



Electronic Control Devices	Related Policies: Response to Resistance Reporting Response to Resistance
<i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this Department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Arkansas Statutes:	
CALEA Standard: 1.3.1, 1.3.2, 1.3.5, 1.3.6., 1.3.7, , 1.3.9, 1.3.10	
Date Implemented:	Review Date:

- I. **Purpose:** The purpose of this policy is to direct members in the appropriate use and deployment of Electronic Control Devices (ECD).
- II. **Policy:** It is the policy of this Department to protect and serve all citizens, while at the same time respecting the rights of suspects, and balancing the need for member safety in response to resistance events. It is the policy of this Department that members will use only objectively reasonable force to bring an incident or event under control. Objectively reasonable force is only that force which is necessary to accomplish lawful objectives. All responses to resistance must be objectively reasonable.
- III. **Definitions**
 - A. **Active resistance:** a subject actively resists when they take affirmative action to defeat an officer’s ability to take them into custody.
 - B. **Passive resistance:** A subject who takes no affirmative action to defeat the member’s ability to make an arrest but who does not respond to verbal commands and presents a refusal to move by sitting down or acting as dead weight.
- IV. **Procedure**
 - A. **Electronic Control Devices**
 - i. An electronic control device as a force option is the same level of force as chemical spray.
 - ii. The Electronic Control Device must be worn on the weak-side in either a weak-hand draw or cross-draw position.
 - iii. Electronic Control Device deployment shall not be considered for the passively resistant subject. Active resistance shall be required.
 - iv. Flight from a member, standing alone, is not a justification for the use of an electronic control device. Members should consider the nature of the offense suspected; the level of suspicion with respect to the person fleeing; the risk of

danger to others if the person is not apprehended immediately; and the surface on which the subject is fleeing which may lead to injury as a result of the resulting fall.

- v. Members must be aware of the danger of combustibility as a result of the ECD's discharge when in a combustible environment or where the subject has been exposed to combustible agents.
- vi. Multiple Electronic Control Device deployments against an individual may increase the likelihood of serious injury where the individual is suffering from other symptoms such as cocaine intoxication or excited delirium. Members should minimize the successive number of discharges against an individual where possible.
- vii. The Department recognizes however, particularly where back-up members are unavailable, that multiple applications may be necessary to gain or maintain control of a combative individual.
- viii. No more than one member should deploy an ECD against a single individual at the same time.
- ix. A contributing factor to serious injury or death is the level of a subject's exhaustion. Studies recommend that when a member believes that control of a subject will be necessary and met with resistance, deployment of the ECD should be considered early on in the event so that the person has not reached a level of exhaustion prior to the ECD's use.
- x. 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.
- xi. Where back-targeting is not possible, frontal targeting should be lower center mass. Intentional deployments to the chest shall be avoided where possible.
- xii. Members who are aware that a female subject is pregnant shall not use the ECD unless deadly force would be justified due to the danger created by the secondary impact or the possibility of muscle contractions leading to premature birth.
- xiii. Members shall make all reasonable efforts to avoid striking persons in the head, neck, eyes or genitals.
- xiv. Members are prohibited from using the device as punitive measure.
- xv. An ECD shall not be used against persons who are in physical control of a vehicle in motion unless deadly force would be justified based on an existing imminent threat.
- xvi. A warning to the subject prior to deployment is preferred.
- xvii. Members shall make all efforts to warn other members that a deployment is about to occur.
- xviii. The device shall never be used on a handcuffed person to force compliance

unless the subject poses a threat to the member through physical conduct or active resistance that cannot otherwise be reasonably controlled.

- xix.** Members should consider the location and environment of the subject. Members shall avoid using ECD's in cases where the subject is elevated (i.e. roof, fire escape, tree, bridge, stairwell, loading dock etc. etc.) such that the secondary impact may cause serious injury.
- xx.** Members should be aware that a subject's heavy clothing might impact the effectiveness of the ECD.
- xxi.** Members should consider the particular subject and any vulnerability they may have such as: a person who is small in stature or very frail will be more dramatically impacted,(i.e. elderly; juveniles; pregnant females).
- xxii.** Alternative tactics shall be utilized where the member has prior information that the subject suffers from a disability which would increase the danger to that person by using the ECD (i.e. A person at the scene tells a member that the subject has a heart condition).
- xxiii.** Deployed probes that have been removed from a suspect should be treated as a bio-hazard.
- xxiv.** Where EMS is available, their services may be utilized for the removal of probes that have penetrated the skin, as long as such removal can be accomplished without causing further injury.
- xxv.** Any person who requests or appears to be having any form of physical distress following the deployment of an ECD shall be transported to a medical facility for a medical examination. It should be noted that studies indicate that persons who suffer from excited delirium may not be immediately impacted and the onset of difficulty may occur a period of time after the police control event.
- xxvi.** Mandatory medical clearance by a medical professional:
 - a.** Persons struck in a sensitive area-eyes, head, genitals, female breasts.
 - b.** Where the probes have penetrated the skin and either the officer or EMS cannot safely remove probes in accord with this policy the subject must be transported to a medical facility.
 - c.** Persons who do not appear to have fully recovered after a short period of time. Members who observe unusual physical distress should immediately call for medical assistance.
 - d.** Persons who fall into one of the vulnerable classes such as young children, pregnant women, persons who are small in stature, persons who members become aware have a pre-existing medical condition that increases danger and the elderly.
 - e.** Subjects who request medical assistance.

xxvii. Additional Documentation:

- a. All deployments of an ECD shall be documented including those cases where a subject complies once threatened with such a device. By documenting the non-discharge uses, this Department establishes member judgment and control as well as the deterrent effect of this tool.
- b. Photographs of the affected area should be taken following the removal of probes from the subject to document any injury. Where the drive-stun method has been used, photographs are extremely important due to the increased potential for this method to cause scarring.
- c. Supervisory personnel shall be notified and review all ECD deployment for consistency with policy and training.
- d. Probes/Cartridges shall be properly stored and maintained as evidence following a discharge.
- e. Members are required to complete a “response to active resistance form” which shall be reviewed by a supervisor following the ECD use.
- f. All deployments shall be reviewed by the Chief of Police or their designee, as well as training personnel.
- g. Where there is any indication of lasting injury, claim, or complaint, internal data from device shall be maintained. All ECD units will be audited monthly to ensure that all deployment/activations have been reported as required.
- h. Supervisory personnel shall conduct a monthly download of all ECD data to ensure that all uses are reported. It is noted that all data should reflect a spark test at the beginning of each member’s tour of duty.