



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

467 – ELECTRONIC CONTROL DEVICE

GENERAL ORDER: 2020-XX
ISSUED: May 13, 2020

EFFECTIVE: May 13, 2020

REVIEWED/APPROVED BY:
Assistant Chief Regina Howard
DATE: April 10, 2020

ACTION: Amends General Order 2017-42 (June 30, 2017)

WILEAG STANDARD(S): 5.1.1, 5.1.4, 5.2.1,
5.3.1, 12.1.1, 12.1.2, 12.1.4, 12.2.1

467.00 PURPOSE (WILEAG 5.1.4)

The purpose of this standard operating procedure is to provide guidance to police members on the proper use of the department's electronic control devices (ECD). It is the policy of this department to authorize the use of the ECD as a less-lethal use of force option.

467.05 POLICY (WILEAG 12.1.1)

- A. The department is authorizing the use of a TASER™ X2 ECD as a less lethal force option in conjunction with existing department policies, practices, and under law and ordinance.
(WILEAG 12.1.1.1)
- B. Advantages of the TASER™ X2 ECD as a less lethal force option include:
1. ECDs provide a use of force option that may assist officers when dealing with combative, violent, or aggressive people.
 2. ECD use may reduce the risk of injury to police officers, offenders, and members of the public.
 3. When properly deployed in probe mode, ECDs may be effective against people who have a high pain threshold, or are temporarily unresponsive to pain stimuli. This includes people who are particularly motivated, extremely aggressive, or under the influence of drugs or alcohol.
 4. Immobilization (Neuromuscular Incapacitation/NMI) and pain effects cease as the ECD is turned off.
 5. Dual targeting lasers display the approximate points of dart impacts, improving officer accuracy and effectiveness.
 6. Usually, only minimal medical aftercare is required.

467.10 DEFINITIONS

- A. 3-POINT CONTACT

An ECD deployment method utilized when a probe deployment fails to achieve NMI and/or compliance. A contact stun is delivered to a different area of the body while the probes are still in the subject. This method causes the electrical current to travel between the probes and the front of the TASER™ X2 ECD, increasing the likelihood of achieving NMI.

B. ACTIVE DEPLOYMENT

The discharge of electrical current into a subject whether by contact or probes.

C. ANTI-FELON IDENTIFICATION DEVICE (AFID)

Small confetti-like identification tags which are expelled from the smart cartridge of a deployed TASER™ X2 ECD. AFID contain an alpha-numeric identifier unique to the cartridge used.

D. ARC DISPLAY

A non-contact demonstration of the ECD's ability to discharge electricity. This is conducted only by utilizing the ARC switch. The purpose of this display is to convince the subject to comply with a lawful order and avoid the ECD from being deployed in the contact stun or probe mode. It is also used to assure the ECD is working properly.

E. CONTACT STUN

The process of using an ECD to affect the sensory nervous system as a localized pain compliance technique. This is done by placing the front of the ECD against the body of an individual resisting lawful orders to stop physically resisting and activating it. The contact stun causes localized pain in the area tracked by the ECD but does not have a significant effect on the central nervous system.

F. LASER DISPLAY

When the ECD is activated and the dual lasers are displayed but the system is not deployed.

G. NEURO MUSCULAR INCAPACITATION (NMI)

The direct contraction of muscles that disrupts neuro-motor control.

H. PROBE DEPLOYMENT

The ECD is most effective when the cartridge is deployed and the two dart probes make direct contact with the subject by imbedding themselves into the subject. Proper application will result in temporary immobilization of the subject and provide the officer a "window of opportunity" in which to take the subject safely into custody. Generally, the greater the probe spread, the greater the effectiveness.

I. SMART CARTRIDGE

A single use item that contains a small circuit board, compressed nitrogen, AFID tags, 2 dart probes and insulated wires. It is identified with a tamper-resistant serial number.

J. TASER™ X2 ECD ELECTRONIC CONTROL DEVICE (ECD)

A TASER™ X2 ECD, equipped with an Automatic Shutdown Power Performance Magazine (APPM) and two (2) smart cartridges each containing 2 probes attached by 25' wires.

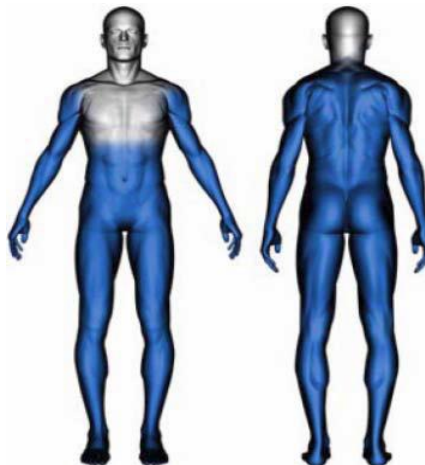
The ECD utilizes propelled wires, or direct contact, to conduct electrical energy to affect the sensory and motor functions of the nervous system, disrupting the body's ability to communicate messages from the brain to the muscles, causing temporary motor skill dysfunction (neuro muscular incapacitation or NMI) to a subject. Generally, NMI will only be achieved during a probe deployment.

467.15 MEMBER'S RESPONSIBILITIES (WILEAG 5.2.1, 12.1.2, 12.1.4)

- A. Only police members that have completed the department's TASER™ X2 ECD certification training program shall be authorized to carry and deploy the TASER™ X2 ECD. Members are required to complete recertification on an annual basis. Records of employees participating in ECD training and certification shall be updated by Training Division personnel following successful completion of the training. Certified members shall carry a TASERTM X2 ECD on their person if one is available.
- B. When not in use, the ECD, holster, and peripherals shall be stored in a secure area of the work location as designated by the commanding officer. ECD trained and certified members shall sign-out the ECD at the start of their shift and sign-in the ECD at the end of their shift in an ECD control log. The ECD shall be stored in its holster and with two (2) smart cartridges inserted into the cartridge bays.
- C. Prior to the start of each shift, as well as at the end of the shift, the member signing out the ECD shall inspect the ECD, smart cartridge, and holster. A 5 second spark check shall be conducted prior to the start of each shift to ensure the equipment is in proper working order with no fault icons displayed in the central information display (CID) and has adequate battery power. The ECD battery should be changed when the battery icon displays one (1) bar.
- D. A supervisor shall be notified immediately if any ECD equipment is damaged, not functioning properly, only one (1) battery power bar is displayed in the CID (indicating less than 20% battery power remaining), or if both smart cartridges are not accounted for. If the ECD is damaged or not functioning, the ECD shall be placed out of service and be conveyed to the Training Division – Firearms Unit as soon as practicable. If the battery or cartridges need to be replaced, they shall be replaced with the spare batteries or cartridges at the work location (work locations should keep at least five (5) spare cartridges and two (2) to three (3) extra batteries). All replaced batteries and damaged / replaced cartridges shall be returned to the Training Division – Firearms Unit.

- E. Members shall carry the ECD in a Blackhawk!™ X2 holster on the reaction side of the body (opposite the duty weapon) and in the “safety on” position.
- F. At the start of each shift, members equipped with an ECD shall notify the dispatcher that they are equipped with a ECD. A notation identifying the member as being equipped with the ECD shall also be made on the daily line-up in the MPD (N:) drive “Lineup” folder.
- G. The ECD shall only be removed from its holster when a member anticipates its use, when it is being inspected, conducting a functions check in a safe area, or it is being taken out of service.
- H. The ECD has a maximum effective range of up to 25 feet, although optimal recommended distances are 7 to 15 feet. If the ECD is to be deployed, the preferred target areas (with the exception of sensitive ECD target areas) are lower center of mass (below chest or area of the heart) and legs for front exposure and below the neck for back exposures (with the back being the most preferred area).

Preferred Target Areas in Blue



When practical, the most preferred target area for the ECD is the back area.

- I. Attempts should be made to avoid targeting sensitive tissue areas such as head, face, neck, groin, or female breast area, however, probes penetrating these areas shall be removed by medical personnel at a medical facility. Medical personnel shall remove probes appearing deeply imbedded in tissue.
- J. After the subject has been properly stabilized and handcuffed, the ECD certified member shall remove the probes, if applicable, and provide appropriate care to the subject except in those sensitive areas listed above in subsection I. The subject shall be transported to an appropriate medical facility for treatment and medical clearance before being conveyed to a district temporary holding facility, the Central Booking Division, or CJF.
 - 1. If the subject displays signs of a serious medical condition, becomes unconscious or there are other injuries or circumstances that require immediate medical

attention, an ambulance shall convey the subject to a medical facility.

2. In those circumstances when a trained ECD officer removes the probes and the subject displays no other injuries or adverse effects, they shall be transported by department vehicle in accordance with SOP 090 - Transportation of Arrestees.
- K. If the ECD is discharged, whether intentional or unintentional, the member shall notify a supervisor immediately. If a person is struck by any probes or receives any electric current, the person shall be medically cleared.
- L. Conveying officers shall notify detention medical personnel, at the time of booking, that the subject has been struck with ECD probes or received a contact stun. An examination will be conducted by detention medical personnel to determine whether the individual has suffered any injury, either directly from the ECD discharge or indirectly, such as by falling after incapacitation.
- M. If the ECD was intentionally deployed in probe mode, the discharged smart cartridge with wires and probes attached (if possible) shall be inventoried as "Evidence" and retained for seven (7) years. If the ECD was discharged accidentally, the discharged smart cartridge with wires and probes attached (if possible) shall be inventoried as "Safe Keeping". A copy of the WinAce-Officer Drop inventory shall be sent to the Training Division – Firearms Unit.

467.20 GUIDELINES FOR USE (WILEAG 5.1.1)

The TASER™ X2 ECD has limitations and restrictions requiring consideration before its use. TASER™ X2 ECD should only be used when the operator can safely approach the subject within the operational range of the device. Although the TASER™ X2 ECD is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

- A. The ECD shall be used within the guidelines established by the department's Use of Force policy (SOP 460).
- B. The ECD is located on the Disturbance Resolution Model, Intervention Options, in the section titled "Control Alternative-Control Devices." The purpose of the ECD is to provide officers with a less-lethal force intervention option to defend themselves, and to overcome active resistance or its threat. Active resistance is defined as behavior that physically counteracts an officer's attempts to control a subject and which pose a risk of bodily harm to the officer, subject, and others.
- C. The ECD is designed to incapacitate individuals where alternative restraint tactics have been or are reasonably likely to fail, and/or where it would be unsafe for officers to approach a subject to apply restraints.
- D. The ECD is not a substitute for lethal force. However, the use of less-lethal force, such as an ECD, may prevent situations from escalating to deadly force levels and save lives.

- E. The ECD shall not be pointed at any individual unless the member involved reasonably believes it will be necessary to use the device.
- F. The deployment of the ECD will be evaluated using the department use of force policy and within the framework of the authorized Defense and Arrest Tactics Disturbance Resolution Model, Intervention Options. The ECD may be used under the following circumstances:
1. To overcome active resistance or its threat.
 2. To control persons in order to prevent them from harming themselves or others.
- G. The ECD shall not be used when it is reasonable to believe that incapacitation of the subject may result in serious injury or death:
1. In proximity to flammable liquids, fumes, gases, blasting materials, or any other highly combustible materials that may be ignited by use of the device, including, but not limited to, any subject who may have been contaminated with combustible liquids.
- Note: Some areas within hospitals have oxygen or other flammable gases or substances in use. Officers need to be aware of this when deciding whether to use an ECD.**
2. When it is reasonable to believe that incapacitation of the subject may result in serious injury or death.
 3. Near roofs or the edge of buildings, to eliminate the possibility of the subject falling and sustaining serious injury or death.
 4. Punitively for purposes of coercion, or in an unjustified manner.
 5. To escort or prod subjects.
 6. To awaken unconscious or intoxicated individuals.
 7. Against subjects who are offering only passive and/or verbal resistance.
- H. The ECD should not be used in the following circumstances (unless there are compelling reasons to do so which can be clearly articulated):
1. Against persons operating a motor vehicle.
 2. Against persons with apparent debilitating illnesses or the elderly.
 3. Against small children.
 4. Against persons on stairs, to eliminate the possibility of the subject falling and

sustaining injury.

5. When the subject is visibly or known to be pregnant.
6. Against a person with apparent medical conditions that may be adversely affected by using the ECD, left to the totality of the situation and tactical necessity of the user.
7. Against a person holding a firearm.
8. Against handcuffed subjects.
9. In a situation where deadly force is clearly justifiable, unless another officer is present and capable of providing deadly force to protect the officers and/or civilians as necessary.
10. Against subjects fleeing on foot.

I. ECD / OFF-DUTY

1. When off-duty, only police members who have completed the department's ECD certification training program shall be authorized to carry a personally owned ECD in a holster approved by the range master. The range master shall establish clear and consistent guidelines for the approval of off duty ECDs and written protocols establishing department expectations for carrying ECDs when off duty. Members must carry their department issued identification card and metal badge and have them readily accessible for display when carrying an ECD off-duty.
2. The range master shall record the type, description, manufacturer, model, and serial number of members off duty ECDs and will keep this information on file. It is recommended members consult the range master or designee at the Training Division prior to purchasing an off-duty ECD or holster to ensure compatibility with department standards. The range master will maintain a list of approved off-duty ECDs and holsters. Police members must demonstrate proficiency with the ECD prior to carrying it. The range master or designee shall determine proficiency.
3. Police members appearing at the Milwaukee County Courthouse complex as litigants in personal matters such as divorce hearings, family matters, small claims procedures, or as a defendant in a criminal matter, are to do so unarmed. Police members summoned for jury duty shall not carry an ECD. This prohibition does not apply to matters in which police members are a witness and/or are under subpoena in their official capacity, and this does not restrict police members from conducting official business in or about the courthouse complex while on duty and armed.
4. Members shall not carry department owned ECDs while off-duty.

J. MULTIPLE APPLICATIONS OF THE ECD

Members should apply the ECD for one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the ECD against a single individual are generally not recommended and should be avoided unless the member reasonably believes that the need to control the individual outweighs the potential risk posed by multiple applications. In determining the need for additional cycles, members should be aware that an energized subject may not be able to respond to commands during or immediately following exposure.

467.25 USE ON ANIMALS

- A. An ECD may be used on an animal to create temporary incapacitation in order to restrain and control with a capture pole. The ECD is a less lethal option that can be used in situations where the animal is not deemed an imminent threat to the officer or the public.
- B. During active deployment of the ECD, the target area for use on an animal is the profile of the body which appears to provide the most muscle mass.
- C. When feasible, secondary officers may choose to provide deadly force cover if the ECD fails to have the desired controlling effect and the animal becomes an imminent threat.
- D. If active or multiple ECD deployment proves to be ineffective against the animal, officer(s) should reassess the force options available to them and apply the appropriate level of force needed to control the animal and protect the public or officers.
- E. Deployment of the ECD on an animal should be treated like any other use of force.

467.30 IMMEDIATE SUPERVISOR RESPONSIBILITIES (WILEAG 5.2.1, 5.3.1)

- A. When there is an active deployment of the ECD, whether intentional or not, a supervisor shall be notified and will respond to the scene. The responding supervisor shall ensure the subject receives appropriate medical treatment, conduct an administrative review of the incident and file a Use of Force Report via the AIM system in accordance with SOP 460.
(WILEAG 5.3.1.3)
- B. Supervisors shall ensure that deployed / spent smart cartridges, probes, and wires are properly inventoried taking into consideration biohazard procedures. A copy of the inventory (safekeeping or evidence) shall be forwarded to the Training Division – Firearms Unit.
- C. Supervisors shall ensure the discharged smart cartridge is replaced from the work location spare smart cartridge inventory after a discharge of the ECD smart cartridge. Work locations shall be issued spare smart cartridges in increments of ten (10). Supervisors shall request additional spare smart cartridges from the Training Division

– Firearms Unit when three (3) spare smart cartridges remain.

- D. Supervisors shall ensure that ECD use data has been downloaded and a copy of the data is forwarded to the Internal Affairs Division – Risk Management with the PF# denoted.
- E. Supervisors shall ensure that the ECD is downloaded:
1. Quarterly (whether or not there was an active deployment). A *Department Memorandum* (form PM-9E) shall be completed and endorsed by the district or work location commanding officer stating that the quarterly download was completed.
 - a. The *Department Memorandum* shall note any discrepancies or issues discovered during the quarterly download. The original *Department Memorandum* shall be sent to the Training Division – Firearms Unit and a copy shall be retained by the work location.
 - b. Work locations shall retain the quarterly download report according to the record retention schedule.
 2. When there is an active deployment;
 3. When there is a reason to believe there was an active deployment (e.g., a complaint of inappropriate use); or
 4. When otherwise deemed necessary.
- F. Supervisors shall ensure all TASER™ X2 ECD certified members sign out an ECD and carry it on their person if ECDs are available. Supervisors may give priority assignment to overlapping shifts (e.g., power shifts).

467.35 SHIFT COMMANDER / COMMANDING OFFICER RESPONSIBILITIES

- A. Shift commanders shall ensure that the ECD control log is properly used, only certified and trained ECD users are fielding the ECD, and the ECDs are properly maintained by the individual users. Commanding officers shall ensure a control log is maintained for every ECD as well as a register of smart cartridges. The control log shall include the type, description, manufacturer, model, and serial number for each ECD and smart cartridge as well as the name of the assignee.
- B. Commanding officers shall review all *Use of Force Reports* related to the use of the ECD. They shall ensure that the reports are complete and accurate and tracked pursuant to SOP 460 Use of Force.

467.40 EQUIPMENT MAINTENANCE AND CARE (WILEAG 12.1.1)

- A. Only ECDs, smart cartridges issued, inspected, and approved by the Training Division

- Firearms Unit shall be used. The Blackhawk!TM X2 holster is the only holster approved for use.
- B. The ECD and peripheral equipment shall be treated with due care and shall not be abused or mistreated.
- C. Only personnel authorized by the Training Division - Firearms Unit shall conduct repairs of the ECD and peripherals.
- D. Members may make a personal purchase of a Blackhawk!TM X2 holster for duty use. Certified members are authorized to make a personal purchase of a Blackhawk!TM X2 holster and may make a private purchase of a Blackhawk!TM Tactical Holster Platform for wearing the ECD on the support side thigh.
(WILEAG 12.1.1.3)



ALFONSO MORALES
CHIEF OF POLICE

AM:mfk