

**SALEM POLICE****DEPARTMENT MANUAL  
119.0****DATE OF ISSUE**  
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12/23/2016**SUBJECT:****Use of Electronic Control Weapons****ISSUING AUTHORITY**

Approved by Chief Mary Butler

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**NEW**  **AMENDS**  **RESCINDS****WEBSITE**

## 119.0 PURPOSE

The purpose of this policy to provide officers with guidance and direction on the use of electronic control weapons (ECW). (1.3.4)

## 119.1 POLICY

It is the policy of the Salem Police (in part) that "Force is only permitted to the degree necessary to accomplish lawful objectives and the least amount of force necessary in any situation is the greatest amount of force that is permissible". (1.3.1) Electronic control weapons (ECW) have been proven effective in furtherance of this policy, and are authorized for use in appropriate circumstances by trained and authorized personnel. All Officers are guided and controlled by the Salem Police Policy #19.0 Use of Force, any time they use force in the course of their duties.

## 119.2 DEFINITIONS

- A. Electronic Control Weapon: A weapon 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. It is a less than lethal weapon.
- B. TASER- A brand name for the ECW currently used and authorized by the Salem Police Department.

C. Air Cartridge- A replaceable cartridge for the ECW which uses compressed nitrogen to fire two barbed probes/darts on thin connecting wires sending a high voltage/low current signal into a subject. The Salem Police Department authorizes only the use of the Taser X26P 25 Ft. cartridge (green blast doors) for deployment in the field.

### 119.3 PROCEDURES

General- There are three separate types of reportable ECW applications.

1. Spark Display- A non-contact demonstration of the ECWs ability to discharge electricity. This is conducted only when the cartridge has been removed from the weapon. 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 Stun or Probe mode. Spark checks conducted to test the unit at the beginning of the officer's shift are not reportable incidents.
2. Drive Stun- The Drive Stun can be used in two ways; a Compliance Technique against an Active Resistant subject and Defensive Tactic against an Assaultive/Bodily Harm subject. Drive Stun contact is made by pressing the front of the ECW (cartridge removed) into the body of a subject and activating the ECW for pain compliance against a Level 3 Active Resistant subject, or when a cartridge has been deployed against a Level 4 Assaultive/Bodily Harm subject and the probe placement is not resulting in neuro muscular incapacitation (NMI). Against an Active Resistant subject, pressure points should be the target area if possible and against an Assaultive /Bodily Harm subject where probe deployment is present, an area away from probe impact sites should be targeted. The Drive Stun when deployed without the cartridge and not in conjunction with probe deployment causes significant localized pain in the area touched by the ECW but does not have a significant effect on the central nervous system. The Drive Stun when used in conjunction with a probe deployment may complete the electrical circuit and cause NMI and stop the subject's assaultive behavior, creating a "window of opportunity" to take control of the subject.

3. Probe- The ECW is most effective when the cartridge is fired and 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 21 foot maximum distance. Use of the probes or darts will be a level IV on the use of force continuum, when a subject is assaultive towards officers.

#### 119.3.1 Training

Before an Officer is authorized to carry an ECW they must first complete an eight hour training program. The training will be conducted by a MPTC/Taser certified trainer. The training shall be in accordance with 501 CMR 8.00. The training will cover the weapon's mechanics, medical issues associated with the use of ECW, a proficiency section, a review of the Department's use of force policy and a report writing segment. Each Officer who is authorized to carry an ECW shall receive annual in-service training on the ECW.

All training instructors will be certified by the MPTC and receive a minimum of 16 hours of instruction on training Officers in the use of ECWs. All Officers who are authorized to carry ECWs shall receive annual training in their use.

#### 119.3.2 Authorized Users

1. Absent exigent circumstances 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 ECWs.

Only Officers who are authorized to carry firearms in the performance of their duties shall be authorized to carry ECW's. No Officer shall be authorized to carry an ECW while off duty.

Basic User - 8 hour certification course (recertification required every two years). This curriculum will be identical to that which is used and approved by the MPTC.

Instructor - 16 hour certification in the use of ECWs course with additional certification training from Massachusetts Police Training Council (MPTC) (recertification required every two years)

2. All personnel authorized to carry these weapons shall complete annual in-service refresher training.  
(1.3.11)
3. Supervisors and Command Staff should receive ECW awareness training so they can make educated decisions about the administrative investigations they review.

#### 119.4 WEAPON READINESS

1. The device 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 device shall be carried fully armed with the safety on in preparation for immediate use when authorized.
3. Only properly functioning and charged X26P (s) with a Digital Power Magazine (DPM) life greater than 20% shall be carried on duty. Any device found to have a DPM life of less than 20% shall be taken out of service and submitted to the training Division for replacement.
4. Officers approved to use the device shall 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 leads break during engagement. The spare cartridges shall be stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer's expiration requirements.
5. Only battery power sources recommended by the manufacturer shall be used in the ECW.
6. 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. This restriction does not apply during a "tactical reload" of a cartridge.

## 119.5 DEPLOYMENT

There are two levels of force where ECWs are authorized;

COMPLIANCE TECHNIQUES- includes countermeasures designed to counter the subject's enhanced degree of resistance. These tactics could include the Control and Restraint techniques, Takedowns, Pressure Points and Distraction Techniques, OC spray, etc. Using the TASER in a drive stun mode without probe deployment would be justified as a Compliance Technique.

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/ Weaponless Strikes, etc. When firing the TASER, it would be considered a Defensive Tactics tool with the goal of stopping an Assaultive (Bodily Harm) Subject.

1. When practical, the officer should give a warning to the subject and other officers before firing the ECW.
2. The preferred targeting is the center mass of the subject's back, however it is recognized that it is not always possible to get behind the subject. Where back-targeting is not possible, frontal targeting should be lower center mass.
3. Never aim an ECW at the eyes or face.
4. The preferred target areas would be the subject's back, lower torso or thigh.
5. Attempt to avoid hitting the subject in sensitive tissue areas such as head, face, groin, or female breast area; however darts penetrating these areas will be removed by medical personnel at a medical facility.
6. The maximum cycle length is five (5) seconds.
7. Officers will keep in mind that energized subjects may not be able to respond to commands during or immediately after exposure to an ECW.

8. Any time an ECW is deployed the subject will be engaged the least amount of times necessary and no longer than necessary, in accordance with SPD Policy 19.0 *Use of Force*.
9. ECW may be used to control an aggressive animal that is threatening the safety of a person.

Only one officer should activate an ECW against a person at a time.

10. After each 5 second deployment cycle, the officer must reassess the effectiveness of the ECW and justify each subsequent deployment or decision to "re-energize". It is recommended that after three cycles that appear to have been ineffective in stopping assaultive behavior, other force options should be considered
11. The preferred deployment should have two Officers present when possible.

#### 119.6 RESTRICTIONS

ECW should not be used:

1. In the known presence of combustible vapors and liquids or other flammable substances;
2. Against suspects in control of a motor vehicle in motion unless exigent circumstances exist;
3. On handcuffed persons unless they are actively resisting or exhibiting active aggression;
4. On pregnant women, young children under the age of 17 or on elderly persons over 70 years of age, on visibly frail persons, or on persons with cardiac pacemakers (if known) unless exigent circumstances exist;
5. Where the suspect is in a position where a fall may cause a substantial injury or death;

#### 119.7 AFTERCARE (1.3.5)

1. Normally, the ECW probes may be removed by trained officers from the subject once he or she has been

restrained using the procedure outlined in training. Universal precautions shall be followed to protect the officer from the transfer of body fluids.

2. All persons who have been exposed to ECW activation will receive a medical evaluation from at least a paramedic.
3. The suspect shall be taken to an emergency care facility :
  - i. 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 a medical facility for evidence.
  - ii. If the subject had a known pre-existing medical condition especially one affecting the cardiovascular system i.e. a pacemaker, cardiac surgery.
  - iii. Where it appears that the tip of the barbed probe broke off and remains under the skin.
4. A subject exposed to ECW activation will be monitored regularly while in police custody even if they received medical care.
5. Following ECW activation, officers should use a restraint technique that does not impair respiration.
6. All subjects shall be evaluated for signs of In-custody Death Syndrome and Excited Delirium. Anyone displaying potential symptoms shall be transported to the hospital for medical evaluation.
7. Photographs of the affected area should be taken after the probe is removed, keeping in mind to protect the privacy of the subject.
8. When the device has been used operationally, the officer will collect as evidence, package, and mark as a biohazard; the air cartridge, wire leads, probes, as evidence.

## 119.8 SUPERVISOR

A Supervisor will respond to all incident scenes where an ECW was activated and:

1. Conduct an initial review of an ECW activation
2. Ensure photographs are taken of the site of the probes impact and any related injury, while protecting the privacy of the subject.
3. Ensure an ECW deployment report is completed detailing circumstances, the same as anytime use of force is used by Officers.

## 119.9 REPORTING (1.3.6)

The deploying officer shall

1. Notify his/her supervisor as soon as practical after using the device;
2. Submit the ECW to the Officer-in-Charge as soon as practical for data download, and
3. Complete the appropriate incident report. The incident report shall include:
  - a. Area of body hit by probes/ drive stun.
  - b. if the arrest was compliant with or without probe deployment (i.e. spark test at scene and suspect voluntarily complies with arrest)
  - c. photographs taken of probe impact area and any related injuries, while protecting the privacy of the subject.
  - d. Copies of reports involving the use of an ECW shall be forwarded to the Chief or his/her designee for review. (1.3.7)
  - e. The Chief of Police or his/her designee shall forward reports semi-annually of ECW activations to the Executive Office of Public Safety in accordance with St.



2004, c. 170, sec. 2. The report will contain:

- i. Statement containing the number of sworn Salem Police Officers, number of ECWs owned by the department, number of incidents involving ECWs, and
- ii. Copy of the incident report
- iii. Copy of data printout from the ECW

#### 119.10 TRAINING

All training involving the use (probe or drive stun) of a department owned electronic control weapon must be authorized by the Chief of Police or Patrol Division Commander.

#### 119.11 INSPECTION

The department's Taser Armorer will inspect each ECW quarterly to ensure it is in proper working condition. Any ECW not in proper working condition will be taken out of service immediately and either repaired by the Armorer or forwarded to the manufacturer for factory service.

The Department's Taser Armorer will be responsible for maintaining a record of the Department's Taser inventory. The records will be stored in his/her office

At the start of each shift, each certified user will conduct a Spark/Functionality test. Any Taser that exhibits a slow pulse rate, loud arcing sound or manufacturer identified problem identified by the Central Information Display should be taken out of service and the Taser Armorer notified in writing. An inspection of the cartridges should be done to check the blast doors are attached and the cartridge is complete to fire the probes.

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