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- I. Purpose

This Directive establishes policy, procedures, and responsibilities concerning the use of Electronic Control Devices (ECD) used by Division officers.

- II. Policy

The ECD will be assigned and used by sworn officers who have been trained and are currently certified in its use in a manner that is consistent with our Divisional Use of Force policy.

*Deploying an ECD is a serious use of force, and, as a less-lethal weapon, has some potential to result in a fatal outcome even when used in accordance with policy and training. An ECD is not an all-purpose weapon that takes the place of de-escalation techniques and other options.*

*An ECD may only be deployed when an officer is confronted with circumstances that present a risk of immediate danger to the officer or others that is likely to be mitigated by the use of ECD.*

**NOTE:** This directive is for internal use only and does not enlarge the Division's, the Commission's, or any officer's civil or criminal liability in any way. It is not to be construed as the creation of a particular standard of safety or care in an evidentiary sense with respect to any complaint, demand for settlement or any other form of grievance or litigation. Violations of this directive, if substantiated, can only form the basis for Division Administrative sanctions.

- III. Definitions

- A. Deployment - Pointing an ECD at a subject.
- B. Discharge - The delivery of an electrical energy charge via the probes or a drive stun.
- C. Display - The visible presence of the ECD outside of the holster.
- D. Drive Stun Mode - When the ECD is applied directly to the body. This mode is prohibited unless the ECD is employed as a "follow-up" in order to complete a circuit due to a disconnect of a probe or wire.
- E. Electronic Control Device - Means a portable device designed as a less lethal weapon capable of utilizing neuro-muscular incapacitation technology to temporarily incapacitate an individual *in order to enable officers to gain control and/or custody of that person.*
- F. Probe Mode - Firing two (2) probes depending on the type of cartridge used, from a disposable cartridge, which are connected to the ECD by insulated wires and release electrical discharge pulses into the body.

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- G. Active Resistance – When a subject takes an action and/or uses evasive movements that attempt to physically counter act or defeat an officer’s attempt to detain a subject or place them in custody and take control which may create a potential risk of bodily harm to the officer, subject, and/or other persons. Examples include but are not limited to pulling away from the officer, breaking officer’s grip and/or control, *resisting* arrest.
- H. Passive Resistance – A refusal by an unarmed person to comply with an officer’s verbal command or physical control technique by non-violent actions. Examples include but are not limited to ignoring verbal instructions by failing to respond or move, linking arms, or going limp, or sitting down with arms crossed.
- I. Follow up – This is referred to applying the ECD directly to the body to complete a circuit due to a disconnect/failed connection of a probe or wire.
- IV. Procedures
- A. Pre-deployment
1. The use of the ECD will be consistent with the latest training provided by product vendor, and/or *Taser Instructors*.
  2. Officers will conduct a “Spark Test” prior to the officer beginning his/her tour of duty as prescribed in our departmental training on the use and care of the ECD.
  3. The ECD will only be carried on your reaction side and in a department issued holster in a manner consistent with the departmental ECD training.
- B. Deployment
1. *The intended reaction of a person exposed to an ECD discharge is the loss of some voluntary muscle control, potentially resulting in the subject falling to the ground. For this reason, there is a possibility of some secondary injury to the subject, caused by falling and striking a hard surface (e.g., concrete sidewalk, curb, asphalt driveway, or parking lot).*
  2. Officers will announce “Taser”, if possible, to other officers before the ECD is deployed. This will let the officers involved know that the ECD is being deployed so it is not mistaken by sight or sound as a firearm discharge.
  3. *ECDs may be used against subjects who are actively resisting in circumstances that in the officer’s judgement present a risk of immediate danger to the officer and others.*
  4. Officers will give a warning to the subject when practical before the ECD is discharged.
  5. The ECD will only be used to accomplish the legitimate objective of stopping resistive or assaultive behavior and bringing the subject under control. As with any use of force, the officer must continually reassess the situation to ensure the level of force is appropriate to the circumstances.

6. When deploying the ECD, only the minimal number of cycles of energy (activations) should be administered to accomplish control. **Officers should be aware that the subject may not be able to physically or verbally respond to commands while an electrical charge is being released from the ECD.** The suspect should be secured as soon as practical to minimize the number of electrical charges.
7. *Officers should use an ECD for one standard cycle (five seconds), and then evaluate the situation to determine if subsequent cycles are necessary. In determining the need for additional energy cycles, officers should be aware that an energized subject may not be able to respond to commands either during or immediately following an ECD exposure. Assisting officers must secure the subject as soon as practical and, if practical, and safe to do so, move in and "handcuff under power." Officers will only use the minimum number of activations necessary to place the person into custody.*
8. No more than one officer should activate his/her ECD against a suspect at any one time, and officers will only use ECD's which have been assigned to him/her, unless exigent circumstances exist.
9. *Continued ECD applications administered to a subject that is highly resistant to pain may not change the subject's behavior. If the desired behavior is not achieved after deployment, officers should consider alternative methods.*
10. Once the probes have been discharged on an individual, the exposure will not be more than 15 seconds or three-5 second exposures of repeated ECD application.
11. *Officers should consider that exposure to the ECD for longer than 15 seconds, whether due to multiple applications or continuous cycling may increase the risk of death or serious injury.*  
  
*All applications should be independently justifiable and the risks should be weighted against other force options.*
12. **The Probe Mode is the only authorized use of the ECD. The Drive-Stun Mode is prohibited.**
13. Once used against a subject, the ECD cartridge, wire leads, darts and the anti-felon identification (AFID) tag will be placed into the Property/Evidence Section as evidence prior to the end of the shift. The Property/Evidence Section will maintain custody of this evidence for a minimum of thirty-nine (39) months.
14. The ECD will not be used to target the suspect's *heart*, groin, neck, face, hands, feet or anywhere on the head as this could result in serious injury.
15. An ECD may be used against an aggressive animal if it poses a threat to anyone's safety (human or animal).

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- C. Prohibited ECD Uses - ECD will not be used in the following situations, absent articulable exigent circumstances:
1. On a fleeing subject when the circumstances present a risk of immediate danger to the officer or others that is likely to be mitigated by use of the ECD. Fleeing will not be the sole justification for using an ECD against a subject.
  2. Will never be used in a punitive manner.
  3. In drive stun mode.
  4. To rouse unconscious, impaired, or intoxicated individuals.
  5. On handcuffed subjects, unless the subject poses a risk of immediate danger to the officer, the subject, or others and other techniques have been or would likely be ineffective (specific articulation of exigent circumstances is required).
  6. To experiment on a person or allow a person to experience the ECD, even if the person requests it, when the ECD's use would not otherwise be allowed by this policy. This prohibition does not apply to voluntary ECD exposures of sworn officers during training or demonstrations that are authorized by the department.
  7. The ECD will not be used against passive resistive individuals or behaviors, for example, such as during civil disobedience situations (e.g. peaceful "sit in" protests), sitting with arms crossed or locked around an object. (See *Armstrong vs. Village of Pinehurst*)
  8. On visibly pregnant women, elderly persons, young children, visibly frail persons, or persons of thin stature.
  9. On persons with known heart conditions or person exhibiting signs of being in medical crisis.
  10. A subject's mental health should be a factor in use of force decisions. ECDs in any mode is considered a serious use of force. ECDs may be utilized when dealing with suspects who are a serious threat or posing immediate danger to anyone.
  11. Against a suspect in physical control of a vehicle in motion (car, truck, bicycle, motorcycle, all-terrain vehicle, etc.) unless deadly force is warranted.
  12. In an environment where flammable or explosive materials may be present (i.e. meth lab, where spilled gasoline or other flammable liquid vapor is present, or in the presence of alcohol-based Oleoresin Capsicum) *unless the officer's only other option would be deadly force.*
  13. In an environment or location (such as an elevated structure) where the suspect's fall could reasonably result in death or serious injury.
  14. In or around water to avoid a possible drowning.

D. After Care

1. Officers will take photographs of:
  - a. All visible signs of injury,
  - b. ECD probes in skin or clothing prior to removal, and
  - c. All marks produced by ECD probe or drive stun.
2. For all subjects, upon whom an ECD has been discharged, officers will render aid and request EMS who will transport the subject to a medical facility for appropriate medical treatment or make a determination on scene per their policy and procedures. The officer who travels to the hospital with the subject will obtain documentation of the treatment and/or a medical release.
3. Medical personnel will remove probes located in sensitive areas (eye, face, breasts, throat, or groin) or deeply embedded in a body part.
4. Officers may remove probes from non-sensitive areas according to probe removal training guidelines. Officers are responsible for providing first aid after probe removal by applying alcohol wipes and band aids, if needed. Probes are to be treated as bio-hazard sharps and handled accordingly.

E. Storage

1. The ECD will be secured in a locker before entering any detention area or holding facility, unless a detainee has been combative with officers or has verbalized their intention to become combative.
2. The ECD must be stored and secured in the same manner as the duty weapon while not in actual possession of the assigned officer or at their residence.
3. The ECD cartridge will be removed when it is stored in the officer's residence.
4. Because the ECD and cartridges are subject to extreme cold and heat, under no circumstances will the ECD and/or cartridges be stored in a motor vehicle, while the officer is off-duty or for an extended period of time.

F. Reporting

1. An officer will immediately notify their immediate Supervisor after discharging their ECD, whether intentionally, unintentionally or accidentally. Only Division approved training sessions are exempt from this reporting requirement.
2. Officers discharging an ECD will complete an Incident Report, detailing the actions of the officer and the suspect.

3. ECD data will be downloaded after each discharge by the appropriate Supervisor, OIC, or an ECD instructor prior to re-issuance, and included in the Use of Force Report. Officers should review the downloaded data with the Supervisor or OIC, prior to completing all required written reports.
4. ECD discharges will be tracked by the Internal Affairs Section in the department's early intervention system.
5. The Internal Affairs Section will periodically conduct random audits of ECD data downloads and reconcile use-of-force reports with recorded discharges. The Internal Affairs take necessary action as appropriate when inconsistencies are detected.
6. The Division will not solely rely on the training curriculum provided by an ECD manufacturer. Additional training and re-certifications will be integrated into our firearms and use of force training.
7. ECD recertification will occur at least annually and consist of physical competency and device retention, changes in agency policy, technology changes, and reviews of local and national trends in ECD use.

G. Supervisor's Responsibility

1. Supervisors will respond to the scene of every discharge of an ECD, including accidental discharges, and conduct an initial investigation of the ECD discharge.
2. Complete all "Use of Force" reporting requirements prior to the end of their shift unless an extension is authorized by the Internal Affairs Section Commander.
3. Supervisors will ensure that photographs are taken of the suspect as soon as practical after the use of an ECD. Particular attention will be taken to photograph the impacted area and any obvious physical injuries. Supervisors will also ensure photographs are taken of the incident scene and document pertinent information (to include clothing description of suspect, number of cycles of energy used, number of probe hits, area of body where probes made contact, and number of cartridges used; and in addition, if the officer was involved in a physical confrontation with the suspect, ensure photos of the officer are taken to document any injuries, or torn clothing etc.)
4. Supervisors will ensure that the cartridges are replaced and the ECD batteries checked after every discharge.

5. Supervisors or an ECD instructor, will inspect each ECD monthly to ensure they are properly maintained and in working order and noted on the officer's monthly inspection form. Deficiencies will be documented, and corrective action implemented by the supervisor.

**Issuing Authority:** \_\_\_\_\_  
**Chief Darryl W. McSwain**  
**Maryland-National Capital Park Police**  
**Montgomery County Division**

**End of Directive**