

WINSTON-SALEM POLICE DEPARTMENT

GENERAL ORDER: 1.29

EFFECTIVE DATE: 07-29-2009

PAGES: 8

SUBJECT: Electronic Control Device Use

REVIEW SEQUENCE: Annually

REPLACES: N/A

REVISION NUMBER/DATE:

APPROVED BY: SAC
Scott A. Cunningham
Chief of Police

INDEX AS:

-Electronic Control Device
-ECD
-TASER ®

DISTRIBUTION:

All Police Personnel

PURPOSE: To establish guidelines for the proper use of the Electronic Control Device (ECD), proper post-exposure and reporting procedures.

This general order consists of the following numbered sections.

- I. Definitions
- II. Policy
- III. Approved Electronic Control Device
- IV. Electronic Control Device Training
- V. Electronic Control Device Use
- VI. Post Exposure Procedures
- VII. Documentation and Reporting of Electronic Control Device Use
- VIII. Inspection
- IX. Attachment

I. DEFINITIONS:

- A. **Drive Stun:** Activating the electronic control device while holding the front of the device against the target without firing the projectiles. The drive stun causes significant localized pain, but does not have an incapacitating effect on the central nervous system.
- B. **Electronic Control Device (ECD):** A less lethal electronic neuromuscular incapacitation weapon that transmits an electrical signal resulting in an immediate loss of a person's neuromuscular control and the ability to perform coordinated action for the duration of the impulse.
- C. **Electronic Control Device Certified Officer:** An officer who has successfully completed all required training in the use and deployment of the Electronic Control Device.
- D. **Electronic Control Device Cycle:** Duration of an Electronic Control Device discharge following Electronic Control Device activation.

- E. **Less Lethal Weapon:** A weapon which, when used according to Departmental training guidelines, is not likely to cause death.
- F. **Standard Electronic Control Device Cycle:** A five second electrical cycle occurring when an Electronic Control Device trigger is pressed and released. The standard cycle may be shortened by turning the ECD off.
- G. **TASER®:** A brand name for an electro-muscular disruption weapon utilized by this department.

II. POLICY

Situations occur in which employees find it necessary to use force in the performance of their duties. Inherent in these situations is the risk of injury to both employees and citizens. In an effort to reduce these risks, and as an alternative to what would otherwise require a greater level of force, the use of an Electronic Control Device is authorized as outlined in this directive.

III. APPROVED ELECTRONIC CONTROL DEVICE

- A. The TASER® brand Electronic Control Device Model X-26 utilizing the standard TASER® brand cartridge or extra penetration cartridge is authorized for use by Electronic Control Device Certified Officers.
- B. The carrying of an Electronic Control Device is mandatory. Officers carrying an Electronic Control Device will also carry department issued OC spray and may carry a department issued collapsible baton (ASP). Bureau commanders may exempt officers in undercover operation from carrying the Electronic Control Device.

IV. ELECTRONIC CONTROL DEVICE TRAINING

- A. Prior to being issued an Electronic Control Device, an officer shall attend a Electronic Control Device training session conducted by a certified Electronic Control Device instructor, who will ensure the officer successfully demonstrates proficiency in the use of the device, and provides the student instruction and issues policies regarding:
 - 1. Authority for and limits on the proper use of the Electronic Control Device and the use of force;
 - 2. Proper and safe handling and storage procedures; and,
 - 3. Procedures for obtaining medical assistance after use of the Electronic Control Device.
- B. The certified Electronic Control Device instructor is responsible for issuing and collecting all ECDs as well as certifying officers' proficiency for those weapons.
- C. Upon successful completion of initial ECD training, the instructor and the officer will make the proper notations on the applicable sections of the "*Documentation of Training Prior to Weapons Issue*" form (Attachment A) to include signatures from both the

employee and the qualified instructor. The completed forms shall be forwarded to the Personnel Management Office for inclusion in the officer's Criminal Justice File.

- D. The Training Unit shall maintain a *master listing* of all ECDs issued by the department. The master listing will contain the make, model number, serial number and will identify the officer to whom the ECD is issued, the date of issue, and the name of the person issuing the ECD to the officer.
- E. Electronic Control Device certified officers must successfully complete annual in-service training conducted by a certified Electronic Control Device instructor in order to remain qualified to carry the weapon. In-service Electronic Control Device training shall be documented and shall require demonstrated proficiency with the weapon and knowledge of use of force policies.
- F. Each ECD will be inspected and approved for use by a certified ECD instructor prior to initial issue and during annual in-service training. Unsafe or defective ECDs will be taken out of service by the course instructor.
- G. Training instructors will deliver all completed training documentation to the In-Service Training Coordinator. The In-Service Training Coordinator will be responsible for maintaining permanent records of the curriculum and courses taught by date as well as a listing of employees attending the training.
- H. A qualified TASER® instructor will promptly notify the appropriate Bureau Commander if an employee fails to demonstrate competency with an issued Electronic Control Device. The employee will be placed on administrative duty until satisfactorily completing remedial training.
- I. Remedial training will be made available to officers as needed in accordance with General Order 3.01 "Training".
- J. *Employees who fail to demonstrate proficiency in the use of the Electronic Control Device after remedial training will not be allowed to perform police related duties until proficiency is demonstrated and are subject to disciplinary action at the discretion of the Police Chief.*

V. ELECTRONIC CONTROL DEVICE USE

- A. The Electronic Control Device will be utilized only by officers who have successfully completed all required training in the use and deployment of the device. (Electronic Control Device Certified Officer)
- B. Use will be consistent with training as defined by the written training outline.
- C. Any incident in which an Electronic Control Device is used upon a citizen by a police employee will be considered a use of force incident. All uses will be appropriately documented and reviewed as directed in Section VII.

- D. The Electronic Control Device can be deployed by an Electronic Control Device certified officer when the use is reasonable and necessary to overcome or prevent resistive or assaultive behavior and/or when other means of physical force are not reasonable or practical to bring a subject under control without risk of injury to the subject or employee(s).
- E. Officers will target center mass or legs of a subject's body when deploying an Electronic Control Device. Extra caution should be used to avoid firing probes at a subject's head, neck and genital areas.
- F. **Officers will NOT use an Electronic Control Device in the following circumstances:**
1. **On a subject who is near, or has been exposed to, potentially flammable, volatile or explosive materials.**
 2. **When a subject is in a significant amount of water.**
 3. **When a subject is in a position where a fall may cause substantial injury or death.**
 4. **Punitively, as a means of coercion or in any other unjustified manner.**
- G. Special consideration, consistent with Departmental training, should be given for use of an ECD on a subject who:
1. is visibly pregnant
 2. is fleeing on foot
 3. is operating a functioning, operable motor vehicle
 4. is physically limited (age related, young child, or frail)
 5. is handcuffed
- As with any use of force, officers should clearly document justification for use of an ECD particularly subjects identified as requiring special consideration.
- H. When activating an Electronic Control Device, officers should use one standard Electronic Control Device cycle (five seconds) and re-evaluate. If subsequent activations are necessary, they should ordinarily be limited to two (2) subsequent reactivations and the duration necessary to place the subject in custody (not to exceed 5 seconds each). Officers must be able to articulate the circumstances that warrant any additional ECD activations.
- I. The Electronic Control Device shall not be used to repeatedly drive stun a subject. The drive stun function shall be used only in exigent circumstances as discussed in initial Electronic Control Device Operator training and reviewed annually during in-service training.
- J. Officers shall handle and store Electronic Control Devices in the same manner as a firearm, exercising a due regard for safety.
- K. Officers may use the Electronic Control Device to defend themselves or others from a vicious or attacking animal. Should such an occasion arise, the officer will make

reasonable attempts to notify the owner of the animal, and shall thoroughly document the incident in a departmental report.

- L. Use will be consistent with training as defined by the written training outline.

VI. POST-EXPOSURE PROCEDURES

- A. Any person appearing to have been adversely affected following exposure to an Electronic Control Device shall be offered assistance without delay pursuant to General Order 1.11. **In all cases of ECD deployment against a person, employees will ask the exposed subject if he has a history of cardiac related health issues and conduct a visual inspection of the subject for a medic-alert bracelet or necklace indicating the existence of a condition immediately after exposure. If an arrested subject indicates that he has a history of cardiac related health issues the officer will transport the arrested subject to Forsyth Medical Center, or if specifically requested, to Baptist Hospital, unless in the officer's opinion EMS is more appropriate for transport. Subjects who are pregnant, medically or physically limited will be transported to Forsyth Medical Center, or if specifically requested, to Baptist Hospital. If, in the officer's opinion EMS is more appropriate, EMS may be summoned for transportation.**
- B. Following deployment of an Electronic Control Device, an Electronic Control Device Certified Officer may remove probes that have penetrated the skin. The officer will use protective equipment such as disposable gloves and other universal precautions to prevent exposure to bloodborne pathogens. Probes will be removed following these steps:
 - 1. secure the skin area by placing two fingers directly around the probe;
 - 2. use counter pressure with one hand and remove the probe with the other hand by pulling it outward from the impact area at a 90 degree angle;
 - 3. dispose of prongs in an approved sharps container;
 - 4. if necessary, call Emergency Medical Services to evaluate probe sites or secondary injuries that may have occurred following deployment; and
 - 5. when possible, probe impact points on the body should be photographed before and after removal.
- C. Probes that strike the subject in the head, face, neck, spine, breast, or groin will be removed by Emergency Medical Services or a hospital emergency department. Any probe that an officer is uncertain about removing will be removed by Emergency Medical Services or hospital emergency department personnel. Probes that are removed by advanced medical personnel will be photographed prior to removal. Treatment should not be delayed for the purpose of obtaining photographs.

VII. DOCUMENTATION AND REPORTING OF ELECTRONIC CONTROL DEVICE USE

- A. In compliance with General Order 1.27, Use of Force, the Professional Standards (PSD)

Commander shall include ECD utilizations in an annual analytical report of incidents involving both lethal and non-lethal uses of force by Police Department personnel.

B. Employees shall notify their immediate supervisor as soon as possible after an Electronic Control Device has been deployed. A supervisor will immediately respond to the scene of any deployment of an Electronic Control Device, including unintentional discharges. If the incident occurs while the employee is off-duty, the employee will immediately notify the on-duty field commander. Officers will document the circumstances surrounding the discharge of an Electronic Control Device on an Incident or Supplement Report, and a Less Lethal Weapons Supplement Report. Documentation will include:

1. The subject's actions prior to the Electronic Control Device being deployed;
2. alternative force used, if any, prior to the Electronic Control Device;
3. distance from subject when deployed;
4. number of standard Electronic Control Device cycles used (list separately if Electronic Control Device was deployed by multiple officers);
5. location on the body where probes made contact;
6. subject's observed reaction to the Electronic Control Device deployment;
7. medical problems of subject (if known);
8. if the subject is mentally impaired or under the influence of alcohol or drugs;
9. manner of physical restraint utilized;
10. any injuries sustained by the subject related to ECD use;
11. medical treatment (if obtained);
12. if there were any malfunctions (ECD did not discharge properly, missed target, etc)
13. whether the officer was on or off-duty.
14. a copy of the computerized ECD use log.

C. Immediate Supervisor's Responsibilities

1. The supervisor should ensure the involved employee(s) complete all reporting requirements before shift end.
2. When possible, ensure probe impact points on the body are photographed before and after removal.
3. A Notification of Incident will be required after any Electronic Control Device use with distribution to appropriate training unit personnel.
4. Electronic Control Device Exposure will be reported using the following guidelines:
 - a. **If subject is not transported to a hospital**, the Electronic Control Device (ECD) package will consist of an Incident Report and Supplements, copy of the Electronic Control Device use log Less Lethal Weapons Supplement Report and an Administrative/Incident Investigation Review form.
 - b. **If the subject is transported to a hospital but refuses medical treatment**, the Electronic Control Device (ECD) package will consist of an Incident Report and Supplements, copy of the Electronic Control Device use log, Less Lethal Weapons Supplement Report, an Administrative/Incident Investigation Review form and a copy of

the Pre-Confinement form received from the hospital indicating medical treatment was refused.

- c. **If the subject is transported to a hospital due to a pre-existing heart/cardiac condition**, the Electronic Control Device (ECD) package will consist of an Incident Report and Supplements, copy of the Electronic Control Device use log, Less Lethal Weapons Supplement Report, Administrative/Incident Investigation Review form and a copy of the Pre-Confinement Form received from the hospital.
- d. **If the subject is transported to a hospital for other in-custody injuries**, the Electronic Control Device (ECD) package will consist of all documents contained in a Citizen Injury Package in accordance with guidelines established in the Internal Investigations Manual.
5. The employee's immediate supervisor will insure that whenever an Electronic Control Device is utilized (cartridge fired), the ECD, five (5) sample AFID tags and any spent cartridges are submitted to PSD for downloading prior to shift end. If an incident occurs outside the operational hours of PSD the ECD, AFID tags, and any spent cartridge(s) should be placed in lockers designated for PSD retrieval.
6. The employee's immediate supervisor shall be responsible for completion of the appropriate Electronic Control Device package.

If the incident occurs while the employee is off-duty, the on-duty field supervisor will complete the appropriate Electronic Control Device package, if applicable. That supervisor will forward the completed package to the employee's immediate supervisor for review, additional investigation, if necessary, and submission through the appropriate chain of command in compliance with General Order 1.11.

7. Following review and approval, the immediate supervisor shall ensure a copy of the appropriate Electronic Control Device package is forwarded to the appropriate Bureau Commander and PSD Commander. The Public Safety Attorney will be included in distribution for incidents in which the subject receives medical treatment or is hospitalized following use of an Electronic Control Device.
8. Any unintentional discharge of an Electronic Control Device will be reported by the employee as directed in Section VII.B. The employee will document action leading to the discharge in a general memorandum when unrelated to any incident investigation. The employee's supervisor will review the discharge and document findings utilizing a Supervisor's Review Form, or an Administrative Investigation as appropriate, in accordance with the Internal Investigations Manual.

VIII. INSPECTION

- A. Each Electronic Control Device will be inspected and approved for use by a certified course instructor prior to initial issue and during annual in-service training. Unsafe or defective ECDs will be taken out of service by the course instructor.

- B. If an Electronic Control Device Certified Officer becomes aware of a defective or possibly defective ECD, the officer shall notify his supervisor and a certified Electronic Control Device instructor via departmental email to make provision to have the device inspected.

IX. ATTACHMENT

- A. Documentation of Training Prior to Weapons Issue

**Police Department
WINSTON-SALEM, NC**

**DOCUMENTATION OF TRAINING
PRIOR TO WEAPONS ISSUE**

Items Covered in Training Session Prior to Weapons Issue	Instructor's Signature/Date	Date(s) of Instruction
Authority for and Limits on Use of Force : NCGS § 15A-401; G.O. 1.27; Rule of Conduct # 15		
Authority for and Limits on Use of DEADLY Force : NCGS § 15A-401; G.O. 1.27; Rules of Conduct # 15 and # 34		
Policy Concerning Warning Shots : G.O. 1.27; Rule of Conduct # 34 (Firearms)		
Authority for and Limits on Use of " Less Than Lethal Weapons ": NCGS § 15A-401; G.O. 1.27; G.O. 1.29; Rules of Conduct # 15 and # 34		
Procedures for Obtaining Medical Assistance after use of Lethal and Less-Than-Lethal Force : G.O.'s 1.11, 1.27 and 1.29; Rule of Conduct # 27		
I recommend the officer/employee be issued the following weapon(s) after completing all required proficiency training: _____		N/A
I recommend the officer/employee be issued the following weapon(s) after competing all required proficiency training: _____		N/A

Insert N/A in any section deemed Not Applicable

Instructor Certification: As indicated by my signature in the applicable blocks above, I certify that I have reviewed the listed items with this officer or employee on the date (s) specified and ensured that copies of each listed item has been issued to or received by the officer or employee.

Officer's or Employee's Certification: I certify that I have reviewed, been issued, or received each of the listed items on the date(s) indicated and understand the authority for and limits concerning the use of both lethal and less than lethal force. I am aware of the procedures to render appropriate medical aid to persons I may have to use force against.

Signature: _____
(Officer or Non-Sworn Employee Attending Training)

Date:

This form shall be forwarded to the Personnel Management Section for filing in the officer's Criminal Justice file or non-sworn employee's personnel file as applicable