



OFFICE OF THE COUNTY SHERIFF
Montgomery County, Maryland
Darren M. Popkin, Sheriff



GENERAL OPERATIONAL PROCEDURES

| <u>Subject:</u> | <u>Number:</u> | <u>Effective Date:</u> |
|---------------------------------|----------------|------------------------|
| Electronic Control Device (ECD) | 3.01.D | 10/08/20 |

Purpose: The purpose of this directive is to establish policies and procedures for carrying and using Electronic Control Devices (ECD).

Contents:

- I. Definitions
- II. Authorized Electronic Control Device (ECD)
- III. Training
- IV. Assignment of the *ECD*
- V. Use of the *ECD*
- VI. Responsibilities
- VII. *Medical and Transportation Considerations*
- VIII. Required Reports and Notifications
- IX. Responsibilities
- X. Cancellation

I. Definitions

- A. *ECD*: An *Office issued* protective instrument, which utilizes neuro-muscular incapacitation technology to temporarily incapacitate an individual, *allowing deputies to gain control or custody of that person*. The *ECD* utilizes compressed nitrogen to project two (2) small probes. These probes are connected to the weapon by insulated wires. When contact is made with a subject, they transmit an electrical pulse along the wires and into the body. The probes do not have to penetrate the flesh to be effective. The *ECD* may also be discharged as a contact device *utilizing the "drive stun" technique*, with or without the use of the air cartridge.
- B. AFID Cartridge Tracking: Each time an air cartridge is fired; up to forty (40) small confetti-like microdot ID tags called AFIDs are ejected. Each AFID is printed with the serial number of the air cartridge fired; allowing the Office to identify which *ECD* fired the air cartridge.
- C. Passive Resistance: A refusal by an unarmed person to comply with a deputy's verbal command *or physical control techniques* in such a way that the subject does not use physical force of any kind towards the deputy.

II. Authorized Electronic Control Device (ECD)

- A. The only authorized ECD are the office issued *ECDs* as specified in General Operational Procedure 3.01.A, Authorized Weapons.

- B. The **ECD** comes in two (2) colors, yellow and black.
 - (1) All deputies authorized to carry and utilize the **ECD** must use the yellow model, with the exception of the Sheriff's Office Special Response Team (SRT) deputies.
 - (2) SRT deputies are authorized to carry and utilize the black model **ECD** on SRT operations or when assigned to a tactical detail. The black model **ECD** is not to be worn when assigned to Court duty.

III. Training

- A. Prior to being issued or authorized to carry an **ECD**, deputies must:
 - (1) **Review and sign for this directive; and**
 - (2) **Successfully complete an approved user certification course.**
- B. Any deputy wanting to carry and utilize the **ECD** must annually complete an **approved** re-certification course. **Deputies who fail to qualify will not be permitted to carry the ECD until they successfully complete the course.**
- C. A certified **ECD** instructor must monitor all certification and re-certification courses.
- D. All certification and re-certification course records must be forwarded **by the deputy** to the Training Section Lieutenant and are maintained in the deputy's training file.

IV. Assignment of the ECD

- A. **ECD** will be issued to all **ECD** certified deputies as they become available.
 - (1) Deputies who are issued an **ECD** must carry the **ECD** on their person whenever they are on-duty, except,
 - (a) When they are at a firing range,
 - (b) When they are assigned to administrative duties, and are not engaged in enforcement activities,
 - (c) When they are attending any professional improvement training and the training does not require the use of their issued **ECD**,
 - (d) When they are engaged in an undercover or plain-clothes assignment where a Section Supervisor determines that the use of the **ECD** would compromise the assignment,
 - (e) When they are attending an event where the issued dress blouse is required to be worn,
 - (f) When they are utilizing a commercial carrier,
 - (g) When the Sheriff or Chief Deputy determines that wearing of the issued **ECD** is optional.

- (2) Deputies issued an **ECD** will be held accountable for the proper care, custody, and use of the **ECD**.
- (3) The issued **ECD** and cartridges will have a history record that will be maintained by the property custodian as outlined in General Operational Procedure 3.05, Issued Equipment/Uniforms.

V. **Use of the ECD**

A. General

- (1) Deputies must inspect their **ECD** prior to starting each tour of duty. This inspection includes:
 - (a) ***Performing a functionality test;***
 - (b) **Conducting a spark test; and**
 - (c) **Checking for any damage or malfunction.**
- (2) In the event the **ECD** is damaged or malfunctioning, the deputy must fulfill the reporting requirements in Section VII of this directive.
- (3) All deputies carrying an **ECD** must carry it in a **Office issued** holster and must wear it on the opposite side of the body from their handgun. The only approved holster **is** the BlackHawk Serpa **X2**.
 - (a) Deputies may attach the approved holster to a black**Hawk** manufacturer's corresponding thigh platform.
 - (b) Deputies choosing to carry the **ECD** in this configuration must purchase their own **thigh** platform.
- (4) ***If practical, the deputy will give verbal warnings to a subject that the "Taser" is about to be deployed. This will give the subject an opportunity to voluntarily comply with the deputy's lawful orders.***
- (5) If practical, deputies must announce "Taser" to the other deputies on the scene prior to discharging the **ECD**.
- (6) Deputies must only use an **ECD** for one standard cycle of five (5) seconds and then evaluate the situation to determine if subsequent cycles are necessary. In determining the need for additional cycles, deputies must consider that the individual may not be able to respond to commands either during or immediately following an **ECD** exposure. Assisting deputies must attempt to gain control or handcuff the subject during the five (5) second cycle.

B. Appropriate Use

- (1) The **ECD** may be used as a de-escalation technique by sparking the **ECD** from a safe distance without **discharging** a cartridge, as well as pointing the **ECD's** lasers at the subject, **in the preferred target area** in order to gain compliance prior to deploying the **ECD**.

- (2) The **ECD** may be used against subjects who are exhibiting active aggression or who are actively resisting in a manner that, in the deputy's judgment, is likely to result in injuries to themselves or others.
- (3) The **ECD** may be used in probe mode, to incapacitate a subject who is fleeing when:
 - (a) The deputy has probable cause to believe the subject fleeing is involved in criminal activity. However, fleeing should not be the sole justification for using an **ECD**. Deputies should consider the severity of the offense, the subject's threat level to themselves or others, and the risk of serious injury to the subject before deciding to use an **ECD** on a fleeing subject. (Reid v. State, 428 Md. 289, 292)
 - (b) ***The circumstances present a risk of immediate danger to the officer or others that is likely to be mitigated by the use of the ECD. (Armstrong v. Village of Pinehurst 810 F.3d 892 4th Cir. 2016)***
- (4) The **ECD** may be used during Office authorized training or presentations.

C. Prohibited Use

Deputies are prohibited from using the **ECD** under the following circumstances:

- (1) In a punitive or malicious manner.
- (2) As a prod or escort device.
- (3) To rouse unconscious, impaired or intoxicated individuals.
- (4) On people who are passively resisting.
- (5) On handcuffed subjects, unless the subject poses an imminent threat to themselves, the deputy, or others; and other techniques have been, or would have been ineffective.
- (6) To experiment on a person or allow a person to experience the **ECD** even if the person requests it. This prohibition does not apply to sworn personnel during training, or presentations that are authorized by the Office.
- (7) In a known flammable or explosive environment, such as a methamphetamine lab or when alcohol based OC spray was used, unless deadly force is the only option; and
- (8) The **ECD** must not intentionally be aimed or discharged in the area of the heart, eyes, face, head, throat, neck, breast, or groin unless deadly force is the only option.

D. Elevated Risk Factors

The Office discourages using the **ECD** under the following conditions due to the increased risk of harm to the subject. However, deputies may face circumstances that dictate the necessity to utilize the **ECD** when elevated risk factors are present. Deputies must specifically articulate the circumstances justifying the use of the **ECD** when:

- (1) The immediate surroundings create an obvious undue hazard, such as the subject falling from a significant height or falling into water.
- (2) The subject has control of a moving motor vehicle.
- (3) The subject is elderly, frail, a small child or is obviously pregnant.
- (4) **ECD** applications of more than three (3), five (5) second cycles or drive stuns are used.
- (5) More than one **ECD** is simultaneously used on the same subject. This applies even when *the* combined use *is* with another agency.

VI. **Responsibilities**

A. In the event the **ECD** is discharged, the discharging deputy must:

- (1) Remove probes penetrating the skin in non-sensitive areas. Deputies are responsible for providing first aid after removing the probes by applying an alcohol wipe, and, if needed, a band aid. The probes must be treated as biohazard sharps and **handled** accordingly.
- (2) Have medical personnel remove probes from sensitive areas, such as the eyes, face, breast, throat, head, neck, groin or probes that are deeply embedded in a body part.
- (3) Take photographs of all visible signs of injury by the **ECD** and any secondary injuries. This includes the **ECD** probes in the skin or clothing before removal and any marks produced by the **ECD** drive stun.
- (4) Document the impact site area by taking photographs above and beneath the clothing even if there are no visible signs of injuries.
- (5) Collect the expended air cartridge, including the probes, and a limited number of microdots.
- (6) Report the discharge, including any accidental discharges of the **ECD** to a supervisor as soon as possible.
- (7) Fulfill the reporting requirements in section VII of this directive.

B. If discharged or damaged, replacement cartridges must be obtained from the property custodian after submission of a completed Request for Replacement Equipment/Uniform Form (MCSO147).

C. ***Deputies must only use this device in accordance with General Operational Procedures 3.01, Use of Force.***

VII. Medical and Transportation Considerations

- A. *Deputies and supervisors must obtain medical treatment as soon as practical for individuals who have been exposed to an ECD (MCFRS Ambulance medical is an appropriate level of care; hospital/emergency medical center visit may not be required).*
- B. *Deputies must be mindful of certain indicators and/or conditions when detaining or arresting a person. The following conditions and/or indicators may potentially contribute to sudden unexpected death following extreme physical exertion and/or restraint:*
- (1) *Excited Delirium: State of extreme mental and physiological excitement, characterized by extreme agitation, hyperthermia, epiphora, hostility, exceptional strength, and endurance without fatigue.*
 - (2) *Alcohol or drug use/abuse.*
 - (3) *Obesity.*
 - (4) *Display of erratic/psychotic behavior.*
 - (5) *Incoherent speech.*
 - (6) *State of agitation.*
 - (7) *Subject intentionally injuring themselves.*
 - (8) *Subject disrobing or naked.*
- Deputies must recognize these factors and closely monitor a subject in custody in the aftermath of a struggle when one or more of the above indicators are present and the scene is secure.*
- C. *Deputies must take appropriate measures so that the individual being transported is able to breathe without restriction and if possible, should lay the subject on their side or seated in an upright position. Deputies must avoid transporting subjects in a face-down position whenever possible. Additionally, deputies should avoid transporting a person in any position which places pressure on the ECD probes.*

D. Medical Emergencies

- (1) ***Deputies must immediately summon emergency medical assistance if the subject exhibits or complains of trouble breathing, becomes unresponsive, exhibits reduced levels of consciousness, or if in the deputy's opinion the subject requires evaluation or medical treatment.***
- (2) ***Deputies must render medical aid, consistent with their training, as soon as practical and when safe to do so.***

E. *Medical treatment will not be refused for any individual who requests it.*

F. *If safety circumstances reasonably dictate moving the subject to another location, deputies may have emergency medical personnel meet the deputies at a nearby location to assess the subject and render aid.*

VIII. Required Reports and Notifications

- A. Deputies must comply with the reporting and notification requirements of General Operational Procedure 3.01, Use of Force when the ***ECD*** is deployed.
- B. If the air cartridge is utilized, the expended air cartridge, including the probes and microdots must be collected and submitted as evidence in accordance with General Operational Procedure 3.25, Evidence and Property Management.
- C. All reports regarding the deployment of the ***ECD*** will be reviewed in accordance with General Operational Procedure 3.01, Use of Force and the data collected will be included in the annual analysis conducted by the Chief Deputy.
- D. If the ***ECD*** is accidentally discharged, the discharging deputy must:
 - (1) Notify the on-duty supervisor.
 - (2) Complete and submit an Incident Report (MCSO9) in accordance with General Operational Procedure 3.11, Incident Report Writing.
 - (3) Submit a copy of the Incident Report (MCSO9), expended air cartridge, probes and microdots to the Property Custodian as soon as practical.
 - (4) ***Submit a copy of the Incident Report (MCSO9) to the Taser Technician.***
 - (5) Make the ***ECD*** available for the Taser Technician ***or Information Technology Specialist*** to perform a data download.
 - (6) Submit to the Property Custodian a completed Request for Replacement Equipment/Uniform Form (MCSO147) to receive a replacement cartridge.
- E. If the ***ECD*** is damaged or malfunctions, the deputy must complete and submit an Incident Report (MCSO9) in accordance with General Operational Procedure 3.11, Incident Report Writing and give the damaged ***ECD*** to a Taser Technician as soon as practical.

IX. Responsibilities

- A. *The Property Custodian is responsible for inspecting and approving each ECD before it is issued to a deputy.*
- B. *The Senior Information Technology Specialist is responsible for:*
- (1) *Ensuring that each ECD is properly configured prior to being issued to a deputy, and*
 - (2) *Conducting an inspection and download each time an ECD is deployed or discharged except for training.*
- C. The Taser Technician is responsible for:
- (1) Removing any unsafe or damaged **ECD** from use. The Taser Technician must give the damaged **ECD** to the Property Custodian who will return the **ECD** to the manufacturer for repair or replacement.
 - (2) Conducting an annual inspection and data download on all **ECDs**.
 - (a) This inspection must be documented on a Taser Inspection Form. (MCSO40).
 - (b) Once all **ECD** inspections have been completed, the Taser Technician must forward the original inspection forms to the Planning and Policy Management Section who maintains the records for a period of three (3) years.
 - (3) *Compiling information each January about the previous years' **ECD** training. The information is required by MPCTC and must be in the format provided by the commission. The Taser Technician must forward the ECD department training in the provided format to the Range Master at the training commission by January 31 of each year.*
 - (4) Coordinating the training required by Section III of this directive with the Training Section Lieutenant.
 - (5) Maintaining a current list of all deputies certified to carry the **ECD**.

X. Cancellation

This directive cancels and replaces General Operational Procedures 3.01.D, Effective Date: **08/04/2014**.

AUTHORITY:


Darren M. Popkin, Sheriff
10/08/2020