Model Policy
Electronic Control Weapons
Updated: March 2018

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 only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer, subject, and others. This includes the use of less-lethal options such as the ECW.

III. DEFINITIONS
Electronic Control Weapon (ECW): A device that uses electricity to impair voluntary motor responses or to cause discomfort to gain compliance; overcome resistance; or capture, control, and facilitate constraint.

Passive Resistance: A refusal by an unarmed person not reasonably perceived to be an immediate threat or flight risk 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.

Active Resistance: The use of non-assaultive physical measures by an unarmed person, including flight, to resist and prevent an officer from gaining control.

Elevated Risk Population Groups: Individuals who are potentially at greater risk of injury or death following an exposure to an ECW, including those who reasonably appear or are known to be elderly, medically infirm, pregnant, users of internal cardiac devices, or who have low body mass, such as small children.

IV. PROCEDURES
A. Authorized Users
Only officers who have successfully completed this agency’s approved training program(s) are authorized to use an ECW.

B. Weapon Readiness
1. The ECW shall be carried in an approved holster on the side of the body opposite the service handgun.

2. The ECW shall be carried with cartridge in place and with the safety in the “safe” position.

3. Officers shall be issued a minimum of one spare cartridge as a backup in case of ineffective deployment, 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. To ensure the device is functioning properly, the ECW shall be subjected to a pre-shift “spark test” consisting of a full, five-second cycle.

5. Modifications or repairs to the device shall be performed only by a trained technician and consistent with the manufacturer’s guidelines and directions.

C. General Considerations for Use
1. The ECW is authorized to be used
   a. to protect the officer or others from reasonably perceived immediate threat of physical harm from the person to be exposed to the ECW,
   b. to restrain or subdue an individual who is actively resisting or evading arrest, or
   c. to bring an unlawful situation safely and effectively under control.

2. The ECW shall not be used
   a. on individuals who passively resist and are not reasonably perceived as an immediate threat or flight risk;
   b. on individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person;

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1 Each agency must be aware of the legal standards in its jurisdiction, and recognize that such standards may create more restrictive force standards than presented in this policy.
however, in these situations, only the minimal amount of force necessary to control the situation shall be used;

c. when the officer has a reasonable belief that deployment may cause serious injury or death from situational hazards including falling, drowning, or igniting a potentially explosive or flammable material or substance, except when deadly force would be justified; or

d. when the suspect’s movement or body positioning prevents the officer from aiming or maintaining appropriate body part targeting, unless the risk of increased injury to the suspect is justified because of a reasonably perceived threat or flight risk.

3. Officers shall be aware of the general concerns present when an ECW is used on a member of an elevated risk population group. Officers are not prohibited from using an ECW on such persons, but shall limit use to those exceptional circumstances where the potential benefit of using the device reasonably outweighs the enhanced risks involved.

4. Absent exigent circumstances, officers shall not intentionally activate more than one ECW complete circuit at a time against a subject.

5. Officers shall energize a subject no longer than objectively reasonable to overcome resistance and bring the subject under control.

6. Officers shall issue verbal and visual warnings consistent with training prior to deploying the ECW, when feasible, and allow a reasonable amount of time for the subject to comply unless doing so would increase the risk of injury to officers or the subject involved. When practical, officers should also notify assisting officers that they intend to deploy the ECW.

D. Primary Deployment

1. The ECW is most effective at overcoming resistance and gaining subject control when used in the probe mode, and from adequate distance consistent with training to allow sufficient probe spread on contact. Accordingly, this is the preferred method of deployment.

2. Immediately prior to deployment, the officer shall visually and physically confirm that the device selected is the ECW and not a firearm.

3. The ECW shall be aimed at a preferred probe target location, consistent with training and manufacturers’ recommendations.

4. The ECW shall not be intentionally aimed at a sensitive area, which includes the subject’s face, eyes, head, throat, chest area, female breasts, groin, genitals, or known pre-existing injury areas, absent reasonable belief by the officer that he or she is facing an immediate risk of serious physical injury or death.

5. Officers shall consider the totality of circumstances, including suspect movement, limited sighting capability, and their ability to accurately deploy the device, to reduce the risk of accidental probe contact to an unintended body part.

6. The ECW shall be discharged for an initial five-second cycle:

   a. During and immediately after this cycle, the officer shall verbally give resistance control instructions to the subject.

   b. The officer shall be aware that an energized subject might not be able to respond to commands during or immediately following exposure.

   c. The officer shall allow a reasonable amount of time to assess the effectiveness of the cycle, and to give the subject the opportunity to comply with the instructions given.

   d. The officer shall evaluate, under the totality of circumstances presented, whether additional cycles are reasonably necessary and whether additional cycles appear reasonably likely to be effective in accomplishing the officer’s lawful objectives. The evaluation shall include consideration of the enhanced risks to subjects exposed to multiple and/or prolonged ECW cycles.

   e. The officer should consider deploying a second cartridge if using a two-cartridge ECW or transitioning to alternative force options if the officer reasonably perceives that the subject has not responded to the ECW in the anticipated manner based on training and experience.

   f. To reduce the number of cycles and duration of exposure, the subject should be secured as soon as practical while exposed to the ECW cycle or immediately thereafter.

E. Secondary Deployment

1. All secondary deployment techniques are subject to the same guidelines and restrictions as initial deployments.

2. The ECW may also be used in close-range, self-defense, and brief distraction situations in the drive-stun mode with the cartridge removed, or expended cartridge in place. When the device is used in the drive-stun mode it is
a. primarily a coercive control tool, and
b. less effective than when probes are deployed with adequate probe spread.

3. Officers should avoid using ECW drive-stun except for:
   a. brief application to attempt compliance or distraction.
   b. “break-contact” or distraction tactic when tied up with a subject.
   c. three- or four-point contact to attempt to achieve neuro-muscular incapacitation.

4. A preferred method of close-range secondary deployment with a single-shot ECW involves firing the probes at close range with the cartridge on, then applying the device in drive-stun mode consistent with training to an area of the body away from the probe location. This potentially creates a greater “probe spread” effect between the probe location and the point where the ECW is placed in contact with the subject’s body. When used in this manner the ECW is potentially as effective as a primary cartridge-type probe spread deployment, though more difficult to maintain continuity during the cycle due to the need to hold the device in contact with the subject’s body. When using a multi-shot device, the second set of probes can be deployed as a follow-up in a manner that is consistent with training to create an effective “probe spread.”

F. Post-Deployment
   1. If the probes penetrate the flesh, photographs of the contact area shall be taken before and after they are removed when practical.
   2. The probes shall be removed from the subject as soon as practical after deployment and control, following the procedures outlined in training.
   3. The probes shall be treated as a biohazard risk.
   4. Officers shall request emergency medical response if any of the following occurs:
      a. The subject requests medical attention.
      b. A probe has contacted a sensitive area.
      c. There is difficulty removing the probes.
      d. The subject does not appear to be recovering in a manner consistent with training and experience.
      e. The subject is part of an elevated risk population group.
      f. The subject has been exposed to more than three ECW cycles or 15 seconds of discharge.
      g. The subject has been simultaneously exposed to the effects of more than one ECW device.
      h. The subject has exhibited signs of excited delirium as described in training, prior to or during ECW exposure.\(^2\)
      i. The subject reasonably appears to be affected by mental illness or is in medical distress.
   5. When the device has been used in probe mode, the officer shall collect the cartridge, wire leads, darts, and anti-felon identification markers (AFIDs), and secure them as evidence in compliance with the agency’s policy regarding biohazard material.

G. Reporting\(^3\)
   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 and video recordings if the ECW is so equipped, shall be downloaded as soon as practical following use, and the file shall be considered a part of the use-of-force review.
   2. Officers shall document in their use-of-force report the facts and circumstances that reasonably justified the use of the ECW, and specific justification shall be provided when the device has been used in any of the following manners:
      a. It is used in drive-stun mode.
      b. The subject is exposed to ECW discharge more than three cycles or longer than 15 seconds.
      c. The subject is exposed to more than one simultaneous ECW exposure.
      d. It is used on an individual in an elevated risk population group.

H. Auditing
   ECWs will be subjected to periodic and random data downloading. Regular downloading that is consistent with the manufacturer’s recommendations will ensure that weapons have up-to-date firmware and a synced time clock. The data obtained will be reconciled with existing use-of-force reports for accountability.


Every effort has been made to ensure that this document incorporates the most current information and contemporary professional judgment on this issue. Readers outside of the United States should note that, while this document promotes procedures reflective of a democratic society, its legal basis follows United States Supreme Court rulings and other federal laws and statutes.

Law enforcement administrators should be cautioned that no “model” policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered, and should therefore consult its legal advisor before implementing any policy.

This document is not intended to be a national standard.

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