

ELECTRONIC CONTROL DEVICE

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**PURPOSE:** This policy is to direct officers in the appropriate response to resistance with respect to the deployment of the Electronic Control Device (ECD). This policy is for internal use only and is not intended to enlarge an employee's civil liability in any way. This policy should not be interpreted as creating a higher duty of care, in an evidentiary sense, with respect to civil claims by a third party against officers. A violation of this policy, if sustained, is for departmental administrative action in accordance with the laws and policies governing employee discipline.

**POLICY:** When using the ECD, officers will use only objectively reasonable force to bring the subject committing a serious offense under control given the totality of the circumstances; the extent to which the subject poses an immediate threat to the officer(s) or another, and whether the subject is actively resisting arrest or attempting to evade arrest. To properly consider the reasonableness of the force employed, it should be viewed in full context toward the proportionality of force in light of the circumstances. Deploying an ECD is a serious use of force and must be reasonably justified by the officer(s) and/or supervisor authorizing such force.

**DEFINITIONS:**

- I. **ELECTRONIC CONTROL DEVICE:** known as ECD, is a device that uses a high-voltage, low power charge of electricity to induce involuntary muscle contractions that cause temporary incapacitation. This includes the TASER® X26 or stun guns that disrupt the central nervous system of the body. ECD's are a less-lethal technology used by law enforcement to reduce reliance on weapons more likely to produce lethal injuries.
- II. **PASSIVE RESISTANCE:** Non-cooperation and other nonviolent methods used as a means to resist authority.
- III. **ACTIVE RESISTANCE:** A subject actively resists when they take adverse action to defeat an officer's ability to take them into custody.
- IV. **OBJECTIVELY REASONABLE:** The amount of force that would be used by other reasonable and well-trained officers when faced with the circumstances with which the officer using the force is presented.
- V. **SENSITIVE AREAS:** For this policy, sensitive areas are considered the face, neck, groin, rectum or the female breast.
- VI. **FIRING MODE:** The ECD when in firing mode will deploy two (2) probes up to a distance of twenty-five feet (25'). It is programmed to deploy up to five (5) second bursts of electricity, although the charge can be prolonged indefinitely if the officer's finger remains on the trigger. The probes are attached to copper wires, which remain connected to the weapon. The shock can be repeated countless times, so long as both probes remain attached to the subject. The ECD contains a cartridge of compressed nitrogen that fires the probes, and which must be reloaded every time the officer wants to fire. It has a laser sight for accurate targeting and a built in memory to record the time and date of each firing. The ECD delivers up to fifty thousand-volt (50,000-v) shock, which is designed to override

the subject's central nervous system, causing uncontrollable contraction of the muscle tissue and instant collapse of the target.

- VII. DRIVE STUN MODE: The ECD when in "drive stun" mode is at point blank range. Rather than causing a complete override of the central nervous system, the weapon is essentially used as a pain-compliance technique. In this mode, the weapon is used without the air cartridge. It applies shocks directly to the subject's body, skin, or clothing. The duration is the same as when the weapon is used in firing mode, up to five (5) seconds, unless the officer keeps his finger on the trigger for longer.

## PROCEDURE:

### I. PERSONS AUTHORIZED TO USE ELECTRONIC CONTROL DEVICES

Only those who have successfully completed the Department's required training course for the operation of the ECD are allowed to carry and deploy these weapons.

### II. SAFETY PROCEDURES FOR THE ELECTRONIC CONTROL DEVICE

- A. Shift Supervisors will be responsible for checking that officers are wearing the ECD properly.
- B. Officers will be responsible for ensuring the ECD is operating properly prior to the beginning of each tour of duty. Officer will conduct a weekly spark test in order to confirm this. The spark test is designed to ensure that the ECD is working, the battery is charged, and the high voltage components are energized. The "Spark Test" procedure is as follows:
1. Point the ECD in a safe direction;
  2. Ensure safety switch is on (Safe);
  3. Remove the air cartridge;
  4. Place safety switch to off (Fire);
  5. Again, make sure the air cartridge is removed and the ECD is pointed in a safe direction;
  6. Pull trigger to perform a spark test for five (5) seconds. Check for visible spark between electrodes and a rapid spark rate;
  7. Ensure the safety switch is placed back to the ON (Safe) position and replace the air cartridge. If the spark test is not satisfactory, replace the battery and repeat, unless using the ECD Camera, then the battery will have to be charged.

### III. USE OF ELECTRONIC CONTROL DEVICES

- A. In addition to compliance with Department Policy 9-1 Response to Resistance, all deployments of the ECD as a response to active resistance must comply with the provisions of this ECD policy. Officers shall use only that force that is objectively reasonable given the totality of the circumstances to effectively bring an incident under control.
- B. In the event an officer is disarmed of the ECD by a subject, the officer shall treat the subject as any other person possessing a weapon in a confrontational situation according to Policy 9-1 Response to Resistance.
1. Officers should consider their safety is at risk if the subject threatens or uses the ECD against the officer to incapacitate them, thereby leaving that officer's tool belt containing handcuffs, chemical agent, baton, and handgun compromised for the subject to remove and use against the officer(s) or another person.
- C. If an Officer has not been issued an ECD or if an Officer's ECD is being repaired a Supervisor will sign out an ECD to the Officer at the beginning of shift and are responsible for logging the appropriate weapon information on the check-out log and logging the ECD back in upon return to equipment room.