

Electronic Control Device

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Electronic Control Device (ECD)s.

304.2 POLICY

The ECD is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

304.3 ISSUANCE AND CARRYING ECDS

Only members who have successfully completed department-approved training may be issued and carry the ECD.

ECDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

Officers shall only use the ECD and cartridges that have been issued by the Department. Uniformed and non-uniformed officers who have been issued the ECD shall wear the device in an approved holster on their person.

Officers carrying the ECD should perform a spark test on the unit prior to every shift.

When carried while in uniform, officers shall carry the ECD in an approved holster on the side opposite the duty weapon.

- (a) All ECDs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device. For example the ECD would be yellow in color.
- (b) Officers shall be responsible for ensuring that their issued ECD is properly maintained and in good working order.
- (c) Officers should not hold both a firearm and the ECD at the same time.

304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the ECD should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances.

The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the ECD may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the laser in a further attempt to gain compliance prior to the application of the ECD. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

Fond du Lac Police Department

Policy Manual

Electronic Control Device

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the ECD in the related report.

304.5 USE OF THE ECD

The ECD has limitations and restrictions requiring consideration before its use. The ECD should only be used when its operator can safely approach the subject within the operational range of the device. Although the ECD is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

304.5.1 APPLICATION OF THE ECD

The ECD may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.
- (c) The subject is threatening to actively resist or is actively resisting which physically counteracts an officer's control efforts and which creates a risk of bodily harm to the officer, subject, and/or other persons.
- (d) The subject poses a threat of bodily harm to himself or herself, such as self-inflicted injury or a suicide attempt.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the ECD to apprehend an individual.

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the ECD on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obvious low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Fond du Lac Police Department

Policy Manual

Electronic Control Device

Because the application of the ECD in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

The ECD shall not be used to psychologically torment, elicit statements or to punish any individual.

304.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target the back or front lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the ECD probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

304.5.4 MULTIPLE APPLICATIONS OF THE ECD

Officers should apply the ECD for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the ECD against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the ECD appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the ECD, including:

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one ECD at a time against a single subject.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all ECD discharges. AFID tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

304.5.6 DANGEROUS ANIMALS

The ECD may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

Fond du Lac Police Department

Policy Manual

Electronic Control Device

304.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department ECDs while off-duty.

Officers shall ensure that ECDs are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

304.6 DOCUMENTATION

Officers shall document all ECD discharges in an incident report and complete a Use of Force Tracking Form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation (pointed at a person) and arcing the device (outside of pre-deployment testing or training) will also be documented in an incident report and on the Use of Force Tracking Form.

304.6.1 ECD REPORTING

Items that shall be included in the incident report are:

- (a) The type and brand of ECD and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of ECD activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The approximate range at which the ECD was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The Assistant Chief of Administration or his/her designee should periodically analyze the incident reports and Use of Force Tracking Forms to identify trends, including deterrence and effectiveness. The Commander of Support Services or his/her designee should also conduct audits of data downloads and reconcile the Use of Force Tracking Forms with recorded activations. ECD information and statistics, with identifying information removed, should periodically be made available to the public.

304.6.2 REPORTS

The officer should include the following in the incident report:

- (a) Identification of all personnel firing ECDs

Electronic Control Device

- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems
- (f) Photograph of probe hits on the subject's body
- (g) Photograph of any additional injuries on the subject's body which were caused during an ECD deployment

304.7 MEDICAL TREATMENT

Department personnel who use an ECD against a person shall ensure the person is monitored for injury as soon as practicable after the person is under control. If the probes are imbedded in non-sensitive tissue areas the probes may be removed by a trained officer according to the trained procedures.

Used ECD probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by ECD probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The ECD probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck). Officers shall arrange transport to a medical facility for removal.
- (e) The person requests medical treatment.
- (f) The person is having an adverse reaction from the ECD.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the ECD.

Electronic Control Device

304.8 SUPERVISOR RESPONSIBILITIES

As specified in Policy 300.8 - Use of Force, a supervisor should respond to all incidents where the ECD was deployed.

As specified in Policy 300.8 - Use of Force, a supervisor should review each incident where a person has been exposed to an activation of the ECD. The device's onboard memory should be downloaded through the data port by the Commander of Support Services or his/her designee and saved with the related incident report and Use of Force Tracking Form. Photographs of probe sites should be taken and witnesses interviewed.

304.9 TRAINING

Personnel who are authorized to carry the ECD shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the ECD as a part of their assignment for a period of twelve months or more shall be recertified by a department-approved ECD instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued ECDs should occur biennially. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Lieutenant. All training and proficiency for ECDs will be documented in the officer's training file.

Command staff, supervisors and investigators should receive ECD training as appropriate for the investigations they conduct and review.

Officers who do not carry ECDs should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Lieutenant is responsible for ensuring that all members who carry ECDs have received initial and biennial proficiency training. Periodic audits should be used for verification.

Application of ECDs during training could result in injury to personnel and should not be mandatory for certification.

The Training Lieutenant should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the ECD and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the ECD.