



**LANCASTER BUREAU OF POLICE**  
**Lancaster, Pennsylvania**

SUBJECT: Electronic Control Weapons		NO. 409.01
EFFECTIVE DATE: 29 May 2009	REVIEW DATE:	
REFERENCES:		

**PURPOSE:** The purpose of this policy is to provide Bureau of Police personnel and/or with guidance and direction on the use of electronic control weapons (ECWs).

**POLICY:** It is the policy of this agency to use ECWs only where it reasonably appears necessary to control or otherwise subdue violent or potentially violent individuals. ECWs may be used by authorized and trained personnel in accordance with this policy and approved departmental training.

**DEFINITIONS:**

*Electronic Control Weapon (ECW):* A weapon designed to disrupt a subject's central nervous system by deploying battery-powered electrical energy sufficient to cause uncontrolled muscle contractions and override voluntary motor responses.

*AFIDs:* Confetti-like pieces of paper that are expelled from the cartridge when fired. Each anti-felon identification (AFID) tag contains an alpha-numeric identifier unique to the cartridge used.

**PROCEDURE:**

**A. Authorized Users**

Only officers who have satisfactorily completed this agency's approved training course shall be authorized to carry ECWs.

**B. Weapon Readiness**

1. The device will be carried in an approved holster on the side of the body opposite the service handgun. Officers not assigned to uniformed patrol may utilize other department-approved holsters and carry the weapon consistent with department training.
2. The device shall be carried fully armed with the safety on in preparation for immediate use when authorized.
3. Officers authorized to use the device shall be issued a minimum of one spare cartridge as a backup in case of cartridge failure, the need for redeployment, or in case the first cartridge's leads break during engagement. The spare cartridges shall

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be stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer's expiration requirements.

4. Only agency-approved battery power sources shall be used in the ECW.

### **C. Deployment**

1. The ECW is generally analogous to oleoresin capsicum (OC) spray in use-of-force options . Decisions to use an ECW involve the same basic justification. As such, it is forbidden to use the device as follows:
  - (a) In a punitive or coercive manner.
  - (b) On a handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
  - (c) In any environment where an officer 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).
  - (d) In any environment where the subject's fall could reasonably result in death (such as in water or on an elevated structure).
  - (e) Use of an ECW is permitted where reasonable suspicion or probable cause exists.
  - (f) Use of an ECW is permitted in cases of self defense or defense of third persons where officer presence and/or verbal commands have failed to control the situation or are otherwise inappropriate.
2. As in all uses of force, certain individuals maybe more susceptible to injury. Officers should be aware of the greater potential for injury when using an ECW against children, the elderly, persons of small stature irrespective of age, or those who the officer has reason to believe are pregnant, equipped with a pacemaker, or in obvious ill health.
3. Upon firing the device, the officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective.
4. The subject should be secured as soon as practical while disabled by ECW power to minimize the number of deployment cycles. In determining the need for additional energy cycles, officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure.

5. In preparation for firing, the ECW shall be pointed in a safe direction, taken off safe, and then aimed. Center mass of the subject's back should be the primary target where reasonably possible; center mass of the chest or the legs are the secondary targets. This does not exclude the display and aiming of the device to deescalate a situation to avoid actual use of the device.
6. Fixed sights should be used as the primary aiming device and the laser dot as the secondary aiming device.
7. The device may also be used in certain circumstances in a "touch stun" mode. This involves pressing the unit, with or without a cartridge, against an appropriate area of the body based on training. It is important to note that when the device is used in this manner, it is:
  - (a) Primarily a pain compliance tool due to a lack of probe spread.
  - (b) Minimally effective compared to conventional cartridge-type deployments.
  - (c) More likely to leave marks on the subject's skin.
  - (d) Subject to the same deployment (use) guidelines and restrictions as those of the ECW in cartridge deployments.
8. The ECW shall be pointed at the ground in a safe direction with the safety on during loading, unloading, or when handled in other than an operational deployment.
9. The ECW should not be used in a situation where deadly force is clearly justifiable unless another officer is present and capable of providing deadly force to protect the officer deploying the ECW.

#### **D. Aftercare**

1. The ECW darts may be removed from the subject after the subject is restrained following procedures outlined in training.
2. Individuals who have been incapacitated by an ECW will be checked by emergency medical personnel as soon as tactically safe to do so. At minimum this will involve and EMT checking the subject's vital signs. Transportation to a medical facility is not automatically required.

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3. The following persons shall be transported to a medical facility for examination following exposure to an ECW. Any person who:
  - (a) requests medical attention; -officers shall ask persons if they desire medical attention,
  - (b) is hit in a sensitive area (e.g., face, head, female breasts, male groin),
  - (c) from whom officers have difficulty removing the probes (owing to probe or barb separation),
  - (d) does not appear to recover properly after being energized,
  - (e) is in a potentially susceptible population category as defined in IV.C.2 of this policy,
  - (f) has been energized more than three times,
  - (g) has had more than one ECW effectively used against him or her in any given incident,
  - (h) has been subjected to a continuous energy cycle of 15 seconds or more, or
  - (i) has exhibited signs of excited delirium prior to ECW exposure.
4. Photographs of the affected area should be taken after the darts are removed.
5. When the device has been used operationally, the officer shall collect and dispose of the cartridge, wire leads, darts, and AFIDs as per departmental training.

#### **E. Reporting**

1. The deploying officer, whether the discharge was intentional or accidental, shall notify his or her supervisor as soon as practical after using the device, and complete a use-of-force report.
2. Officers shall specifically articulate the rationale in their use-of-force report for any instance in which: an ECW is energized more than three times, an energy cycle longer than 15 seconds in duration is used, more than one ECW is used against a subject in any given incident, or an ECW is used against an individual designated to be in a “susceptible population” per section C.2. of this policy.
3. The training office will handle downloading of data from all ECWs on a regular basis. Information from the downloaded data will be used to validate submitted Use of Force reports and to aid in review and validation of the training.

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4. Use of an ECW on an animal does not require a Use of Force report. A copy of the Offense Report must be submitted to the training office.

**“This online policy or procedure is the only accurate/official policy or procedure.”** All copies of this policy or procedure or other drafts of this policy and procedure are not officially recognized.

**A definitive policy to cover all eventualities for mandating the use of ECWs cannot be created. This policy is meant to serve as a guide for employees to follow when operating any vehicle while on duty. It further serves to explain the expectations that the City of Lancaster has for employees.**

By Order of: \_\_\_\_\_

Keith Sadler  
Chief of Police



**LANCASTER BUREAU OF POLICE**  
Lancaster, Pennsylvania

SUBJECT: Use of Force		NO. 499/05
EFFECTIVE DATE: October 1, 1999	REVIEW DATE: May 6, 2006/4 November 2016	
REFERENCES: 400/04 (Less Lethal Munitions), 409/01 (ECW), 493/01 (OC Spray), 493/02 (Use of the Police Canine), 497/03 (Impact Weapons), 499/06 (Chemical Munitions) & 597/02 (Firearms)		

**PURPOSE:** Police Officers frequently confront, or are confronted by, persons who will resist arrest or other law enforcement efforts or who are physically aggressive toward officers or others. Officers are justified in responding with force, but only that force that is necessary and reasonable and within the limits permitted by law to prevent the defeat of arrest or other law enforcement or to overcome the aggression. This policy will provide guidelines, proscriptions, and limitations on the use of force generally and the use of deadly force in particular.

**POLICY:** It is the policy of the Lancaster Bureau of Police to restrict the use of force by its officers to that which is **necessary and reasonable** in order to prevent the defeat of arrest or other law enforcement or to overcome aggression and to provide guidance and training to its personnel in this regard.

**PROCEDURE:** The following procedures will be followed to insure that officers use force appropriately and lawfully:



**I. Definitions**

- .10 The following terms used in this policy document are defined as:
  - A. **Deadly force** is any force that is likely to cause death or serious bodily injury.
  - B. **Forcible felony** is one of the crimes of murder, voluntary manslaughter, rape, robbery, kidnapping, involuntary deviate sexual intercourse, arson, and aggravated assault causing serious bodily injury.
  - C. **Necessary and reasonable** is the amount and type of force needed to overcome the resistance. This policy adopts the “reasonable officer on the scene” standard. The determination of what is reasonable in any context is not determined by an officer’s intent or motivation or what the officer may perceive to be “reasonable”. Rather, it is the conclusion that would be drawn by “a reasonable

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officer at the scene” weighing the facts of the situation based upon the totality of the circumstances.

- D. **Non-deadly force** is any force not considered deadly force.
- E. **Resistance** is that conduct intended by a person to prevent a public servant from effecting a lawful arrest or discharging any other duty.
- F. **Serious Bodily Injury** is bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.
- G. **Use of Force Continuum** is the escalating degrees of force options available to an officer in response to the escalating degrees of resistance offered by the subject.

## II. Use of Force

- .10 A police officer need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to a lawful arrest.
  - A. The officer is justified in the use of such force which the officer reasonably believes to be necessary to effect the arrest and of such force the officer reasonably believes necessary to defend the officer or another from bodily harm while making the arrest.
  - B. A police officer is only justified in using deadly force when he/she believes that such force is necessary to prevent death or serious bodily injury to the officer, or to another person, or the officer believes both that:
    - i. Such force is necessary to prevent the arrest from being defeated by resistance or escape; AND
    - ii. The person to be arrested has committed or attempted to commit a forcible felony or is attempting to escape and possesses a deadly weapon, or otherwise indicates that he will endanger human life or inflict serious bodily injury unless arrested without delay.

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- .20 Officers will generally follow the Use of Force Continuum when using force.
  - A. Officers need not follow every step in the continuum, but may immediately escalate the level of force to that which is necessary and reasonable in order to overcome the resistance they are confronted with.
  - B. Once resistance ceases, no further force may be used.

### **III. Authorized Weapons**

- .10 Hands, feet and body.
- .20 Oleoresin Capsicum (OC) Spray and Chemical Munitions (See Policies 493/01 & 499/06)
- .30 Electronic Control Weapons (ECW) (See Policy 409/01)
- .40 Impact Weapons (See Policies 497/03 & 400/04)
- .50 Police Canines (See Policy 493/02)
- .60 Firearms (See Policy 597/02)
- .70 All the above will be utilized in accordance with all state and federal laws as well as Bureau policy and training.
- .80 Weapons of Last Resort
  - A. The department recognizes that in some extreme circumstances, where the safety or survival of the officer, or others, is in jeopardy, the situation may dictate utilizing other implements as weapons. These weapons might include the officer's flashlight, metal clipboard, knife, or even a motor vehicle, etc. However, such implements used as weapons should be viewed as weapons of last resort.
  - B. Use of such weapons will be closely examined, as well as the degree of exigency present in the situation, the totality of the circumstances, and the existence or absence of other acceptable alternatives.



#### IV. Reporting

- .10 A “Use of Force Report” will be submitted by the officer using force under the following circumstances:
- A. Anytime a person has been physically struck by an officer
  - B. Anytime OC spray is used against a person
  - C. Anytime a chemical agent is used against a person
  - D. Anytime an ECW is used against a person
  - E. Anytime an impact weapon is used against a person
  - F. Anytime a firearm is intentionally pointed in the direction of a person
  - G. Anytime a firearm is discharged, intentionally or unintentionally, during a use of force situation
  - H. Anytime a canine actually bites a person even if no injury results
  - I. Anytime there is bleeding or other visible injury to a person resulting from the use of force
  - J. Anytime a person complains of force being used against them by an officer
  - K. Anytime a person requires or requests medical treatment for an injury they allege is the result of force used against them by an officer
  - L. Anytime an officer is directed by a supervisor to submit a report
- .20 The “Use of Force Report” will be typed and will be completed and submitted to the officer’s OIC before ending the tour of duty during which the force was used.
- .30 The original “Use of Force Report” will be submitted to the Division Captain of the officer using force.

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- .40 The “Use of Force Report” will be reviewed by the OIC of the officer using force, a Use of Force Instructor, the Officer’s Division Captain and the Chief of Police.
- A. The report will be reviewed to ascertain that the force was reasonable and necessary and otherwise complied with this policy and Bureau training.
    - 1. If the Use of Force instructor determines that the use of force, though not excessive, did not tactically conform to Bureau training, a counseling form will be issued to the officer.
      - a. The original counseling forms shall be forwarded to and maintained by the Training Sergeant.
  - B. The appropriate signatures will be affixed to the Administrative Review section of the report.
- .50 Any officer in the Administrative Review chain of command may request a Staff Review of the use of force.
- A. A Staff Review will be an informal meeting of those officers in the chain of command who conducted the Administrative Review of the use of force or their designees with the Chief of Police or his/her designee serving as chair.
  - B. The purpose of the Staff Review is to reconcile any questions about compliance with this policy.
  - C. If questions cannot be reconciled because additional investigation is needed, the Chief of Police will direct that an investigation of the incident be initiated by the Community Relations Section.
    - 1. If the findings of the investigation deem the force used was unnecessary or unreasonable or did not otherwise comply with this policy, the Chief of Police will direct that disciplinary action be taken against and/or remedial training be given to the officer using force.
  - D. If the members of the Staff Review deem there is sufficient information available without an investigation that indicates that the force used was unnecessary or unreasonable or did not otherwise comply with this policy, the Chief of Police will direct

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that disciplinary action be taken against and/or remedial training be given to the officer using the force.

- .60 The findings of the Staff Review will be recorded on the “Use of Force Report” by the Chief of Police or his/her designee.
- .70 All original “Use of Force Reports” will be maintained in the office of the Chief of Police.
  - A. The Chief of Police will forward a copy of all “Use of Force Reports” to the Community Relations Office after Administrative Review has been completed.
- .80 Failure of an officer using force to submit a “Use of Force Report” when required by this policy, or of supervisory officers to see that such a report is filed, may result in disciplinary action.
- .90 All officers using force in any incident may fulfill their obligation to submit a “Use of Force Report” by either:
  - A. Initialing their name located on the line of the reporting officer’s “Use of Force Report” titled “OTHER OFFICERS USING FORCE”, or
  - B. Submitting a separate Use of Force Report on the incident.
  - C. The OIC or a Staff Officer may require a separate “Use of Force Report” from each officer involved in any use of force incident if he/she believes further clarification of the incident is necessary.

**V. Responsibility to Report and Prevent the Use of Force That Is Unnecessary and Unreasonable or Does Not Otherwise Comply with This Policy.**

- .10 All officers will report to their OIC any force used by an employee of the Police Bureau that is unnecessary and unreasonable or that does not otherwise comply with this policy.
  - A. The officer may go to their Division Captain if it is their OIC who uses force that is unnecessary and unreasonable or that does not otherwise comply with this policy.

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- .20 Any report of force used that is unnecessary or unreasonable or does not otherwise comply with this policy will be forwarded via the chain of command to the Chief of Police.
- .30 The Chief of Police will direct that the Community Relations Office investigate any report of force used that is unnecessary or unreasonable or that does not otherwise comply with this policy.
  - A. If the findings of the investigation deem that force was used that was unnecessary or unreasonable or did not otherwise comply with this policy, the Chief of Police will direct that disciplinary action be taken against and/or remedial training be given to the officer using the force.
- .40 All officers will prevent the use of unnecessary and unreasonable force against any person and will immediately intervene to protect any person against whom unnecessary and unreasonable force is being use.

## **VI. Failure to Use Force**

- .10 Officers are restricted to using only that force that is necessary and reasonable, but officers will not avoid using force, including deadly force, if failure to do so unnecessarily permits the defeat of arrest or other law enforcement, or endangers the safety of themselves or others.

## **VII. Training**

- .10 The Training Section will conduct a mandatory review of this policy for all personnel on an annual basis and will maintain appropriate records documenting the training
- .20 The Training Section will provide training in the use of the items listed in Section II of this policy and will maintain appropriate records documenting the training.
  - A. The training will comply with all state and federal laws and regulations and Bureau policy.

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NOTICE:

**This directive is for Police Bureau use only and does not apply in any criminal or civil proceeding. This Police Bureau policy should not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this policy will only form the basis for Police Bureau administrative sanctions.**

**A definitive policy to cover all eventualities cannot be created. This policy and procedure is meant to serve as a guide to personnel in matters not specifically covered herein.**

By Order of: \_\_\_\_\_  
Keith Sadler  
Chief of Police