

Electronic Control Weapons

March 2018

The IACP Law Enforcement Policy Center creates four types of documents: Model Policies, Considerations Documents, Concepts & Issues Papers, and Need to Know one-page summaries. Typically, for each topic, either a Model Policy or a Considerations Document is created, supplemented with a Concepts & Issues Paper. This file contains the following documents:

- **Model Policy**: Provides police agencies with concrete guidance and directives by describing in sequential format the manner in which actions, tasks, and operations are to be performed.
- **Concepts & Issues Paper**: Designed to provide context and background information to support a Model Policy or Considerations Document for a deeper understanding of the topic.
- **Need to Know...**: Synthesizes the key points of the topic into a brief, one-page overview. This document is developed by Policy Center staff following the final approval of the policy and paper.

Model Policy

Updated: March 2018

Electronic Control Weapons

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 or 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 Use¹

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; 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

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.

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:
7. During and immediately after this cycle, the officer shall verbally give resistance control instructions to the subject.
 - a. The officer shall be aware that an energized subject might not be able to respond to commands during or immediately following exposure.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. 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:
 - 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.

² For more information, see the IACP *Model Policy and Concepts & Issues Paper on Excited Delirium* at <https://www.theiacp.org/resources/policy-center-resource/excited-delirium>.

G. Reporting³

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.

³ For more information, see the IACP *Model Policy and Concepts & Issues Paper on Reporting Use of Force* at <https://www.theiacp.org/resources/policy-center-resource/reporting-use-of-force>.

Every effort has been made by the IACP Law Enforcement Policy Center staff and advisory board to ensure that this document incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives, and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities, among other factors. 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 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 their legal advisor before implementing any policy.

© Copyright 2020. Agencies are encouraged to use this document to assist in establishing a policy customized to their agency and jurisdiction. However, copyright is held by the International Association of Chiefs of Police, Alexandria, Virginia, U.S.A. All rights reserved under both international and Pan-American copyright conventions. Further dissemination of this material is prohibited without prior written consent of the copyright holder.

Concepts & Issues Paper

Updated: March 2018

Electronic Control Weapons

I. INTRODUCTION

A. Purpose of Document

This paper is designed to accompany the Model Policy on Electronic Control Weapons established by the IACP Law Enforcement Policy Center. This paper provides essential background material and supporting documentation to facilitate greater understanding of the developmental philosophy and implementation requirements for the model policy. This material will be of value to law enforcement executives in their efforts to tailor the model to the requirements and circumstances of their communities and agencies.

B. Background

Throughout history, law enforcement has encouraged the development of tools, tactics, and techniques to assist in overcoming subject resistance, while reducing the potential for injury to all involved. During the 1960s, President Lyndon Johnson created a blue-ribbon panel to study crime and violence called the President's Commission on Law Enforcement and the Administration of Justice. Headed by Attorney General Nicholas Katzenbach, the commission brought together a wide variety of experts to investigate virtually every aspect of crime, law enforcement, and the administration of justice in the United States. One of the commission's recommendations called for the development of "nonlethal" weapons, which resulted in a number of technological advancements that are strongly influencing law enforcement today.¹

NASA scientist Jack Cover responded to the call of the President's crime commission by experimenting with electricity as a less-lethal weapon. He discovered that when short duration (microseconds), electric pulses were applied to humans, immediate incapacitation almost always occurred without direct negative side effects. This led to his creation of the conducted energy delivery system he called the TASER, which was named by using initials from the 1911 Victor Appleton book, *Tom Swift and His Electric Rifle*. Cover spent several years developing this futuristic device, and it was introduced to the public through the 1976 Clint Eastwood film *The Enforcer*.

C. Electronic Control Weapon (ECW) Technology

ECW technology does not rely solely on discomfort to be effective, and, as such, can be effective on persons encountered by police who may have an increased tolerance to pain or resistance to traditional nonlethal contact. A significant number of subjects encountered by law enforcement are under the influence of drugs or alcohol or are affected

¹ President's Commission on Law Enforcement and the Administration of Justice, *The Challenge of Crime in a Free Society* (February 1967), 245, 256, <https://www.ncjrs.gov/pdffiles1/nij/42.pdf>.

by mental illness. These factors, separately or in combination, can increase tolerance to pain and correspondingly decrease the effectiveness of less-lethal options such as OC spray and impact projectiles. This generated renewed interest in the electronic control weapon (ECW) technology, which does not rely solely on discomfort to be effective. The original ECWs had open-circuit arcing of 50,000-volts, seven-watt stun systems that were federally classified and regulated as firearms due to the gunpowder propulsion of the probes. Since the seven-watt system had proven ineffective in some situations, additional testing and research was conducted. That research and development ultimately resulted in the introduction of an open-circuit arcing 50,000-volt, 26-watt stored power system in 1999. Unlike its predecessor, this version used compressed nitrogen to fire its probes instead of gunpowder, which removed it from federal firearm status and control. The enhanced waveform increased effectiveness and provided officers with a viable control option when other alternatives were deemed inappropriate or ineffective.

The term “TASER” is used generically by some to describe all ECWs, but it is important to note that TASER is a federally registered brand name used by Axon Enterprise, Inc. (Axon), and that other manufacturers have provided ECWs to law enforcement.

D. ECW Operation

ECWs that are currently in production are powered by a proprietary battery; use fixed sights, as well as a laser for redundant targeting; and feature a built-in LED flashlight for illumination. The laser and flashlight options can be set at the user level, with many agencies directing that the device be set for immediate “laser and light” configuration when the device is removed from the “safe” position. Agencies that differ on settings, or that allow officer discretion, do so based on concerns about overreliance on the laser for sighting, or the loss of the element of surprise when the laser or flashlight are automatically illuminated.

The ECW is activated in a manner similar to a law enforcement service handgun, with the ECW trigger pull being very light when compared to conventional handguns. The following is a basic overview of the operational features and process for the probe mode.

- *The officer conducts a pre-shift “spark test” consisting of a full, five-second cycle.* This is done to ensure that the device is functioning properly. The full, five-second cycle “spark test” is recommended, to reduce the possibility that the officer will subconsciously turn the device off during an operational deployment as a result of their testing protocol.
- *Upon determining that the ECW is reasonable and appropriate to use, and that the device is in fact the ECW and not a handgun, the officer aims the device at a preferred target location on the suspect using the fixed sights.* The preferred probe target locations per manufacturers’ recommendations include the following:
 - Back—below a horizontal line drawn even with the shoulders across the neck.
 - Front—below a horizontal line approximately two inches lower than the sternum.
- *The device is manually removed from the “safe” setting.*
- *Upon removal from the “safe” setting and prior to pulling the trigger, the officer ensures that the suspect’s movement and body positioning do not prevent proper aiming or maintaining appropriate body part targeting.* This is done to reduce the probability of probe contact to a sensitive area. These areas include the subject’s face, eyes, head, throat, chest area (heart area), female breasts, groin, genitals, or known pre-existing injury areas.²
- *The trigger is pulled and the probes are propelled toward the target.* The disposable or replaceable cartridge contains two metal probes that have the appearance of a fishhook mounted on a metal cylinder. The “dart” and the “hook” vary in length, weight, and configuration, depending on the

² See Jeffrey D. Ho et al., “Human Cardiovascular Effects of a New Generation Conducted Electrical Weapon,” *Forensic Science International* 204 (2011): 50–57.

particular cartridge being used. In addition to the standard probe, longer, heavier probes are also available and may be used by an agency due to enhanced performance when facing suspects wearing heavy clothing. The probes are propelled by compressed nitrogen and are attached to the ECW by a fine insulated wire. The probe range varies from 15 to 35 feet, depending on the particular cartridge being used. The two probes are propelled from the cartridge at approximately 180 feet per second. The top probe is aligned with the fixed and laser sights, while the bottom probe travels downward at a seven- to eight-degree angle. This results in the probes spreading approximately one foot for every seven to nine feet that they travel away from the device.

- *Electrical current is delivered.* When both probes contact the skin or come to rest in clothing within approximately 1.5 inches of the skin, the ECW is designed to automatically deliver electrical current. ECW users are trained to pull and then immediately release the trigger. If continuity is present, meaning that both probes contact the target as described above, this “pull and release” will deliver five seconds of current unless the operator puts the device on the “safe” setting, which will immediately stop the current. The trigger must then be pulled again to re-energize the device and, if the trigger is held down, many of the devices in use today will cycle until the unit overheats or the battery is depleted. Should the trigger be held longer than five seconds, the operator can stop the discharge of current by releasing the trigger after the initial five seconds, or manually placing the device on the safe setting at any time. More technologically advanced devices are available today that allow some versions of ECWs to be configured so they automatically stop the cycle at five seconds, regardless of the trigger status.

The ECW can also be used in the “contact,” “touch,” or “drive-stun” mode. This involves delivering the current via direct contact.

- Most often, the drive-stun mode is used after removing the cartridge and pressing the two metal contacts at the empty cartridge bay end against the subject’s body, then pulling the trigger.
- The ECW can also be used in the drive-stun mode with the cartridge attached by placing the device against the body and pulling the trigger. In this circumstance, the metal probes will fire, but will likely be stopped from penetrating the subject by the plastic blast doors on the front of the cartridge. The device will deliver electrical current in this mode via a second set of metal contacts that are found on the front of the cartridge itself.
- A third variation of the drive-stun mode involves firing the ECW cartridge at close range (approximately six inches from target), then applying the ECW in drive-stun mode to an alternate part of the body away from the probe contact points. This creates a “probe spread” effect between the impact location of the probes and where the ECW itself is placed in contact with the subject’s body. This results in an increased probability of subject control as compared to the standard drive-stun mode.

When the ECW is used in the standard drive-stun mode, it functions primarily as a coercive control device. Accordingly, it is less effective on persons who are under the influence of drugs or alcohol, affected by mental illness, or generally tolerant to discomfort. It is important to note that ECW use in the direct drive-stun mode has been the focus of a significant number of ECW misuse and abuse complaints and is capable of causing burns and abrasion injuries that are generally not observed following a probe deployment. In consideration of the issues noted above, the use of ECWs in drive-stun mode is generally discouraged and should generally be used only in close-range or self-defense situations or instances where the ECW is used to briefly distract the subject to facilitate control. Officers should avoid repeated cycles in the drive-stun mode if compliance is not achieved. Use of the ECW in the drive-stun mode is subject to the same deployment criteria as when used with the probes.

E. Potential Effects of the ECW

The potential effects of the ECW are well-documented but vary greatly depending on the subject and the circumstances involved. The following are examples of possible subject reactions and potential injuries and outcomes following an ECW deployment:

- Falling to the ground;
- “Freezing” in place due to involuntary muscle contractions;
- Yelling, screaming, or silence;
- Immediately regaining control or feeling dazed for several seconds or minutes;
- Experiencing a temporary tingling sensation;
- Lacking any memory or sensation of pain;
- In the drive-stun mode, receiving signature marks that may resemble surface burns, as well as red marks, blisters, and physical abrasions;
- In the probe mode, when penetration occurs, receiving small puncture-type wounds with a mosquito bite appearance;
- In the probe mode, when skin penetration does not occur, receiving small red marks at the location where the delivered charge was conducted from probe point to the skin;
- Having an increased potential for injury if the ECW contacts a sensitive area, as previously defined;
- Suffering secondary injuries from falling, to include after deployment on a running suspect who lands on a hard surface;
- In statistically rare cases, dying.

The ECW is one of the most commonly used forms of less-lethal force, but as with any use of force, it is not without potential risk and controversy. However, the information presently available suggests that ECWs do not create an unreasonable risk as compared to their potential benefit—when used reasonably and in consideration of the totality of circumstances presented. However, officers should be aware that, as with any use of force, certain individuals may have an increased risk of a negative outcome when exposed to an ECW. These elevated risk population groups include those individuals who reasonably appear or are known to be elderly, medically infirm (e.g., heart disease, seizure history), pregnant, users of an internal cardiac device, or have low body mass, such as small children or very thin individuals. Added caution may be warranted when using ECWs against these population groups.

II. PROCEDURES

A. Carrying the Device

The storage, transportation, carrying, and handling of the device and replacement cartridges should conform to the manufacturer’s recommendations and specific agency guidelines. To prevent accidental deployment of service handguns, the ECW should be carried in an approved holster on the side of the body opposite the service handgun. This may include holsters on the duty belt or the thigh. For each, the ECW should be positioned in a manner that requires the nondominant hand or a cross-draw technique for removal. The ECW should be carried with a cartridge in place, with the safety in the “safe” position, and otherwise ready for immediate use. The ECW should be carried in the laser and flashlight configuration as specified in training.

Officers should be issued a minimum of one spare cartridge as a backup in case of cartridge failure or the need for redeployment. The spare cartridge should be stored and or carried in a manner consistent with training, and the cartridges should be replaced following the manufacturer’s expiration requirements.

B. Maintaining ECWs

Testing and maintenance of ECWs must be performed in accordance with the manufacturer's specifications and recommendations, which are clearly addressed during user training. Modern ECWs are very durable, but reasonable efforts should be made to avoid dropping them due to the potential risk of internal damage. The devices should also be kept dry since they are water-resistant rather than waterproof. Contemporary devices in use today use proprietary batteries, which should be changed consistent with the manufacturers training and recommendations.

C. Deploying ECWs

ECWs should be used in a manner consistent the agency's policy on use of force. Officers should use only the force that is objectively reasonable to effectively bring an incident under control. It is important to note that, as with other force options, warnings should be issued prior to use when practical, and the use or impracticality of such use should be referenced in the agency use-of-force report.

The ECW has proven to be one of the most effective force options available. Likewise, as with any force option, the device is not without risks. Accordingly, officers and agencies must guard against becoming overly dependent on the ECW to include using it improperly or to the exclusion of other more reasonable force options. In the final analysis, the decision to use an ECW must be based on the totality of circumstances reasonably balancing the need to use force and the reasonably foreseeable potential consequences.

The ECW is authorized to be used :

- To protect the officer or others from immediate physical harm,
- To restrain or subdue an individual who is actively resisting or evading arrest, or
- To bring an unlawful situation safely and effectively under control.³

Such actions that may warrant the use of less-lethal force include but are not limited to the following:

- Use of force against the officer or another person,
- Violent or threatening behavior,
- Physically resisting a lawful seizure,
- Flight in order to resist a lawful seizure, in circumstances where officers would pursue on foot and physically effect the arrest or detention,
- Self-destructive or suicidal behavior.

However, ECW use should be prohibited on those who passively resist when they are not reasonably perceived as an immediate threat or flight risk. For the purposes of this document, passive resistance is defined as a refusal to comply by an unarmed person 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. Additionally, the ECW should generally not be used in the following situations:

- 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. However, in these situations, only the minimal amount of force necessary to control the situation shall be used.
- 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.

³ Each agency must be aware of the controlling legal standards unique to each agency's jurisdiction and recognize that such standards may create a more restrictive force standard than what is offered in this paper and its accompanying model policy.

- When the suspect's movement or body positioning prevents the officer from reasonably targeting or maintaining appropriate body part targeting.

Immediately prior to deployment, the officer must visually and physically confirm that the device selected is the ECW and not a firearm. Officers should aim at preferred probe target locations, as previously described, and the ECW should not be intentionally aimed at a sensitive area, absent reasonable belief by the officer that he or she is facing an imminent risk of serious physical injury or death. Officers must consider the totality of circumstances and their ability to accurately deploy the device, to reduce the risk of accidental probe contact to an unintended body part. In order to prevent this, officers are advised to consider the increased risk of probe contact to a vital area when suspects are moving, or circumstances cause limited targeting capability.

Once the decision to deploy an ECW has been made, officers must limit discharge cycles and total discharge durations to the least number of times, and for the shortest total duration reasonably necessary to accomplish lawful objectives. Training should be provided in methods of securing a subject following the ECW cycle and during the ECW cycle if adequate personnel are available.

It is recommended that the ECW be deployed for an initial five second cycle. During this time and immediately after, the officer should verbally give resistance control instructions to the subject. The officer needs to be aware that an energized subject can immediately recover motor control or might not be able to respond to commands during or immediately following exposure. The officer should assess the effectiveness of the initial cycle and give the subject a reasonable amount of time to comply with the instructions given. The officer must then consider, under the totality of circumstances presented, whether additional cycles are reasonably necessary to achieve lawful objectives. The evaluation should include consideration of the enhanced risks to subjects exposed to multiple or prolonged ECW cycles.⁴ The officer should transition to alternative resistance control measures if the subject does not respond to the ECW in the anticipated manner based on training and experience, and additional cycles do not appear reasonably likely to be effective. To reduce the number of cycles and time exposed, the subject should be secured as soon as practical while exposed to the ECW cycle or immediately thereafter.

Officers must consider the totality of the circumstances in every use-of-force situation, to ensure that the best overall decision is made. Recognizing that there is generally not time to weigh all the circumstances surrounding a potential deployment, officers should, where possible, be aware of the following types of concerns that may affect ECW deployment decisions.

- Is the person an immediate threat or flight risk?
- Is there a need to immediately incapacitate the subject? Does the subject appear to be affected by mental illness or under the influence of drugs or alcohol?
- Is the subject wearing heavy clothing that may impede the effectiveness of the device?
- What is the physical environment of the subject? Is he or she in a position that increases the risk of injury due to a fall? Is he or she standing in water that could present a drowning risk if incapacitated?
- Has the suspect been exposed to flammables, such as gasoline, gunpowder, explosives, or alcohol-based OC spray that may be ignited by a spark from the device?
- How far away is the suspect? Can officers safely move close enough to engage the suspect with the cartridge they have loaded?
- Can the officer accurately deploy the ECW?

⁴ Per recommendations from at least one nonprofit law enforcement organization, agencies may wish to consider imposing a limit of three cycles or a total of 15 seconds absent exigent circumstances. See Police Executive Research Forum, *2011 Electronic Control Weapon Guidelines* (Washington, DC: U.S. Department of Justice, Office of Community Oriented Policing Services, March 2011), 13, http://www.policeforum.org/assets/docs/Free_Online_Documents/Use_of_Force/electronic%20control%20weapon%20guidelines%202011.pdf and TASER, *TASER Handheld CEW Warnings, Instructions, and Information: Law Enforcement*, 2017, https://prismic-io.s3.amazonaws.com/axon%2F509df-1ca-d020-4d24-9e08-68320ff1985f_law+enforcement+warnings.pdf.

- If multiple officers are present, have steps been taken to designate only one to deploy the ECW? Officers should avoid intentionally using multiple ECWs on a single suspect absent exigent circumstances.
- Are there contingency plans should one device fail, including the use of a second ECW or an alternative measure?
- Is the subject a member of an elevated risk population group?

D. Removing Probes and Seeking Medical Attention

Agency policy should require the removal of the probes from the subject as soon as reasonably practical. The decision regarding who is authorized to remove the probes is one that should be determined by the individual agency. Some agencies allow their officers to remove probes from non-sensitive areas, while other agencies require that, when reasonably possible, an emergency medical technician (EMT) or similarly qualified medical professional remove the probes. Trained officers can often safely perform this procedure without harm to the subject and may, in some cases, be more qualified than an EMT or physician who has not received special training in this process. However, the use of EMTs or emergency medical practitioners for removal of probes is a reasonable and prudent option. The contact area should be photographed both before and after the probes are removed, with measurement tools and landmarks to clearly show where on the person the probes are impacted, as well as the separation between the probes. The probes should be placed in containers suitable for the safe storage of sharp objects, and in accordance with the agency policies regarding biohazard material.

Probes, cartridge packs, and AFIDs emitted during a deployment against an individual are evidence and should be treated accordingly. The integrity of the wire and the probes should be maintained.

Some agencies may choose to have all individuals who are exposed to an ECW transported to a medical facility for removal of the probes by medical personnel and for medical evaluation. While other agencies may choose not to go to these lengths, policy should guide officers' decisions on subject transportation to an emergency medical facility for evaluation when any of the following situations arise:

- The subject requests medical attention.
- A probe has contacted a sensitive area.
- There is difficulty removing the probes.
- The subject does not appear to be recovering in a manner consistent with training and experience.
- The subject is part of an elevated risk population group.
- The subject has been exposed to more than three ECW cycles or 15 seconds of exposure.
- The subject has been simultaneously exposed to the effects of more than one ECW device.
- The subject has exhibited signs of excited delirium as described in training, prior to or during ECW exposure.⁵
- The subject reasonably appears to be affected by mental illness or in medical distress.

E. Specific Operational Considerations

Pointing or displaying the device. The device should be pointed at a person only when the officer reasonably perceives that discharge, if it proves necessary, is reasonably justified under the totality of the circumstances, and the officer reasonably believes that the existing circumstances will require discharge of the device.

⁵ See the IACP *Model Policy and Concepts & Issues Paper on Excited Delirium* at <https://www.theiacp.org/resources/policy-center-resource/excited-delirium>.

It is important to note that ECWs project a visible laser dot on the target, when the device is taken off safe position and configured in that manner, and that, in some models, the cartridge can be quickly removed from the device and a visible electric arc displayed in hopes of coercing suspect compliance. In other models, the ECW can be arced without removing or deploying the cartridge(s).

Avoiding unintentional discharge. Whenever an ECW is carried, handled, or prepared for discharge, all appropriate firearm-type safety precautions must be taken.

Aiming point. In accordance with the manufacturers' recommendations, when facing the target from the front, the weapon should be targeted below the sternum at lower center mass. This is to increase effectiveness and to avoid unintentional and potentially dangerous impact of the probes on sensitive areas.

The preferred targeting point from the back, whenever reasonable, is the center mass of the suspect's back, since there is lower probability of the probes contacting sensitive body areas. Of course, to target the back, it is necessary to gain a suitable position behind the suspect, which is not always a reasonable option. Sometimes, this can be accomplished by creating a diversion using another officer if available. Without another officer's assistance or similar diversion, it is less likely that the ECW can be deployed in this manner. Therefore, a suitable alternative, and often more reasonable targeting point is low center and below the sternum body mass of the suspect's chest or upper legs.

F. Reporting

Pointing, deploying, or using an ECW against a subject is a use of force and should be reported in the same manner as other uses of force.⁶ Therefore, with the exception of deliberate discharges for training purposes, all instances of discharge, including unintentional discharge, should be reported via the appropriate chain of command. In addition to the information collected in a standard use-of-force report, the report should include the following:

- The make, model, and serial numbers of the ECW and its cartridges. Some models, for example, are computer controlled and have the capability of downloading operational data. They can provide data that addresses date and time, duration, temperature, battery status, and other forensic information of all discharges. This information is invaluable when investigating claims of improper or excessive use of force involving the ECW. Some agencies conduct random data downloads at varying time intervals—regardless of reported use—for review by the agency's professional standards or similar oversight authority.
- The range at which the unit was deployed or discharged.
- The point(s) of contact on the subject.
- The number of five-second cycles and total discharge duration used and justification if more than three cycles were discharged.
- The type of clothing the probes encountered.
- The type and serial number of cartridge(s) used.
- The type of discharge (probe, contact, or cartridge on contact.)
- Evaluation of the effectiveness of the ECW.
- After-discharge actions taken by the officers.
- Any injuries observed or reported as a result of using the ECW.

⁶ See the IACP Model Policy and Concepts & Issues Paper on Reporting Use of Force at <https://www.theiacp.org/resources/policy-center-resource/reporting-use-of-force>.

G. Auditing

ECWs should be subjected to periodic and random data downloading. The data obtained should be reconciled with existing use-of-force reports to ensure accountability between the cycles recorded, and those documented in such reports and in pre-shift testing. Regular downloads also provide an opportunity to install software updates and to audit and discover any unreported uses.

III. TRAINING REQUIREMENTS

Officers must be properly trained before being issued and using an ECW. Failure to provide professionally accepted training exposes the officer, agency, and public to an increased potential for negative outcomes. The training provided should, at a minimum, be consistent with the manufacturer's recommendations and agency policy and address the following topics:

- Design and functioning.
- Proper ECW carry, use, and activation.
- Proper ECW storage and maintenance.
- Practical application and operational use of the device, including loading, unloading, and live fire, to include targeting consistent with manufacturer's recommendations, and marksmanship drills that include fixed sights as well as laser-fixed sighting combined.
- Rules of use and engagement, with special emphasis on the manner in which the device is carried and accessed. This training must focus on avoiding weapon confusion.
- A review of all manufacturer-provided operating manuals, cautionary documents, and warnings.
- Specific requirements for supervisory notification and documentation of the incident, including those concerning photography.
- Removal of probes.
- Preservation of the discharged probes, cartridges, and the confetti-like, serial numbered anti-felon identification (AFID) tag samples as evidence.
- Medical evaluation of those exposed to the device.
- Role-playing scenarios to test the officer's decision-making capabilities, as they relate to the issues outlined above.

Agency policy should provide an opportunity for volunteers within the agency to experience being exposed to the device, but such exposure should generally not be mandated. Following the above outlined training, officers must be able to pass a practical examination of the technical aspects of the reasonably safe and effective physical handling of the ECW. In addition to the basic training program, officers should be recertified on an annual basis, consistent with the manufacturer's recommendations and addressing those points outlined in the initial training.

© Copyright 2020. Agencies are encouraged to use this document to assist in establishing a policy customized to their agency and jurisdiction. However, copyright is held by the International Association of Chiefs of Police, Alexandria, Virginia, U.S.A. All rights reserved under both international and Pan-American copyright conventions. Further dissemination of this material is prohibited without prior written consent of the copyright holder.

Need to Know...

Updated: March 2018

Electronic Control Weapons

Electronic control weapons (ECWs) provide law enforcement officers with a less-lethal force option designed to incapacitate individuals through the use of electrical current.

- The use of ECWs must follow federal standards for the use of force. Namely, the amount of force used must be **objectively reasonable** to effectively bring an incident under control.
- ECWs deliver a **50,000-volt, 26-watt current** to the individual when the trigger is pulled. When used in probe mode, this current can result in the individual falling to the ground or freezing in place due to involuntary muscle contractions.
- The ECW can also be used in the **drive-stun mode** where the device is placed directly against the individual. When used in drive-stun mode, the device is primarily a coercive control tool and is less effective on persons under the influence of drugs or alcohol, affected by mental illness, or generally tolerant to discomfort.
- ECWs should always be carried on the opposite side of the body from the officer's service handgun, requiring the non-dominant hand or **cross-draw technique** for removal.
- ECWs should not be used on individuals who exhibit **passive resistance**.
- Individuals who are part of **elevated risk population groups**, to include, but not limited to, small children, the elderly, and pregnant women, may be more susceptible to the effects of the ECW. Therefore, ECWs should not be used on these individuals whenever possible and practical.
- ECWs should not be aimed at **sensitive body areas**, to include the subject's face, eyes, head, throat, chest/heart area, female breasts, groin, genitals, or known pre-existing injury areas.
- Prior to deploying an ECW, officers should consider the potential for **secondary injuries**, such as those caused from falling.
- When deployed, the ECW delivers a five-second cycle of current. Prior to the use of additional cycles, officers must evaluate the **totality of the circumstances** to determine if additional cycles are reasonably necessary to accomplish the officer's lawful objectives. If the individual does not seem to be affected by the ECW, officers should consider other force options.
- **Emergency medical response** should always be summoned if the individual does not seem to be recovering in a manner consistent with training and experience, is part of an elevated risk population group, has been exposed to more than three ECW cycles or 15 seconds of energy, or appears to be affected by mental illness.
- ECWs should be subjected to periodic and random **data downloading** to ensure accountability.



International Association of Chiefs of Police
44 Canal Center Plaza, Suite 200
Alexandria, VA 22314
703.836.6767 | FAX 703.836.4743
www.theIACP.org