

GENERAL ORDER



DISTRICT OF COLUMBIA

Title Electronic Control Devices		
Topic	Series	Number
RAR	901	13
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Related to: GO-RAR-901.07 (Use of Force) GO-RAR-901.08 (Use of Force Investigations) SO-10-14 [Instructions for Completing the Use of Force Incident Report (UFIR: PD Forms 901-e and 901-f)]		

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I. POLICY

The policy of the Metropolitan Police Department (MPD) is to value and preserve the dignity of human life at all times, especially when lawfully exercising the use of force. Consistent with the MPD's philosophy of using the minimum amount of force necessary to control violent subjects, the Chief of Police has authorized the creation of the Electronic Control Device (ECD) Program. ECDs shall only be used by authorized and trained personnel in accordance with applicable laws, regulations, and MPD policy and procedures including, but not limited to, GO-RAR-901.07 (Use of Force).

II. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated:

1. Active resistance – physically evasive movements by an uncooperative subject who will not comply with a member's requests or commands. The subject exhibits physical and

mechanical defiance, including evasive movements to defeat the member's attempt at control, including but not limited to, bracing, tensing, pushing, or verbally signaling an intention not to be taken into or retained in custody, provided that the intent to resist has been clearly manifested.

2. Arc or Arcing – pressing the arc switch to activate an ECD without discharging the probes. This may be done to warn the subject or to test the ECD prior to deployment (sometimes referred to as a “spark test”).
3. Compliance technique – category on the MPD Use of Force Framework that includes ECDs. See GO-RAR-901.07.
4. Confetti tags – small identifying cards expelled from an ECD cartridge when probes are discharged. Each confetti tag contains a serial number unique to the specific cartridge used. Confetti tags are sometimes referred to as Anti-Felon Identification (AFID) tags.
5. Crime of violence – aggravated assault; act of terrorism; arson; assault on a police officer (felony); assault with a dangerous weapon; assault with intent to kill, commit first degree sexual abuse, commit second degree sexual abuse, or commit child sexual abuse; assault with significant bodily injury; assault with intent to commit any other offense; burglary; carjacking; armed carjacking; child sexual abuse; cruelty to children in the first degree; extortion or blackmail accompanied by threats of violence; gang recruitment, participation, or retention by the use or threatened use of force, coercion, or intimidation; kidnapping; malicious disfigurement; manslaughter; manufacture or possession of a weapon of mass destruction; mayhem; murder; robbery; sexual abuse in the first, second, or third degrees; use, dissemination, or detonation of a weapon of mass destruction; or an attempt, solicitation, or conspiracy to commit any of the foregoing offenses (D.C. Official Code § 23-1331(4)).
6. Cycle – period during which electrical impulses are emitted from the ECD following activation. A standard, pre-programmed cycle is 5 seconds for each activation of an individual ECD. The duration of a cycle may be shortened by turning the ECD off. The cycle should only be shortened due to exigent circumstances.
7. Darts – see “Probes”.
8. Deployment – use of an ECD where the device is either used in drive stun mode or the probes are deployed. ECD arcing and laser painting are not considered deployments.

9. Drive stun mode – one of the two ECD modes. In drive stun mode, the ECD is placed in direct contact with the subject, causing the electric energy to enter the subject directly. Drive stun is frequently used as a non-incapacitating pain compliance technique. It may also be used to incapacitate the subject where at least one probe is attached to the subject's body and the ECD contact will complete the circuit. Drive stun mode is possible whether or not the cartridge has been expended or removed from the ECD.
10. Electronic control device (ECD) – device designed primarily to discharge electrical charges into a subject that will cause involuntary muscle contractions and override the subject's voluntary motor responses. ECDs are also called Conducted Energy Devices (CEDs), Energy Conducting Devices (ECDs), Electronic Control Weapons (ECWs), and TASERS®.
11. Excited delirium – state of extreme mental and physiological excitement, characterized by behaviors and symptoms such as extreme agitation, elevated body temperature (i.e., hyperthermia), watering eyes (i.e., epiphoria), hostility, exceptional strength, and endurance without fatigue.
12. Laser painting – the act of removing the ECD from its holster, pointing it at a subject, and activating the ECD's laser dot to show that the device is aimed at the subject.
13. Member – sworn or civilian employee of the MPD or MPD Reserve Corps member.
14. Probe mode – one of the two modes for an ECD. Activating probe mode requires pulling the trigger to release the probes from the cartridge to make contact with the subject and achieve neuromuscular incapacitation.
15. Probe spread – the amount of distance between probes fired from an ECD or the distance between a probe and the ECD in drive stun mode.
16. Probes – projectiles with wires contained in an ECD cartridge. When the ECD is discharged, probes are expelled from the ECD and penetrate the subject's clothing or skin, allowing application of the electric impulse.
17. Three-point contact – when there is inadequate spread between probes attached to a subject, or one probe misses the subject or dislodges, the ECD may be used in drive stun mode to incapacitate the subject. This allows for the electrical pulse to travel between the

attached probe and the point where the front of the ECD makes contact with the subject.

III. REGULATIONS

- A. Consistent with MPD's use of force policy, members are reminded that:
1. All members who encounter a situation where the possibility of violence or resistance to lawful arrest is present, if possible, shall first attempt to defuse the situation through advice, warning, verbal persuasion, or other de-escalation techniques.
 2. When using force, members must be able to articulate the facts and circumstances surrounding their tactics, decision making, and the extent of force used in any given situation.
 3. Any excessive force by a member may subject him or her to disciplinary action and possible criminal prosecution or civil liability.
- B. Only those members who have been authorized and trained in accordance with Part IV.B.1 shall use ECDs.
- C. Members shall only use ECDs when a subject is at least actively resisting a member's requests or demands **and** the subject is engaged in dangerous and assaultive behavior toward themselves, members, or others.
- NOTE: ECDs fall under the "Defensive Tactics" force response category on the Use of Force Framework
- D. Members may arc their ECDs or use laser painting as a warning to an actively resisting subject who is engaged in dangerous and assaultive behavior toward themselves, members, or others.
1. Upon arcing their ECDs or using laser painting on a subject, members shall document in the related Incident Report or Arrest Report the facts and circumstances that led to the use of their ECD.
 2. In cases where a report was not otherwise required, members shall prepare an Incident Report outlining the facts and circumstances that led to the use of their ECD and classify their Incident Report as "ECD Use".

E. Excited Delirium

1. Members shall **immediately** request medical assistance for subjects who are exhibiting signs of “excited delirium” prior to, during, or after ECD exposure.
2. **Members shall notify the dispatcher that the subject appears to be suffering from “excited delirium.”**

NOTE: This notification will prompt the Office of Unified Communications (OUC) and District of Columbia Fire and Emergency Services (DCFEMS) to initiate the appropriate response protocols.

F. When ECDs are armed, body-worn cameras (BWCs) that are within close proximity (i.e., an approximately thirty foot radius) will automatically activate.

1. Members shall ensure they upload and categorize their BWC recordings, including automatic activations, in accordance with GO-SPT-302.13 (Body Worn Camera Program).
2. When possible, members shall avoid arming their ECDs, including performing a pre-shift spark test, within 30 feet of places where a reasonable expectation of privacy exists (e.g., locker rooms, restrooms), unless the activation is required for the performance of official duties.

G. Members **shall not**:

1. Use ECDs against subjects unless it is tactically safe to do so (i.e., there is adequate cover and time to deploy the weapon), and, absent exigent circumstances, at least one other member is present at the scene.

NOTE: Having another member present during the deployment enhances officer safety and ensures that the accompanying member can provide cover for the deploying member and assist with handcuffing post-deployment.

2. Use ECDs for more than three standard cycles or fifteen seconds.
3. Use ECDs in “drive stun” mode, unless for the purpose of supplementing the probes to complete the incapacitation circuit (referred to as “completing the circuit”) or as a countermeasure to gain separation between themselves and the subject, so that they can consider another force option.

4. Use ECDs on subjects in handcuffs.
5. Activate more than one ECD against a subject at any given time (i.e., two members shall not deploy their ECDs on a subject simultaneously).
6. Remove probes that have penetrated the subject's skin, unless exigent circumstances exist in accordance with Part IV.F.5 of this order.
7. Carry privately-owned ECDs while on duty.
8. Alter the appearance of ECDs, including but not limited to changing the color of the receivers.

NOTE: MPD members carry yellow ECDs.

9. Attempt to modify or repair an ECD.
10. Use ECDs in the following circumstances, **unless exigent circumstances exist**:
 - a. The subject is in physical control of a vehicle in motion (e.g., automobiles, motorcycles, bicycles);
 - b. The subject is visibly pregnant;
 - c. The subject is known or believed to be suffering from a heart condition;
 - d. The subject is holding a firearm;
 - e. The subject appears to be under the age of 13 or over the age of 65;
 - f. The subject is in or around deep enough water to cause drowning in the event the subject falls into it;
 - g. In any situation where the member 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;
 - h. In any environment where a member reasonably believes that a flammable, volatile, or explosive material is present, including but not limited to alcohol-based OC spray, gasoline, natural gas, or propane;

NOTE: MPD does not use alcohol-based OC Spray.

- i. In any situation where an MPD canine has been tactically deployed in the nearby area; and
 - j. On members of the aforementioned groups or situations described in Part III.G.10, except in those exceptional circumstances where the potential benefit of using the device (e.g., injury reduction) reasonably outweighs the risks and concerns.
- H. Members may use ECDs on animals that are an immediate threat to the member, another person, or another animal, or that need to be captured for public safety purposes.

IV. PROCEDURES

A. Training

- 1. Members shall complete ECD qualification prior to being issued an ECD.
- 2. Members shall requalify with their ECD every 12 months.
- 3. No members shall be exposed to an ECD deployment as part of their ECD qualification or requalification.

B. Assignment of ECDs

- 1. ECDs shall only be issued to and used by members who:
 - a. Are in a full-duty status and who have been authorized by the Chief of Police;
 - b. Meet all training qualification and re-qualification requirements; and
 - c. Unless otherwise authorized by the Chief of Police, have BWCs.
- 2. ECDs shall be issued to members by the MPD Armorer. Members shall be issued two cartridges with their assigned ECD.
 - a. Replacement cartridges are available at the MPD Armorer or at the Command Information Center (CIC).

- b. Members requesting replacement cartridges must provide the Armorer or the CIC Watch Commander with a copy of the approved field report documenting deployment of the ECD in the narrative.
 3. When issuing an ECD to a qualified member, the Armorer shall:
 - a. Verify that the member has met all requirements outlined in Part IV.B.1.
 - b. Record the following information in the designated ECD logbook or database:
 - (1) ECD serial number;
 - (2) ECD battery serial number;
 - (3) Name, rank, CAD number, and badge number of the member to whom the ECD is issued;
 - (4) Date of most recent ECD qualification or re-qualification of the member; and
 - (5) The presence of any new damage to the ECD, if applicable.
 4. The Armorer shall ensure that only a manufacturer-approved battery power source is issued with ECDs.

C. Device Readiness

1. Members shall conduct a pre-shift five-second arcing (spark test) to ensure that the device is functioning properly.
2. Members shall carry their ECD in an approved holster on the side of the body opposite the service handgun (i.e., “weak side”) in a cross-draw position. Members not assigned to uniformed patrol may use other department-approved holsters and carry the ECD consistent with Department training.

NOTE: Carrying their ECD on their “weak side” will eliminate members pulling the ECD with the weak hand and having the ability to draw their firearm with the strong hand at the same time; thus, eliminating any chances of a sympathetic hand response and accidental discharge.

D. Deployment

1. Members shall only use ECDs when a subject is at least actively resisting a member's requests or demands **and** the subject is engaged in dangerous and assaultive behavior toward themselves, members, or others.
 - a. Members are reminded that fleeing shall not be the sole justification for using an ECD against a subject.
 - b. Members shall ensure that the use of an ECD against a fleeing suspect is limited to the following situations:
 - (1) Instances where the suspect is reasonably suspected to have committed a crime of violence;
 - (2) Instances where the suspect is reasonably suspected of being armed; or
 - (3) Instances where failure to quickly apprehend the suspect poses risk of immediate danger to members or others.
2. When feasible, members shall identify themselves as police officers and issue a verbal warning (i.e., "TASER! TASER!") before deploying the ECD or using "drive stun" mode.
3. Members shall aim at the subject, fire, and cycle the ECD in a manner consistent with Department training.
 - a. If the subject is facing the member (commonly referred to as "front shots"), members shall aim for lower center mass, below the subject's chest or heart area.
 - b. If the subject is facing away from the member (commonly referred to as "back shots"), members shall aim below the neck area.
 - c. Members shall make every effort to avoid aiming at a subject's head, face, heart, chest, and genitals.
4. Members shall use an ECD for one standard cycle (i.e., five seconds) and then evaluate the situation to determine if subsequent cycles are necessary.
5. Members shall only shorten a standard cycle under exigent circumstances.

6. Members must be able to articulate the facts and circumstances that require each cycle deployment. Subsequent cycles must be independently justifiable.
7. Members shall consider and exercise other force options when the ECD is not having its intended effect or when continued use may endanger the subject.
8. **In determining the need for additional energy cycles, members shall be aware that an energized subject may not be able to respond to commands during or immediately following exposure.**
9. If the subject does not respond to the ECD deployment in the anticipated manner based on training and experience, members shall consider transitioning to alternative resistance control measures.
10. Handcuffing
 - a. To minimize the number of cycles needed to overcome resistance and bring the subject under control, members shall secure the subject as soon as practical (i.e., while the subject is under the effect of the ECD or immediately thereafter).
 - b. Absent exigent circumstances, a member other than the deploying member shall handcuff the subject.
 - c. Members are reminded that they may handcuff the subject during the five-second deployment cycle without feeling the effects of the ECD as long as they do not touch the probes or place any part of their body between the probes.

E. Overtime and Outside Employment

1. Members working police-related outside employment or Department-sanctioned overtime (e.g., reimbursable details or nightlife deployments) **shall** carry their ECD.
2. Members who are carrying an ECD for either police-related outside employment or Department-sanctioned overtime:
 - a. **May** take their ECD home on the shift prior to their assignment.

- b. **Shall** notify the on-duty watch commander that they are taking their ECD home.

NOTE: Members who are working police-related outside employment or Department-sanctioned overtime are not entitled to any additional compensation for retrieving, carrying, or returning their ECD.

3. The watch commander shall document members who take home their ECD on the PD Form 150 (Tour of Duty Supervisor's Report).

F. Medical Treatment and Post ECD Deployment Activities

1. Members shall request medical assistance in accordance with GO-PCA-502.07 (Medical Treatment and Hospitalization of Prisoners) for **all** ECD deployments, whether or not there is an actual, perceived, or alleged injury.
2. In accordance with Part III.E of this order, members shall **immediately** request medical assistance for subjects who are exhibiting signs of "excited delirium" prior to, during, or after ECD exposure, and shall **notify the dispatcher that the subject appears to suffering from "excited delirium."**

NOTE: This notification will prompt the OUC and DCFEMS to initiate the appropriate response protocols

3. Members are reminded that when any level of force is used, members shall conduct a visual and verbal check of the subject to ascertain his or her condition.
4. Members shall render first aid as soon as the scene is safe and, if possible, prevent the subject from removing probes that have penetrated his or her skin.
5. Probe Removal
 - a. Only DCFEMS or other trained medical personnel shall remove probes that have penetrated the subject's skin absent exigent circumstances.
 - b. In exigent circumstances (e.g., to prevent the subject from further injuring him or herself or when immediate transport from the scene is necessary), trained members may remove probes prior to the arrival of DCFEMS.
 - c. Members who remove probes shall:

- a. Treat probes that have penetrated the skin as potential biohazards and use universal precautions when removing and collecting probes (e.g., gloves).
 - b. Ensure the removed probes and cartridges are collected and treated as evidence, and are turned over to the official who responds to the scene.
 - d. In cases where a subject is transported from the scene prior to DCFEMS evaluation, members shall immediately transport the subject to a medical facility for evaluation.
 6. Regardless of whether or not medical treatment was necessary, a subject returning to a district cellblock shall be monitored in the same manner as a medically "At Risk" prisoner, as outlined in GO-PCA-502.07. In doing so, members shall:
 - a. Place the subject in an isolated holding cell; and
 - b. Observe the subject no less than every 10 minutes.
- G. Use of Force Reporting
1. Upon deploying ECDs, including unintentional deployments, members shall:
 - a. Immediately notify an official of a higher rank to respond to the scene. The official shall ensure the watch commander is notified, and the watch commander shall notify the CIC.
 - b. Follow the use of force protocols established in GO-RAR-901.07, GO-RAR-901.08 (Use of Force Investigations), and SO-10-14 [Instructions for Completing the Use of Force Incident Report (UFIR: PD Forms 901-e)].
 - c. Complete a PD Form 901-e (Use of Force Incident Report). Members shall specifically document in the narrative section of their PD Form 901-e the facts and circumstances that reasonably required the use of the ECD.
- H. Investigations
1. The involved member's chain of command shall respond to the scene and be responsible for investigating the following ECD deployments:
 - a. Preliminary investigations of all ECD deployments;

- b. Training incidents; and
 - c. Discharges at animals.
2. The Internal Affairs Division (IAD) shall be responsible for conducting the final investigation of all deployments of ECDs, except discharges at animals and training incidents.

NOTE: IAD investigators are not required to respond to the scene of ECD deployments.

3. When evidence is discovered during the preliminary investigation of an ECD deployment that raises the possibility of disciplinary or criminal action, the member's ability to carry an ECD may be suspended and his or her ECD returned to the MPA Armorer pending completion of the final investigation.
4. Investigating members shall investigate ECD deployments in accordance with GO-RAR-901.08 (Use of Force Investigations).
5. Photographing Injuries and Collecting Evidence
- a. For chain of command investigations, the ranking official on the scene shall:
 - (1) Designate non-involved members to photograph the contact area after the probe has been removed (e.g. using AXON Capture) and collect the cartridge, wire leads, probes, and confetti tags as evidence.
 - (2) Ensure, prior to the end of the shift, that data from the ECD is downloaded into Evidence.com and labeled and categorized in accordance with GO-SPT-302.13.
 - b. For investigations conducted by IAD, the ranking IAD official on the scene shall ensure:
 - (1) The Department of Forensic Science responds to photograph the contact area and process the scene.
 - (2) Data from the ECD is downloaded into Evidence.com and labeled and categorized in accordance with GO-SPT-302.13 prior to the end of the shift.

- c. Involved members are prohibited from collecting cartridges, wire leads, probes, and confetti tags unless exigent circumstances exist (e.g., failure to collect the items would result in the destruction of evidence).
 6. In administrative investigations involving the use of ECDs, investigating members shall analyze all relevant data downloaded from involved ECDs and view all available BWC footage as part of the investigation. Prior to approving all administrative investigations, all reviewing officials, to include the members of any relevant review boards (e.g., Use of Force Review Board) shall ensure the investigative findings are consistent with ECD data and BWC recordings, with any discrepancies noted and addressed.
 7. When a member's ECD deployment is determined to be "Not Justified, Not within Department Policy," the member's ability to carry an ECD shall be revoked until such time as he or she completes retraining at the MPA.
- I. Storage of ECDs
1. Unless otherwise allowed in this order, members **shall not** take ECDs home unless authorized by the Chief of Police.
 2. Members shall ensure their ECDs are stored securely when they are off-duty (e.g. secured in their locker).
- J. Downloading ECD Data
- ECD liaison officials shall be responsible for downloading ECD data on a quarterly basis from ECDs assigned to members in their district or element.
- K. Damaged ECDs
1. In the event that an ECD is damaged or in need of repair, members shall complete and forward a PD Form 43 (Report of Damage to or Loss of Uniform or Equipment) to the ECD liaison official.
 2. The ECD Liaison Official shall:
 - a. Download data from the ECD.
 - b. Remove the ECD from inventory and ensure the proper and safe transport to the MPD Armorer upon damage, suspected damage, or deficiency in an ECD.

- c. When damage to or deficiency in an ECD can be attributed to a member, conduct an investigation to determine accountability, ensuring that incident summary (IS) numbers are obtained and all required forms (e.g., PD Form 43) are completed.

V. ROLES AND RESPONSIBILITIES

- A. Roll call officials shall:
 1. Ensure members who are deployed with ECDs are noted on the roll call and deployment statistical sheets.
 2. Inform the CIC of the number of members deployed with ECDs at the beginning of every shift.
- B. ECD liaison officials shall:
 1. Oversee the ECD program for the district or element.
 2. Prepare a monthly report for the MPD Armorer, providing the statuses of ECDs assigned to members in their district or element.
 3. Conduct monthly inspections of ECDs.
 4. Be responsible for downloading ECD data on a quarterly basis from ECDs assigned to members in their district or element.
- C. The MPD Armorer, through the chain of command, shall notify DCFEMS whenever the Department is planning to change any ECD equipment.

NOTE: This notification will allow DCFEMS to update their response protocols, if necessary.
- D. Commanding officials shall designate a member, the rank of lieutenant or above, to serve as the ECD liaison official.
- E. The Commanding Official of the CIC shall forward a monthly report to the MPD Armorer, through the chain of command, documenting any replacement cartridges issued including the receiving member's name and CAD number, the associated central complaint number (CCN), and the date of issuance.
- F. The Commanding Official of the Office of Risk Management shall conduct periodic audits of the ECD program on topics including, but not limited to:

1. The reconciling of ECD data with existing reports to ensure accountability.
2. Verifying that members who are assigned ECDs have attended required initial ECD qualification and requalification trainings.

VI. CROSS REFERENCES

- A. GO-SPT-302.13 (Body Worn Camera Program)
- B. GO-OPS-304.08 (Collection of Physical Evidence; Utilization of the Crime Scene Examination Section and Crime Scene Search Officers).
- C. GO-PCA-502.07 (Medical Treatment and Hospitalization of Prisoners)
- D. GO-RAR-901.07 (Use of Force)
- E. GO-RAR-901.08 (Use of Force Investigations)
- F. SO-10-14 [Instructions for Completing the Use of Force Incident Report (UFIR: PD Forms 901-e and 901-f)]



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Chief of Police

PN:KDO:MOC:JC

<i>Amendment #</i>	<i>Page #</i>	<i>Description of Change</i>	<i>Effective Date of Change</i>	<i>Name and Title of Authorizing Member</i>
18-01	6	Revise Part III.G.6.-corrected the reference from "Part IV.E.5" to "Part IV.F.5".	01/10/2018	Maureen O'Connell, Director, Policy and Standards Branch