

I. **PURPOSE**

To establish policy regarding the use of electronic control weapons (ECWs). This SOP will cover authorization and conditions for use, deployment of the ECW, after action requirements, certified training, and maintenance of the equipment.

II. **POLICY**

It is the policy of the Fairfax County Sheriff's Office to minimize the threat of injury or death to the public, criminal suspects, and department personnel by utilizing less-lethal control devices when practical. It is recognized that ECWs are not a substitute for lethal force and a deputy should not succumb to additional risk because of its availability. The use of an ECW is considered the use of serious injurious force and should not be used to gain compliance from a person who is exhibiting only minimally risky physical resistance who is not a serious threat or posing some risk of immediate danger to deputies or others (not just him/herself). ECW use as a pain compliance tool (drive stun mode) against a resisting subject is prohibited by the Fourth Amendment unless the deputy can articulate "immediate danger" to the deputy apart from the fact of resistance alone. (Armstrong v. Village of Pinehurst)

III. **INFORMATION**

The ECW is a defensive weapon that transmits electrical impulses causing NMI (Neuro-Muscular Incapacitation) to the central nervous system. These impulses cause uncontrollable contractions of the muscle tissue affecting the sensory and motor nervous system which incapacitates the individual.

IV. **DEFINITIONS**

- A. **ECW**: An ECW is any Department authorized and issued less-lethal device which is designed to produce and emit an electrical charge.
- B. **Serious Injurious Force**: Force above directive force such as the use of traditional tools of compliance, kinetic impact weapons, canine, significant pain joint lock and pain compliance application used on any subject. The physiological effects, the high levels of pain, and foreseeable risk of physical injury of the ECW are greater intrusion than other less-lethal methods of force. Deputies can use serious injurious force, like an ECW, when an objectively reasonable deputy would conclude that the circumstances present a risk of immediate danger to the deputy or others that could be mitigated by the use of force.
- C. **Minimally Risky Physical Resistance**: Resistance that does not raise a risk of immediate danger (i.e., stationary, and non-violent resistance).
- D. **Arcing**: Electricity closing a gap from one point of contact to another. In the case of an ECW, when the trigger is activated, electric current arcs between the contact points on the front of the ECW or between deployed probes.
- E. **Deployment**: The activation of an ECW resulting in the discharge of the probes from the cartridge on a subject or animal, whether or not the probes strike their intended target. The mere display of an ECW is not a deployment.
- F. **Warning Arc**: The activation of an ECW resulting in the arcing of the unit without physical contact or deployment of the probes. A capability primarily used for de-escalation and/or checking the functionality of the device.

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- G. Stunned: The accepted word indicating that a person or animal has received an electrical charge from an ECW.
- H. ECW Control Manager: An ECW instructor who has been appointed by the Sheriff, or designee, to manage the ECW Training Program.
- I. NMI: Neuro-Muscular Incapacitation is the uncontrolled muscle contractions that override an individual's voluntary motor responses.
- J. Conventional Tactics: Those tactics and other uses of force described in the Department's Use of Force Model.
- K. Medical Personnel: Includes, but is not limited to, Doctors, Physician's Assistants, Nurses, Paramedics, Emergency Medical Technicians, and SERT medic.
- L. Soft Tissue Areas: genitalia, eyes, face, head, breast (for females) and throat.
- M. Drive Stun: An ECW delivery method used by activating the ECW and making physical contact with the subject. It does not cause NMI.

**V. PROCEDURE**

**A. Authorized Users**

- 1. ECWs shall only be issued to and used by deputies who have completed the user or instructor training course and are currently certified. Staff utilizing the ECWs should adhere to all training protocols.
- 2. Certified personnel who are authorized to carry a firearm during the shift or duty assignment they are working that day may carry the ECW.
- 3. Certified personnel authorized to utilize the ECW are required to undergo annual training.
- 4. Certified Sheriffs Emergency Response Team members on assignment outside of the Adult Detention Center (ADC).

**B. Carrying of the ECW**

- 1. Only authorized holsters will be used to carry the ECWs. The only exception is a deputy who is acting in an undercover capacity.
- 2. The holster will be positioned on the support side and will not be positioned next to any firearm.
- 3. Deputies working outside of the ADC shall only carry ECWs that are brightly colored (i.e., yellow).

**C. Authorized Usage**

- 1. Deputies may use serious injurious force, like an ECW, when an objectively reasonable deputy would conclude that the circumstances present a risk of immediate danger to the deputy or others that could be mitigated by the use of force. Physical resistance is not synonymous with risk of immediate danger.

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2. When practical, Deputies should not immediately resort to the use of an ECW without first attempting to use negotiation, commands, or physical skills.
3. Deputies should avoid using ECWs on persons who are actually or perceived to be mentally ill unless necessary or justifiable. Mental illness is to be considered differently than criminal activity. Mental illness describes a broad spectrum of conditions and does not dictate the same response in all situations. In some circumstances, increasing the use of force may exacerbate the situation. Subjects of an involuntary commitment order are necessarily considered "mentally ill." The diminished capacity of the subject must be considered when assessing the amount of force needed.
4. Deputies should avoid using ECWs on members of an elevated risk population (i.e., elderly, pregnant women, etc.) unless necessary or justifiable.
5. ECWs should not be used on handcuffed subjects unless doing so is necessary to prevent them from causing serious bodily harm to themselves or others and if lesser attempts of control have been ineffective.
6. Fleeing should not be the sole justification for using an ECW against a subject. Personnel should consider the severity of the offense, the subject's threat level to others, and the risk of serious injury to the subject before deciding to use an ECW on a fleeing subject.
7. ECWs will only be deployed inside the Adult Detention Center under the following circumstances:
  - a) Active riot or disturbance
  - b) Active hostage situation

**D. Deployment**

1. Only properly functioning and charged ECWs shall be carried.
2. The ECW operator must be familiar with the surrounding environment prior to deploying the system. Deputies should be cognizant that a subject's elevated position may result in secondary injuries due to a fall after application of the ECW. The deputy should also take into consideration that subjects who are running or traveling at high speeds (i.e., bikes, mopeds, skateboards, etc.) could also sustain secondary injuries. The operator must weigh the need for the incapacitation against the need to prevent serious bodily injury to the subject, civilians, and other deputies.
3. Deputies should be particularly cognizant of the potential for secondary injuries in elderly or visibly frail subjects who are incapacitated by the ECW. Coexisting medical diseases and/or increased possibility of bone fractures in these subjects require an elevated level of justification prior to deploying the ECW against them.
4. Deputies should be particularly cognizant of the potential for secondary injury in pregnant women. Injury may occur to the unborn child due to a fall onto the abdomen. The use of the ECW on subjects known to be, or thought to be, pregnant should be limited to those situations where such risks are deemed necessary. **A pregnant woman, or a woman thought to be pregnant, must be evaluated at a medical facility following application of an ECW.**

5. Deputies who use an ECW on subjects exhibiting symptoms of a mental health crisis or drug abuse should consider that these subjects may be experiencing, or are at an increased risk of developing, excited delirium.
  - a) Excited delirium is a potentially fatal acute medical illness.
  - b) Subjects exhibiting signs or symptoms of excited delirium shall be evaluated at a medical facility.
  - c) Excited delirium should be strongly suspected in a subject who exhibits unusual strength, little or no reaction to pain, ability to resist multiple deputies, excessive sweating, bizarre or violent behavior, aggression, extreme paranoia, incoherent shouting, and destruction of property – particularly glass.
  - d) Deputies should summon rescue if the subject is exhibiting signs of excited delirium so they can be medically evaluated as soon as practical upon apprehension.
6. Personnel should use an ECW for one standard cycle (five seconds) and then evaluate the situation to determine if subsequent cycles are necessary. Personnel should consider that exposure to the ECW for longer than 15 seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury. Any subsequent application should be independently justifiable, and the risks should be weighed against other force options.
7. NEVER intentionally aim an ECW at the eyes or face. It is laser sighted. The top probe will follow the front and rear sights as well as the laser sight.
8. Have additional cartridges available or a second ECW ready to deploy in the event the probes fail to contact the subject.
9. The drive stun mode should be used only to supplement the probe mode to complete the incapacitation circuit, or as a countermeasure to gain separation between deputies and the subject so that deputies can consider another force option. In these instances, the unit should be pressed firmly into the following suggested areas: brachial plexus tie-in (upper chest), radial (forearm) and common peroneal (outside of thigh). Unless a deputy is defending him/herself from a violent attack, the following areas should be avoided when applying a drive stun: carotid (sides of neck) and pelvic triangle. Drive stun use may not be effective on emotionally disturbed persons or others who may not respond to pain due to a mind-body disconnect. Deputies should avoid using repeated drive stuns on such individuals if compliance is not achieved. Deputies are further cautioned that using drive stun mode to achieve pain compliance may have limited effectiveness and, when used repeatedly, may even exacerbate the situation.
10. When practical, the use of the ECW will be preceded by a warning, unless doing so would place any person at risk. Warnings may be in the form of verbalization, display, laser painting, arcing, or a combination of these tactics. Additionally, when feasible, an announcement should be made to other personnel on the scene that an ECW is going to be activated.

11. Whenever possible, ADC medical staff or emergency medical personnel should be notified when deputies are responding to a situation where they anticipate an ECW application may be used against a subject.
12. The deployment of an ECW will be reasonable, based on training and the totality of the circumstances known to the deputy.
13. DO NOT deploy an ECW near flammable liquids or fumes. The ECW can ignite gasoline and other flammables. Some self-defense sprays are flammable and should be investigated before being used in conjunction with the ECW.
14. There are times when after the initial impact of the probes, a follow-up charge will have to be deployed in order to gain compliance and safely control the subject. Do not attempt to remove the probes until the subject is in full restraints.

**E. Use Against an Attacking Animal**

1. The use of an ECW against an attacking animal may reduce the need for greater, more injurious force against the animal and should be based on the deputy's intent to provide a safer and less traumatic conclusion to the incident.
2. The use of an ECW on an animal is appropriate if the animal has attacked someone or is an active threat to a person, deputy, another animal; or is causing a continuing public nuisance or needs to be captured for a reason of public peace or safety, preservation or property, and any other legitimate purpose.
3. The length of the animal's body should be targeted. The deputy may need to cant/tilt the ECW to a horizontal position to achieve this target area. Care should be taken to avoid the head and other sensitive areas on the animal. It is understood that deployment against animals may be very dynamic in nature and the probes may impact unintended areas.
4. Procedures for probe removal should take place as outlined herein. Personnel will take reasonable measures to consider that the animal's welfare is provided for in the event that probes impact a sensitive area or it appears the animal's health is in jeopardy. Deputy safety is paramount when removing probes from a potentially dangerous animal. In these situations, the assistance of an Animal Control Officer shall be requested.

**F. Removal of Probes**

1. Protective latex gloves will be worn by anyone removing probes.
2. Probes will only be removed by medical personnel or staff trained in their removal.
3. Once the probes are removed the area should be decontaminated with a disinfectant wipe and a band aid applied, if available.
4. If probes penetrate soft tissue areas as defined above, medical staff will determine if the subject will be transported to the emergency room for removal.
5. All probes will be treated as biohazard material and will be disposed of as such.

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6. All subjects who have been exposed to an ECW application should receive evaluation by ADC medical staff or by emergency medical responders in the field or at a medical facility. Subjects who have been exposed to prolonged application (i.e., more than 15 seconds) should be transported to an emergency department for evaluation. Personnel conducting the medical evaluation should be made aware that the subject has experienced an ECW activation so they can better evaluate the need for further medical treatment.

**G. Reporting Procedures**

1. Any time an ECW is deployed a Use of Force report must be completed and investigated in accordance with SOP 032. Document the serial number on the cartridge, where the probes made contact, who witnessed the usage, who removed the probes, and duration of use.
2. Each discharge of an ECW shall be investigated and documented. Discharges of ECWs during an approved training session will not require documentation or further investigation unless an injury occurs during the training.
3. If practical, package the expended cartridge and probes as evidence. Pictures should be taken of the signature marks (if any) and submitted with the reports.
4. After deployment, an ECW Control Manager will download usage information through the internal data port and maintain a hard copy for record.
5. Written Incident Reports shall be completed whenever the "Warning Arc" feature is used for de-escalation. A "Warning Arc," does not require a Use of Force investigation; Unless, directed by a supervisor or if an injury is apparent or alleged to have been sustained.
6. The use of the "Warning Arc" feature for de-escalation, resulting in compliance, shall be documented in the report management system, and entered in BlueTeam as Information Only.
7. Accidental deployments shall be documented in the report management system and entered in Blueteam as, Accidental Discharge, Non-Lethal Discharge. An accidental deployment does not require additional investigation; Unless, directed by a supervisor or if an injury is apparent or alleged to have been sustained.

**H. Readiness and Safety of the ECW**

1. Each deputy will perform a spark test upon receipt of the unit and at least once a week to ensure the ECW is charged and properly functioning. These spark tests will be performed with the air cartridge(s) removed and away from bystanders.
2. Each deputy assigned an ECW will ensure the device is up to date with the latest firmware and will maintain an optimal charge for the battery by docking the ECW regularly and no less than once every 30-days and anytime the battery reflects a charge of 20% or less.
3. Replace the cartridges by the expiration date. All expired cartridges will be turned in and replaced with new cartridges. Expired cartridges will be utilized in training only.

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- I. Device Inventory and Management
  1. The Material Management Unit shall maintain ECW inventory and manage individual ECW assignments.
  2. An ECW battery failing to maintain an optimal charge via the docking system shall be replaced.
  3. Expired Cartridges shall not be carried and will be removed from active inventory.
    - a) Faulty batteries or expired cartridge(s) will be turned over to the ECW coordinator for training purposes and replacements obtained by request, through the Material Management Unit.



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