



ELECTRONIC CONTROL DEVICES

Directive: 8 - 102

Date of Issue: January, 2016 Amends/Cancel: 8-102 May, 2015

I. PURPOSE

The purpose of this Directive is to establish an Electronic Control Device (ECD) policy.

II. POLICY

The Department will identify and approve ECD for use by authorized and trained Law Enforcement personnel. MCP will set standards for training consistent with requirements set forth by the Maryland Police and Correctional Training Commission.

The ECD is provided to Police Officers as an intermediate weapon for use when authorized to repel an attack or terminate unlawful resistance. It is the policy of this department that personnel may use the ECD in accordance with the guidelines and procedures set forth herein and in the department's Use of Force Directive 8-101.

MCP will further establish policies and procedures for the care, handling, and storage of ECD.

III. DEFINITIONS

- A. Electronic Control Device - The ECD is a battery-operated electronic device that emits an electric charge, and is designed to override voluntary motor responses, or apply pain in order to gain compliance or overcome resistance.
- B. Passive Resistance - A refusal by an unarmed person 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. Sensitive Population Groups - Sensitive population groups include those who reasonably appear to be, or are known to be, children, elderly, medically infirm, pregnant, or users of a cardiac pacemaker.

IV. PROCEDURES

A. GENERAL INFORMATION

1. Only those personnel have successfully completed this agency's approved ECD training program are authorized to use an ECD.

2. The ECD is intended as a method to incapacitate actively resisting, aggressive non-compliant, and/or violent or potentially violent subjects.
3. The ECD is generally authorized to be used in circumstances where grounds to arrest or detain are present and the subject's actions cause a reasonable officer to believe that physical force will be used by the subject to resist the arrest or detention. Such actions may include but are not limited to:
 - a. use of force against the officer or another person;
 - b. violent, threatening, or potentially violent behavior;
 - c. physically resisting the arrest or detention;
 - d. flight in order to avoid arrest or detention, in circumstances where officers would pursue on foot and physically effect the arrest or detention;
 - e. self-destructive behavior.
4. On the use of force continuum, the ECD, falls on the same level as the pepper spray. The ECD is neither designed nor intended to replace the firearm, pepper spray, expandable baton or any other approved control equipment or technique.
5. Any deployment of the ECD must be reasonable and necessary. The unwarranted, unjustified use of the ECD will be considered excessive force.
6. In those instances where a member of MCP reasonably believes the action(s) of another constitutes an immediate threat of death or serious bodily *injury* to a member of MCP or to others, the ECD shall not be used without a deadly force cover officer when the use of deadly force is justified.
7. The ECD shall not be used on those who passively resist as defined in this policy, and should generally not be used:
 - a. On a handcuffed or secured prisoner, absent overtly assaultive, self-destructive, or violently resistive behavior that cannot reasonably be controlled by other readily available means.
 - b. In any environment where an 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, or propane.
 - c. In any situation where the officer has a reasonable belief that the subject might fall resulting in death or serious physical injury, and the circumstances presented do not justify that risk.
8. Officers shall be aware of the general concerns raised when an ECD is used on a member of a sensitive population group. Officers are not prohibited from using an ECD on such persons, but use is limited to those exceptional circumstances where the

potential benefit of using the device (i.e., injury reduction) reasonably outweighs the risks and concerns.

9. Upon activating the device against a person, the officer shall energize the subject no longer than objectively reasonable to overcome resistance and bring the subject under control.
10. In determining the need for additional energy cycles, officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure.
11. If the subject does not respond to the ECD deployment in the anticipated control manner based on training and experience, personnel should consider transitioning to alternative resistance control measures.
12. To minimize the number of cycles needed to overcome resistance and bring the subject under control, the subject should be secured as soon as practical while affected by ECD power or immediately thereafter.
13. Each ECD contains its own internal memory chip that, when the safety is turned off, records the date and time of every trigger depression. Each ECD will have its data downloaded to ensure the integrity of the device and member's compliance with the rules governing the equipment. Members will be held accountable for every trigger depression of their ECD, and discrepancies may be investigated. Tampering with the memory chip or any parts of the ECD is prohibited.
14. Inappropriate use of the ECD will be grounds for revoking the privilege of carrying an ECD as well as possible disciplinary action being taken.

B. DEVICE READINESS

1. The device shall be carried in an approved holster on the side of the body opposite the service handgun.
2. The device shall be carried fully armed with the safety on in preparation for immediate use.
3. The ECD shall be subjected to a pre-shift "spark test" as defined in training to ensure that the device is functioning properly.
4. No modifications or repairs shall be performed on the device unless authorized by the department in writing.

C. "PROBE MODE" DEPLOYMENT METHOD

1. Probe Mode is the most effective at overcoming resistance and assisting officers with subject control.

2. This is the preferred deployment technique when practical.
3. The device should be aimed at the subject, fired, and cycled in a manner consistent with and as outlined in training.

D. "DRIVE STUN" DEPLOYMENT METHOD

1. The ECD may also be used in limited close-range, self-defense, and pain-compliance circumstances in the "drive stun" mode, if there is no opportunity to use the device in the preferred "probe mode."
2. When the device is used in "drive stun" mode it is:
 - a. primarily a pain compliance tool,
 - b. generally less effective than when probes are deployed, and
 - c. subject to the same deployment guidelines and restrictions as probe deployments.

E. "ARC DISPLAY"

1. The "Arc Display" – Is a warning tactic utilized as a force deterrent. No actual force is utilized and the subject is not shocked, therefore, a use of force investigation is not required.
2. If, however, the Arc Display is ineffective in deterring the threat and operator resorts to a probe deployment or the subject was shocked, whether intentional or not, the incident becomes a reportable use of force.
3. When an ECD is utilized in this manner, the action will be detailed in the Incident Report documenting the incident.

D. ECD OPERATOR RESPONSIBILITIES

1. Upon deployment of an ECD the officer will:
 - a. Remove the cartridge from the ECD, and safely holster the ECD only when the situation allows.
 - b. Immediately request an ambulance for the subject whom the ECD was deployed against.
 - c. Immediately report the incident to the supervisor on duty.

- d. Note if subject loses consciousness, appears to exhibit signs of a serious medical condition, sustains a secondary injury (such as the result of a fall), and/or probes penetrated sensitive areas (such as face, eyes, neck, breast and groin).
- e. Upon arrival of medical personnel, advise them that subject has been shocked and give them the approximate time of occurrence.
- f. Discourage the subject from removing the probes. Only qualified medical personnel should remove probes that have penetrated the skin.
- g. Treat probes that have penetrated the skin as a biohazard. They should be carefully disconnected from the cartridge and placed in the sharps container for disposal.
- h. Complete the Use of Force reporting as outlined in Directive 8-101.

E. SUPERIVOR'S RESPONSIBILITIES

1. Immediately respond to all deployments, and ensure subordinates adhere to deployment protocols.
2. Investigate the deployment as a reportable use of force consistent with Directive 8-101 "Use of Force."
3. Review all use of force reports associated with the use of the ECD. If the supervisor witnesses ECD use or it appears from review of a use of force report that the member used the ECD contrary to this order, the supervisor will:
 - a. secure the ECD and spent cartridge for data download by the Training Unit,
 - b. forward all reports to the Detachment Commander,
4. Ensure that a copy of the Use of Force report is submitted to the employees Commander and a copy forwarded to the Training Unit.
5. Ensure subordinates submit the spent cartridge to the Training Unit and obtain a replacement cartridge. (See Below).

F. REPLACEMENT CARTRIDGES

1. ECD replacement cartridges will be obtained from the Training Unit.
2. To obtain a replacement cartridge, the operator will submit the spent cartridge to the Training Unit along with an approved copy of the Use of Force Report outlining the circumstances for the deployment.

G. ECD MALFUNCTIONS AND DAMAGE

1. Malfunctions – The operator will:
 - a. discontinue use of the ECD.
 - b. document the circumstances surrounding the malfunction in the Incident/Use of Force Report outlining the circumstances of the deployment, and
 - c. return the device to the Training Unit.
2. Damage – The operator will:
 - a. discontinue use of the ECD.
 - b. report the circumstance surrounding the damage on an MCP Form 195, per department procedures.
 - c. submit the ECD along with an approved copy of the MCP Form 195 to the Training Unit.

G. TRAINING UNIT RESPONSIBILITIES

1. Ensure that all officers assigned an ECD are certified using the standards set forth by the MPCTC.
2. Replace damaged/spent cartridges only when in receipt of a supervisor approved Incident Report/Use of Force Report outlining the circumstances for the deployment or damage to the cartridge.
3. Maintain an inventory of supplied cartridges, and track and record all replacement cartridges by serial number.
4. Administer the ECD Download program as outlined below.
5. Ensure all Use of Force Reports connected with ECD deployments are reviewed for compliance and entered into the ECD Database.
- e. Forward complaints of discrepancies or abuse to the appropriate member's Commanding Officer.

H. ECD DATABASE AND DATA DOWNLOADS

1. To ensure the Integrity of the ECD program and operator compliance with the requirements of the equipment and this directive, every ECD must have its data downloaded on a quarterly basis by the Training Unit.

2. The data obtained will be reconciled with existing use-of-force reports to ensure accountability between the cycles recorded, and those documented in such reports and occurring in pre-shift testing.
3. The ECD Database shall include:
 - a. the assigned member's information,
 - b. serial and model number of the ECD, and
 - c. the ECD download schedule.
4. Data may also be downloaded at anytime at the request of the member's Commander or *any* other responsible authority.
4. When operators fail to have their ECD data downloaded, their use of the ECD will be suspended and they may be subject to disciplinary action.
5. If the ECD data download indicates improper operations or discrepancies in use of force reporting, the Training Unit will notify the user's Commanding Officer via official channels.