



## EXECUTIVE ORDER

Date: December 13, 2013

TO: All Bureau Members

RE: DIR 1051.00 Electronic Control Weapon System

ACTION: This directive has been significantly revised. Please read the attached directive carefully.

### 1051.00 ELECTRONIC CONTROL WEAPON SYSTEM

Index: Title, Electronic Control, Weapons, Less Lethal

Refer: ORS 161.015 Physical Injury, defined

DIR 341.00 Discipline Process and Review Boards

DIR 940.00 After-Action Report and Operations Orders

DIR 1010.00 Use of Force

Training Application (Training)

After Action Report (CHO)

## 1. DIRECTIVE SPECIFIC DEFINITIONS

- 1.1. **ACTIVE AGGRESSION:** is a threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.
- 1.2. **DRIVE STUN:** is the procedure of using the Electronic Control Weapon (ECW) with a spent cartridge or no probe cartridge to make physical contact with a subject and deliver energy.
- 1.3. **ELECTRONIC CONTROL WEAPON (ECW):** is a less lethal weapon system that delivers electrical energy designed to incapacitate a person rather than injure him/her.
- 1.4. **PROBE CARTRIDGE:** is a device that contains two probes, connected to light gauge wire that is propelled and attaches to the subject upon activation of the ECW.
- 1.5. **IMMEDIATE COVER:** is a member who stands ready to deploy additional control if needed (i.e., the ECW is ineffective or it fails to function properly).

## 2. POLICY



- 2.1. The use of an ECW is governed by the Bureau's Application of Force policy (refer to DIR. 1010.00) in conjunction with the additional guidelines outlined in this policy.
- 2.2. When reasonable under the circumstances, members are authorized to use an ECW in the following situations:
  - 2.2.1. In response to active aggression.
  - 2.2.2. To prevent suicide when reasonable in light of available options.
  - 2.2.3. In drive stun mode in the event of insufficient probe spread or a dislodged probe, or in close quarters to protect a member, create a safe distance between a member and a subject, or to avoid the use of a higher level of force.
  - 2.2.4. To prevent flight from custody when the member has articulable reason to believe:
    - 2.2.4.1. The subject presents an immediate threat of physical injury to the public, officers or the subject, or;
    - 2.2.4.2. The escape of the subject presents a significant danger to the public, officers or the subject.
- 2.3. When it is feasible and tactically sound to do so, members will make an effort to handcuff or otherwise control a subject during and between ECW cycles.
- 2.4. Members should evaluate their force options and give consideration to other force options if an ECW is not effective after two cycles on the same person.
- 2.5. Members deploying an ECW operationally, if feasible, should be supported by at least one officer capable of providing immediate cover.
- 2.6. Members must give a warning prior to using an ECW if feasible.
- 2.7. Members are authorized to carry only Bureau issued ECWs.
- 2.8. Only members trained and certified according to the requirements in this directive are authorized to carry an ECW.
- 2.9. Carrying the ECW is mandatory for officers and sergeants in uniform assignments. Exceptions to this may be made by the member's Branch chief. Other units or divisions will be issued an ECW at the discretion of RU manager.

### **3. PROHIBITED USE OF THE ECW**

- 3.1.** Members will not use an ECW on the following persons, unless the person is armed with a dangerous or deadly weapon, or is about to commit suicide, or is capable of imminent harm to themselves or others.
  - 3.1.1. Children, who are known to be, or are obviously under the age of 12.
  - 3.1.2. Persons, who are known to be, or are obviously older than 60 years of age.
  - 3.1.3. A woman who is known to be, or is obviously pregnant.
  - 3.1.4. A person known to be, or who is obviously medically fragile.
- 3.2.** Members will not use an ECW on a handcuffed or otherwise restrained subject (for example a subject being held to the ground by multiple officers), unless the subject is actively engaged in behavior that creates a substantial risk of injury to the subject, member or others, and no other reasonable force options are available.
- 3.3.** Members should obtain, when time permits, supervisory authorization before deploying an ECW on a handcuffed suspect.
- 3.4.** Members will not use an ECW for purposes other than as directed in this policy and training.
- 3.5.** Members will not use an ECW at demonstrations or protests without the permission of the Incident Commander.
- 3.6.** Members will not use an ECW to threaten or coerce a person except for the purpose of managing a potential or actual physical confrontation.
- 3.7.** Members will not use an ECW for interrogation or torture.
- 3.8.** Members will not intentionally aim an ECW at the head, face, or to target sensitive areas (e.g. genitalia).
- 3.9.** Members will not intentionally activate more than one ECW at a time against a subject if the initial deployment was effective.
- 3.10.** Members will not use an ECW on subjects who are known to have come in contact with flammables or those in areas where flammables are present.

- 3.11. Members will not use an ECW when there is a significantly heightened risk of secondary injury to the subject or others unless the member reasonably believes the threat or danger posed by the subject outweighs the risk of injury that might occur as a result of loss of control or an uncontrolled fall under the circumstances. Examples of significantly heightened risk include situations where the subject is running, biking, skateboarding, in an elevated position or standing in or near a body of water.

#### **4. TRAINING AND CERTIFICATION**

- 4.1. The Training Division (Training) is responsible for the training, certification and recertification of members in the proper use and deployment of the ECW.
  - 4.1.1. To obtain certification, members must complete the ECW Basic Operator's course as conducted by Training.
  - 4.1.2. To maintain certification, members must attend refresher training as mandated by Training (see Training Division SOP's for current requirements).
- 4.2. The Training Division and Professional Standards Division must provide notice to the Chief of Police of any proposed changes to ECW certification rules or SOP's.

#### **5. CONDITIONS AND BEHAVIORS REQUIRING MEDICAL TREATMENT AFTER DEPLOYMENT**

- 5.1 When an ECW is deployed in probe mode:
  - 5.1.1 If the probes are embedded in the skin, EMS will be summoned to remove the probes and provide medical treatment if necessary.
  - 5.1.2 PFB will be the first responder to deployments that require only the removal of probes and no other medical treatment, other than removal and treatment of the wound caused by the ECW probes. To ensure a response from PFB only, members must advise BOEC that the patient is breathing, conscious, and only PFB is needed to remove the ECW probes.
  - 5.1.3 If the ECW is deployed outside of PFB's response area, and medical treatment is mandated by this Directive or other injury, the fire department or EMS with jurisdiction will be summoned.

- 5.2 If the ECW is deployed on a person in drive stun mode EMS personnel do not need to be summoned to the scene unless medical treatment is otherwise necessary.
- 5.3 When members deploy the ECW on a person in a prohibited category or on a person suffering or perceived to be suffering from excited delirium (before, during or after deployment), members must summon EMS to the scene. Members will ensure that EMS examines such person at the scene and transports the person to a hospital unless the person is not in custody, is determined by EMS to be mentally competent, and refuses examination and transport.

## 6. ACTIONS FOLLOWING THE USE OF AN ECW

- 6.1 After an ECW deployment, the deploying officer will immediately notify an on-duty supervisor and the supervisor will respond to the scene. Members and supervisors will comply with Directive 940.00.
- 6.2 If possible, members will photograph the areas of probe strikes before and after probe removal, as well as any marks left by drive stun. Consent should be obtained before photographing personally sensitive areas. All photographs of probe strikes will be placed into evidence in accordance with DIR 660.10.
- 6.3 Reporting of Use
  - 6.3.1 Members using an ECW on a person will, in accordance with DIR 1010.00 Use of Force, complete the appropriate police reports documenting the circumstances of the ECW deployment prior to the end of shift, unless otherwise excused by a supervisor. At the top of the narrative section of the report the member will write TASER to assist with report tracking. The report shall document:
    - 6.3.1.1 The specific circumstances leading to the use of the ECW.
    - 6.3.1.2 All warnings given to officers and the subject. If no warnings were given, members will document the circumstances that precluded any warnings.
    - 6.3.1.3 The distance from which the ECW was used.
    - 6.3.1.4 The serial numbers of all air cartridges expended.
    - 6.3.1.5 The serial number of the ECW used.
    - 6.3.1.6 The name and DPSST number of the member designated as immediate cover.
    - 6.3.1.7 The name and DPSST number of the notified and/or reporting supervisor.
    - 6.3.1.8 That EMS responded, and the results of any medical evaluation. If EMS is not summoned, members will document the reason why.

6.3.1.9 Any evidence of injury or illness (notations should be in the appropriate box on the face sheet of the report).

6.3.1.10 Any complaints of injury or illness (notations should be in the appropriate box on the face sheet of the report).

6.3.2 Members will complete a Force Data Collection Report

6.3.3 Members will notify a supervisor to initiate the after-action investigation process as required by DIR 940.00.

#### **6.4 Negligent Discharge**

6.4.1 An on-duty supervisor will respond and assume investigative responsibility for all negligent or unintentional discharges, except at Bureau authorized training events. In those circumstances, Training will have responsibility for investigation and reporting.

### **7. RESPONSIBILITY, ACCOUNTABILITY, AND CONTROL**

#### **7.1 Member Responsibilities**

7.1.1 Members carrying the ECW will check the battery level at the beginning of each shift and ensure that the battery charge meets or exceeds recommended levels outlined by Training.

#### **7.2 Supervisor Responsibilities**

7.2.1 Supervisors shall ensure that all pertinent information is documented in the appropriate reports, and that all appropriate evidence is collected, following the use of the ECW. The supervisor will also respond to the scene and complete an After Action Report in accordance with DIR 940.00. If the supervisor has reasonable cause to believe that the ECW use was excessive or outside of policy, the supervisor will immediately notify the Professional Standards Division.

#### **7.3 RU Manager Responsibilities**

7.3.1 RU managers are responsible for the security of the ECW and associated equipment, assigned to their RU.

## 7.4 Training Manager Responsibilities

7.4.1 The Training manager is responsible for the following:

7.4.1.1 Procurement, maintenance, and issuance of the ECW, and associated equipment.

7.4.1.2 The training, certification and recertification of members in the use of the ECW.

## 8. HISTORY

8.1 Established 2003

8.2 Revision #6 (by D. Woboril, M. Reese)

8.3 Effective December 2013

8.4 Review date: December 2014



**MICHAEL REESE**

Chief of Police

MWR/mm

