

WESTFIELD POLICE DEPARTMENT PROTOCOL FOR Use of Electronic Control Weapons (ECW)

Effective date: October 25, 2018

PURPOSE: The purpose of this policy is to provide officers with guidance and direction on the use of Electronic Control Weapons. Through the training they receive, officers will understand when to utilize an ECW as a defensive tactic option.

POLICY: It is the policy of the Westfield Police 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. If deployed, ECW cycles shall be limited to the minimum number of deployments necessary and should last no longer than necessary to bring an individual under control.

PROCEDURE:

A. Definitions

1. **Electronic Control Weapon:** 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.
2. **Taser:** A brand name for ECW currently used and authorized by the Westfield Police Department.
3. **Cartridge:** A replaceable cartridge for the ECW which uses compressed nitrogen to fire two barbed probes/darts that are connected to two thin wires that send a high voltage/low current signal into the subject.

B. Three Types of Reported ECW Applications

1. **Spark Display:** A non-contact demonstration of the ECW's ability to discharge electricity.
 - a. This is conducted only when the cartridge has been removed from the weapon.
 - b. 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 or Probe mode; or
 - c. Normal function tests of the ECW are not reported incidents.
2. **Drive Stun:** Contact is made by pressing the front of the ECW (cartridge removed) 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 incapacitate a subject but may assist in taking a subject into custody.
3. **Full Deployment:** The ECW is most effective when the cartridge is fired and the probes make direct contact with the subject. Proper application 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 feet maximum distance.

C. Authorized Users

1. Only officers who have been designated by the Chief of police and who have satisfactorily completed one of the following courses shall be authorized to carry and/or use the ECW.

- a. Basic User: First time user: 8 hour certification course; recertification: 4 hour course, conducted yearly, in compliance with 501 CMR 8.05
 - b. Instructor: 16 hour certification course from the manufacturer of the ECW with additional 8 hours training from the Massachusetts Police Training Council, in compliance with 501 CMR 8.06
2. The first-time user and recertification user courses will be taught from the most current Taser manufacturer lesson plan.
 3. All personnel authorized to carry these weapons will show their proficiency with the ECW, including a demonstration on the accurate discharge of an ECW and a practice discharge of an ECW by trainees to the proper target area.
 4. Officers desiring to carry an ECW are required to receive a Drive Stun from an ECW of a least 1 second but not more than 5 seconds in duration. A full deployment exposure is voluntary.

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.
2. The ECW shall be carried fully armed with the safety on, in preparation for immediate use under authorized conditions.
3. Officers approved to use the ECW may be issued one spare cartridge as a back up in case of cartridge failure, the need for reapplication, or in case of the first cartridge's lead wires break during engagement. The spare cartridge shall be stored and carried in a manner consistent with training.
4. Only battery power sources recommended by the manufacturer shall be used in the ECW.
5. 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.
6. Every 24 hours a Spark Test will be performed, as required by the manufacturer, in a safe area. This is generally conducted by 12AM to 8AM shift officers when they initially receive the ECW from the prior shift. Any ECW taken from storage must be, as soon as practical, spark tested by the officer taking it from storage to in-service status.

E. Deployment

There are three levels of force where the ECW is authorized:

1. **Compliance Techniques:** includes countermeasures designed to counter the subject's enhanced degree of resistance. These tactics could include the control and resistant techniques, takedowns, pressure points, and distraction techniques as well as OC spray. Using the ECW in a Drive Stun mode would be justified as a compliance 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 or weaponless strikes. When firing the ECW it would be considered a less than lethal defensive tactics tool with the goal of stopping an assaultive (bodily harm) subject.
 - a. When practical the officer should give a warning to the subject and other officers before firing ECW.
 - b. Preferred target area: Frontal target area, below the rib cage in the abdomen, arms or legs. Back target area, below the neck.
 - c. Attempt to avoid hitting the subject in sensitive tissue areas such as the head, face, groin or female breast area; darts penetrating these areas will be removed by medical personnel at an area hospital.

- d. The laser sight/dot should be used as the primary aiming device along with the fixed sights.
3. **Deadly Force:** includes countermeasures designed to counter the subject's perceived lethal assault on officer or others. A situation where conclusive control must be immediately accomplished. Although this is not a preferred response, a situation may arise where ECW use may be authorized. (i.e. Suicidal subject where ECW deploying officer has deadly force over watch, a transition from a non-lethal assault to a lethal assault where ECW is already drawn, or in situation as described in Section F part 2)

F. Restrictions

1. Susceptible populations

Officers should not deploy an ECW against any subject who is likely to be considered a part of a susceptible population. Deployment to these subjects would require exigent circumstances.

- a. Woman known to be pregnant
- b. People in Wheelchairs for medical reasons
- c. People with known cardiac diseases or weak hearts
- d. Obviously debilitated person or elderly persons who are at greater risk under most circumstances especially from medical injuries or coronary problems.
- e. Person known to be under 18 or persons under 80 pounds
- f. People with obvious or known neuromuscular disorders such as multiple sclerosis, muscular dystrophy or epilepsy.
- g. Persons known to be wearing pacemakers or other biomedical devices

2. Prohibitions

Officers are prohibited from deploying an ECW against subjects in the following circumstances unless lethal force is justified.

- a. Persons on an elevated positions who may be susceptible to severe falls
- b. Persons operating a motor vehicle
- c. Person on a bicycle which is under momentum
- d. Persons jumping fences
- e. Person in or near water where the water would reasonably pose a drowning hazard
- f. In any environment where the officer reasonably believes that a flammable, volatile, or explosive material is present, including but not limited to OC spray with volatile propellant, gasoline, natural gas, and/or propane.

G. Aftercare

1. Normally, the ECW darts may be removed from the suspect by the officer once they have restrained the suspect. Officers shall take precautions which are available to them so as to protect themselves as well as other officers from bodily fluids.
2. All persons who have been exposed to an ECW activation will receive a medical evaluation by a paramedic if they so desire, if further treatment is required the individual will be transported to an area hospital.
3. The suspect will be taken to an emergency care facility:
 - a. In all cases where the probe has penetrated sensitive tissue areas such as the groin, eye, female breast, face or neck. The officer shall impound all probes removed at the medical facility for evidence.
 - b. If the subject has a pre-existing medical condition especially one affecting the cardio-vascular system i.e. a pacemaker or cardiac surgery not known at the time of deployment.
 - c. A person described in Section F part 1 or 2.

- d. Where it appears that the tip of the barbed probe broke off and remains under the skin.
4. Following an ECW activation, officers should use a restraint technique that does not impair respiration.
5. Photographs of the effected areas should be taken as soon as practical after the probes are removed.
6. When the device has a full deployment the officer will collect the ECW cartridge and wire leads. The probes once collected will be stored in the cartridge, as shown during training. All three items, cartridge, wire leads and probes will be submitted as evidence. Probes are considered biohazards and shall be handled accordingly.

I. Reporting

1. The reporting officer will notify his/her supervisor as soon as practical after using the device.
2. Complete the required incident/arrest reports and departmental use of force form. Notify the ECW instructor(s) of said deployment by in house e-mail.
3. A download of the firing logs of the ECW used in the deployment shall be retained, printed and attached to the use of force form by an ECW instructor.
4. The Chief of Police or his designee shall provide bi-annual reports of ECW deployments to the Executive Office of Public Safety.

J. Use of Force Continuum

1. Compliant Subject: The person complies with the officers request/orders and offers no resistance either verbal or physical.
 - a. Potential Responses: Communication skills, physical contact to guide subject or compliant handcuffing techniques.
2. Passive Resistant Subject: The subject does not comply with officer request/orders and may issue verbal non-compliance; there is no physical resistance or fight.
 - a. Potential Responses: Empty hand contact controls to guide or remove subject from an area and handcuffing.
3. Active Resistant Subject: Non-compliance now includes physical effort or fight by subject that is directed at avoiding the arrest, not at assaulting the officer. Examples; flight by either foot or conveyance, locking arms under the body, holding on to other persons or objects or tensing up, twisting or pulling from the officer.

Potential Responses: Empty hand techniques to gain control (wrist lock, arm bar, and/or arm bar takedown) chemical irritants (OC, CS, CN), ECW (drive stun, spark display) or baton (leverage, non-strike)
4. Assaultive/Bodily Harm: The officer perceives that a subject is preparing to assault, is currently assaulting or has assaulted the officer or another person with force will not cause serious injury or death.
 - a. Potential Responses: Defensive tactics designed to cease the non-lethal assault, with the use of less lethal weapons such as empty hand strikes, OC spray, baton strikes or blocks, ECW (probe deployment), or bean bag shotgun rounds.
5. Assaultive Serious Bodily Harm or Death: The officer perceived that an assault on him/her or another has risen or is about to rise to a level with the potential to cause serious bodily injury or death.

- a. Potential Responses: Departmental issued or approved firearm is the preferred response in a lethal force encounter.