



# GENERAL ORDER

# No. 218

Subject:

Electronic Control Device (ECD) Handling and Deployment

Issuing Authority:

Chief of Police

Effective Date:

07/01/2019

Supercedes:

- I. **PURPOSE:** The purpose of this order is to provide Town of Manlius Police officers with guidance and direction on the deployment of a less-lethal Electronic Control Device (ECD). [Revised: 11/11/2019]
- II. **POLICY:** It is the policy of the Town of Manlius Police Department to use only that level of force which is objectively reasonably necessary to control or otherwise subdue violent or potentially violent individuals. Less-lethal ECD's have proven effective in furtherance of this policy and are authorized for deployment in appropriate circumstances by trained personnel. [Revised: 11/11/2019]
- III. **DEFINITIONS:** [Revised: 10/02/2019]
  - A. **LESS-LETHAL ELECTRONIC CONTROL DEVICE (ECD)** - Devices designed to disrupt a subject's nervous system by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.
  - B. **NEURO MUSCULAR INCAPACITATION (NMI)** - The desired affect when deploying ECD's designed to temporarily incapacitate violent and/or dangerous subjects so they may be safely taken into custody.
  - C. **PROBE DELIVERY** - Refers to the firing of probes from an ECD into a subject for the purpose of incapacitation through NMI. This type of delivery produces the most desired effect.
  - D. **DRIVE STUN** - When contact is made by pressing an active ECD onto the body of the subject. The drive stun affects the sensory nervous system producing pain compliance and may not achieve NMI.
  - E. **SPARK DISPLAY** - A non-contact demonstration of the ECD to convince a subject to voluntarily comply with a lawful order prior to force options. Spark display technique will only be utilized when proper justification exists. Spark display techniques require the user to first remove the cartridge.
  - F. **PHYSICAL INJURY** - Impairment of physical condition or substantial pain.
  - G. **OBJECTIVELY REASONABLE** - An objective standard used to judge an officer's actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used.
  - H. **ACTIVELY POINTING** - The intentional targeting of a person with an Electronic Control Device (ECD), firearm, impact weapon, impact projectile or chemical agent. [Revised: 11/11/2019]

**IV. PROCEDURE:** [Revised: 07/01/2019]**A. AUTHORIZED USERS**

1. Only those ECD's that have been approved by the Chief of Police may be carried on-duty. Refer to the uniform standards manual for those devices currently approved.
2. Only officers who have satisfactorily completed this agency's basic training course and/or the manufacturer's certification course of instruction shall be authorized to carry an ECD.
3. Civilian members are prohibited from carrying or deploying ECD's.  
[Revised: 11/11/2019]

**B. WEAPON READINESS**

1. Department ECD's and holsters will be individually issued or signed out of the spare ECD cabinet at the beginning of each shift. ECD's signed out must be returned at the end of each shift, unless authorized by an ECD instructor or supervisor. [Revised: 10/02/2019]
2. If not individually issued, officers shall document their department ECD number on the daily activity log.
3. ECD's will be carried by authorized officers in the Field Service Section in a department approved holster positioned on the side of the body opposite the duty weapon. Officers not assigned to the Field Service Section may utilize other department-approved holsters and carry the ECD consistent with approved department training.
4. ECD's shall be carried fully armed with the safety on in preparation for immediate use when authorized.
5. Officers approved to use an ECD may be issued a minimum of one spare cartridge as a back-up in case of cartridge failure, the need for reapplication, or in case the first cartridge's wires break during engagement. Spare cartridges shall be stored and carried in a manner consistent with approved training and the cartridges replaced consistent with the manufacturer's expiration requirements.
6. Only battery power sources recommended by the manufacturer shall be used in all ECD's.

**C. CARE AND MAINTENANCE** [Revised: 07/01/2019]

1. The ECD shall be pointed in a safe direction with the safety on during loading, unloading or when handled in other than an operational deployment.
2. Prior to operational deployment, officers shall ensure the proper functioning of the unit to include a visual inspection of the battery capacity readout display and may conduct a spark test with the ECD cartridge removed. Other than for operational purposes, spark tests shall be conducted outside of general public view. If an officer elects to conduct a spark test in the Roll Call Room the officer shall:
  - a. Remove the cartridge from the ECD, ensuring probe doors are not facing the body.

- b. Place the cartridge in the designated area.
  - c. Conduct a spark test while pointing the ECD at the designated spark test zone and complete a full five second cycle.
  - d. Upon completion of a successful spark test the cartridge may be retrieved from the designated area and reattached to the ECD for deployment.
3. A battery reading of 20% or less shall require the unit to be removed from service.
  4. Officers should never eject or remove the ECD battery pack; this action should only be conducted by an ECD instructor for the purpose of replacing a depleted battery pack or downloading data.
  5. Officers shall avoid exposing the ECD to rain and/or moisture as this may permanently damage the device.
  6. Officers shall immediately report to a supervisor or ECD instructor any malfunctions or defects observed.
  7. No alterations or modifications shall be made to the ECD and all repairs will be conducted by an authorized vender.
  8. Any discharge, other than a spark test, either intentionally or accidentally shall be reported immediately to a supervisor and an electronic Action Request Form (ARF) shall be completed.

**D. DEPLOYMENT** [Revised: 07/01/2019]

1. Members are not authorized to actively point or discharge the ECD other than for a justified use of force or training purposes. [Revised: 11/11/2019]
2. The ECD is one use of force option available to officers. The ECD, like baton, OC spray and empty hand techniques may not be effective in every situation. Officers must assess the effectiveness in each application and determine whether further applications are warranted, or a different tactic should be deployed.
3. ECD's are equal to OC spray on the use of force continuum and decisions to deploy them require the same basic justification; however, when determining whether to deploy the ECD, the totality of the circumstances should be considered together with the following: [Revised: 11/11/2019]
  - a. The likelihood of physical injury resulting from an ECD strike to include accidental probe contact to a sensitive body area or a secondary injury to the subject from falling post deployment.
  - b. The optimal effective range of the ECD is 7 to 15 feet, 21 feet being the maximum range.
  - c. Number of officers or suspects on scene.
4. When justification exists, and when appropriate, officers may consider removing the cartridge and conducting a spark display to encourage compliance prior to firing the weapon in full probe delivery.
5. When practical officers shall give proper warning to other officers and particularly to the intended subject prior deploying the ECD. [Revised: 11/11/2019]

6. Target areas are recommended under the best practice theory, recognizing that officers may not always be able to find a preferred target area of the body during a violent and rapidly evolving use of force encounter. When possible and practical, officers shall select the following target areas:
  - a. Large muscle groups of the body are the preferred primary target areas; particularly, the back area of the body, split by the belt line.
  - b. When frontal body areas are the only target option, officers shall target the lower center mass, just below the sternum.
  - c. When encountering subjects with heavy or loose clothing on the upper body, the legs should be considered an appropriate target area.
  - d. Attempts shall be made to avoid delivering probe strikes into sensitive tissue areas such as the head, face, neck, groin or female breast.
7. When justification exists, the ECD may be used in a drive stun mode by making contact with the ECD onto an appropriate target area such as the abdominal region, forearms, hips or thighs. This can be accomplished with or without a cartridge installed.
8. Unless exigent circumstances exist, drive stuns shall not be intentionally targeted to the area of the neck, head, face or groin.
9. Unless there are compelling reasons to do so, which can be clearly articulated, the ECD shall not be deployed under the following circumstances:  
[Revised: 11/11/2019]
  - a. When the officer knows that the subject has come in contact with flammable liquids or is in a flammable atmosphere.
  - b. When the subject is in a position where a post-strike fall may cause substantial injury or death.
  - c. Females who are obviously pregnant.
  - d. Subjects submersed in water.
  - e. Subjects who are obviously frail or infirm.
10. The ECD may be deployed in defense against animals where proper justification exists. [Revised: 11/11/2019]
11. Each ECD cycle should be used as a “Window of Opportunity” to attempt to establish control or handcuff the subject while the subject is affected by the ECD cycle. The need for multiple cycles may be avoided if contact officers are available by controlling and handcuffing the subject while under power.
12. As with any application of force, each ECD cycle or deployment must be legally justified.
13. Officers shall keep in mind that 15 seconds of ECD exposure (multiple five second cycles or continuous) has been identified as a significant safety point. ECD exposure beyond 15 seconds or 3 cycles shall require articulable justification. [Revised: 07/01/2019]

**E. POST DEPLOYMENT AND AFTERCARE [Revised: 07/01/2019]**

1. ECD probes may be removed from a subject by an officer once the subject has been restrained using procedures outlined in training. Universal precautions shall be followed to protect the officer from the transfer of bodily fluids. In the event that an ECD probe penetrates a sensitive tissue area (i.e. groin, eye, female breast, face or neck) the suspect shall be taken to an emergency care facility for removal or in cases where the deploying officer or his supervisor determines that it is otherwise necessary.
2. Photographs of the affected area(s) should be taken after the probe(s) have been removed.
3. Detention personnel shall be notified of all ECD strikes.
4. When the ECD has been deployed operationally, the officer will collect the ECD cartridge, wires, probes and AFID's as evidence. Probes shall be secured in an appropriate sharps container and marked as a biohazard. [Revised: 11/11/2019]
5. Caution should be used when picking up any cartridge that did not deploy. If a cartridge fails to deploy pick up the cartridge using caution to avoid probe doors facing any body parts. The cartridge will be placed in a container capable of containing the probes should it deploy.
6. Officers shall notify a supervisor, or in his absence, the Duty Chief regarding all ECD deployments. The supervisor shall act as described in General Order #213 "Use of Physical Force." [Revised: 11/11/2019]
7. Following an operational ECD deployment, the supervisor shall ensure proper procedures are followed to include taking the ECD out of service while notifying an approved ECD instructor for inspection and data extraction. [Revised: 11/11/2019]

**F. REPORTING [Revised: 10/02/2019]**

1. A "Use of Force Report" shall be completed following the actively pointing or deploying probes, drive stun or intentional spark display. [Revised: 11/11/2019]
2. Officers will complete an ARF after all ECD deployments so a download can be completed.

**I. TRAINING**

1. Officers authorized to carry ECD's must have satisfactorily completed this agency's basic ECD training course and/or the manufacturer's certification course, as well as department use of force training while being monitored by a certified ECD instructor. [Revised: 07/01/2019]
2. Police officers shall carry and deploy only those ECD's which are issued by the department and only after they have demonstrated proficiency. [Revised: 11/11/2019]
3. Agency personnel who are unable to demonstrate proficiency and qualify with an authorized department ECD must attend and successfully complete remedial training prior to being allowed to resume official duties.

- a. When practical, the ECD instructor shall immediately conduct remedial training in an effort to correct the deficiency.
- b. If the deficiency cannot be corrected before the members next tour of duty, the instructor shall:
  - i. Immediately notify the member’s division commander regarding the member’s duty status.
  - ii. Reschedule additional remedial training as soon as practical.
  - iii. Keep the division commander apprised of the member’s duty status.
- c. All remedial training shall be documented.
- d. A failure to demonstrate proficiency after reasonable remedial training has been provided may serve as the basis of disciplinary action.

**B. POSTING OF THE USE OF FORCE POLICY**

- 1. This Use of Force policy shall be conspicuously posted on the department’s public website in accordance with Executive Law Section 837-t (Currently 72 hours after amendments). [Revised: 11/11/2019]

[Original: 02/13/2006]

[Revised: 02/01/2007]

[Revised: 10/01/2009]

[Revised: 11/10/2009]

[Revised: 05/01/2010]

[Revised: 01/31/2013]

[Revised: 02/28/2014]

[Revised: 07/01/2014]

[Revised: 05/21/2015]

[Revised: 03/16/2016]

[Revised: 01/19/2017]

[Revised: 07/01/2019]

[Revised: 10/02/2019]

[Revised: 11/11/2019]