

USE OF ELECTRONIC CONTROL WEAPON

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 an Electronic Control Weapon (ECW) 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 ECW, 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 40 hours of Crisis Intervention Team (CIT) training and the Department's 20 hour Use of Force policy update and CIT Field Tactics training and all other required Department-approved ECW training are authorized to carry ECWs.
- C. **REPORTING AND REVIEW.** The SFPD will thoroughly investigate and document all facts and information when a member of the SFPD activates an ECW, intentionally or unintentionally. (See DGO 5.01, *Use of Force*)
- D. **USE OF FORCE POLICY.** The activation of an ECW 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*).

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- E. DE-ESCALATION. The use of an ECW 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 ECW, 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 ECW activations. Each subsequent five-second cycle requires a separate, articulable justification.

II. DEFINITIONS

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

III. PROCEDURES

A. ISSUANCE AND CARRYING ECWS.

1. Officers shall only use Department-issued ECWs and cartridges.
2. Officers who have been issued the ECW shall wear the device in a Department-approved holster and carry the ECW in a weak-side holster on the side opposite their duty weapon.
3. An Officer shall not hold a firearm and an ECW at the same time.
4. When multiple officers are present and an ECW will be used, only one officer shall activate the device on a subject. If the ECW malfunctions or if both probes do not make contact with the subject, an additional officer may activate an ECW if compliance from the subject has not been achieved. Officers shall coordinate which officer will activate the ECW 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. Upon ECW activation, officers without access to an AED shall contact the Department of Emergency Management (DEM) and request a unit equipped with an AED respond to the scene.
6. Officers equipped with an ECW 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 ECW shall perform an inspection of the ECW at the beginning of every shift and:

1. Perform a daily spark test on the ECW at the officer's station or unit before leaving the facility;
2. Ensure the ECW 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 ECW;
4. Officers shall be responsible for ensuring that their issued ECW is properly maintained and in good working order. If an officer discovers that the ECW 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 ECW as soon as practical;
5. Officers shall not alter the ECW from the original factory specifications and markings; and

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 ECW, the officer shall loudly announce that the ECW 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 ECW may be activated.

- D. STANDARD CYCLE AND ASSESSMENT. The initial use of the ECW 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 ECW 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 ECW.

In an attempt to minimize the number of ECW activations needed for a person's compliance, officers shall, when feasible, 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 ECW 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 - 3.

- E. CONSIDERATIONS FOR RE-EVALUATION. If an ECW activation 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 ECW:

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. ECW MODES. The following are the three operational modes of the ECW:

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

2. Drive Stun Mode. Drive Stun mode alone is not designed to cause incapacitation. Drive stun mode is intended to supplement the probe mode in order to complete the incapacitation circuit. Officers can also use drive stun mode on a subject described in Section III. H. 1 – 3.
3. Deployment Mode. Achieved either by pointing an ECW, employing the arc display, or pointing the laser at the subject. Deploying the ECW may be all that is necessary to de-escalate a volatile situation. A subject may become compliant once faced with the realization that an ECW may be used on him or her. However, officers shall not deploy the ECW in circumstances where activation would not be justified (e.g., where the subject is exhibiting compliance or passive non-compliance.)

G. TARGET AREAS. Officers shall, when feasible, 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 ECW to these areas has a likelihood of causing serious bodily injury or death, and the intentional use of an ECW 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 ECW probes to a precise target area. As in all cases of ECW 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 ECW. Officers shall determine the reasonableness of ECW 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 number of ECW cycles necessary to accomplish a lawful objective.

An officer may activate the ECW when a subject is:

1. Armed with a weapon other than a firearm, such as an edged weapon or blunt object, and the subject is causing immediate physical injury to a person or threatening to cause physical injury when there is a reasonable belief that the subject has the intent and capability of carrying out the threat; or
2. Causing immediate physical injury to a person or threatening to cause physical injury when there is a reasonable belief that the subject has the intent and capability of carrying out the threat; or
3. Violently resisting an officer's attempt to lawfully detain or arrest a subject.

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

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- I. **SPECIAL CONSIDERATIONS.** Officers shall be aware of the possible heightened risk of an adverse reaction from ECW use on certain subjects. Officers are not prohibited from using an ECW 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 ECW on the following subjects:
 - a. if the subject is obviously pregnant;
 - b. if the subject appears elderly;
 - c. if the subject is visibly frail;
 - 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 an elevated 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, schizophrenia)
 - 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 ECWs on handcuffed or restrained persons unless the subject's behavior causes immediate risk to the officers and lesser means have been tried and failed or would be ineffective.
- J. **PROHIBITED USE.** Officers are prohibited from using the ECW:
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 ECW 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. solely as a pain compliance technique;
 7. to rouse unconscious, impaired or intoxicated subjects; or
 8. if the ECW is or has been submerged in water or other liquid
- K. **OFFICER REQUIREMENTS AFTER ACTIVATIONS.** As soon as feasible following an ECW activation, officers shall:
1. contact DEM and request emergency medical personnel respond to the scene of the ECW activation;
 2. contact DEM and request a unit equipped with an AED respond to the scene if one is not present.
 3. 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;
 4. notify a supervisor of all ECW activations, including all unintentional activations;

5. collect confetti tags and book into evidence; and
6. 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 ECW probes from a person's body. If exigent circumstances require an officer to remove the ECW probes, removal shall be done consistent with Department training. Officers shall treat used ECW probes as biohazard sharp objects, such as a used hypodermic needle, and shall use universal precautions when handling used ECW 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 ECW 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 ECW 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 shall, when feasible, give the approximate time of the ECW activation, the total number of ECW activations, and the approximate combined duration of time the ECW 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 ECW probes or who have been subjected to the electric discharge of the weapon shall be transported by

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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 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 ECW.

O. **BOOKING OF SUSPECT.** When a subject has been exposed to ECW 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 ECW on the field arrest card.

Nothing in this section prohibits an officer from taking a subject who has been exposed to ECW 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 ECW 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 ECW, including any weapon displayed by the subject;
3. Subject's known or suspected drug use, intoxication, other medical problems or behavioral crisis 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 ECW and cartridge serial number;
8. Whether any deployment deterred a subject and gained compliance;
9. The number of ECW activations;
10. The approximate distance at which the ECW was used;
11. Location of any probe impact;
12. Whether there was a clothing disconnect;
13. Description of where missed probes went;
14. Whether the subject sustained any injuries

15. Information about the medical care provided to the subject;
16. Whether any officers sustained any injuries;
17. Identification of all officers deploying or activating ECWs;
18. Identification of all witnesses, when feasible; and
19. 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 ECW use to identify trends, tactics and the need for training updates.

- Q. **ECW COORDINATOR.** The Chief of Police shall designate a member of the Department to serve as the ECW Coordinator. The ECW Coordinator's role and responsibilities include:
1. ECW training;
 2. Issuing, monitoring, maintaining and testing ECW equipment;
 3. ECW data collection and analysis;
 4. Reviewing all ECW deployments; and
 5. Providing subject matter expertise for the ECW Review Board.
- R. **SUPERVISOR RESPONSIBILITIES.** When an ECW 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 a unit equipped with an AED is on scene or is responding;
 2. Confirm that any probes that have pierced the subject's skin are removed by medical personnel;
 3. Ensure that photographs of probe sites are taken unless the probe sites are on the breast, genitalia, or buttocks;
 4. Ensure that the subject is medically evaluated prior to being booked into any facility;
 5. Ensure that the ECW's memory record has been uploaded; and
 6. Provide replacement ECW cartridges to the officer, as necessary.
- S. **SUPERIOR OFFICER'S RESPONSIBILITIES.** When a superior officer is notified of an ECW activation that results in serious bodily injury, the supervisor shall notify the Department of Police Accountability (DPA).
- When a superior officer is notified of an in-custody death involving the activation of an ECW, the superior officer shall ensure the Department's Operations Center notifies the DPA.
- T. **RISK MANAGEMENT NOTIFICATIONS.** The Commanding Officer of the Risk Management Office or designee shall notify the DPA within seven (7) business days of any ECW activation involving the circumstances listed in section III. I. 1. a-h.
- U. **OFF-DUTY CONSIDERATIONS.** Officers are not authorized to carry or use Department-issued ECWs while off-duty. Officers shall ensure that ECWs are secured in a manner that will keep the weapon inaccessible to others.

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- V. TRAINING. Proficiency training for officers who have been issued ECWs 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 ECW instructors. All training and proficiency for ECWs will be documented in the officer's training file.

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

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

The Commanding Officer of the Training Division is responsible for ensuring that all officers who carry ECWs receive initial and annual proficiency training. ECW 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 ECW 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 ECW.

References

Appendix A – ECW Review Board

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