

# **ELECTRONIC CONTROL WEAPON PROCEDURES**

<b>POLICY &amp; PROCEDURE NO. 1.30</b>	ISSUE DATE: 7-13-2017
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MASSACHUSETTS POLICE ACCREDITATION STANDARDS  REFERENCED: <b>1.3.1; 1.3.4; 1.3.5; 1.3.6; 1.3.7; 1.3.9; 1.3.10; 1.3.11; 1.3.12</b>	REVISION DATE: 11/26/2024

## **I. GENERAL CONSIDERATIONS AND GUIDELINES**

Electronic control weapons (ECW), often referred to by a common brand name – TASER – are electro-muscular disruptors that override the central nervous system. Such weapons provide officers with another control option.

This department has made electronic control weapons available to certain authorized officers who obtain the training specified by the Commonwealth of Massachusetts, consistent with the policies and recommendations of respected law enforcement agencies, such as the International Association of Chiefs of Police.

## **II. POLICY**

It is the policy of this department that:

- A. Electronic control weapons shall be made available as a less lethal use of force option to police officers of this agency who are authorized to carry this weapon; and
- B. Electronic control weapons may be used by authorized and trained personnel in accordance with 501 CMR 8.00, and consistent with additional guidelines established herein.

### III. DEFINITIONS

- A. *Electronic Control Weapon (ECW)/Conducted Energy Devices*: A stun gun as defined in M.G.L. c. 140, § 121, or any portable device or weapon, regardless of whether it passes an electrical shock by means of a dart or projectile via a wire lead, from which an electrical current, impulse, wave or beam that is designed to incapacitate temporarily by causing neuromuscular incapacitation or pain so that an officer can regain and maintain control of the subject.
- B. *AFIDs (Anti-felon Identification Tags)*: Confetti-like pieces of paper that are expelled from the cartridge when fired. Each AFID tag contains an alpha-numeric identifier unique to the cartridge used.
- C. *Drive Stun Mode*: The electronic control weapon is used without the cartridge. The device is pressed against the suspect, and an electronic shock is delivered.
- D. *Probe Deployment*: The ECW is most effective when the cartridge is fired and probes make direct contact with the subject. Probe deployment acts as an Electro-Muscular Disruptor and proper application will result in temporary immobilization of a subject and provide the officer a “window of opportunity” in which to take the subject into custody.

### IV. PROCEDURES

#### A. Authorization

1. The department policies regarding **Authorized Weapons, Use of Force, and Use of Force Reporting** apply to electronic control weapons. For further information, refer to these policies.
2. Only officers who have been trained and authorized may carry this device.
3. Except for training purposes, an authorized officer shall not use or carry an electronic control weapon in the performance of their official duties until successfully completing an approved MPTC training program or a training program approved by the Colonel of the MSP pursuant to 550 CMR 6.04(5) for the use of electronic control weapons. <sup>i</sup>

**B. Special Regulation Regarding Electronic Control Weapons & Training**

1. 501 CMR 8.05 establishes a training requirement for the use of electronic control weapons.
2. In order to qualify for admission into an approved training program for the use of electronic control weapons, an authorized officer must:
  - a. Be currently certified by the POST Commission;
  - b. Be employed as an authorized officer by an authorized law enforcement agency;
  - c. Have reviewed the authorized agency's use of force and electronic control weapons policies and acknowledged such in writing;
  - d. Have successfully completed a defensive tactics training course approved by the MPTC or approved by the Colonel of the Massachusetts State Police (MSP) including, but not limited to, the MPTC or the MSP basic recruit training that incorporates defensive tactics in the curriculum; and
  - e. Be authorized by the officer's authorized agency to carry a firearm in the performance of the officer's official duties and have successfully completed both use of force training and firearms training as approved by the MPTC or the Colonel of the MSP.
3. Training instructors for any approved training program for authorized agencies on the use of electronic control weapons must be certified by the MPTC. Training instructors for the MSP must be certified by the Colonel of the MSP. At a minimum, the instructor must:
  - a. Attend the instructor training program provided by the manufacturer(s) of the electronic control weapon(s) to be used by the authorized agency, which must consist of no less than 16 hours of instruction covering training on the use of electronic control weapons; and
  - b. Complete all training required by the MPTC or the Colonel of the MSP to obtain and maintain instructor certification. All officers authorized to carry the electronic control weapon will be trained and certified in accordance with a curriculum
4. All officers authorized to carry the electronic control

### 1.30 ELECTRONIC CONTROL WEAPONS PROCEDURES

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weapons will be trained and certified in accordance with a curriculum identical to the Municipal Police Training Committee and approved by the Secretary of Public Safety, as mandated in 501 CMR 8.06. Only trainers certified as electronic control weapon instructors shall conduct the training. The training will include the following components:

- a. Not less than six hours of training;
  - b. A review of the mechanics of an electronic control weapon;
  - c. Illustration of the medical issues involved with the use of an electronic control weapon including, but not limited to, information regarding the effects of electronic control weapons on individuals with pre-existing medical and other conditions and information on and a demonstration regarding the removal of probes from an individual after an electronic control weapon has been discharged;
  - d. Segments on weapon proficiency for trainees, including a demonstration on the accurate discharge of an electronic control weapon, practice discharge of an electronic control weapon by trainees, exercises wherein the trainee practices transitioning to and from an electronic control weapon, and scenario exercises involving electronic control weapons;
  - e. A segment on the use of an electronic control weapon as a force option and an overview of the authorized agency's policies and the electronic control weapon's relation to other weapons, tools, and tactics within the authorized agency's use of force policy; and
  - f. Testing to demonstrate knowledge of protocols, use, and effects of electronic control weapons.
5. All authorized officers who have successfully completed the authorized training program pursuant to 501 CMR 8.06(1) must then complete an annual requalification training program of no less than four hours consisting of:
- a. A review of the authorized agency's use of force policy and other policies and procedures related to electronic control authorized weapons;
  - b. Updates regarding the electronic control weapon;
  - c. Testing to demonstrate knowledge of policies, protocols, use, and effects of electronic control weapons; and
  - d. A demonstration of proficiency with the electronic control weapon.

## **C. Weapon Readiness**

### **1. Carrying**

- a. The device will be carried in an approved holster in a cross draw configuration on the side of the body opposite the service hand-gun. Officers not assigned to uniformed patrol may utilize other department-approved holsters and carry the weapon consistent with department training.
- b. The device will be carried fully armed with the safety on in preparation for immediate use when authorized.
- c. Officers who are certified to carry the electronic control weapon will inspect it daily prior to going on patrol. During the inspection officers will perform a "Spark Test" in the designated test area. The Performance Power Magazine will be checked to assure that it is seated correctly and the weapon and cartridge will be examined for any damages. The "Spark Test" will be conducted as outlined in the procedures within the current electronic control weapons training manual. The OIC will be made aware of any discrepancies observed during the inspection.
- d. If not carried or under the control of the owner or other lawfully authorized user, electronic control weapons shall be secured in a locked container in accordance with M.G.L. c. 140, § 131L.

### **2. Accessories**

- a. Officers authorized to use the device shall be issued a minimum of one spare cartridge as a back-up in case of cartridge failure, the need for redeployment, or in case the first cartridge's leads break during engagement.
- b. The spare cartridges shall be stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer's expiration requirements.
- c. Only agency-approved battery power sources shall be used in the electronic control weapon.

## **D. Deployment**

## 1.30 ELECTRONIC CONTROL WEAPONS PROCEDURES

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### 1. Use of Force MODEL

#### a. Drive Stun Mode:

- i. In drive stun mode the device is a pain compliance tool rather than an electro-muscular disruptor.
- ii. It may be deployed as a pain compliance technique in response to an active resistant person.
- iii. It is minimally effective compared to conventional cartridge-type deployments. The effect of drive stun is not as long-lasting as fired probes.

Note: Pain compliance may not be effective against someone in a state of “mind-body disconnect,” as in a mental health crisis state, under the influence of a mind altering substance, or extremely focused.

#### b. Probe Deployment:

- i. Firing the device cartridge to deploy electrodes is a defensive tactic.
- ii. It may be used in response to an assaultive person.

#### c. Lethal Force:

- iii. Intentionally firing the device at the head or neck is a deadly force countermeasure in response to a lethal threat.
  - iv. ELECTRONIC CONTROL WEAPONS **ARE NOT** A SUBSTITUTE FOR LETHAL FORCE. Officers are not expected to respond to a lethal force threat with a less lethal force option such as an electronic control weapon.
  - v. An electronic control weapon may be used in response to a lethal force threat under exigent circumstance as a weapon of available means.
- c. Electronic control weapons are best considered an option in situations where:
- i. An officer has other appropriate force options

## 1.30 ELECTRONIC CONTROL WEAPONS PROCEDURES

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available to deal with the threat;

- ii. The officer has moved to a position of advantage such as cover, concealment or barrier, based upon the subject's behavior or weapons; and
- iii. An additional officer can safely approach the subject to within effective range to deploy the electronic control weapon.

### 2. DEPLOYMENT OF DEVICE

- a. A full five second cycle deployment should be applied without interruption unless circumstances dictate otherwise.
  - i. The five second cycle is a potential "window of opportunity" for an officer to immobilize, control, or handcuff a suspect.
  - ii. Secure the suspect as quickly as possible during or immediately following the period of incapacitation.
- b. A second or subsequent five second cycle may be necessary if, after the first five second cycle, the officer still perceives the subject as a threat.
- c. Officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure.
- d. The Officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective.

### 3. Target Areas

- a. Preferred Target area, includes:
  - i. back
  - ii. lower abdomen
  - iii. thighs
- b. Avoid aiming at the head or neck unless the encounter justifies a deadly force response.

### 4. Forbidden

- a. Deployment of the device in a punitive or coercive manner.
- b. Use on a handcuffed or secured detainee, absent

## 1.30 ELECTRONIC CONTROL WEAPONS PROCEDURES

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overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.

### 5. **Susceptible Population**

- a. Officers should be aware of the greater potential for injury when using an electronic control weapon against certain individuals.
  - i. Adults over the age of seventy (70);
  - ii. Women believed to be pregnant;
  - iii. Those known to be suffering from severe mental illness;
  - iv. Persons weighing less than 80lbs;
  - v. Persons with obvious or known neuromuscular disorders (i.e. multiple sclerosis, muscular dystrophy or epilepsy);
  - vi. Persons known to be wearing pacemakers or other biomedical devices;
  - vii. People with known cardiac diseases or weak hearts; or
  - viii. People in wheelchairs
- b. Electronic control weapons should only be deployed on these vulnerable groups if the officer's assessment at the time is that the individuals have or will cause immediate serious bodily harm to themselves and/or others but could be subdued by an electronic control weapon.

### 6. **PROHIBITED POPULATION**

- a. Officers are prohibited from deploying ECW's against subjects in the following circumstances unless lethal force is justified.
  - i. Juveniles under the age of 18;
  - ii. People in elevated positions that may be susceptible to severe falls;
  - iii. People driving motor vehicles;
  - iv. People on bicycles;
  - v. People jumping on fences;
  - vi. People in or near water; or

## 1.30 ELECTRONIC CONTROL WEAPONS PROCEDURES

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- vii. People located near combustible materials (gas stations, propane, natural gas, O.C. spray with volatile propellant, etc.) The Westford Police Department only authorizes the use of OC spray that is non-flammable and specifically formulated for use with electronic restraint devices

### E. Aftercare

#### 1. Probes

- a. Probes may be removed from the subject after the subject is restrained.
- b. Probes may be removed by trained officers or medical professionals only.

#### 2. Medical Care

- a. Seek medical attention for:
  - i. A person who requests medical attention. Officers shall ask persons if they desire medical attention.
  - ii. A person who does not appear to recover properly after being engaged with the electronic device.
  - iii. A person who is in a prohibited or potentially susceptible population category. See **PROHIBITED POPULATION** and **SUSCEPTIBLE POPULATION** in this policy.
  - iv. A person who has been energized more than three times. <sup>ii</sup>
  - v. A person who has had more than one electronic control weapon effectively used against him or her in any given incident.
  - vi. A person who has been subjected to a continuous energy cycle of fifteen (15) seconds or more.<sup>iii</sup>
  - vii. A person who has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to electronic control weapon exposure.
- b. Transport the following to a medical facility:

## 1.30 ELECTRONIC CONTROL WEAPONS PROCEDURES

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- i. A person who is struck by a probe in the neck, throat, face, female breasts, groin;
- ii. A person from whom personnel have difficulty removing the probes; and
- iii. A case in which the barb separates from the probe upon removal.

### **F. Reporting**

#### **1. Officer Responsibility**

- a. The deploying officer shall notify his or her supervisor as soon as practical after deploying the device and complete the appropriate use-of-force report.
- b. Officers involved complete a use-of-force administrative report.
- c. Officers shall specifically articulate the rationale in their use-of-force report for any instance of the following:
  - i. An electronic control weapon is energized more than three times on a single subject.
  - ii. An energy cycle longer than fifteen (15) seconds in duration is used against a subject.
  - iii. More than one electronic control weapon is used against a subject in any given incident.
  - iv. An electronic control weapon is used against an individual designated to be in a “susceptible or prohibited population”

#### **2. Supervisor Responsibility**

- a. Ensure that photographs of the area impacted by the probes are taken after the probes are removed, if possible, being sure to protect the suspects' privacy.
- b. Ensure that the subject has received the proper medical attention as appropriate.
- c. If the device has been fired, the officer shall collect the cartridge, wire leads, darts, and AFIDs as evidence. Darts are to be treated as a biohazard

## 1.30 ELECTRONIC CONTROL WEAPONS PROCEDURES

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- material and appropriately handled.
- d. Once all evidence has been collected, the electronic control weapon shall be taken offline until an Electronic Control Weapon Instructor can inspect and download all applicable information.
  - e. If the device has been discharged notification will be made to the Chief of Police as soon as possible.
  - f. Electronic Control Weapon Instructors are to be notified of deployment as soon as possible.

### 3. Administrative Responsibilities

- a. The Westford Police Department will comply with all data collection protocol and reporting requirements as set forth in Massachusetts General Law c. 140, s. 131 J and st 2004, c170 s2.
- b. There will be an administrative review of each report of the discharge of an electronic control weapons per (Sec P&P 1.01 and P&P 1.03, Use of Force Policy/Use of Force Reporting). This will be conducted by the Chief or his designee.
- c. Recorded deployment data will be downloaded and reviewed by a department Electronic Control Weapon Instructor within 24 hours of deployment.
- d. The department will conduct an annual analysis of reported uses of electronic control weapons. Where indicated, training needs, equipment upgrades, and/or policy modifications will be considered.
- e. The Westford Police Department will maintain a record acknowledging the receipt and review of the Westford Polices on Authorized Weapons, Use of Force, Use of Force Reporting and Electronic Control Weapons by every officer posing or using electronic control weapons in the performance of their official duties.

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<sup>i</sup> 501CMR8.05 (2).

<sup>ii</sup> IACP National Law Enforcement Policy Center, *Conducted Energy Weapons*, Concept and Issues Paper, Revised August 2005, H: Probe Removal and Medical Attention.

<sup>iii</sup> IACP National Law Enforcement Policy Center, *Conducted Energy Weapons*, Concept and Issues Paper, Revised August 2005, H: Probe Removal and Medical Attention.