

Department of the Interior Law Enforcement Policy

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Series: Law Enforcement and Security

Chapter 22: Electronic Control Weapons

Originating Office: Office of Law Enforcement and Security

22.1 Purpose. This chapter establishes minimum standards for the use of electronic control weapons (ECW) by law enforcement officers (LEOs) or corrections staff within the Department of the Interior (Department/DOI).

22.2 Scope. This policy applies to all DOI bureaus/offices with law enforcement programs.

22.3 Authority. This policy is issued pursuant to 112 DM 17 and 212 DM 17.

22.4 Responsibilities.

A. Director, Office of Law Enforcement and Security (OLES) is responsible for policy development and provides program guidance and oversight of the Department's law enforcement programs.

B. Bureau Directors of Law Enforcement (BDLE) are responsible for promulgating and complying with this policy, the corresponding *Law Enforcement Handbook*, and any counterpart policies or procedures. They will ensure that appropriate procedures and guidelines are established, specific to the needs of the bureau/office, in accordance with proper legal, administrative, and evidentiary requirements.

22.5 Policy. Bureaus/offices, through bureau/office policy and procedures, may authorize LEOs or corrections staff to use ECWs in the performance of their duties. All bureau or office policy and procedures authorizing ECW use will meet the standards set forth herein and in the corresponding *Law Enforcement Handbook*.

22.6 Standards. Bureaus/offices will establish and implement procedures that meet requirements specified in the *Law Enforcement Handbook*.

Law Enforcement Handbook

Chapter 22 – Electronic Control Weapons

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22.1 What does this chapter do? This chapter establishes mandatory standards for the use of Electronic Control Weapons (ECW).

22.2 Which devices/manufacturers are approved for use? The Taser is the only product approved by OLES for use within DOI law enforcement programs. Consistent with 446 DM 45, *Policy Waivers and Program Enhancements*, bureaus/offices wishing to use other equipment/devices must request written approval from the Director, OLES.

22.3 What are minimum requirements for bureau standards? Bureaus/offices will establish written standard operating procedures which must include all of the minimum requirements detailed in this handbook. Bureau use of ECWs for wildlife control or other non-law enforcement uses are not addressed in this chapter.

22.4 Which employees are authorized to carry ECWs? Only DOI LEOs and corrections officers may be issued ECWs for law enforcement purposes.

(a) Only government-issued ECWs are authorized to be carried or worn while on duty.

22.5 When must LEOs carry their issued ECWs? Uniformed LEOs must carry at least one piece of intermediate defensive equipment (expandable baton, OC spray, or ECW) whenever they are armed. Bureau procedures must define when the ECW will be

carried. ECWs are not authorized to be carried without a firearm, except in corrections use.

22.6 What are the minimum safety requirements for ECWs?

(a) LEOs are responsible for the security of their issued firearms and intermediate defensive equipment. ECWs not in an officer's immediate control must be appropriately secured.

(b) ECWs must be worn in a support-side holster (opposite side of body from firearm) with LEO training to perform cross-draw or support side draw to minimize the possibility of accidentally drawing and/or firing their firearm instead of the ECW. Transitioning the ECW to the strong hand after drawing with the support hand is allowed. Absent extenuating circumstances, at no time will an LEO hold both an ECW and a firearm.

22.7 What are the reporting requirements for ECW discharges?

(a) All non-training ECW discharges will be documented and reported to supervisors.

(b) Bureaus/offices must initiate use of force investigations when any of the following factors is involved:

- (1) A subject experiences a proximity death or serious injury following an ECW application.
- (2) A subject experiences prolonged ECW application (longer than 15 cumulative seconds).
- (3) The ECW appears to have been used in a punitive or abusive manner.
- (4) There appears to be a substantial deviation from ECW training or policy.
- (5) A subject in an at-risk category has been subjected to application (e.g., young children, individuals that are infirm, or pregnant).
- (6) Any time a supervisor determines that an investigation is appropriate.

22.8 What are the requirements for acquisition, inventory or disposal of ECWs?

(a) ECWs must be acquired and controlled with strict accountability.

- (1) ECWs will be accounted for in FBMS.
- (2) ECWs are subject to annual inventory requirements.

(3) Obsolete and unserviceable ECWs will be permanently disabled and disposed of consistent with bureau/office property management as well as electronics and battery disposal guidelines.

(b) Similar to 446 DM 10 and LE Handbook requirements for all less-lethal weapons, bureaus/offices should normally issue yellow-colored ECWs, which will assist LEOs in visual confirmation of the ECW versus a firearm in situations of heightened stress.

(c) ECWs procured exclusively for a corrections (jail) environment will be procured with built-in officer safety functions specifically designed for corrections use.

(d) ECWs should be issued to each officer and not shared.

(e) Similar to other electronic items, ECWs should be considered perishable items requiring recurring replacement. To ensure product reliability, bureaus/offices should have a defined process for periodic equipment checks and for timely equipment replacement as required.

22.9 Are there inspection requirements for ECWs? Bureau/office policy will detail requirements for periodic inspection of ECWs.

22.10 What are the ECW training requirements?

(a) Bureau/office LEOs will receive training that is compliant with DOI's Use of Force Policy and must qualify prior to being armed with an ECW.

(1) Bureaus/offices should use the Federal Law Enforcement Training Center (FLETC) *ECD basic training* curricula. Training curricula must include operational procedures and medical components of ECW use, and must include minimum standards for a qualification course of fire.

(2) Bureaus/offices may use the Taser International *basic training* curricula if the training is supplemented by bureau/office training that includes use of force policy.

(b) ECW recertification will occur at least annually and consist of:

- (1) Physical competency and weapon retention;
- (2) Bureau/office policy including any changes;
- (3) Technology updates;
- (4) Medical updates;
- (5) Reviews of local and national trends in ECW use; and,

(6) Scenario-based training.

(c) Bureaus/offices may use the Taser International or the FLETC ECDITP *instructor* level training.

(d) LEOs and bureaus/offices must be aware that exposure to ECW application during training could result in injury to personnel. With the exception of LEOs in instructor-level training courses where exposure to ECWs may be required for certification, DOI employees will not receive exposure to ECW application as part of any training curriculum. Bureaus/offices must ensure that safety protocols are rigorously followed when training includes exposure to ECW application.

(e) All training must be consistent with DOI's Use of Force policy and include scenario-based training. As an example, LEOs must be trained that when a subject is armed with an ECW and attacks or threatens to attack an LEO who is alone, the officer must defend himself or take actions to avoid becoming incapacitated and risking the possibility that the subject could gain control of the officer's firearm. However, training scenarios should emphasize that if multiple officers are present, a different response might be appropriate.

(f) The drive stun mode:

(1) Will not normally be used as a pain compliance technique unless it is necessary to prevent a suspect from causing harm to themselves or others and if other control techniques are ineffective;

(2) Can be used to supplement the probe mode to complete the incapacitation circuit;

(3) May be used to target appropriate pressure points when the probe mode is ineffective;

(4) Can provide a countermeasure to gain separation between officers and the subject so that officers can consider another force option.

(g) LEOs will be trained in hands-on control tactics during ECW application, including handcuffing the subject. Training must emphasize that LEOs touching a subject during ECW application will not result in the LEO receiving exposure to the electrical charge, so long as caution is taken not to touch the subject along the circuit (i.e., by touching a probe or touching between the locations of the two probes).

(h) Command staff, supervisors, investigators and public affairs officers should receive ECW awareness training appropriate to the operations or investigations that they conduct and review.

(i) Bureaus/offices should provide ECW awareness training to personnel that are not certified to carry the devices and emphasize their responsibilities. The training should also cover situations such as attempting to handcuff subjects during ECW application and transitioning to other use of force options.

(j) If a bureau/office uses more than one ECW model, training must emphasize the differences in the various models (e.g., duration of cycle, optimal probe spread, etc.).

(k) ECWs must never be attached to shotguns or rifles.

(l) Bureau/office training managers must regularly review ECW deployments, both intentional and unintentional, and regularly revise training curricula to address problems.

22.11 What are the use parameters for ECWs? The use parameters below must be applied in conjunction with the DOI *Use of Force* policy located in 446 DM 20. Only when evaluating all of the factors in tandem with the *objectively reasonable standard* can an LEO develop an appropriate use of force calculus:

(a) ECWs may be used on individuals that are actively resisting an LEO and/or to prevent individuals from harming themselves or others.

(b) Unless compelling reasons to do so can be clearly articulated, ECWs should not be used when:

- (1) A subject exhibits passive resistance to an LEO;
- (2) The LEO believes the use of deadly force is necessary;
- (3) The LEO perceives use of a ECW may result in direct or secondary injuries, including but not limited to when:
 - (i) A subject may fall from a significant height;
 - (ii) A subject is operating a moving vehicle or machinery;
 - (iii) A subject is in or near a body of water which presents a risk of drowning;
 - (iv) A subject is believed to be contaminated by or otherwise near flammable or explosive materials; or,
 - (v) A subject is believed to be at an increased risk for secondary injuries (e.g. the very young, the very old, the infirm, or the pregnant).

(c) A warning should be given to a subject prior to activating the ECW unless doing so would place any person at risk. Warnings may be in the form of verbalization, display, laser painting, arcing, or a combination of these tactics.

(d) ECWs may be used on animals when they pose an imminent danger to the LEO or others.

22.12 What are operational requirements for using an ECW?

(a) When feasible, an announcement will be made to other personnel on the scene that an ECW is going to be activated.

(b) LEOs should normally use an ECW for one standard cycle (five seconds) and then evaluate the situation to determine if subsequent cycles are necessary or if additional cartridges need to be deployed so that probes will complete electrical contact. Any subsequent applications must be independently justifiable and the risks must be weighed against other force options.

(c) ECWs may be equipped with device-specific cameras to record audio and video pursuant to DOI policy 446 DM 34: *Electronic, Audio and Photographic Evidence Collection*.

(d) LEOs will not normally activate more than one ECW at a time against a subject unless it is clear that the first deployment is not effective.

(e) Fleeing should not be the sole justification for using an ECW against a subject. LEOs must consider the severity of the offense, the subject's threat to others, and the level of active resistance before deciding to use an ECW on a fleeing subject.

(f) LEOs will not intentionally target sensitive areas (e.g., head, neck, genitalia).

(g) Use of an ECW must never be abused or deployed as unreasonable force; as a prod or escort device; to wake unconscious or intoxicated individuals; to elicit statements; or, in any other manner not prescribed by this policy or bureau/office procedures.

(h) ECWs will not be used on handcuffed subjects unless doing so is necessary to prevent them from causing serious bodily harm to themselves or others and if lesser attempts of control are ineffective.

(i) ECWs should not be used in the known presence of combustible vapors and liquids or other flammable substances. Bureaus/offices utilizing both ECWs and O.C. spray must only deploy ECW compatible sprays.

(j) Bureaus/offices should establish procedures for ECW use against animals.

22.13 What are the medical considerations when deploying ECWs?

(a) With or without the application of an ECW, LEOs must be aware that subjects under the influence of drugs/alcohol and/or exhibiting symptoms of distress (e.g., extreme agitation, violent behavior, profuse sweating, extraordinary strength, unusually high pain tolerance) must be closely monitored while in custody and placed in the care of qualified medical personnel and not jailed until medically cleared

(1) Subjects that have been exposed to ECW application should be evaluated by the LEO to determine whether they should be entered into the EMS system. Subjects that have been exposed to prolonged application (i.e., more than 15 cumulative

seconds) should be evaluated preferably by EMS personnel to determine whether they should be transported to a medical facility for evaluation. All personnel conducting medical evaluations must be made aware that the suspect has been exposed to an ECW application so they can better evaluate the need for further medical treatment.

(2) Subjects that have received an ECW application must be monitored regularly while in police custody even if they have received medical care. Documentation of the ECW exposure must accompany the subject when transferred to jail personnel or until the subject is released from police custody.

(3) ECW probes must be treated as a bio-hazard when processed as evidence. LEOs will not remove ECW probes from a subject if the probes have penetrated the skin unless they have been trained to do so. Only medical personnel should remove probes that have penetrated a subject's sensitive areas or are difficult to remove. Probes should be inspected to assure that they are intact following removal from a subject. If practical, photos will be taken of probe impact sites before and after probe removal as well as any other injuries.

22.14 Definitions. For the purpose of this chapter, the terms below are defined as follows:

(a) **ECW:** A less-lethal hand-held weapon that discharges electrical pulses designed to temporarily incapacitate a person by inhibiting the person's neuromuscular control.

(b) **Probes:** Projectiles fired from an ECW in order to transmit electrical pulses to a target.

(c) **ECW display:** The ECW is removed from the holster and displayed in any manner to the subject to gain a subject's voluntary compliance without actual use of the ECW.

(d) **ECW arc display:** The ECW device is activated to demonstrate the device's electrical arcing to gain a subject's voluntary compliance without actual use of the ECW.

(e) **ECW deployment/probe mode (device fired):** The ECW is fired at the subject with the intended effect of the two wired probes making separate contact with the body to complete the electrical circuit and immobilize the subject.

(f) **ECW deployment (drive stun):** The ECW is activated and applied in direct contact with the subject's body causing pain and discomfort to that immediate area of the body. This method will not normally immobilize a subject unless the drive stun also completes the electrical circuit in conjunction with at least one wired probe that remains connected between the subject and the ECW.