

4.24c ELECTRONIC CONTROL WEAPONS



ELECTRONIC CONTROL WEAPONS

POLICY & PROCEDURE NO. 4.24c	SECTION ADMINISTRATION	PAGES: 10	ISSUE DATE: August 16, 2023
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 1.1.1; 1.1.4; 1.1.5; 1.1.9; 1.1.10; 1.1.11; 1.1.12		EFFECTIVE DATE: August 16, 2023	REVISION DATE:
ISSUING AUTHORITY: 			
Chief Nathan Hagglund			

I. GENERAL CONSIDERATIONS AND GUIDELINES

An Electronic Control Weapon (ECW) is deemed less lethal on the use of force model. It is used to control an uncooperative subject when the use of deadly force is not a primary option. Electronic control weapons provide a use of force option that does not rely on pain compliance to be effective. When used properly, electronic control weapons cause an electro-physical, involuntary contraction of skeletal muscle tissue. Electronic control weapons override the motor nervous system and block the command and control of the human body. Basically, a person experiences skeletal muscle “lock-up.” It is then impossible for the person to voluntarily control their actions or movements. Electronic control weapons directly stimulate motor nerve tissue, causing incapacitation regardless of mental focus, training, size, or drug-induced dementia.

II. POLICY

It is the policy of the West Brookfield Police Department to authorize the use of Electronic Control Weapons as a less lethal use of force option to minimize the risk of injury to officers, the public and offenders.

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Electronic Control Weapons are authorized for use by personnel who have been properly trained and certified in their use in accordance with 501CMR8.00 and consistent with the guidelines established herein.

Electronic control weapons may be used:

1. To prevent persons from inflicting harm upon themselves, the officers or, others.
2. When attempts to subdue the subject by other conventional tactics have been or will likely be ineffective.
3. When there is a reasonable expectation that it will be unsafe for officers to approach a person and take him/her into lawful custody without the probability of injury to the officers, the suspect or others.
4. To control dangerous or violent subjects when deadly physical force does not appear to be justified and/or necessary.

III. DEFINITIONS

Electronic Control Weapon: A Department issued or approved electronic control weapon which is designed to temporarily incapacitate a subject by delivering electrical pulses to the person. The electrical pulses are intended to completely override the central nervous system and directly control the skeletal muscles. The Electronic Control Weapon's affect is intended to cause an uncontrollable contraction of the muscle tissue, physically debilitating the targeted subject regardless of pain tolerance or mental focus.

TASER: A Department issued electronic control weapon that includes but is not limited to the AXON TASER 7 which is a handheld electronic control weapon manufactured by AXON. The device fires two probes from a replaceable air cartridge. The probes are connected to the device by thin insulated wires. Electrical pulses are sent via the wires to the probes with the intended effect being to temporarily incapacitate the targeted subject.

Close Quarter Cartridge: The replaceable cartridge of the AXON TASER 7 which contains and fires the electrical probes. The close quarter cartridge contains two probes on the front which enable it to be used as a contact device.

Active Resistance: Physically evasive movements to defeat an officer's attempt at control, including; bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

Passive Resistance: Physical actions that do not prevent the officer's attempt to control. (Example: a person who remains in a limp, prone position, or passive demonstrators, etc.)

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Laser activation: The electronic control weapon being turned on activates the red laser beam (warning deterrent).

Spark: The electronic control weapon is turned on and the ARC switch is pressed activating the electrical arc (warning deterrent).

Drive Stun: Refers to the direct contact of the electronic control weapon against the suspect's body. This can be done by pressing the ARC switch.

Full Deployment: Refers to the deployment of the probes from the cartridge by squeezing the trigger.

Supervisor: The officer-in-charge or other person-in-charge.

Electronic Control Weapons Instructor: A police officer certified by the Municipal Police Training Committee to provide electronic control weapon training, and who has completed the manufacturer's 16-hour course of instruction on the electronic control weapon.

IV. PROCEDURES

AUTHORIZATION

1. The department policies regarding Authorized Weapons, Use of Force, and Use of Force Reporting apply to electrical 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 electrical weapon until successfully completing an approved training program in the use of electrical weapons.

SPECIAL REGULATION REGARDING ELECTRICAL WEAPONS

1. 501 CMR 8.04 establishes a training requirement for the use of electrical weapons.
2. In order to qualify for admission into an approved training program for the use of electrical weapons, an authorized officer must:
 - a. Be currently employed as a state or municipal law enforcement officer;
 - b. Have successfully completed a defensive tactics training course and firearms training course approved by the Municipal Police Training Committee or the Colonel of the Massachusetts State Police; and

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- c. Be authorized by the officer's department to carry a firearm in the performance of the officer's duty.

TRAINING [1.1.11(2)] [1.1.12(1)(2)]

1. Officers authorized to carry electronic control weapons will be trained using a curriculum identical to the Municipal Police Training Committee's (MPTC) including the following components:
 - a. Not less than 6 hours of training;
 - b. A review of the mechanics of an electronic weapon;
 - c. Illustration of the medical issues involved with the use of an electronic weapon, including, but not limited to, information regarding the effects of electronic weapons on individuals with pre-existing medical conditions, information on and a demonstration regarding the removal of wires from an individual after an electronic weapon has been discharged;
 - d. A segment on weapon proficiency for trainees, including a demonstration on the accurate discharge of an electronic weapon and practice discharge of an electronic weapon by trainees;
 - e. A segment on the use of an electronic device as less than lethal force and its relation to other weapons within the department's use of force policy. This segment must incorporate review of the department's use of force policy;
 - f. A segment on the department's data collection protocol and reporting requirements as set forth in M.G.L. c. 140, s. 131J.
2. All instructors (present and future) must be certified by the MPTC or the Colonel of the Massachusetts State Police and receive a minimum of 16 hours of instruction on training officers in the use of ECW's. **[1.1.9][1.1.10][1.1.11]**
3. Officers shall receive the above training and testing on an annual basis. This training shall be documented in the PMAM training system. **[1.1.12(2)]**
4. Officers who fail to qualify with their ECW will receive additional instruction and will be given a reasonable amount of time to qualify. The Chief of Police may assign officers to administrative duty or place them on an unpaid leave of absence. **[1.1.12(2)]**

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Any officer who, after such remedial training, has still failed to qualify will be subject to reevaluation as to their fitness to continue to perform the duties of a police officer.

WEAPON READINESS

1. Electronic control weapons shall be carried in an approved holster on the side of the body opposite the service handgun. Officers not assigned to uniformed patrol may utilize other department approved holsters and carry the weapon consistent with Department training.
2. Electronic control weapons shall be carried fully armed with the safety on in preparation for immediate use when authorized.
3. Only properly functioning and charged electronic control weapons shall be issued for field use. Officers shall test each electronic control weapon in a manner detailed in their training.
4. Any electronic control weapon or component thereof found to be defective or damaged shall be returned to the supervisor with a detailed explanation of the malfunction or cause of damage.
5. All electronic control weapons and associated equipment shall be secured when not in use.
6. Only department-approved battery power sources shall be used in electronic control weapons.

DEPLOYMENT [1.1.4]

Use Of Force Model

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.

Firing the device:

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

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 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 electrical weapon.
3. An electrical weapon may be used in response to a lethal force threat under exigent circumstance as a weapon of available means.

Electronic weapons are best considered an option in situations where:

1. An officer has no 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
3. An additional officer can safely approach the subject to within effective range to deploy the electronic weapon.

Deployment Of Device

1. A full five second cycle deployment should be applied without interruption unless circumstances dictate otherwise.
2. The five second cycle is a potential "window of opportunity" for an officer to immobilize, control, or handcuff a suspect.
3. Secure the suspect as quickly as possible during or immediately following the period of incapacitation.
4. 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.
5. Officers shall be aware that an energized subject may not be able to respond to commands during or immediately following exposure.

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6. The officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective.

Target Areas

1. The preferred target areas include the back, lower abdomen and thighs.
2. Avoid aiming at the head or neck unless the encounter justifies a deadly force response.

Prohibited

1. Deployment of the device in a punitive or coercive manner.
2. Use on a handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
3. Use in any environment where an officer knows that a potentially flammable, volatile, or explosive material is present (including but not limited to OC spray with volatile propellant, gasoline, natural gas, or propane).
4. In any environment where the subject's fall could reasonably result in death (such as in water or on an elevated structure).

Susceptible Population

Officers should be aware of the greater potential for injury when using an electronic weapon against certain individuals. Electronic weapons should not be used against:

1. Children;
2. Adults over the age of seventy (70);
3. Women believed to be pregnant; or
4. Persons of small stature irrespective of age;
5. Persons known to be equipped with a pacemaker; or
6. Persons in obvious ill health.

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Electronic 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.

AFTERCARE

Probes

Probes may be removed from the subject after the subject is restrained. Probes may be removed by trained officers or by ambulance personnel.

Medical Care [1.1.5]

Officers and other personnel shall be observant for impaired thinking, disorientation, hallucinations and/or delusions, intense paranoia, violent or bizarre behavior. Officers should be aware that it has been reported that there is the potential for a higher risk of sudden death in people under the influence of drugs and/or symptoms associated with excited delirium.

Following an EW deployment or contact with a suspect, officers should use a restraint technique that does not impair respiration. Seek medical attention for:

1. After any level of force is used both deadly and non-lethal (including weaponless tactics), the officer shall immediately evaluate the need for medical attention or treatment for that person upon whom the force was used and arrange for such treatment when:
2. The suspect is in obvious need of medical attention.
3. The suspect has a serious visible injury;
4. The suspect complains of injury or discomfort and requests medical attention.
5. This includes injuries during apprehension

Injury to Prisoner: See department policy on *Use of Force Reporting*.

Any person requesting and/or deemed in need of immediate medical attention shall be evaluated by medical personnel or transported (in accordance with the departmental policy on *Transporting Prisoners* to the

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appropriate hospital or medical facility. All medical treatment received shall be noted in the officer's report.

1. If the suspect displays Impaired thinking, disorientation, hallucinations and/or delusions, intense paranoia, violent and/or bizarre behavior, AND during the arrest exhibits great strength, and diminished sensitivity to pain, the individual may be showing signs of Excited Delirium. During the arrest or immediately after the struggle sudden death may ensue. Arrestees displaying these symptoms should be checked by medical personnel.
2. Persons suffering from Cocaine Intoxication, particularly if additional alcohol is used, are subject to increased blood pressure, heart rate, and body temperature. Sudden death may occur in such persons. Arrestees displaying these symptoms should be checked by medical personnel.
3. Psychiatric patients who display hyperthermia (overheating), are in and out of consciousness, and have lumpiness of skeletal muscles may be suffering from Neuroleptic Malignant Syndrome and may also be prone to sudden death. Arrestees displaying these symptoms should be checked by medical personnel.

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.
- [1.1.5]**

REPORTING

Officer Responsibility

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.

Officers shall specifically articulate the rationale in their use-of-force report for any instance of the following:

1. An electrical weapon is energized more than three times on a single subject.

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2. An energy cycle longer than fifteen (15) seconds in duration is used against a subject.
3. More than one electrical weapon is used against a subject in any given incident.
4. An electrical weapon is used against an individual designated to be in a “susceptible population.”
5. Officers will fill out a West Brookfield Police Department Taser **Use of Force** Report form.

Supervisor Responsibility

Ensure that photographs of the area impacted by the probes are taken after the probes are removed, if possible.

Ensure that efforts are made to protect the subject’s privacy.

Ensure that the subject has received the proper medical attention as appropriate.

Supervisors will fill out Taser Supervisory Taser CEW Use Report.

Administrative Responsibilities

The West Brookfield Police Department will comply with all data collection protocol and reporting requirements as set forth in M.G.L. c. 140, s. 131J and ST. 2004 c. 170, s. 2. There will be an administrative review of each report of the discharge of an electronic weapon. This will be conducted by the Chief or other command staff officer as directed by the Chief.

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.