

CITY OF GRAND BLANC POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE

SUBJECT: ELECTRONIC CONTROL WEAPONS			S.O.P.#: 1-1.2
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ISSUED BY: Chief Brian J. Lipe		MACP STANDARDS: 3.3.1g	

I. Purpose

The purpose of this policy is to provide guidance and direction on the use of electronic control weapons (ECWs).

II. Policy

It is the policy of the Grand Blanc Police Department to use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer, subject, and others. This includes the use of less-lethal options such as the ECW.

I. Definitions

- A. *Electronic Control Weapon (ECW):* A device that uses electricity to impair voluntary motor responses or to cause discomfort to gain compliance; overcome resistance; or capture, control, and facilitate constraint.
- B. *Passive Resistance:* A refusal by an unarmed person not reasonably perceived to be an immediate threat or flight risk to comply with an officer's verbal commands or physical control techniques that does not involve the use of physical force, control, or resistance of any kind.
- C. *Active Resistance:* The use of non-assaultive physical measures by an unarmed person, including flight, to resist and or prevent an officer from gaining control.
- D. *Elevated Risk Population:* Individuals who are potentially at greater risk of injury or death following an exposure to an ECW, including those who reasonably appear to be elderly, medically infirm, pregnant, users of internal cardiac devices, or who have low body mass, such as small children.

II. Procedures

- A. Authorized Users

Only officers who have successfully completed the Grand Blanc Police Department's approved training program are authorized to use an ECW.

B. Weapon Readiness

1. The Department's ECWs and their cartridges will be kept in the armory. Officers who use an ECW on duty must sign the ECW and its two cartridges out at the beginning of their shift and then sign them back in when their shift ends using the appropriate sign in/out sheet.
2. Officers on Patrol will either carry an ECW, the department issued Aerosol Subject Restraint or both.
3. The ECW will be used only by uniformed officers unless otherwise authorized by the Chief of Police. Preference will be given to officers assigned to Patrol functions over other incidents.
4. Each ECW shall be inspected before it is taken out on duty. To ensure the device is functioning properly, the ECW shall be subjected to a pre-shift "spark test" consisting of a full, five second cycle. Only those ECWs that are functioning properly shall be carried on duty. If a device is not functioning properly it will be taken out of service and the Department ECW Instructor will be notified. If a cartridge is found to be defective it will be taken out of service and forwarded to the Department ECW Instructor.
5. The ECW shall be carried in a department issued or approved holster. The holster shall be worn on the officer's support side, away from their gun.

C. General Considerations for Use

1. The ECW is authorized to be used:
 - a. to protect the officer or others from reasonably perceived immediate threat of physical harm from the person to be exposed to the ECW,
 - b. to restrain or subdue an individual who is actively resisting or evading arrest, or
 - c. to bring an unlawful situation safely and effectively under control.
2. The ECW shall not be used:
 - a. on individuals who passively resist and are not reasonably perceived as an immediate threat or flight risk;
 - b. on individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person; however, in these situations, only the minimal amount of force necessary to control the situation shall be used;
 - c. when the officer has a reasonable belief that deployment may cause serious injury or death from situational hazards including falling, drowning, or igniting a potentially explosive or flammable material or substance, except

when deadly force would be justified; or

- d. when the suspect's movement or body positioning prevents the officer from aiming or maintaining appropriate body part targeting unless the risk of increased injury to the suspect is justified because of a reasonably perceived threat or flight risk.
3. Officers shall be aware of the general concerns present when an ECW is used on a member of an elevated risk population group. Officers are not prohibited from using an ECW on such persons but shall limit use to those exceptional circumstances where the potential benefit of using the device reasonably outweighs the enhanced risks involved.
4. Absent exigent circumstances, officers shall not intentionally activate more than one ECW complete circuit at a time against a subject.
5. Officers shall energize a subject no longer than objectively reasonable to overcome resistance and bring the subject under control.
6. Officers shall issue verbal and visual warnings consistent with training prior to deploying the ECW, when feasible, and allow a reasonable amount of time for the subject to comply unless doing so would increase the risk of injury to officers or the subject involved. When practical, officers should also notify assisting officers that they intend to deploy the ECW.

D. Primary Deployment

1. The ECW is most effective at overcoming resistance and gaining subject control when used in the probe mode, and from adequate distance consistent with training to allow sufficient probe spread on contact. Accordingly, this is the preferred method of deployment.
2. Immediately prior to deployment, the officer shall visually and physically confirm that the device selected is the ECW and not a firearm.
3. The ECW shall be aimed at a preferred probe target location, consistent with training and manufacturers' recommendations.
4. The ECW shall not be intentionally aimed at a sensitive area, which includes the subject's face, eyes, head, throat, chest area, female breasts, groin, genitals, or known pre-existing injury areas, absent reasonable belief by the officer that he or she is facing an immediate risk of serious physical injury or death.
5. Officers shall consider the totality of circumstances, including suspect movement, limited sighting capability, and their ability to accurately deploy the device, to reduce the risk of accidental probe contact to an unintended body part.

6. The ECW shall be discharged for an initial five-second cycle:
7. During and immediately after this cycle, the officer shall verbally give resistance control instructions to the subject.
 - a. The officer shall be aware that an energized subject might not be able to respond to commands during or immediately following exposure.
 - b. The officer shall allow a reasonable amount of time to assess the effectiveness of the cycle, and to give the subject the opportunity to comply with the instructions given.
 - c. The officer shall evaluate, under the totality of circumstances presented, whether additional cycles are reasonably necessary and whether additional cycles appear reasonably likely to be effective in accomplishing the officer's lawful objectives. The evaluation shall include consideration of the enhanced risks to subjects exposed to multiple and/or prolonged ECW cycles.
 - d. The officer should consider deploying a second cartridge or consider transitioning to alternative force options if the officer reasonably perceives that the subject has not responded to the ECW in the anticipated manner based on training and experience.
 - e. To reduce the number of cycles and duration of exposure, the subject should be secured as soon as practical while exposed to the ECW cycle or immediately thereafter.

E. Secondary Deployment

1. All secondary deployment techniques are subject to the same guidelines and restrictions as initial deployments.
2. The ECW may also be used in close-range, self-defense, and brief distraction situations in the drivestun mode with the cartridge removed, or expended cartridge in place. When the device is used in the drive-stun mode it is
 - a. primarily a coercive control tool, and
 - b. less effective than when probes are deployed with adequate probe spread.
3. Officers should avoid using ECW drive-stun except for a:
 - a. brief application to attempt compliance or distraction.
 - b. "break-contact" or distraction tactic when tied up with a subject.
 - c. three- or four-point contact to attempt to achieve neuro-muscular incapacitation.
4. A preferred method of close-range secondary deployment with a single-shot ECW involves firing the probes at close range with the cartridge on, then applying the device in drive-stun mode consistent with training to an area of the body away from the probe location. This potentially creates a greater "probe spread" effect between the probe location and the point where the ECW is placed in contact with the subject's body. When used in this manner the ECW is potentially as effective as a

primary cartridge-type probe spread deployment, though more difficult to maintain continuity during the cycle due to the need to hold the device in contact with the subject's body.

F. Post-Deployment

1. If the probes penetrate the flesh, photographs of the contact area shall be taken before and after they are removed when practical.
2. The probes shall be removed from the subject as soon as practical after deployment and control, following the procedures outlined in training.
3. The probes shall be treated as a biohazard risk.
4. Officers shall request emergency medical response if any of the following occurs:
 - a. The subject requests medical attention.
 - b. A probe has contacted a sensitive area.
 - c. There is difficulty removing the probes.
 - d. The subject does not appear to be recovering in a manner consistent with training and experience.
 - e. The subject is part of an elevated risk population group.
 - f. The subject has been exposed to more than three ECW cycles or 15 seconds of discharge.
 - g. The subject has been simultaneously exposed to the effects of more than one ECW device.
 - h. The subject has exhibited signs of excited delirium as described in training, prior to or during ECW exposure.
 - i. The subject reasonably appears to be affected by mental illness or is in medical distress.

When the device has been used in probe mode, the officer shall collect the cartridge, wire leads, darts, and anti-felon identification markers (AFIDs), and secure them as evidence in compliance with the agency's policy regarding biohazard material.

G. Training

1. Officers will receive refresher training in the use of the ECW annually.
2. The training is structured so that officers will be aware of the capabilities and effects of the ECW. Exposure to the ECW during training is optional .

H. Reporting Procedures

1. The deploying officer shall notify his or her supervisor as soon as practical after using the device, and the appropriate use-of-force report shall be completed. Data from the ECW, shall be downloaded as soon as practical following use, and the file shall be considered a part of the use-of-force review.
 2. Officers shall document in their use-of-force report the facts and circumstances that reasonably justified the use of the ECW, and specific justification shall be provided when the device has been used in any of the following manners:
 - a. It is used in drive-stun mode.
 - b. The subject is exposed to ECW discharge more than three cycles or longer than 15 seconds.
 - c. The subject is exposed to more than one simultaneous ECW exposure.
 - d. It is used on an individual in an elevated risk population group.
- I. Maintenance and Auditing
1. Testing and maintenance of the ECWs shall be consistent with those procedures learned in the Taser training.
 2. ECWs will be inspected on a monthly basis by the Department ECW Instructor. This inspection will include a computer download of each X26 to verify that the ECWs have not been improperly used.
 3. The Department ECW Instructor will be responsible for completing a monthly inventory of all ECW cartridges.

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