

## Electronic Control Device (ECD)

### 309.1 PURPOSE AND SCOPE

When properly applied in accordance with this policy, the Electronic Control Device (ECD) is a control device which provides an "intermediate" or "medium" amount of force and is intended to temporarily incapacitate a violent or potentially violent individual without causing serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to Members and subjects.

### 309.2 AUTHORIZED ELECTRONIC CONTROL DEVICE (ECD)

X26P manufactured by Taser International or Axon.

### 309.3 POLICY

1. Members who have completed Department approved training may be issued an ECD for use at the beginning of their shift or during their current assignment. Members shall be expected to return their issued device to the Department's inventory at the conclusion of their shift, unless the ECD is assigned to the individual or when leaving a particular assignment.
2. Members shall only use the ECD and cartridges that have been issued by the Department. The device should be carried as a part of a uniformed Member's equipment in an approved holster. Non-uniformed Members may carry the ECD in an approved holster [REDACTED]
3. When the ECD is carried as a part of a uniformed Member's equipment, it shall be carried on the side opposite from the duty weapon in a holster or a pouch attached to the Member's external carrier. The holster or pouch shall have a minimum of one level retention.
4. Whenever practical, Members should carry a total of two or more ECD cartridges on their person at all times while carrying an ECD. Members shall verify the expiration date of each cartridge prior to the start of their shift. Expired cartridges should be taken out of service and replaced immediately.
5. Members shall be responsible for ensuring that their issued ECD is properly functioning prior to starting their shift.
6. Each ECD's data shall be downloaded and stored on a Department computer network file (\\hosta\taserupload) a minimum of every 180 days.
7. Members are highly discouraged from holding an ECD and a firearm at the same time due to the risk of unintentionally applying deadly force.
8. Members should not target the head, neck, hands, genital, or chest areas.
9. All Commands shall maintain an ECD Log documenting the Member's name, PIN number, ECD number and cartridge number(s) issued to the Member for each shift. Each Command shall retain the ECD Log for two (2) years.

# Orange County Sheriff-Coroner Department

Orange County SD Policy Manual

## *Electronic Control Device (ECD)*

---

10. Utilization of an ECD in any manner (horseplay or other behavior) not authorized by this policy or the Department Policy Manual (Lexipol) is strictly prohibited.

### **309.4 VERBAL AND VISUAL WARNINGS**

1. Unless it would otherwise endanger officer safety or is impractical due to circumstances, a verbal warning of the intended use of the ECD shall precede the application of the device in order to:
  - (a) Provide the individual with a reasonable opportunity to voluntarily comply.
  - (b) Provide other Members and individuals with warning that an ECD may be deployed.
2. If, after a verbal warning, an individual continues to express an unwillingness to voluntarily comply with a Member's lawful orders and it appears both reasonable and practical under the circumstances, the Member may, but is not required to, display the electrical arc (provided there is not a cartridge loaded into the ECD) or the aiming laser in a further attempt to gain compliance prior to the application of the ECD. The aiming laser should never be intentionally directed into the eyes of another person as it may permanently impair his or her vision.
- 3.

### **309.5 USE OF THE ELECTRONIC CONTROL DEVICE**

As with any law enforcement equipment, the ECD has limitations and restrictions requiring consideration before its use. Although the ECD rarely fails and is generally effective in subduing most individuals, Members should be aware that effectiveness is not guaranteed. Members should be prepared with other options in the unlikely event of such a failure. The ECD should only be used when its operator can safely approach the subject within the operational range of the device.

1. Authorized Members may use the ECD to subdue or control a subject who poses an immediate threat to the safety of the Member (or others), when the Member has an objective reason to believe that less intrusive tactics are unlikely to be effective. "Immediate threat" should be understood to mean the following:
  - (a) A violent or physically aggressive subject, or
  - (b) An imminent likelihood of violent or physical aggression, as indicated beyond mere agitation or non-compliance.
2. Individuals suspected of being under the influence of drugs/alcohol or exhibiting symptoms of excited delirium (e.g. nudity, profuse sweating, extreme strength, extreme agitation, and irrational behavior) may be more susceptible to collateral problems and should be closely monitored following the application of the ECD until they can be examined by medical personnel.
3. Due caution should be considered when utilizing the ECD on persons in the following classes:
  - (a) Juveniles

# Orange County Sheriff-Coroner Department

## Orange County SD Policy Manual

### *Electronic Control Device (ECD)*

---

- (b) Women who appear or claim to be pregnant
  - (c) Persons who are visibly frail
  - (d) Individuals who have a preexisting medical condition that increases danger, and of which deputies become aware
  - (e) The elderly
4. Because the application of the ECD in the Drive Stun mode (i.e. direct contact without darts) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised and Members should be aware the controlling effects may be limited. For Department Member's safety and the safety of the subject, Drive Stun mode should only be used when there is no alternative to using the ECD from a safe distance with the cartridge engaged.
5. The ECD is prohibited from being used:
- (a) To torture, psychologically torment, or inflict undue pain on any individual.
  - (b) In a punitive or coercive manner.
  - (c) On a handcuffed/secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
  - (d) In any environment where the Member knows that a potentially flammable, volatile, or explosive material is present (including but not limited to OC spray with volatile propellant, gasoline, natural gas, or propane).
  - (e) Any environment where the subject's fall could reasonably result in death (such as in a swimming pool or on an elevated structure).
  - (f) On any individual when a canine has engaged, except at the canine handlers' direction.
  - (g) Any persons who are nonviolently participating in a public protest or passively resisting in a way that does not pose an immediate threat to the safety of the officer or others.
  - (h) To arouse an unconscious, intoxicated, or impaired individual.

#### 309.5.1 MULTIPLE APPLICATIONS OF THE DEVICE

- 1. If, after a five second cycle of the ECD, the Member is still unable to gain compliance and circumstances allow, the Member shall:
  - (a) Determine if other options or tactics may be more appropriate; or
  - (b) Consider whether or not the probes or darts are making proper contact; or
  - (c) Determine if the use of the ECD is limiting the ability of the individual to comply.
- 2. Multiple uses of the ECD may be reasonably necessary, but the use of the ECD shall be discontinued once the subject does not pose an immediate threat:
  - (a) The Member should reassess the subject after each ECD five second cycle to determine compliance or the presence of any possible medical issues.

# Orange County Sheriff-Coroner Department

## Orange County SD Policy Manual

### *Electronic Control Device (ECD)*

---

3. Simultaneous applications of ECDs should be limited to high risk or exigent circumstances.

#### 309.5.2 REPORT OF USE AND DOCUMENTATION

1. Members shall notify their supervisor as soon as reasonably possible following the application of a use of force.
2. All ECD discharges shall be reported and documented pursuant to the guidelines articulated in the Policy 300 Use of Force.
3. Additionally, all ECD discharges shall be documented in the related incident and/or crime report. Members reporting an ECD discharge shall document in writing the facts and circumstances surrounding the incident that led the Member to decide to use an ECD. Members should carefully and thoroughly articulate the observations made that caused them to deploy an ECD. The related reports shall include whether a verbal and/or other warning was given prior to deploying an ECD, or if no warnings were given, the report shall include the reason(s) it was not given.
4. If the subject is booked into the Orange County Jail system, a notation of ECD deployment shall be made in the "Statement of Booking Officer" of the Intake Screening and Triage form for review by CMS.
5. Any unexpected discharge of an ECD cartridge shall be documented in a memo directed to the Member's Commander detailing what occurred. The memo shall be maintained by the respective Bureau pursuant to the Department's retention policy.

#### 309.5.3 COLLECTING DARTS AS EVIDENCE

After all ECD discharges, the darts and all attached wire shall be collected and carefully placed in a biohazard container. Care should be taken to maintain the integrity of the knots attaching the darts. All items collected shall be placed into Sheriff's property as evidence. This shall be notated on any subsequent reports. Darts and wires used as part of the initial Departmental ECD certification training and subsequent recertification training or unexpected discharges are exempt unless injury results.

#### 309.5.4 DANGEROUS ANIMALS

The ECD may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternate methods are not reasonably available or would likely be ineffective.

#### 309.6 MEDICAL TREATMENT

1. Any person who has been subjected to the electrical discharge of an ECD (either drive stun or probe deployment), and/or struck by ECD darts, who does not exhibit injury and/or does not appear to be in any kind of adverse medical distress, may be transported to the jail and shall be medically evaluated by Correctional Medical Services prior to booking.
2. Any individual exhibiting signs of distress after the application of an ECD shall be medically evaluated as soon as practicable by either paramedics at the scene or taken

# Orange County Sheriff-Coroner Department

Orange County SD Policy Manual

## *Electronic Control Device (ECD)*

---

- to a hospital for examination. Signs of distress may include shortness of breath, chest pain, and/or dizziness.
3. The following situations require mandatory medical evaluation as soon as practicable by either paramedics at the scene or by medical personnel at a hospital:
    - (a) Persons struck in a sensitive area, e.g. eyes, hands, head, genitals, female breasts.
    - (b) Where a Member cannot safely remove darts in accordance with training.
    - (c) Persons who fall into one of the vulnerable classes such as juveniles, pregnant women, persons who are visibly frail, persons who Members become aware have a preexisting medical condition that increases danger, and the elderly.
    - (d) Individuals who are exhibiting symptoms of excited delirium, such as nudity, profuse sweating, extreme strength, extreme agitation, violent or irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, imperviousness to pain, or who require a protracted physical encounter with multiple Deputies to bring them under control. These individuals may be more susceptible to collateral medical problems and should be closely monitored following the application of the ECD until they can be examined by paramedics and/or taken to a hospital for an examination.
  4. If the subject is an inmate at one of the five Orange County Sheriff's jail facilities at the time of an ECD application, the Supervisor on scene shall arrange for CMS medical care as soon as possible. If CMS personnel are not available at the facility, the IRC medical staff shall be immediately notified and appropriate treatment shall be arranged.
  5. Any individual who refuses medical attention shall have his or her refusal fully documented in related reports and if possible be witnessed by another Department Member and/or medical personnel. If medical staff is willing to provide a copy of the subject's medical refusal, this document should be collected and included with the report package. If possible, an audio recording of the refusal should also be made and a notation in the report indicating the subject's refusal was recorded and either booked as evidence or stored on the Department's Digital video server system.

### **309.7 SUPERVISOR RESPONSIBILITIES**

Following a use of force, the supervisor shall ensure the ECD data is downloaded and booked into Evidence by the end of shift. A scanned copy of the downloaded ECD data shall be attached to the use of force analysis in CRM.

Refer to Policy 300.9 Use of Force – Supervisor Responsibility.

### **309.8 TRAINING**

Any certification or re-certification in the use of the ECD shall be under the direct control and supervision of the Training Division staff. In addition to the initial Department approved training required to carry and use an ECD, Members shall be re-certified during each two-year Perishable Skills training cycle, by a Training Division approved ECD instructor. A reassessment

# Orange County Sheriff-Coroner Department

Orange County SD Policy Manual

## *Electronic Control Device (ECD)*

---

of a Member's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Division Commander.

### **309.9 STORAGE**

All ECDs not carried by Members shall be secured in a storage room, storage cabinet, or locked in a locker/security box.

### **309.10 INVENTORY**

All ECDs from all Commands shall be inventoried no less than once every 180 days by the Training Sergeant or his/her designee, all ECDs shall be accounted for and logged. The required bi-annual download shall serve as inventory and accountability for each device. The records shall be kept on file for two (2) years.