

ELECTRONIC CONTROL WEAPONS

FRAMINGHAM POLICE DEPARTMENT		Next Review Date: Annually
Subject: Electronic Control Weapons		Effective Date: 10/27/2020; Rev. 1/27/2023
Category: 100 – Operations		Expiration Date: Indefinite
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 1.1.0 , 1.1.4 , 1.1.5 501 CMR 8.00		POLICY 100-35
Distribution: Sworn Personnel	Issuing Authority <i>Lester Baker</i> Lester Baker Chief of Police	

Policy Statement

It is the policy of this department to use only that level of force reasonably necessary to control or otherwise subdue violent or potentially violent individuals. Electronic Control Weapons have been proven effective in furtherance of this policy and are authorized for use in appropriate circumstances by trained and authorized personnel.[1.1.4](#)

The purpose of this policy is to provide officers with guidance and direction on the use of conducted Electronic Control Weapon (ECW).

Definitions

Electronic Control Weapons - Weapons designed to disrupt a subject’s central nervous system by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual’s voluntary motor responses.

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TASER- a product of Axon Enterprises Inc. currently used and authorized by this department. The Taser X2, with accommodating cartridge is the only authorized Electronic Control Weapon.

Air Cartridge - A replaceable cartridge for the ECW which uses compressed nitrogen to fire two barbed probes/darts on thin connecting wires sending a high voltage/low current signal into a subject.

ECW Coordinator - Officer assigned to oversee ECW (Taser) training, inspections and records Neuromuscular Incapacitation (NMI). NMI enables the Taser to cause involuntary stimulation of the sensory and motor nerves, thus making an individual's high level of pain tolerance irrelevant. This involuntary stimulation causes strong muscle contractions, pain, and incapacitation (*Taser Technology, 2008*).

Less Lethal Force. Less lethal force is that degree of force, which is neither likely nor intended to cause death or serious physical injury. It is usually employed as a defensive measure. Officers are trained and issued less lethal police equipment, Oleo Resin Capsicum (OC), Expandable Baton (ASP), Electronic Control Weapons (ECW), Kinetic Energy Impact Weapon and a department K-9 when available, to provide them with an advantage when fending off or subduing an unarmed assailant. Officers are authorized to use less lethal force that is reasonably necessary and proportionate where de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances.

De-Escalation Tactics. Proactive actions and approaches used by an officer to stabilize a law enforcement situation so that more time, options and resources are available to gain a person's voluntary compliance and to reduce or eliminate the need to use force including, but not limited to, verbal persuasion, warnings, slowing down the pace of an incident, waiting out a person, and requesting additional resources to resolve the incident, including, but not limited to, calling in medical or licensed mental health professionals, as defined in subsection (a) of section 51½ of chapter 111, to address a potential medical or mental health crisis.

I. Procedures

A. The TASER ECW

A TASER in probe deployment is designed to cause uncontrollable neuromuscular incapacitation and reduced ability to perform voluntary movements. This is accomplished by delivering electrical pulses across two electrodes to over-stimulate the motor nerves.

Drive stun mode occurs when the TASER makes direct contact with the subject's body and does not override an individual's motor responses and does not achieve neuromuscular incapacitation.

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Reportable ECW Applications

There are three separate types of reportable ECW applications.

1. Spark Display- A non-contact demonstration of the ECW's ability to discharge electricity. Spark displays are conducted by pressing the arc button on the ECW. The purpose of this display is to convince the subject to comply with a lawful order and avoid the ECW being deployed in the Drive Stun or Probe mode. Spark checks conducted to test the unit at the beginning of the officer's shift are not reportable incidents.
2. Drive Stun Taser X2- Contact is made by pressing the front of the ECW into the body of a subject and activating the ECW. The Drive Stun causes significant localized pain in the area touched by the ECW but does not have a significant effect on the central nervous system. The Drive Stun does not incapacitate a subject but may assist in taking a subject into custody.
3. Probe - The ECW is most effective when the cartridge is fired and probes make direct contact with the subject. A successful deployment to target areas occurs when NMI is achieved and will result in temporary immobilization of a subject and provide the officer a "window of opportunity" in which to take the subject into custody. Optimum range for deployment is 7-15 feet with 25-foot maximum distance.

B. Authorized Users **1.1.0, 1.1.10**

1. Only officers who have satisfactorily completed one of the following courses shall be authorized to carry and/or use the ECW (TASER).
 - a. Basic User: 8-hour certification course.
 - b. Instructor: Instructor certification course as designated by Axon Enterprises, Inc. Recertification required every two years.)
 - Training instructors for any approved training program for authorized agencies on the use of electronic control weapons must be certified by the MPTC. At a minimum, the instructor must:
 - 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

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instruction covering training on the use of electronic control weapons and;

- Complete all training required by the MPTC to obtain and maintain instructor certification.
2. All personnel authorized to carry these weapons shall complete a minimum of four hours of documented annual in-service refresher and proficiency training. Use of force and ECW policy review must be conducted and documented at each in service training of ECW. Each electronic control weapon must have a documented inspection of weapon prior to issue.
 3. Supervisors and Command Staff should, at a minimum, receive ECW awareness training so they can make educated decisions about the administrative investigations they review.
 4. In order to use an electronic control weapon in the performance of their official duties, 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 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.
 5. 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.
 6. 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.

C. Weapon Readiness

1. The ECW will be carried by authorized officers in an approved holster on the support/weak side (opposite of the firearm side) of the body, either on the duty belt or duty exterior vest carrier.
2. In accordance with the initial and refresher training, the ECW will be carried so that it is in a “cross draw position,” meaning the operator must reach across his or her body to draw the ECW.
3. The ECW shall be carried fully armed with the safety on in preparation for immediate use when authorized. This weapon must be properly safeguarded and stored when not in use.
4. All accidental discharges must be immediately reported to the ECW coordinator and the Deputy Chief of Operations.
5. Only battery power sources recommended by the manufacturer and issued by the department shall be used in the ECW.
6. The ECW shall be pointed at the ground in a safe direction with the safety on during loading, unloading, or when handled in other than an operational deployment.
7. ECW users should conduct a 5-second spark test every 24 hours or prior to each shift to ensure functionality. When conducting a TASER spark test, officers must point the TASER in a safe direction. If the fault icon appears or the battery is 20% or less, notify the ECW Coordinator or Instructor for replacement.

D. Deployment (Use Of ECW) 1.1.4

There are two levels of force where ECWs are authorized:

1. Compliance Techniques - includes countermeasures designed to counter the subject's enhanced degree of resistance. These tactics could include the Control and Restraint techniques, Takedowns, Pressure Points and Distraction Techniques, OC spray, etc. Using the ECW in a DRIVE STUN mode would be justified as a Compliant Technique.
2. Defensive Tactics - includes countermeasures designed to counter the subject's perceived non-lethal assault on the officer or others, regain control, and assure continued compliance. These tactics could include Weapon/ Weaponless Strikes, etc. When firing the ECW, it would be considered a Defensive Tactics tool with the goal of stopping an Assaultive (Bodily Harm) Subject.

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3. Officers shall, unless it is not feasible to do so, give verbal warnings and/or announce their intention to use an ECW prior to actual discharge.
4. The preferred method for use of ECW's is in the probe mode.
5. When using an ECW, personnel should use it for one standard cycle (a standard cycle is five seconds) and pause to evaluate the situation to determine if subsequent cycles are necessary. If subsequent cycles are necessary, officers should restrict the number and duration to only the minimum amount necessary to control and/or place the subject in custody under the existing circumstances. Personnel should constantly reassess the need for further activations after each ECW cycle and should consider that exposure to multiple applications of the ECW for longer than 15 second may increase the risk of serious injury or death.

NOTE: Officers should be aware that a lack of change in a subject's behavior often indicates that the electrical circuit has not been completed or is intermittent. When this is the case officers should immediately fire another cartridge or follow up with a drive-stun to complete the circuit rather than administering continued ineffective cycles.

6. The preferred targeting area is below the center mass of the subject's back, however, it is recognized that it is not always possible to get behind the subject. Where back-targeting is not possible, frontal targeting should be lower center mass, intentional deployments to the chest shall be avoided where possible.
7. When encountering subjects wearing heavy or loose clothing on the upper body, the legs should be considered as a target.
8. No more than one officer should intentionally activate an ECW against a subject at one time.
9. Attempt to avoid hitting the subject in sensitive tissue areas such as head, face, groin, or female breast area, however darts penetrating these areas will be removed by medical personnel at a medical facility.
10. ECW may be used to control an aggressive animal that is threatening the safety of a person.
11. Dual lasers should be used as the primary aiming device.

E. Restrictions

ECWs should not be used:

1. in the known presence of combustible vapors and liquids or other flammable substances;
2. against suspects in control of a motor vehicle in motion unless exigent circumstances exist;
3. on handcuffed persons unless they are actively resisting or exhibiting active aggression;
4. on pregnant women, young children **under the age of 17** or on elderly persons **over 70 years** of age, on visibly frail persons, or on persons with cardiac pacemakers (if known) unless exigent circumstances exist;
5. where the suspect is in a position where a fall may cause a substantial injury or death.

F. Aftercare **1.1.5**

1. Normally, the ECW darts may be removed by a trained certified ECW user once the subject has been restrained using the procedure outlined in training. Universal precautions shall be followed to protect the officer from the transfer of body fluids.
2. EMS should be activated to remove probes and/or provide further medical care:
 - a. In all cases where the probe has penetrated sensitive tissue areas, such as the eyes, genitalia, female breast or any place above the level of the clavicles.
 - b. If the subject had a known pre-existing medical condition especially one affecting the cardio-vascular system i.e. a pacemaker, cardiac surgery.
 - c. Where it appears that the tip of the barbed probe broke off and remains under the skin or if it appears the probe might be embedded in bone, a blood vessel or other sensitive structure.

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- d. If the subject is found to be pregnant, has a witnessed seizure, has extensive bleeding at probe sites, signs of respiratory distress or a change in his/her mental status.
 - e. If it appears the subject has suffered any other injury from the use of the ECW or from falling when incapacitated by the ECW.
3. A subject exposed to an ECW activation will be monitored regularly while in police custody even if they received medical care.
 4. Following an ECW activation, officers should use a restraint technique that does not impair respiration.
 5. Photographs of the affected area should be taken after the probe is removed whenever possible.
 6. When the device has been used operationally, the officer will collect as evidence, package, and mark as a biohazard; the air cartridge, wire leads, probes, as evidence. Several AFIDS should also be collected and packaged separately as evidence.
 7. After any level of less lethal force is used, 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: **1.1.5**
 - a. That person has a visible injury; or,
 - b. That person complains of injury or discomfort and requests medical attention.

NOTE: Any person requesting and/or deemed in need of immediate medical attention shall be transported by ambulance (in accordance with departmental transportation procedures) to the nearest available emergency treatment center or hospital. All medical treatment received shall be noted in the officer's report.

G. Supervisor Responsibilities

A Supervisor will respond to all incident scenes where an ECW was activated and:

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1. Conduct an initial review of the ECW activation and ensure policy is adhered to.
2. Ensure photographs have been taken of the site of the probes impact and any related injury if possible.

H. Reporting

The deploying officer shall:

1. Notify his/her supervisor as soon as practical after using the device;
2. Submit the ECW to the ECW coordinator as soon as practical for data download, and
3. Complete the appropriate incident report and use of force report. Officers are required to report the use of an ECW, regardless of whether or not the use of the ECW was an effective application.

Reportable ECW incidents include verbal, visual, laser, and/or spark warnings, as well as probe and/or drive stun ECW deployments. A full narrative of the incident must include the area of body hit by probes/ drive stun and if the arrestee was compliant with or without probe deployment (i.e. spark test at scene and suspect voluntarily complies with arrest).

- a. Photographs taken of probe impact area and any related injuries (if any) must be included with the report.
- b. Copies of reports involving the use of an ECW shall be forwarded to the Chief and the ECW coordinator.
- c. The ECW coordinator should conduct random audits of ECW data downloads and reconcile use-of-force reports with recorded activations.
- d. The ECW coordinator shall forward all required reports of ECW activations to the Executive Office of Public Safety in accordance with Ma General Law. The report will contain:

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- i. Statement containing the number of sworn Framingham Police Officers, number of ECWs owned by the department, number of incidents involving ECWs, and
- ii. Copy of the incident report, and
- iii. Copy of data printout from the ECW.

I. Demonstrations

All demonstrations involving the use (probe or drive stun) of a department owned conducted energy weapon must be authorized by the Chief of Police or in his/her absence a Deputy Chief.

J. Inspection

The Department's ECW Coordinator will inspect each ECW prior to issue/reissue as well as quarterly to ensure it is in proper working condition. Any ECW not in proper working condition will be taken out of service immediately by the ECW Coordinator and forwarded to the manufacturer for factory service if necessary. Each ECW must have individual records maintained by the ECW Coordinator.