



<b>SUBJECT: ADMINISTRATION</b>				
<b>Electronic Control Devices</b>				
References: <b><u>NEW YORK STATE ACCREDITATION STANDARDS:</u></b> 20.6 (Less-Than-Lethal Substances/Devices ),				
Special Instructions: 1. This Policy supercedes all previous Policies and Procedures				
Number: A - 20.600	Pages: 6	Effective Date: February 17, 2015	Review Date November 24, 2020	Issuing Authority: Chief of Police

- I. **PURPOSE:** The purpose of this Order is to establish Policy and Guidelines governing the Use of Electronic Control Devices for the Town of Cicero Police Department.
- II. **POLICY:** It is the Policy of the Town of Cicero Police Department to use only that level of force which is reasonably necessary to control or otherwise subdue violent or potentially violent individuals. Non-lethal Electronic Control Device weapons have proven effective in furtherance of this policy and are authorized for use in appropriate circumstances by trained personnel.
- III. **DEFINITIONS:**
  - A. **ELECTRONIC CONTROL DEVICE (ECD)** – Non-lethal weapon designed to disrupt a subject’s central nervous system by means of deploying powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual’s voluntary muscle response.
  - B. **ELECTRONIC MUSCULAR DISRUPTION (EMD)** – The desired affect when deploying Electronic Control Device weapons designed to temporarily incapacitate violent and/or dangerous subjects so they may be safely taken into custody.
  - C. **PROBE DELIVERY** – Refers to the firing of probes from an Electronic Control Device into a subject for the purpose of incapacitation through EMD. This type of delivery produces the most desired effect.
  - D. **DRIVE STUN** – When contact is made by pressing an active Electronic Control Device onto the body of the subject. The drive stun affects sensory nervous system producing pain compliance and may not achieve EMD.
  - E. **SPARK DISPLAY** – A non-contact demonstration of the Electronic Control Device to convince a subject to voluntarily comply with a lawful order prior to force options. Spark display technique will only be utilized when proper justification exists. Spark display technique requires the user to first remove the cartridge.

#### IV. Procedures:

##### A. AUTHORIZED USERS

1. Only those Electronic Control Device weapons that have been approved by the Chief of Police may be carried on-duty.
2. Only officers who have satisfactorily completed this agency's basic Electronic Control Device training course, the manufacture's certification course of instruction and department use of force training shall be authorized to carry any Electronic Control Device.
3. Civilian members are prohibited from using any Electronic Control Device weapons.

##### B. WEAPON READINESS

1. **Department Electronic Control Device weapons will be issued to Full Time Officers, and part time officers based on availability.**
  - a. **If officers are not assigned an ECD one will be signed out at the beginning of their shift and signed back in at the end of their shift.**
2. Electronic Control Device weapons shall be carried by authorized officers in a department approved holster positioned on the side of the body opposite the duty weapon.
3. Electronic Control Device weapons shall be carried fully armed with the safety on in preparation for immediate use when authorized.
4. Officers approved to use the device may be issued a minimum of one spare cartridge as a back-up in case of cartridge failure, the need for reapplication, or in case the first cartridge's leads break during engagement. Spare cartridges shall be stored and carried in a manner consistent with approved training and the cartridges replaced consistent with the manufacturer's expiration requirements.
5. Only battery power sources recommended by the manufacturer shall be used in all Electronic Control Device weapons.

##### C. CARE AND MAINTENANCE

1. The Electronic Control Device shall be pointed in a safe direction with the safety on during loading, unloading, or when handled in other than an operational deployment.
  - a. Prior to operational deployment, officers shall ensure the proper functioning of the unit to include a visual inspection of the battery capacity readout display and may conduct a spark test with the air cartridge removed. (Other than for operational purposes, spark tests should be conducted outside of general public view and in a safe and clear environment.

- i. If issued an ECD spark tests will be conducted weekly. If officers are signing one out a spark test will be conducted at the time of sign out.**
    - a) Remove the air cartridge from the Electronic Control Device.
    - b) Place the air cartridge in the designated area on top of the Electronic Control Device area.
    - c) Conduct a 5 second spark test while pointing the Electronic Control Device at the spark test zone.
  - ii. Upon completion of a successful spark test the air cartridge may be retrieved from the designated area and reattached to the Electronic Control Device for deployment.
2. A battery reading of 20% or less shall require the unit to be taken from service. **Officer will secure the Electronic Control Device in the gun safe in the patrol room by attaching a property tag labeled OUT OF SERVICE to the ECD and sending an email notification to the Taser Officer.**
3. Officers will never eject or remove the Electronic Control Device battery pack; this action will only be conducted by an Electronic Control Device instructor for the purpose of replacing a depleted battery pack.
4. Officers shall avoid exposing the Electronic Control Device to rain and/or moisture as this may permanently damage the device.
5. Officers shall immediately report to a supervisor any malfunctions or defects observed **and send an email notification to the Taser Officer.**
6. No alterations or modifications shall be made to the Electronic Control Device and all repairs will be conducted by an authorized vender.
7. Any discharge, other than a spark test, either intentionally or accidentally shall be reported immediately to a supervisor.

#### **D. DEPLOYMENT**

1. The CEW is deployed as an additional law enforcement tool and is not intended to replace firearms or self-defense techniques. It is a less-lethal method of controlling violent or potentially violent offenders, as well as those who actively resist arrest. The CEW may be used to control a dangerous or violent subject when deadly force does not appear to be justified and/or necessary; or attempts to subdue the subject by other conventional tactics, including verbal communications, have been, or will likely be ineffective in the situation at hand, or there is reasonable expectation that it will be unsafe for officers to approach within the contact range of the subject. A CEW may be utilized at a safe distance to maximize officer safety and limit injuries to potential subjects. Officers must assess the effectiveness in each application and determine whether further

applications are warranted, or a different tactic should be deployed pursuant to the department Use of Force policy

2. Members are not authorized to draw or display the Electronic Control Device other than for a justified use of force or training purposes. The Electronic Control Device will be handled in the same manner as a firearm.
3. When determining whether to use the Electronic Control Device, the totality of the circumstances should be considered together with the following:
  - a. The likelihood of physical injury resulting from an Electronic Control Device strike to include accidental probe contact to a sensitive tissue area or a secondary injury to the subject from falling post deployment.
  - b. The optimal effective range of the Electronic Control Device is 12 to 18 feet. (3 feet being the minimum recommended range and 21 feet the maximum range.)
  - c. Number of officers or suspects on scene. Ability to secure suspect with minimum force.
4. When justification exists, and when appropriate, officers may consider removing the air cartridge and conducting a spark display to encourage compliance prior to firing the weapon in full probe delivery.
5. When practical, officers shall give proper warning to other officers and particularly to the intended subject prior to firing the Electronic Control Device.
6. Target areas are recommended under the best practice theory, recognizing that officers may not always be able to find a preferred target area of the body during a violent and rapidly evolving use of force encounter. When possible and practical, officers shall select the following target areas:
  - a. Large muscle groups of the body are the preferred primary target areas; particularly, the back area of the body, split by the belt line.
  - b. When frontal body areas are the only target option, officers shall target the lower center mass, just below the sternum.
  - c. When encountering subjects with heavy or loose clothing on the upper body, the legs should be considered an appropriate target area.
  - d. Attempts shall be made to avoid delivering probe strikes into sensitive tissue areas such as the head, face, neck, groin or female breast.

7. During **exigent** circumstances, the Electronic Control Device may be used in a drive stun mode by making contact with the Electronic Control Device into an appropriate target area such as the abdominal region, hips, thigh or the brachial plexus origin.
8. Unless exigent circumstances exist, drive stuns shall not be intentionally targeted to the area of the neck, head, face or groin.
9. Unless there are compelling reasons to do so, which can be clearly articulated, the Electronic Control Device shall not be used under the following circumstances:
  - a. When the officer knows that the subject has come in contact with flammable liquids or is in a flammable atmosphere.
  - b. When the subject is in a position where a fall, post-strike, may cause substantial injury or death.
  - c. Females who are obviously pregnant.
  - d. Subjects submersed in water.
  - e. Subjects who are obviously frail or infirm.
10. The Electronic Control Device may be used in defense against animals where proper justification exists and the officer or another person(s) may be injured by the animal.

#### **E. POST DEPLOYMENT AND AFTERCARE**

1. Electronic Control Device probes may be removed from a subject by an officer once the subject has been restrained using procedures outlined in training. Universal precautions shall be followed to protect the officer from the transfer of bodily fluids. In the event that an Electronic Control Device probe penetrates a sensitive tissue area (i.e. groin, eye, female breast, face, or neck) the suspect shall be taken to an emergency care facility for removal or in cases where the deploying officer or his supervisor determines that it is otherwise necessary.
2. Photographs of the affected area(s) should be taken after the probe(s) have been removed.
3. Detention personal shall be notified of all Electronic Control Device strikes.
4. When the device has been used operationally, the officer will collect the air cartridge, wire leads, probes, and APHIDS as evidence.
5. Officers shall notify a supervisor, or in his absence, the Duty Chief regarding all Electronic Control Device strikes **and send an e-mail notification to the Taser Officer. The ECD will be taken out of service (tagged as such) and secured in the department gun locker.**

- a. **The taser pulse logs will be downloaded by taser officer or designee as soon as possible and placed in the case file.**
6. Following an operational Electronic Control Device strike, the supervisor shall ensure proper procedures are followed to include taking the Electronic Control Device out of service while notifying an approved Electronic Control Device instructor for inspection and data extraction.

#### **F. REPORTING**

1. A Subject Management Report and police incident report shall be completed following any Electronic Control Device Probe deployment or drive stun. Use of force justification will be clearly documented in the report which will detail the subject's actions and threat.
2. Officers who unholster and display the Electronic Control Device laser (e.g. Laser compliance or spark compliance) involving no probe discharge or drive stun shall document their actions in an incident report and a Subject Management Report as this constitutes a threat of force.

#### **G. TRAINING**

1. Officers authorized to carry Electronic Control Device weapons must have satisfactorily completed this agency's basic Electronic Control Device training course, and the manufacturer's certification course, as well as department use of force training.
2. Police officers shall use only those weapons which are issued by the department and only after they have demonstrated proficiency.
3. Agency personnel who are unable to demonstrate proficiency and qualify with an authorized department Electronic Control Device must attend and successfully complete remedial training prior to being allowed to carry said weapon.
  - a. When practical, the weapons or tactics instructor shall immediately conduct remedial training in an effort to correct the deficiency.
  - b. If the deficiency cannot be corrected before the members next tour of duty, the instructor shall:
    - i. Immediately notify the Training Coordinator regarding the member's status.
    - ii. Schedule additional remedial training as soon as practical. Keep the Chief apprised of the member's duty status.
  - c. All remedial training shall be documented.
  - d. A failure to demonstrate proficiency after reasonable remedial training had been provided will result in the officer being unable to carry the Electronic Control Device.

