

ELECTRONIC CONTROL WEAPONS PROCEDURES

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MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 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	REVISION DATE: 03-01-2020

I. GENERAL CONSIDERATIONS AND GUIDELINES

Electronic control weapons, 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 decided to make 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.

1.30 Electronic Control Weapons

III. DEFINITIONS

- A. *Electronic Control Weapon or Device*: Also referred to as an electronic weapon or electrical control weapon: a portable device or weapon from which an electronic current, impulse, wave or beam may be directed where such current, impulse, wave or beam is designed to incapacitate temporarily.
- 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 [1.3.4]

- 1) The department policies regarding **Authorized Weapons, Use of Force**, and **Use of Force Reporting** apply to electronic 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 officer shall not possess or carry an electronic control weapon until successfully completing an approved training program in the use of electronic weapons.ⁱ

B. Special Regulation Regarding Electronic Control Weapons & Training

- 1. 501 CMR 8.04 establishes a training requirement for the use of electronic 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 employed as an authorized officer;

1.30 Electronic Control Weapons

- b. Have successfully completed a defensive training course approved by the Municipal Police Training Committee or approved by the Colonel of the Massachusetts State Police; and
 - c. Be authorized by the officer's department to carry a firearm in the performance of the officer's duty and have successfully completed a firearms training as approved by the Municipal Police Training Committee or approved by the Colonel of the Massachusetts State Police
3. Instructors shall successfully complete the 16-hour certification program presented by Taser International and the 8-hour certification course presented by the Municipal Police Training Committee. All Instructors must be certified by the MPTC.
4. [1.3.10] All officers authorized to carry the Electronic Control Weapon 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 8.05. Only certified Training Instructors shall conduct the training. The training will include the following components:
- a. Minimum 6-hour training course.
 - b. Review of the mechanics of the electronic control weapon.
 - c. Review of medical issues to be considered with the use of the electronic control weapon including but not limited to, effects of its use on individuals with pre-existing medical conditions and information/demonstration regarding removal of the wires and probes from an individual following the discharge of the electronic control weapon.
 - d. Weapon proficiency will be demonstrated with an accurate discharge of the electronic control weapon by each trainee.
 - e. The electronic control weapon as a less lethal force option and its relation to other Department authorized weapons, and
 - f. Review of the Department's Use of Force Policy.
 - g. [1.3.11] Officers are required to attend a 1-hour (minimum) re-certification with the use of the electronic control weapon every year.

1.30 Electronic Control Weapons

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 TASER training manual. The OIC will be made aware of any discrepancies observed during the inspection.
- d. Officers shall not possess a department issued Electronic Control Weapon when off duty.

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 weapon.

1.30 Electronic Control Weapons

D. Deployment [1.3.4]

1. Use of Force MODEL [1.3.1]

a. Drive Stun Mode:

- 1) In drive stun mode the device is a pain compliance tool rather than an electro-muscular disruptor.
- 2) It may be deployed as a pain compliance technique in response to an active resistant person.
- 3) 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:

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

c. Lethal Force:

- 1) Intentionally firing the device at the head or neck is a deadly force countermeasure in response to a lethal threat.
- 2) **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 weapon.
- 3) An electronic control weapon may be used in response to a lethal force threat under exigent circumstance as a weapon of available means.

d. Electronic control weapons are best considered an option in situations where:

- 1) An officer has other appropriate force options available to deal with the threat;
- 2) The officer has moved to a position of advantage such as cover, concealment or barrier, based upon the subject's behavior or weapons; and

1.30 Electronic Control Weapons

- 3) An additional officer can safely approach the subject to within effective range to deploy the electronic weapon.

2. **DEPLOYMENT OF DEVICE**

- a. A full five second cycle deployment should be applied without interruption unless circumstances dictate otherwise.
 - 1) The five second cycle is a potential “window of opportunity” for an officer to immobilize, control, or handcuff a suspect.
 - 2) 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:
 - 1) back
 - 2) lower abdomen
 - 3) 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 prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.

1.30 Electronic Control Weapons

5. **Susceptible Population**

- a. Officers should be aware of the greater potential for injury when using an electronic control weapon against certain individuals.
 - 1) Adults over the age of seventy (70);
 - 2) Women believed to be pregnant;
 - 3) Those known to be suffering from severe mental illness;
 - 4) Persons weighing less than 80lbs;
 - 5) Persons with obvious or known neuromuscular disorders (i.e. multiple sclerosis, muscular dystrophy or epilepsy);
 - 6) Persons known to be wearing pacemakers or other biomedical devices;
 - 7) People with known cardiac diseases or weak hearts; or
 - 8) People in wheel chairs
- 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 weapon.

6. **PROHIBITED POPULATION**

- a. Officers are prohibited from deploying ECWs against subjects in the following circumstances unless lethal force is justified.
 - 1) Juveniles under the age of 18;
 - 2) People in elevated positions that may be susceptible to severe falls;
 - 3) People driving motor vehicles;
 - 4) People on bicycles;
 - 5) People jumping on fences;
 - 6) People in or near water; or
 - 7) 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

1.30 Electronic Control Weapons

E. Aftercare [1.3.5]

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:
 - 1) A person who requests medical attention. Officers shall ask persons if they desire medical attention.
 - 2) A person who does not appear to recover properly after being engaged with the electronic device.
 - 3) A person who is in a prohibited or potentially susceptible population category. See **PROHIBITED POPULATION** and **SUSCEPTIBLE POPULATION** in this policy.
 - 4) A person who has been energized more than three times.
ii
 - 5) A person who has had more than one electronic control weapon effectively used against him or her in any given incident.
 - 6) A person who has been subjected to a continuous energy cycle of fifteen (15) seconds or more.ⁱⁱⁱ
 - 7) A person who has exhibited signs of extreme uncontrolled agitation or hyper activity prior to electronic control weapon exposure.
- b. Transport the following to a medical facility:
 - 1) A person who is struck by a probe in the neck, throat, face, female breasts, groin;
 - 2) A person from whom personnel have difficulty removing the probes; and
 - 3) A case in which the barb separates from the probe upon removal.

1.30 Electronic Control Weapons

F. Reporting [1.3.6]

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:
 - 1) An electronic control weapon is energized more than three times on a single subject.
 - 2) An energy cycle longer than fifteen (15) seconds in duration is used against a subject.
 - 3) More than one electronic control weapon is used against a subject in any given incident.
 - 4) 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 material and appropriately handled.
- d. Once all evidence has been collected, the electronic control weapon shall be taken off line until a taser 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. Taser Instructors to be notified of deployment as soon as possible.

1.30 Electronic Control Weapons

3. **Administrative Responsibilities [1.3.7]**

- 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 weapon 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 Department Taser Instructor within 24 hours of deployment.
- d. The department will conduct an annual analysis of reported uses of electronic weapons. Where indicated, training needs, equipment upgrades, and/or policy modifications will be considered.

ⁱ 501CMR8.04(b).

ⁱⁱ IACP National Law Enforcement Policy Center, *Electronic Control Weapons*, Concept and Issues Paper, Revised August 2005, H: Probe Removal and Medical Attention.

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