

USE OF ELECTRONIC CONTROL DEVICES

The San Francisco Police Department's highest priority is safeguarding the life, dignity and liberty of all persons. Officers shall demonstrate this principle in their daily interactions with the community they are sworn to protect and serve. The Department is committed to accomplishing this mission with respect and minimal reliance on the use of force by using rapport-building communication, crisis intervention, and de-escalation tactics before resorting to force, whenever feasible. This Department General Order builds upon the Supreme Court's broad principles in *Graham v. Connor* (1989) 490 U.S. 386 and is more restrictive than the constitutional standard and state law. The Law Enforcement Code of Ethics requires all sworn law enforcement officers to carry out their duties with courtesy, respect, professionalism, and to never employ unnecessary force. These are key factors in maintaining legitimacy with the community and safeguarding the public's trust.

No policy can anticipate every conceivable situation or exceptional circumstance which officers may face. In all circumstances, officers are expected to exercise sound judgment and critical decision making when using force options.

For purposes of this order, the term "officer" means all ranks of sworn personnel.

I. POLICY

The purpose of this policy is to establish guidelines for proper deployment and activation of Electronic Control Devices (ECD) and the supervisory response which shall be taken thereafter.

- A. **LESS-LETHAL ALTERNATIVES.** It is the policy of the San Francisco Police Department (SFPD) to equip officers with less-lethal alternatives, such as an ECD, to resolve encounters with subjects who are violently resisting, assaultive, or exhibiting any action that may result in serious bodily injury or death of another person, themselves or the member.
- B. **TRAINING.** Only officers who have successfully completed the Department's Use of Force policy update and the Crisis Intervention Team (CIT) Field Tactics training and all other required Department-approved ECD training are authorized to carry ECDs.
- C. **REPORTING AND REVIEW.** The SFPD will thoroughly investigate and document all facts and information when a member of the SFPD activates an ECD, intentionally or unintentionally. (See DGO 5.01, *Use of Force*)
- D. **USE OF FORCE POLICY.** The activation of an ECD by a member in the performance of his/her duties is considered a use of force, and shall be consistent with the policies and training adopted by the SFPD. (See DGO 5.01, *Use of Force*).

DGO 5.02

11/22/17

- E. **DE-ESCALATION.** The use of an ECD is not intended to replace tactics or training that can be utilized to calm or control a person, or to de-escalate a situation and avoid the use of force. (See DGO 5.01, *Use of Force*)
- F. **RE-EVALUATION.** When activating the ECD, the member shall use it for one standard five-second cycle, and re-evaluate the effectiveness to determine whether the subject can be restrained without additional ECD activations. Each subsequent five-second cycle requires a separate, articulable justification.

II. DEFINITIONS

- A. **ACTIVATION.** Depressing the trigger of the ECD causing the firing of probes or placing the ECD on a subject in the drive stun mode. An effective activation occurs when the subject is exposed to both ECD probes resulting in Neuromuscular Incapacitation (NMI) or when the fixed electrodes in drive stun mode are in direct contact with the subject's skin or clothing.
- B. **ASSAULTIVE.** Aggressive or combative; assaulting or battering the officer or another person, verbally or physically displays an intention to assault the officer or another person.
- C. **COMPLIANT.** Subject offers no resistance.
- D. **CONFETTI TAGS.** Minute coded tags specific to the activated ECD cartridge.
- E. **DEPLOYMENT.** Removal of the ECD from the holster and pointing it at a subject, displaying the arc, or displaying the laser sight.
- F. **DISPLAYING THE ARC.** A compliance function of the ECD. Displaying the electrical current to a subject without making contact.
- G. **DRIVE STUN.** Activating the ECD by placing the electrodes upon the skin/clothing of the subject.
- H. **ELECTRONIC CONTROL DEVICE (ECD).** A weapon designed primarily to discharge electrical impulses into a subject that will cause NMI and override the subject's voluntary motor responses.
- I. **LIFE THREATENING.** Any action likely to result in serious bodily injury or death to the officer or another person.
- J. **MEDICAL ASSESSMENT.** Examination of a subject by emergency medical personnel.
- K. **MEDICAL EVALUATION.** Examination of a subject by a physician at a medical facility.
- L. **PASSIVE NON-COMPLIANCE.** Does not respond to verbal commands but also offer no physical form of resistance (e.g., failing to respond to an officer's commands and remaining fixed or stationary when an officer attempts to physically control the subject's movement).
- M. **SPARK TEST.** This test assists an officer in determining the functionality and the battery life of the ECD.

III. PROCEDURES

A. ISSUANCE AND CARRYING ECDS.

1. Officers shall only use Department-issued ECDs and cartridges.
2. Officers who have been issued the ECD shall wear the device in a Department-approved holster and carry the ECD in a weak-side holster on the side opposite their duty weapon.
3. An Officer shall not hold a firearm and an ECD at the same time.
4. When multiple officers are present and an ECD will be used, only one officer shall activate the device on a subject. If the ECD malfunctions or if both probes do not make contact with the subject, an additional officer may activate an ECD if compliance from the subject has not been achieved. Officers shall coordinate which officer will activate the ECD and which officer(s) will act as the cover officer(s).
5. The Department will ensure that Automated External Defibrillators (AED) are readily available in Department police vehicles in all police districts.
6. Officers equipped with an ECD shall wear their Department-issued body worn cameras (BWC) and activate the BWC consistent with Department General Order 10.11, Body Worn Cameras.

B. INSPECTION. Officers carrying the ECD shall perform an inspection of the ECD at the beginning of every shift and:

1. Perform a daily spark test on the ECD at the officer's station or unit before leaving the facility;
2. Ensure the ECD is clearly and distinctly marked to differentiate it from the duty weapon and any other device;
3. Whenever practical, officers should carry two or more cartridges on their person when carrying the ECD;
4. Officers shall be responsible for ensuring that their issued ECD is properly maintained and in good working order. If an officer discovers that the ECD is damaged or inoperable, the officer shall cease its use and promptly notify his/her supervisor and document the specific damage or inoperability issue in a memorandum. The supervisor shall facilitate a replacement ECD as soon as practical;
5. Officers shall not alter the ECD from the original factory specifications and markings; and

DGO 5.02

11/22/17

6. Due to the flammable contents in some chemical agent containers, officers shall only carry Department-issued Oleoresin Capsicum (OC) which is non-flammable (water based and will not ignite).

C. WARNINGS

1. When reasonable, unless it would otherwise endanger the safety of the officer or others, prior to each activation of the ECD, the officer shall loudly announce that the ECD is going to be activated.
2. The purpose of the warning is to:
 - a. Provide the individual with a reasonable opportunity to voluntarily comply, and
 - b. Provide other officers and other bystanders with a warning that the ECD may be activated.

- D. STANDARD CYCLE AND ASSESSMENT.** The initial use of the ECD is a standard five-second cycle, after which the officer shall evaluate the need to apply a subsequent five-second cycle while offering the subject a reasonable opportunity to comply. Exposure to multiple cycles of the ECD for longer than a total of 15 seconds (3 five-second cycles) may increase the risk of serious bodily injury or death. Unless exigent circumstances apply, officers shall use another force option or tactics once the subject has been exposed to three standard cycles. Officers must be able to articulate in the incident report the facts and circumstances that justified each cycle of the ECD.

In an attempt to minimize the number of ECD activations needed for a person's compliance, officers should verbally direct the subject to comply with the officer's commands. Such verbal commands may include, "drop the weapon," "put your hands behind your back," etc. Multiple applications of the ECD cannot be justified solely on the grounds that a person failed to comply with a command, absent the circumstances listed in Section III. H. 1 - 4.

- E. CONSIDERATIONS FOR RE-EVALUATION.** If an ECD appears to be ineffective in gaining control of a subject, the officer shall evaluate the situation and consider certain factors before additional applications of the ECD:

1. Whether the probes are making proper contact;
2. Whether the individual has the ability and has been given a reasonable opportunity to comply;
3. Whether verbal commands, other options or tactics may be more effective; or
4. Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

- F. ECD MODES.** The following are the three operational modes of the ECD:

1. Probe Mode. Probe mode occurs when the ECD is activated and both probes are expelled from the cartridge and penetrate the skin/clothing of the subject.

2. Drive Stun Mode. Officers may use the ECD in drive stun mode to supplement the probe mode to complete the incapacitation circuit, or as a countermeasure to gain separation between officers and the subject so that officers can consider other force options. Drive Stun mode alone is not designed to cause incapacitation. Officers shall not use the ECD in drive stun mode solely as a pain compliance technique. When using the ECD in drive stun mode, officers shall wait a reasonable amount of time between applications to assess effectiveness.
3. Deployment Mode. Achieved either by pointing an ECD, employing the arc display, or pointing the laser at the subject. Displaying the ECD may be all that is necessary to de-escalate a volatile situation. A subject may become compliant once faced with the realization that an ECD may be used on him or her. However, display mode shall not be used in circumstances where activation would not be justified (e.g., where the subject is exhibiting compliance or passive non-compliance.)

G. **TARGET AREAS.** Officers should make reasonable efforts to target lower center mass or if available, the back, which is the preferred target area. Officers shall not intentionally target sensitive areas, including the head, face, neck, chest or groin. The use of an ECD to these areas has a likelihood of causing serious bodily injury or death, and the intentional use of an ECD to these areas shall only be used in exigent circumstances.

It is recognized that the dynamics of each situation and officer safety may not permit the officer to limit the application of the ECD probes to a precise target area. As in all cases of ECD exposure, officers shall monitor the condition of the subject if one or more probes strikes the head, face, neck, chest or groin until the subject is examined by emergency medical personnel.

H. **AUTHORIZED USE OF THE ECD.** Officers shall determine the reasonableness of ECD use based upon the totality of the circumstances, including but not limited to, the subject's level of resistance; the subject's apparent age and size; and the feasibility of lesser force options. Officers shall use the minimum ECD cycles necessary to accomplish a lawful objective.

An officer may activate the ECD when a subject is:

1. Armed with a weapon other than a firearm, such as an edged weapon or blunt object, and the subject poses an immediate threat to the safety of the public, him/herself or officers; or
2. Assaulting or battering the officer or another person, or verbally or physically displaying an intention to assault the officer or another person; or
3. Violently resisting an officer's attempt to lawfully detain or arrest a subject; or
4. Exhibiting actions likely to result in serious bodily injury or death to the public, him/herself or the officer.

In rare circumstances, officers may decide to activate an ECD on a subject armed with a firearm. Officers should consider cover, concealment, terrain, lethal cover, and tactical positioning when determining whether to activate the ECD in these circumstances.

DGO 5.02

11/22/17

- I. **SPECIAL CONSIDERATIONS.** Officers shall be aware of the possible heightened risk of an adverse reaction from ECD use on certain subjects. Officers are not prohibited from using an ECD on these subjects, but use is limited to those exceptional circumstances where the potential benefit of using the device reasonably outweighs the risks and concerns.
1. Special considerations shall be made when using an ECD on the following subjects:
 - a. if the subject is obviously pregnant;
 - b. if the subject appears elderly;
 - c. if the subject is visibly frail or has a low body mass;
 - d. if the subject appears to be a child;
 - e. if the subject is in physical control of a vehicle in motion, including but not limited to motorcycles, bicycles, scooters and skateboards;
 - f. if the subject is in danger of falling from a significant height;
 - g. when the officer has credible information that the subject suffers from a serious medical or psychiatric condition (e.g., heart condition, Alzheimer's disease)
 - h. if the subject has recently been exposed to a flammable chemical agent or is otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based OC spray. Department-issued OC spray is not flammable.
 2. Officers shall not use ECDs on handcuffed or restrained persons unless the subject is displaying an overtly assaultive or violently resistive behavior and lesser means have been tried and failed or would be ineffective.
- J. **PROHIBITED USE.** Officers are prohibited from using the ECD:
1. to prevent a subject from destroying evidence, such as placing evidence in his/her mouth;
 2. to intimidate by reckless display;
 3. if the suspect is fleeing and does not pose an immediate threat of physical harm to the public or officers. Flight will never be the sole reason for applying an ECD on a subject;
 4. on a subject who is compliant or who displays only passive non-compliance;
 5. as a prod or escort device;
 6. to rouse unconscious, impaired or intoxicated subjects; or
 7. if the ECD is or has been submerged in water or other liquid
- K. **OFFICER REQUIREMENTS AFTER ACTIVATIONS.** As soon as feasible following an ECD activation, officers shall:
1. contact the Department of Emergency Management (DEM) and request emergency medical personnel respond to the scene of the ECD activation;
 2. place the subject in a face up (supine) or seated position to assist breathing and avoid placing the subject in a face down position for extended periods of time;
 3. notify a supervisor of all ECD activations, including all unintentional activations;
 4. collect confetti tags and book into evidence; and
 5. collect expended cartridge(s), probes, and wires, and book into an evidence envelope, using a sharps container for the probes. The cartridge serial number shall be listed on the evidence

envelope. Officers shall mark the evidence envelope "Biohazard" if the probes penetrated the subject's skin.

Officers shall document the reasons for any deviation from this evidence collection protocol in the incident report.

- L. **DUTY TO RENDER FIRST AID.** Officers shall render first aid when a subject is injured or claims to be injured by an officer's use of force unless first aid is declined, the scene is unsafe, or emergency medical personnel are available to render first aid. Officers shall continue to render first aid and monitor the subject until relieved by emergency medical personnel.

Absent exigent circumstances, only emergency medical personnel should remove ECD probes from a person's body. If exigent circumstances require an officer to remove the ECD probes, removal shall be done consistent with Department training. Officers shall treat used ECD probes as biohazard sharp objects, such as a used hypodermic needle, and shall use universal precautions when handling used ECD probes.

- M. **DUTY TO PROVIDE MEDICAL ASSESSMENT.**

1. Officers shall request emergency medical personnel respond to the scene for a medical assessment and removal of ECD probes from a person's body.
2. At least one officer shall be assigned to continually monitor the subject's physical condition until emergency medical personnel arrive.
3. Officers shall immediately notify DEM of any observed breathing difficulties or any other physical or mental state changes.
4. Officers shall advise emergency medical personnel that an ECD was used on the subject and advise emergency medical personnel if the subject loses consciousness, appears to exhibit signs of a serious medical condition, sustains a secondary injury (e.g., as the result of a fall), and/or is shocked in sensitive areas (e.g., head, face, neck, chest, and groin).
5. Officers should give the approximate time of the ECD activation, the total number of ECD activations, and the approximate combined duration of time the ECD was activated on the subject to emergency medical personnel.

If a subject refuses medical assessment, the refusal shall be directed to the on-scene emergency medical personnel and not to the officer. Officers shall document a subject's refusal in the incident report by listing the name and identification number of the emergency medical personnel who obtained the refusal from the subject.

- N. **DUTY TO PROVIDE MEDICAL EVALUATION.** All subjects who have been struck by ECD probes or who have been subjected to the electric discharge of the device shall be transported by emergency medical personnel for evaluation at a local medical facility as soon as practical and prior to any additional law enforcement actions being taken with the subject. If emergency

DGO 5.02

11/22/17

medical personnel do not transport the subject or if the subject refuses medical assessment, officers shall transport the subject to a local medical facility.

If a subject refuses medical evaluation, the refusal shall be directed to the medical facility staff and not to the officer. Officers shall document a subject's refusal in the incident report by listing the name and identification number of the medical facility staff who obtained the refusal from the subject. The officer shall inform any person providing medical care and the personnel receiving custody of the subject that he or she has been subjected to the ECD.

O. **BOOKING OF SUSPECT.** When a subject has been exposed to ECD probes or has been subjected to the electric discharge of the device, officers shall:

1. Ensure the subject is medically evaluated prior to booking him or her into the county jail. Subjects shall not be booked at a district station, and
2. Note the use of the ECD on the field arrest card.

Nothing in this section prohibits an officer from taking a subject who has been exposed to ECD probes or has been subjected to the electric discharge of the device to a police facility for investigatory purposes. However, the subject shall be medically evaluated prior to bringing him or her to the police facility.

P. **DOCUMENTATION REQUIREMENTS.** Officers shall document all ECD deployments and activations, including all unintentional activations, in an incident report, supplemental incident report or a written statement. Officers shall include the following information in the incident report or written statement:

1. Date, time and location of the incident;
2. The subject's actions necessitating each use of the ECD, including any weapon displayed by the subject;
3. Subject's known or suspected drug use, intoxication and other medical problems at the time of deployment or activation;
4. De-escalation techniques used by the officer(s);
5. Whether a verbal or other warning was given or the reason it was not given;
6. Whether the officer used other force options;
7. The type and brand of ECD and cartridge serial number;
8. Whether any deployment deterred a subject and gained compliance;
9. The number of ECD activations;
10. The approximate distance at which the ECD was used;
11. Location of any probe impact;
12. Description of where missed probes went;
13. Whether the subject sustained any injuries
14. Information about the medical care provided to the subject;
15. Whether any officers sustained any injuries;
16. Identification of all officers deploying or activating ECDs;

17. Identification of all witnesses; and
18. All supervisory notifications required by DGO 5.01, Use of Force.

Officers assigned to the Police Academy Physical Training and Defensive Tactics staff shall review all incident reports involving ECD use to identify trends, tactics and the need for training updates.

- Q. SUPERVISOR RESPONSIBILITIES. When an ECD has been activated, a supervisor shall follow the protocol outlined in DGO 5.01, Section VII, Section B. 2. In addition, supervisors shall:
1. Confirm that any probes that have pierced the subject's skin are removed by medical personnel;
 2. Ensure that photographs of probe sites are taken unless the probe sites are on the breast, genitalia, or buttocks;
 3. Ensure that the subject is medically evaluated prior to being booked into any facility;
 4. Ensure that the ECD's memory record has been uploaded; and
 5. Provide replacement ECD cartridges to the officer, as necessary.
- R. SUPERIOR OFFICER'S RESPONSIBILITIES. When a superior officer is notified of a supervisor's preliminary determination of unnecessary force that results in serious bodily injury, the superior officer shall notify and submit any documentation to the Department of Police Accountability (DPA) as required in DGO 2.04, Citizen Complaints Against Officers.
- S. RISK MANAGEMENT NOTIFICATIONS. The Commanding Officer of the Risk Management Office or designee shall notify the DPA within seven (7) business days of any ECD activation involving the circumstances listed in section III. I. 1. a-h.
- T. OFF-DUTY CONSIDERATIONS. Officers are not authorized to carry or use Department-issued ECDs while off-duty. Officers shall ensure that ECDs are secured in a manner that will keep the device inaccessible to others.
- U. TRAINING. Proficiency training for officers who have been issued ECDs shall occur annually. A reassessment of an officer's knowledge or practical skill may be required at any time if deemed appropriate by the Department-approved ECD instructors. All training and proficiency for ECDs will be documented in the officer's training file.

Any officer who has not carried the ECD as a part of his or her assignment for a period of one year or more shall be recertified by a Department-approved ECD instructor before carrying or using the device.

Commissioned Officers have the option to carry an ECD. Officers who supervise or conduct Use of Force evaluations involving ECDs shall receive the Department-approved ECD training regardless of whether they carry an ECD.

DGO 5.02

11/22/17

The Commanding Officer of the Training Division is responsible for ensuring that all officers who carry ECDs receive initial and annual proficiency training. ECD activation on an officer during training shall not be mandatory for certification.

The Commanding Officer of the Training Division shall ensure that all training includes:

1. A review of this Department General Order;
2. A review of DGO 5.01, *Use of Force*;
3. A review of DGO 5.21, *Crisis Intervention Team (CIT) Response to Person in Crisis Calls for Service*;
4. Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing, pointing and firing a firearm;
5. Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, face, neck, chest and groin;
6. Handcuffing a subject during the application of the ECD and transitioning to other force options;
7. Scenario-based training;
8. CIT updates;
9. De-escalation techniques; and
10. Restraint techniques that do not impair respiration following the application of the ECD.

References

DGO 2.01, Citizen Complaints Against Officers

DGO 5.01, Use of Force

DGO 5.21, Crisis Intervention Team (CIT) Response to Person in Crisis Calls for Service

DGO 10.11, Body Worn Cameras