



SUBJECT: USE OF FORCE

---

I. PURPOSE

- A. This directive outlines the proper use of force, particularly in situations involving the use of the baton/ASP, Oleoresin Capsicum (OC) Pepper Spray, Electronic Control Weapon (ECW), and other force which may be used by police as well as the required reporting of incidents in which officers are called upon to use less than deadly force. The use of deadly force is fully covered in Directive 10.
- 

II. POLICY

- A. The primary duty of all police officers is to preserve human life. Only the minimal amount of force necessary to protect life or to effect an arrest should be used by an officer. **Excessive force and/or gratuitous use of any force will not be tolerated.** Officers should exercise all safe and reasonable means of control and containment, using only the amount of force necessary to overcome resistance. The application of force by a police officer should be guided by principles found in the "Force Continuum" which are:

- \* Officer presence
- \* Verbal commands
- \* Physical control
- \* Less than lethal force
- \* Deadly force

# USE OF FORCE CONTINUUM



**GOAL:** BASED ON THE TOTALITY OF CIRCUMSTANCES, USE THE APPROPRIATE AMOUNT OF FORCE NECESSARY TO REDUCE AND DE-ESCALATE THE THREAT.

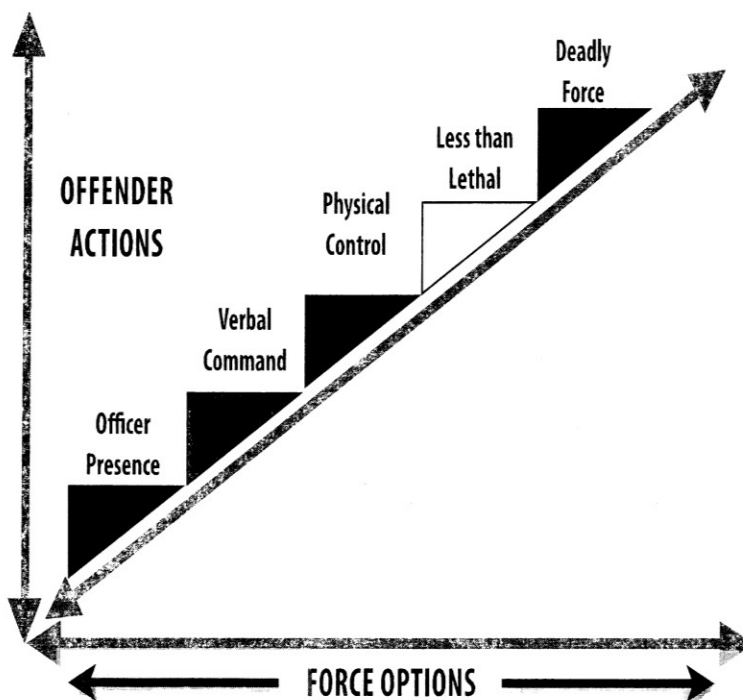
## TOTALITY OF CIRCUMSTANCES

### OFFICER-SUBJECT FACTORS:

- ✓ Age
- ✓ Sex
- ✓ Size
- ✓ Skill Level
- ✓ Multiple Officers OR Subject

### SPECIAL CIRCUMSTANCES:

- ✓ Close Proximity to Firearms
- ✓ Special Knowledge
- ✓ Injury OR Exhaustion
- ✓ Ground
- ✓ Disability
- ✓ Imminent Danger



- \*3
- B. RENDERING MEDICAL AID – After employing any force including lethal or less than lethal weapons, officers shall render appropriate medical aid and request further medical assistance, when necessary, for the suspect and any other injured individuals, as soon as it is safe to do so. Any aid provided shall be documented in the appropriate report.
- C. Additionally, personnel will not unnecessarily or unreasonably endanger themselves and others in applying these guidelines to actual situations.

- D. Though many officers may be at the scene of a police incident where force is being used, some officers may not be directly involved in taking police action. As officers, we have an obligation to protect the public and other officers. Therefore, it shall be the duty of every officer present at any scene where force is being applied to either stop or attempt to stop another officer when force is no longer required. Your actions will both protect the officer from civil or criminal liability and the civilian from serious injury.
- E. As outlined in Section VI, Use of Force Notification Procedure, IAD must be informed when:
1. A person is treated at a hospital (whether or not admitted) or dies while in police custody as the result of actions taken by police.
  2. Any time a person in police custody is treated at a hospital (e. g., prisoner complaining of chest pains or a prisoner assaulted by another prisoner).
  3. Any incident involving the use of force where an injury or a complaint of an injury results.
  4. Whenever a baton/ASP has been used to strike a subject; OC Spray has been used by police, or the ECW has been used.
- NOTE: Whenever the trigger on the ECW is pulled, it is recorded in the weapon and must be reported to IAB. Accidental discharges will be reported to IAB through the notification screen on the Police Intranet Homepage. The Use of Force Report will not be necessary.
5. Whenever a subject is delivered a blow or strike with a hand, fist, foot or other body appendage or other object.
- F. The Department's Use of Force form described within will not be used when officers discharge their firearm. It will be completed, however, when the baton/ASP has been used to strike an individual, OC Spray was used on an individual, another object was used to strike (e. g., police vehicle), a canine dog has bitten or been used to physically apprehend an individual, or a ECW has been used.
- G. Guidelines set forth in this directive will also pertain to Police Correctional Officers at the Police Detention Unit when appropriate.

---

### **III. UTILIZING FORCE (GENERAL)**

- A. When responding to any incident which may require the use of force, officers:

**WILL:**

1. Evaluate the situation.
2. Immediately establish control of your firearm.
3. When feasible and safe, provide some warning to the individual.
4. Illuminate the subject, when possible.
5. If force is necessary, coordinate appropriate tactics with a sufficient number of personnel to safely overcome any resistance.
6. Use the minimum force necessary.
7. Except when using an ECW, target the preferred or intermediate striking areas identified in Section V-B-6.
8. Handcuff the individual behind the back, palms out, and ensure handcuffs are double-locked and do so at the earliest possible time to reduce potential resistance.
9. Notify a supervisor immediately.
10. Ensure that the individual is checked for injuries.
11. Take any individual who has been struck on the head or any individual complaining of an injury to the nearest hospital or appropriate trauma center immediately. (Prepare a Complaint or Incident Report (75-48) for the hospital case and have the individual sign the 75-48 if treatment is refused. Also, note if the individual refuses to sign.) In all cases where the ECW or OC Pepper Spray is used, the individual will be taken to the hospital.
12. Prepare all necessary paperwork as required by department policy.
13. Ensure that the investigator assigned is made aware that force had to be used to control or take the individual into custody.

NOTE: A description of the actions of the individual which caused the use of force as well as the officer's actions should be included by the assigned investigator within the Investigation Report (75-49). Should injuries occur, they should also be described within the Investigation Report to include treatment received.

- B. When responding to any incident which may require the use of force, officers:

**WILL NOT:**

1. Whenever possible, sit, kneel, or stand on a subject's back or chest.
2. Stand on a subject's head, face and/or neck area.
3. Offensively kick and/or stomp on a subject.

4. Transport an individual in a face down position, especially when handcuffed. This will serve to prevent positional asphyxia that occurs when the position of the subject's body interferes with his/her ability to breathe. If an individual is having trouble breathing or is demonstrating life-threatening symptoms, medical assistance will be sought immediately.
5. The intentional use of neck restraints (choke holds, "sleeper holds" or other holds to render a subject unconscious) are prohibited. This will include any incident where an individual attempts to ingest narcotics or other evidence. They will be taken immediately to the nearest hospital.

\*4

---

#### **IV. USE OF O. C. PEPPER SPRAY**

- A. Oleoresin Capsicum Spray is an inflammatory agent that causes an intense burning sensation of the skin and mucous membranes. It has a near immediate effect on an individual sprayed, though the effects subside after about 30 minutes.
- B. If sprayed in the face the individual's eyes will close, tear, and swell as a result. The subject may become disoriented and lose their balance. When inhaled the respiratory tract will become inflamed and temporarily restrict breathing to short, shallow breaths. The subject may experience choking, gagging, or gasping for breath. A burning sensation of the skin may also occur.
- C. The use of OC Spray is for defense or to assist in effecting an arrest. It may be used to:
  1. control an aggressively resisting subject such as an involuntary commitment or
  2. prevent an escape from arrest.
  3. overcome resistance to an arrest.
  4. protect an officer or another person from bodily injury.
  5. prevent an individual from injuring themselves.
  6. prevent a suicide.
- D. It is not to be used:
  1. for the dispersal of non-violent persons.
  2. for disorderly crowds.
  3. in situations where people are exercising their Constitutional rights of free speech or assembly.
  4. at random.
  5. as a threat to gain compliance or information.
- E. Once an individual has been placed under control there is no further justification for the continued use of the OC Spray.

F. When carrying or utilizing OC Spray, officers:

**WILL:**

1. Carry only the Departmentally-approved OC Spray.
2. Ensure care is taken to protect infants, children, and the elderly from the spray.
3. Deliver the spray directly into the face (eyes, nose, mouth) and where practical, in two, one-half second bursts.
4. Be aware of cross-contamination, wind direction, and the presence of fellow officers before utilizing spray.
5. Remember that the effective range of the spray is 10-12 feet.
6. Safely secure the individual in handcuffs once under control.
7. Calm the individual and reassure them that the effects are temporary.
8. Expose the subject to fresh air and, if water is available, flush the contaminated areas. (To decontaminate a premises indoors ventilate by opening windows and doors).
9. Transport the subject to the nearest hospital and take the spray canister along.
10. Continue to monitor the subject during transportation for respiratory distress.
11. If the subject is or becomes unconscious transport as an emergency hospital case.
12. Have subject wash any contaminated areas of the skin with soap and water once arriving at the hospital.
13. When applicable, have subject remove contact lenses and wash same.

NOTE: Serious eye damage can occur if contacts are not removed within 4 - 6 hours of exposure.

14. Prepare a 75-48 for the hospital case and have the individual sign the 75-48 if treatment is refused. Also note if the individual refuses to sign.
15. Prepare a Use of Force Report
16. Prepare other necessary paperwork relating to the incident, where necessary (i.e., 75-48, 75-49).
17. Treat OC Spray as a weapon and store in a secure place when not on duty.

G. When carrying or utilizing OC Spray, officers:

**WILL NOT:**

1. Spray directly into the eyes at a distance of less than three feet, when possible.
2. Spray into the wind or in a confined area.
3. Keep spray projectors in vehicles.
4. Store where temperatures exceed 120 degrees Fahrenheit.

H. Miscellaneous OC Spray information:

1. All OC Spray will be issued by the Firearms Training Unit (F.T.U.).

2. Officers should check the expiration date on each canister. If expired, or there is a leak, damage, or the canister is empty report to the Firearms Training Unit (F.T.U.) for a replacement. A memorandum will be prepared and distributed as outlined in Section 4 below.
  3. Lost or stolen spray canisters shall be immediately reported on memorandum in triplicate to the pertinent district/unit Commanding Officer fully explaining the circumstances. A 75-48 and 75-49 will be submitted to the pertinent detective division.
  4. The memorandum will be distributed as follows:
    - a. Commanding Officer, Firearms Training Unit
    - b. District/Unit file
    - c. Finance Unit
  5. When the Commanding Officer determines negligence has occurred, the officer will be subject to disciplinary action and/or required to pay for its replacement.
  6. Commanding Officers will review and approve the memorandum and permit the officer to obtain a replacement.
  7. Upon one's retirement, OC Spray canisters will be turned in to the officer's Commanding Officer and sent to the F.T.U.
- 

## **V. USE OF THE POLICE BATON / ASP**

- A. The use of the baton/ASP is for defense and to assist in effecting an arrest. It should not be used as an offensive weapon. It may be needed to:
  1. block or deflect an attack
  2. counter-strike in self-defense
  3. control an aggressively resisting subject
  4. overcome resistance to an arrest
  5. protect an officer or another person from bodily injury
  6. prevent an individual from injuring themselves
  7. prevent a suicide

- B. When carrying or utilizing the baton/ASP, officers:

### **WILL:**

1. Carry the departmentally-issued baton, which shall have an overall length of 22-24 inches and a diameter of one and one-quarter inches (1 1/4"), it shall be made of wood or fiberglass: or a departmentally-issued ASP.

2. Carry the baton/ASP whenever leaving the vehicle (uniformed officers and supervisors).
3. Carry the baton/ASP in your belt loop on the opposite side of the gun holster.
4. Carry the baton/ASP in a non-aggressive (e. g., under arm) manner during vehicle or pedestrian stops, disturbances, crowds, or other potentially dangerous situations.
5. Attempt to use alternate forms of control.
6. Strike only the following locations of the body when necessary:

Preferred striking areas:

Muscle in the legs (thigh and calf) and arms (forearms and biceps). These areas are most vulnerable to an effective strike.

Intermediate striking areas:

If striking the preferred areas is not possible, or unsafe to the officer, or other officers, the officer should attempt to strike the intermediate areas which include the elbows, knees, and ankles. These are secondary strike zones which may cause pain or injury, but are not intended to cause permanent damage.

7. Immediately notify a supervisor of the use of the baton/ASP
8. Take an injured individual or one complaining of an injury to the nearest hospital or appropriate trauma center immediately. (Prepare a 75-48 for the hospital case and have the individual sign 75-48 if treatment is refused. Also, note if the individual refuses to sign.)
9. Prepare a Use of Force Report in all cases where the baton/ASP was used to strike an individual.
10. Prepare other necessary paperwork relating to the incident, where necessary (i.e., 75-48, 75-49).

C. When carrying or utilizing the baton/ASP, officers:

**WILL NOT:**

1. Make modifications of, substitutions for, or additions to the issued baton/ASP.
2. Intentionally strike the head, face, throat, chest, abdomen, groin, and collarbone of an individual.
3. Use more force than is necessary to overcome the resistance.
4. Use another object in place of the baton/ASP, unless unusual circumstances preclude the officer from reaching or using the baton/ASP or OC Spray. If another object is used, the involved officer will follow the same reporting procedures outlined in this directive and explain why the object was utilized. The use of other objects may be reasonable and necessary.



D. Miscellaneous baton/ASP information

1. Damaged, lost, or stolen baton/ASPs shall be immediately reported on memorandum in triplicate to the pertinent district/unit Commanding Officer fully explaining the circumstances.
2. When the Commanding Officer determines negligence has occurred, the officer will be subject to disciplinary action and/or required to pay for its replacement.
3. The memorandum will be distributed as follows:
  - a. Pertinent Chief Inspector
  - b. Finance Unit
  - c. Retain in district/unit file

---

\*1 **VI. ASSAULT ON POLICE INVESTIGATIONS PROCEDURES**

- A. In order to ensure the integrity of assault on Police arrests and to protect all police personnel, the below guidelines will be followed. Listed below are investigation guidelines and Command oversight for **ALL** Assault on Police Investigations. They will be in place whether the Assault on Police is the **Primary or Secondary** charge.
- B. Supervisor's Responsibilities:
  1. A Supervisor **WILL** immediately **respond to all Assault on Police/Use of Force Crime scenes** (whether it is the primary or secondary charge).
    - a. As stated in previous investigation guidelines, the responding supervisor will hold or release the crime scene after conferring with a Supervisor from the Detective Division of occurrence.
    - b. The Supervisor will document all Police involved in the assault and/or arrest and supply the names, badge numbers and patrol car numbers to the Detective Division. The Supervisor will also ensure that all personnel are interviewed by the Detective Division of occurrence.
    - c. The Supervisor will ensure that all civilian witnesses are documented on the Complaint or Incident Report (75-48) (include all contact information, cell phone numbers, etc.) and will be supplied to the Detective Division. Transportation to the Detective Division (for interviews) will also be arranged as needed.

- d. The Supervisor will observe and document (and supply the information to the Detective Division) all injuries to Police and/or defendants (and ensure that they receive hospital treatment).
- e. The Supervisor will ensure that all Use of Force paperwork is prepared and submitted in accordance with this Directive.

C. Detective Unit Responsibilities:

1. A **Detective Unit Supervisor WILL** be notified immediately whenever an Assault on Police (Use of Force) arrest or investigation is received (whether it is the primary or secondary charge). The Supervisor **WILL**:
  - a. Confer with the responding Supervisor on the street and determine if the crime scene will be held for processing.
  - b. Monitor the investigation, ensuring that all parties (Police and Civilian) are interviewed by Detectives. Review the interviews and ensure that any follow-up questions are addressed.
  - c. Ensure that all injuries (Police and Civilian) are documented and photographed.
  - d. Ensure that all interviews and evidence (photographs, property receipts, etc.) are entered in the PIIN system (as stated in previous guidelines, ALL Preliminary Discovery is required to be entered in PIIN on any arrest before charges are approved by DACU).
- D. **BEFORE** the arrest is entered in PARS, the Detective Supervisor **WILL** notify the Detective Division Commanding Officer (during business hours) so that they can review all paperwork involving the arrest. The Detective Division Commanding Officer will also review all paperwork on an investigation of an Assault on Police (no arrest) **PRIOR** to the Detective submitting an Affidavit for an Arrest Warrant.
  1. If the arrest occurred during non-business hours, the Detective Supervisor **WILL** notify Police Radio for a Command Inspections Bureau Commander to respond and review the arrest paperwork (**PRIOR** to entry in PARS).
  2. If during business hours, the Detective Division Commanding Officer is unavailable (vacation, etc.) then the Detective Division Supervisor will notify the following in the listed order:
    - a. The Divisional Inspector.
    - b. The available Patrol Commanding Officer located in the Divisional Headquarters (in the same building as the Detective Division).

- c. A District Commanding Officer in the Division of occurrence (NOT located in the Divisional Headquarters).
  3. The Detective Supervisor **WILL** confer with the responding Commander on the aspects of the case. DACU will be contacted by phone if guidance is needed in the charging procedure.
  4. The Detective Supervisor will then ensure that the PARS report is submitted (and approved by the Supervisor) with the proper charges lodged. The Supervisor will ensure that any requested follow-up by DACU is completed immediately and re-submitted for the approval of the PARS.
- E. The Assigned Detective **WILL**:
1. Ensure that their Supervisor has been notified of the Assault on Police arrest or investigation (primary or secondary charge).
  2. Ensure all investigative steps have been taken, including (but not limited to), crime scene processing; retrieval of available video; CCI information and/or Radio tapes, etc.
  3. Document and photograph all injuries (Police and Defendants).
  4. Ensure all persons (Police and Civilian) involved are interviewed. Make interviews available to Supervisory and Command personnel for their review.
  5. Attempt to interview the defendant(s) (after advising their Miranda Warnings).
  6. Ensure the complete investigative package is available for review by the Supervisor and Command personnel and entered into PIIN.
  7. Ensure PARS is submitted **ONLY AFTER** the case has been approved by the Unit Supervisor **AND** the reviewing Commander.
- F. Responding Commanding Officer Responsibilities:
1. Upon notification of an Assault on Police arrest, the assigned Commander (Detective Captain, Divisional Inspector, District Captain or CIB Commander) **WILL**:
    - a. Review all arrest and case file paperwork (including interviews).
    - b. Confer with Detective Supervisor (and DACU if needed) for proper charges. If **NO** charges are warranted, ensure the suspect(s) are released and the investigative paperwork is updated.

- c. The Responding Commander **WILL** ensure that an entry is made on the Detective Division Daily Complaint Summary (75-67) and that they list the rank, name, badge number, and unit assigned) reviewed the Assault on Police arrest (list location of assault, DC# and Detective Control #).
  - d. Ensure that the required Use of Force forms are completed, submitted and the Internal Affairs Division is notified when required.
- 

## **VII. USE OF FORCE NOTIFICATION PROCEDURE**

- A. Whenever less than lethal force is used by uniform or plainclothes sworn personnel the following notification process will be implemented:
  1. A supervisor will be notified immediately.
  2. The supervisor will ensure that only one (1) 75-48 will be prepared describing circumstances of the incident as well as information on the use of force required during that incident. If more than one officer has utilized force during that single incident only one (1) 75-48 is required, though the names of all involved officers must be included.
  3. The supervisor will assign one of the involved officers the responsibility for preparing a complete Use of Force form (75-632). If more than one officer has used force, he/she will only complete sections of an additional Use of Force form that pertain to their involvement in the incident, the top line of the report, and the signature block.

NOTE: All reports must be completed before the officer(s) completes his/her tour of duty.

4. Both the assigned Lieutenant and the Sergeant will be responsible for reviewing and ensuring completeness and accuracy of the Use of Force form. They will also sign the form.
5. When the use of force results in death or serious life threatening injury a supervisor will immediately notify his/her Commanding Officer or Command Inspections Bureau (CIB) commander. That Commander will then immediately notify Internal Affairs by phone. Police Radio will be notified on the 12-8 tour or on weekends.
6. The Operations Room Supervisor (ORS) will also ensure that the IAB Incident Notification screen is filled in completely and accurately. (Access the screen through the Police Intranet homepage).

NOTE: If more than one officer is injured or if more than one defendant has had force used against them as a result of a single incident, separate messages must be sent via the IAB Notification screen.

7. When the use of force results in only minor injury or no injury at all, only the IAB Notification screen need be completed. No phone call to Internal Affairs from a Commander is necessary.
8. In all cases the ORS will ensure pertinent information is entered on the district/unit Daily Complaint Summary (75-67).

---

### VIII. DISTRIBUTION OF THE USE OF FORCE FORM

- A. When the Use of Force form(s) (75-623) is completed, copies will be made and distributed as follows:
- Original: Internal Affairs Bureau within five (5) days of incident, where it will be kept for three (3) years.
- First copy: District/unit Commanding Officer's file, where it will be kept for three (3) years.
- Second copy: Commanding Officer, Firearms Training Unit (OC Pepper Spray/ECW use only).

---

**RELATED PROCEDURES:** Directive 10, "Discharge of Firearms by Police Personnel"  
Directive 111, "Barricaded Persons/Hostage Situations"  
Directive 136, "Emotionally Disturbed Persons"  
Memorandum 98-01, "Off-Duty Police Actions"

---

### BY COMMAND OF THE POLICE COMMISSIONER

---

<u>FOOTNOTE #</u>	<u>GENERAL #</u>	<u>DATE SENT</u>	<u>REVISIONS</u>
*1	8209	3-18-11	ADD SECTION VI
*2	3736	10-27-11	ADD APPDX "B"
*3	7102	01-24-12	ADDITION
*4	3588	07-29-14	ADDITION



APPENDIX "A"

SUBJECT: USE OF THE ELECTRONIC CONTROL WEAPON (ECW)

---

I. PURPOSE

The purpose of this policy is to provide guidance and direction on the use of the Electronic Control Weapon (ECW) in the context of the Use of Force Continuum.

---

II. POLICY

It is the policy of the Philadelphia Police Department to use only reasonable and necessary force to overcome the resistance put forth by individuals who are violent, exhibiting threatening behavior, or physically resisting arrest. All ECW training will conform to this policy.

---

III. DEFINITIONS

**Arcing:** Pulling the trigger to activate an ECW that does not have an air cartridge installed. This may be done while the ECW in contact with a subject (*i.e. Drive Stun mode*) or in a non-contact situation, such as to test the ECW (*i.e. Spark Test*).

**Activation or Activating:** The act of pulling the trigger of an ECW, either intentionally or accidentally, causing it to arc or to discharge probes.

**Active Aggression:** A threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.

**Active Resistance:** A subject's physical actions to defeat an officer's attempt at control and to avoid being taken into custody. Verbal statements alone do not constitute active resistance.

**Air Cartridge** Replaceable cartridge for the ECW which uses compressed nitrogen to fire two barbed probes with thin connecting wires sending a current signal into the subject.

**Confetti Tags:** Small identifying cards expelled from an ECW air cartridge when probes are discharged. Each confetti tag contains a serial number unique to the specific air cartridge used. Confetti tags are also referred to as “Anti-Felon Identification “(AFID) tags.

**Cycle** The time during which electrical impulses are emitted from the ECW following activation. In most ECWs, a standard cycle is five (5) seconds for each trigger pull. The duration of a cycle may be shortened by turning the ECW off. The duration of the cycle may be extended in certain models by continuing to pull the trigger.

**Display:** Drawing or exhibiting the ECW as part of a warning tactic, typically accompanied by appropriate verbalization.

**Drive Stun:** A secondary function of an ECW. Drive Stun is possible when the ECW air cartridge has been expended or removed from the ECW or when the probes are deployed at close range with minimal spread. This action requires pulling the trigger and placing the ECW in direct contact with a subject, causing the electrical energy to directly enter the subject or firing the probes at close range. Drive stun is frequently used as a non-incapacitating compliance technique. It may also be used to incapacitate a subject where at least one probe is attached to the subject’s body and the ECW contact will complete the circuit.

**Duration:** The aggregate time that the ECW is activated. The duration of activation may differ from the duration of time that a subject is exposed to electrical impulses from an ECW.

**Electronic Control Weapon (ECW):** A weapon primarily designed to discharge a chain of small electrical charges into the subject sufficient to cause uncontrolled muscle contractions and override the subject’s voluntary motor responses.

**Laser Painting:** The act of unholstering and pointing an ECW at a subject and turning on the ECW’s laser aiming dot to show the device is aimed at the subject.

**Passive Resistance:** Physical actions to do not prevent the officer’s attempt to control. (i.e. a person who remains in a limp, prone position, passive demonstrators, etc.).

**Probes:** Small projectiles with wires contained in an ECW air cartridge. When the ECW is activated, probes are expelled from the ECW and penetrate the subject’s clothing and/or skin, allowing for the application of the electrical impulse.

**Probe Mode:** The primary setting on an ECW that allows the system's propulsion system to deploy two small probes that are attached to the ECW by insulated wires at distance up to 25 feet.

**Serious Bodily Injury:** Bodily injury, which creates a substantial risk of death, or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

**Use of Force Continuum:** A training model or philosophy that supports the progression and reasonable escalation and de-escalation of officer-applied force in proportional response to the action and level of resistance offered by a subject. The level of response is based upon the situation encountered at the scene and the actions of the subject in response to the officer's commands. Such response may progress from the officer's physical presence at the scene to the application of deadly force.

---

## **IV. PROCEDURE**

### **A. Authorized Users, Training and Equipment**

1. Only those officers/supervisors who have successfully completed the approved, basic ECW training shall be authorized to carry an ECW.
2. To continue carrying an ECW, all personnel initially authorized to carry an ECW must undergo recertification training annually. Any personnel who fail to undergo recertification training and/or qualification shall be prohibited from carrying ECW until such time that recertification training and/or qualification is made.

NOTE: Officers that have successfully completed the Crisis Intervention Training (CIT) will be issued an ECW. These officers are responsible for the safe handling and storage of this equipment while off duty. The protocols of this Appendix shall apply equally to any off duty actions.

3. Other personnel authorized to carry an ECW will be permitted to sign out an ECW at the beginning of the tour and the information will be recorded on the Daily Complaint Summary (75-67).
4. Only Departmentally issued ECWs shall be carried by authorized personnel. The use of privately owned ECWs, holsters or other related equipment is strictly prohibited.



## B. Device Readiness

1. The ECW shall be carried in an approved holster on the side of the body opposite the service handgun.
2. The ECW shall be carried fully armed with the safety on in preparation for immediate use.
3. The ECW shall be set in “Probe Mode” as the primary setting option with “Drive Stun Mode” used as a secondary option.
4. Officers/Supervisors shall be issued one spare air cartridge as a backup. The spare air cartridge shall be stored and carried in a manner consistent with training and will be replaced consistent with the manufacturer’s expiration requirements.
5. The ECW’s energy level shall be checked and a spark test done prior to taking the ECW out on patrol. This is accomplished by first removing the air cartridge, then turning the power switch on, pulling the trigger then turning the unit off as soon as a spark is seen. A visible spark between the electrodes at the front of the ECW will show the unit is functioning properly. Point the ECW in a safe direction prior to spark test.

\*\*\*\*\*CAUTION\*\*\*\*\*  
**BE SURE TO REMOVE TASER AIR CARTRIDGE  
PRIOR TO BEGINNING SPARK TEST**

6. The battery indicator on the Taser model **M26 Taser®** may blink or be a steady red, depending on the age of the unit. This indicator in and of itself does not ensure that the components of the ECW are performing properly; it only indicates the unit has power. If there is no red LED visible then return the unit to Firearms Training Unit for evaluation and replacement of batteries if required.
7. The battery indicator on the Taser model **X26 Taser®** is visible on the central information display. This indicator in and of itself does not guarantee that the components of the Taser are performing properly. When the display indicates less than twenty (20) firings remaining return the unit to the Firearms Training Unit.

## C. Activating the ECW

1. **The ECW shall only be activated** against persons who are exhibiting active aggression or active resistance in a manner that, in the officer’s judgment, is likely to result in injuries to themselves or others.
2. A warning shall be given to a person prior to activating the ECW unless to do so would place any other person at risk.

3. Personnel should not intentionally simultaneously activate more than one (1) ECW against a person.
4. Personnel may activate an ECW against an aggressive animal, but only if doing will not unnecessarily jeopardize the safety of the officer or civilians present.
5. Whenever an ECW is about to be used, it is the responsibility of the activating officer to make sure other officers on the scene understand that the ECW is being activated by announcing “TASER” several times before being discharging.
6. Personnel should not intentionally target sensitive areas (e.g. head, neck, genitalia, etc.)
7. When activating an ECW, personnel should use it for one (1) standard cycle (a standard cycle is five (5) seconds) and should evaluate the situation to determine if subsequent cycles are necessary. Personnel should consider that exposure to multiple activations, continuous cycling, and exposure to the ECW longer than fifteen (15) seconds may increase the risk of death or serious injury. Any subsequent activation should be independently justifiable and should be weighed against other force options.
8. To minimize the number of cycles needed to overcome resistance and bring the subject under control, once it is announced that an ECW is being activated, all officers on scene should attempt to secure the subject while incapacitated by ECW power or immediately thereafter. All Officers on scene must also be prepared for an ECW to be ineffective and immediately transition to other force options if necessary.

**NOTE: In determining the need for additional energy cycles, officers must be aware that an energized subject may not be able to respond to commands during or immediately following exposure.**

9. **Drive Stun is a secondary** function of an ECW. Personnel must be aware that using an ECW in Drive Stun is **OFTEN INEFFECTIVE** in **INCAPACITATING** a subject. However, it may be used to effectively incapacitate a subject where at least one probe is attached to the subject’s body and the ECW contact will complete the circuit (i.e. provide the second electrical contact to a subject) by creating uncontrolled muscle contractions and overriding the subject’s voluntary motor responses.
10. The ECW **SHALL NOT** be used in the following manner:
  - a. Against a suspect exhibiting passive resistance;

- b. Against an unarmed suspect attempting to elude capture by fleeing that is wanted for a non-violent misdemeanor, summary, or traffic offense.
- c. For the dispersal of non-violent persons, disorderly crowds, or in situations where people are exercising their Constitutional Rights of free speech or assembly;
- d. At random or as a threat to gain compliance or information;
- e. In any environment where an officer reasonably believes that a flammable, volatile, or explosive material is present, including but not limited to gasoline, natural gas, propane or alcohol based Oleoresin Capsicum (O.C.) spray;
- f. Against any elderly/frail persons, young children, or any women who appear pregnant or where officers receive information that the women are or may be pregnant;
- g. Against a subject when in an elevated position where a fall may cause substantial injury or death;
- h. Against subject in physical control of a vehicle in motion to include automobiles, trucks, motorcycles, ATVs, bicycles and scooters;
- i. On handcuffed persons unless necessary to prevent the individual from harming themselves or others from serious bodily injury.
- j. Against a subject where officers receive information that the subject has any heart ailments, conditions or has a pacemaker.

#### D. Post-Deployment

1. Following an ECW activation, officers should use a restraint that does not impair respiration.
2. All individuals who are exposed to an ECW activation shall be transported to a medical facility for treatment. If the prongs are attach to the skin of the individual, cut off the wires between the cartridge and the prongs, leaving a twelve (12)-inch lead, prior to transportation. The ECW prongs should be treated as a biohazard risk.
3. If not incapacitated, the officer/supervisor firing the device will accompany the victim to the hospital. Prepare a separate 75-48 for the hospital case. Retrieve two (2) prongs from the hospital and place them inside cartridge holes and tape over and note: "Prongs are included". The cartridge and prongs will be placed on a property receipt and submitted as evidence.

4. If possible, the Confetti Tags will be recovered and also placed on the property receipt.
5. Detectives will ensure that the area affected by the ECW is photographed. The use of the ECW will be noted on the Investigation Report (75-49).

#### E. Reporting/Notifications

1. Any officer/supervisor that activates an ECW either intentionally or accidentally shall notify Police Radio and complete a Use of Force Report (75-632). Police Radio will dispatch a supervisor of the next highest rank to the scene.
2. The responding supervisor shall conduct an initial review of the ECW activation and ensure a Use of Force Report is completed for both intentional and accidental activations.
3. After medical treatment, if the suspect is being arrested, the activating officer/supervisor shall ensure that the ORS is notified that the suspect was exposed to an ECW activation. This information will be inserted into the Detainee Medical Checklist. In the event the activating officer/supervisor is incapacitated, the responding supervisor shall ensure the proper notification is made to the ORS and on the Detainee Medical Checklist. The ORS shall monitor suspects who have been exposed to an ECW activation every fifteen (15) minutes for any possible medical emergencies.
4. After medical treatment, if an individual is exposed to an ECW activation and transported to a Crisis Response Center (CRC), the activating officer/supervisor shall notify a CRC supervisor that the individual was exposed to an ECW activation. The name of the supervisor and the time of notification will be inserted on the Use of Force Report. In the event the activating officer/supervisor is incapacitated, the responding supervisor shall ensure the proper notification is made and the information is inserted into the Use of Force Report.
5. Any officer/supervisor that activates an ECW either intentionally or accidentally shall report to the Range no more than five (5) days after the incident for a replacement air cartridge and for range personnel to download the ECW's data.

#### F. Investigations

1. All Use of Force Reports involving the activation of an ECW shall be reviewed by Internal Affairs.
2. Internal Affairs shall initiate an internal investigation when any of the following factors are involved:

- a. A person experiences death or serious bodily injury;
  - b. A person experiences prolonged ECW activation (longer than fifteen seconds);
  - c. The ECW appears to have been used in a punitive or abusive manner;
  - d. There appears to be a substantial deviation from training; and
  - e. A person in an at-risk category has been exposed to an ECW activation (i.e. elderly/frail persons, young children, or any women who appear pregnant or where officers receive information that the women are or may be pregnant)
3. Every ECW-Related force investigation initiated under Section F-2 above should include:
- a. Date, time and location of incident;
  - b. Whether the use of display, laser painting and/or arching where attempted to gain compliance of the subject;
  - c. Identifying and descriptive information and investigative statements of the subject (including whether the subject was a an elderly/frail person, young child, or a woman who appeared pregnant or where officers received in/information that she was or may have been pregnant the time of the activation), all personnel firing ECWs, all witnesses, including the location of where all interviews (police and civilian) were taken;
  - d. The type and brand of ECW used;
  - e. The number of ECW activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications;
  - f. Level of aggression encountered;
  - g. Any weapons possessed by the subject;
  - h. The type of crime/incident the subject was involved in;
  - i. Determination of whether deadly force would have been justified;
  - j. The type of clothing worn by the subject;
  - k. The range at which the ECW was used;
  - l. The type of mode used (probe or drive stun);
  - m. The point of impact on the subject in probe mode;
  - n. The point of impact in drive stun mode;
  - o. Location of missed probes;
  - p. Collection of ECW cartridges, probes, data downloads, any available video, and confetti tags;
  - q. The type of cartridge used;
  - r. Photographs of cartridge/ probes;
  - s. Terrain and weather conditions during ECW use;
  - t. Lighting conditions;
  - u. Suspicion that subject was under the influence or drugs or alcohol;

- v. Medical care provided to the subject;
  - w. Any injuries incurred by personnel or the subject; and
  - x. Forensic quality photographs (including a ruler to show distances) of subject and officer injuries;
4. When reviewing downloaded ECW data, supervisors and investigators should be aware that the total time of discharge registered on the ECW may not reflect the actual duration of ECW activation on a subject.

G. Auditing

1. All Department ECWs will be subjected to periodic and random data downloading by Internal Affairs. 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.
2. Periodic and random audits shall be conducted to ensure all officers/supervisors who carry ECWs have attended initial and recertification training.

H. Lost or Stolen ECWs

1. Lost or stolen ECWs and/or air cartridges shall be immediately reported on a memorandum, to the pertinent district/unit Commanding Officer, fully explaining the circumstance. The memorandum, 75-48 and 75-49 will be submitted to the Commanding Officer, Firearms Training Unit and Police Finance.
2. After the Commanding Officer reviews and signs the memorandum, the officer/supervisor will report to the Police Academy, Firearms Training Unit, with a copy of the memorandum and the Investigation Report (75-49), to obtain a replacement device for a lost/stolen ECW. Between the hours of 4:00 p.m. and 8:00 a.m., report to the Police Academy, Canine Unit, for issuance of a replacement device.
3. The Canine Unit will notify the Firearms Training Unit of all such transactions on the next business day.
4. When the Commanding Officer determines negligence has occurred, the officer/supervisor will be subject to disciplinary action and/or required to pay for its replacement.

I. Revocation of Certification/Privilege to Carry an ECW

1. The issuance and authority to carry a ECW is a privilege granted to specially trained officers/supervisors and is not to be construed as standard issued equipment. As such, the Department reserves the right to revoke this privilege. Any such revocation shall not be construed to prevent or limit the Department from invoking any disciplinary charges, penalties or other remedies available.

---

**BY COMMAND OF THE POLICE COMMISSIONER**

---



**APPENDIX "B"**

**SUBJECT: USE OF FORCE REVIEW BOARD**

---

**I. POLICY**

- A. Strict standards in the normal application of force by police personnel are necessary to provide guidance and to safeguard the public from unnecessary or unreasonable force. However, police personnel may be confronted with circumstances that were unknown or unanticipated when departmental standards were developed. Such circumstances may require extraordinary and unanticipated actions to be taken to protect police personnel or others, including suspects, from imminent serious bodily injury or death. In these extraordinary situations, written policies alone are often insufficient to properly evaluate the appropriateness or reasonableness of police personnel's actions.
- B. To fairly review these cases, maintain Departmental integrity and ensure the public is properly protected, the Use of Force Review Board (UFRB) will function as both an investigative and administrative tool to objectively review the appropriateness or reasonableness of force used in those extraordinary cases that could not have been reasonably foreseen when creating a written policy.
- C. Only those cases where it appears extraordinary and unanticipated actions were required to protect police personnel or others including suspects, from imminent serious bodily injury or death will be referred to the UFRB. These cases will be referred by the Deputy Commissioner, Office of Professional Responsibility; however, the Police Commissioner or any Deputy Commissioner may also refer cases to the UFRB for review.
- D. The UFRB will be composed of:
  - 1. Designated Deputy Commissioner, who will act as chairperson
  - 2. Deputy Commissioner, Major Investigations
  - 3. Deputy Commissioner, Office of Professional Responsibility
  - 4. Chief Inspector, Training and Education Services Bureau

---

**II. PROCEDURE**

- A. In those non-deadly, use of force cases referred to the UFRB, no final determination regarding the appropriateness or reasonableness of the force used will be made by Internal Affairs. Internal Affairs shall attach its recommendations, but the UFRB



shall review the totality of the circumstances and issue a determination of whether the force deployed was appropriate or objectively reasonable under the circumstances.

- B. The Chairperson of the UFRB will receive and distribute to all members, copies of all Internal Affairs Use of Force Investigations and investigative reports relating to cases referred to the UFRB.
- C. The Chairperson will convene the UFRB for the purpose of reviewing the investigative reports on each case. The UFRB shall have access to the entire investigative file, attachments, assigned investigators and any witnesses necessary to complete a thorough review.
- D. The decision regarding each incident shall be made by a majority vote of the UFRB.
  1. If the review indicates that the officer's actions were in accordance with departmental policy or objectively reasonable under extraordinary circumstances, the review will be terminated and the case will be marked **“Exonerated – Use of Force within Departmental Policy or Objectively Reasonable under Extraordinary Circumstances.”** The Chairperson will notify the Police Commissioner in writing.
  2. If the review indicates that the officer's actions were not in accordance with departmental policy or deemed unreasonable, unnecessary or excessive even under extraordinary circumstances, the case will be marked as **“Sustained – Not within Departmental Policy or Objectively Reasonable under Extraordinary Circumstances”**. The Chairperson will notify the Police Commissioner in writing and recommend a full hearing before the Police Board of Inquiry.
  3. If the review indicates that further information is required, the Chairperson will schedule a hearing and summons the involved officer(s) and any witnesses necessary to enable the Board to complete its review.
    - a. If the Board determines as a result of the hearing that the officer's actions were in accordance with departmental policy or objectively reasonable under extraordinary circumstances, the review will be terminated and the case will be marked **“Exonerated – use of Force within Departmental Policy or Objectively Reasonable under Extraordinary Circumstances.”** The Chairperson will notify the Police Commissioner in writing.
    - b. If the *Board* determines as a result of the hearing that the officer's actions were not in accordance with departmental policy or deemed unreasonable, unnecessary or excessive even under extraordinary circumstances, the case will be marked as **“Sustained – Not within Departmental Policy or Objectively Reasonable under Extraordinary Circumstances.”** The Chairperson will

notify the Police Commissioner in writing and recommend a full hearing before the Police Board of Inquiry.

4. The UFRB shall have the authority to make final determinations on any other departmental violations cited by Internal Affairs in cases reviewed by the UFRB. The findings of the *Board* will in no way be determinative of the final disposition of any hearing before the Police Board of Inquiry.
5. Nothing in this section shall be construed to abridge, restrict or otherwise limit the Police Commissioner's final authority relating to discipline in these matters, including the right to override the decision of the Use of Force Review Board.

---

**BY COMMAND OF THE POLICE COMMISSIONER**

---