alternative resistance control measures.
 11. To minimize the number of cycles needed to overcome resistance and bring the subject under control, the subject should be secured as soon as practical while affected by ECW power or immediately thereafter.
- D. Post-Deployment Considerations
1. The ECW darts may be removed from the subject after being restrained following procedures outlined in training. The ECW darts should be treated as a biohazard risk.
 2. Personnel shall request EMT response, or the person shall be transported to a medical facility for examination if any of the following occur:
 - a. he or she requests medical attention, or there is an obvious need for medical attention,
 - b. he or she is hit in a sensitive area (for example, eye, face, head, breasts, genitals),
 - c. the officer has difficulty removing the probes,
 - d. he or she does not appear to recover in a reasonable period of time after being exposed, as determined by the officer following training guidelines,
 - e. he or she is part of a sensitive population group as defined in this policy,
 - f. he or she has been exposed to more than three ECW cycles,
 - g. he or she has been exposed to the effects of more than one ECW device,
 - h. he or she is reasonably believed to have been exposed to a continuous cycle of 15 seconds or more, or
 - i. he or she has exhibited signs of “excited delirium,” as outlined and defined in training, prior to and/or during ECW exposure.
 3. If the probes penetrate the flesh, photographs of the contact area should be taken after they are removed.
 4. When the device has been used operationally, the officer should collect the cartridge, wire leads, darts, and AFIDs, and secure them as evidence.
- E. 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 report shall be completed. Data from the ECW, including audio/video recordings if the ECW is so equipped, shall be downloaded following use and the file shall be considered a part of the use-of-force review.
2. Officers shall specifically document in their use-of-force report the facts and circumstances that reasonably required the use of the ECW in the following manner:
 - a. in the “contact” mode,
 - b. subject energized more than three cycles,
 - c. subject energized for longer than 15 seconds,
 - d. more than one ECW being used against the subject,
 - e. used on an individual in a sensitive population group as defined in this policy.

F. Auditing

All agency 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 occurring in pre-shift testing.

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