



Chapter: Arrests, Use of Force, Care of Prisoners
Subject: 05-16 – Intermediate Weapon: Electro-Muscular Disruption Devices
Effective: May 09, 2024
Supersedes: Official Order 05-16, dated June 20, 2023
Distribution: Department Members

PURPOSE: This Order establishes department policy for carrying and using an electro-muscular disruption technology device (EMD device), which is classified as an intermediate weapon.

05-16-1 POLICY

It is the policy of this department that enforcement members shall only use an intermediate weapon when it is reasonable, necessary, and proportional to effectively and safely resolve an incident, based on the totality of circumstances, and in accordance with department policy and training. In accordance with this policy, authorized and trained enforcement members may use an EMD device while attempting to control a violent or potentially violent individual.

05-16-2 ISSUANCE AND CARRYING OF EMD DEVICES

- A. An EMD device shall only be issued to and used by enforcement members who have been trained, authorized, and have demonstrated proficiency with the weapon.
- B. Enforcement members shall refer to Official Order 05-15 – Use of Intermediate Weapons for the department's policy on the use of intermediate weapons.
- C. Only department-issued EMD devices shall be used.
- D. At minimum, enforcement members will receive training on the EMD device in accordance with the product manufacturer's recommendations as well as applicable state laws, standards, and leading practices, conducted by qualified instructors certified on the specific model carried.
- E. An EMD device shall be carried by all enforcement members who have received the appropriate training and are on uniform patrol or are likely to have encounters with the public that may lead to enforcement action.
- F. Enforcement members who have been issued an EMD device shall wear the device in an approved holster, positioned on the opposite side of their duty weapon.
 - (1) EMD devices shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
 - (2) Enforcement members should not hold their duty weapon and EMD device at the same time.

05-16-3 ENFORCEMENT MEMBER RESPONSIBILITIES

- A. Enforcement members shall be responsible for ensuring that the issued EMD device is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the member's shift.
- B. EMD devices that are damaged or inoperable, or cartridges, magazines, or batteries that are expired, damaged, or inoperable shall be returned to the Quartermaster for disposition. Enforcement members shall submit documentation stating the reason for the return and how the EMD device, cartridge, magazine, or battery was damaged or became inoperable, if known.

05-16-4 GENERAL CONSIDERATIONS FOR USE OF EMD DEVICES

- A. Where feasible, subjects should be afforded an opportunity to comply before initial and any subsequent deployments.
- B. A verbal warning of the intended use of the EMD device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances.
- C. If, after a verbal warning, an individual fails to voluntarily comply with an enforcement member's lawful orders and it appears both reasonable and feasible under the circumstances, the enforcement member may, but is not required to, activate a warning alert on the EMD device, or paint with the laser in a further attempt to gain compliance prior to the application of the EMD device. The laser should not be intentionally directed into anyone's eyes.
- D. Enforcement members shall consider the totality of circumstances, including suspect movement, limited sighting capability, and their ability to accurately deploy the EMD device, to reduce the risk of unintended probe contact.
- E. Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when possible, enforcement members should attempt to target the back, lower center mass, and upper legs of the subject. Enforcement members should avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.
- F. Once an enforcement member has successfully deployed two probes on the subject, the enforcement member should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:
 - (1) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
 - (2) Whether the probes are making proper contact.
 - (3) Whether the individual has the ability and has been given a reasonable opportunity to comply.
 - (4) Whether verbal commands or other options or tactics may be more effective.

Each trigger pull of the current EMD device (e.g., TASER 10) deploys a single probe, therefore the trigger must be pulled twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

- G. Enforcement members shall activate the device on a subject no longer than objectively reasonable to overcome resistance and bring the subject under control. After initial activation, the totality of the circumstances should be re-evaluated before any additional activation.
- H. Enforcement members should take appropriate actions to control and restrain the individual as soon as reasonably practicable and safe during or following exposure to minimize the need for longer or multiple exposures to the EMD device.

05-16-5 SPECIAL DEPLOYMENT CONSIDERATIONS

- A. The use of the EMD device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject, or others, and the officer reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:
 - (1) Individuals who are known, or reasonably believed, to be pregnant.
 - (2) Obvious juveniles or elderly individuals.
 - (3) Persons who reasonably appear medically infirm or have obviously low body mass.
 - (4) Individuals who are handcuffed or otherwise restrained.
 - (5) Individuals who are presently secured (e.g., confined in a patrol vehicle or confined in a holding cell).
 - (6) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
 - (7) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).
- B. An EMD device shall not be used in situations where the subject's action constitutes Passive Resistance (e.g., dead weight, failure to obey verbal commands) or Inactive Resistance (i.e., psychological intimidation and/or verbal resistance).
- C. An EMD device shall not be used in a punitive manner.
- D. Enforcement members shall not intentionally use more than one EMD device at a time against a subject.
- E. An EMD device may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

15-16-6 DISTRICT/DIVISION COMMANDER'S RESPONSIBILITIES

- A. District/division commanders shall ensure that their worksite commanders contact all jails within their district/division to determine each jail's policy on accepting arrestees who had an EMD device used on them and convey that information to enforcement members under their command.

All procedures related to documenting the use of force shall be followed in accordance with the guidelines stipulated in Procedure Manual 05-03 – Documenting, Reporting, and Investigating Use of Force.

DIRECTOR

Annual Review Responsibility: Organizational Development Division

Accreditation Standards: CALEA 4.1.4