



2-53 ELECTRONIC CONTROL WEAPON (ECW)

Policy Index

- 2-53-1 – Purpose
- 2-53-2 – Policy
- 2-53-3 – Definitions
- 2-53-4 – Procedures
 - A. [ECW Modes](#)
 - B. [ECW Guidelines](#)
 - C. [ECW Restrictions](#)
 - D. [ECW Training and Certification](#)
 - E. [Holster and Securing the ECW](#)
 - F. [Post-Deployment of the ECW](#)
 - G. [Unintended Discharge of the ECW](#)
 - H. [Use of ECW on Animals](#)
 - I. [Reissuing ECWs](#)
 - J. [Quarterly Administrative Upload](#)
 - K. [ECW Audits](#)

Related SOPs

- [2-8 – On-Body Recording Devices](#)
- [2-65 – Interviews/Collection of Evidence at Hospitals](#)
- [2-80 – Arrest/Booking Procedures](#)
- [2-82 – Restraint and Transportation of Prisoners](#)
- [2-52 – Use of Force](#)
- [2-54 – Use of Force Reporting and Supervisory Force Investigation Requirements](#)
- [2-55 – Use of Force Appendix](#)
- [8-2 – Inspections and Audit Unit](#)

2-53-1 Purpose

This policy is intended to supplement the [Use of Force policy](#) regarding the use of electronic control weapons (ECWs).

2-53-2 Policy

It is the policy of the Department to de-escalate situations without using force when possible. Department policy and training require that officers not only follow the constitutional standard, which was established in *Graham v. Connor*, 490 U.S. 386 (1989), but also strive to utilize the minimum amount of force necessary in order to achieve their lawful objectives.

2-53-3 Definitions

For all related definitions, see [Use of Force Appendix](#).



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-53

Effective: 6/2/17 Review Due: 6/2/18 Replaces 6/29/16

2-53-4 Procedures

A. ECW Modes

Officers have three options for ECW deployment. The choice of mode used will depend upon the facts and circumstances at the time of deployment and the guidelines and restrictions set forth below. These are the three operational modes:

1. Show of Force Mode

Deploying the device, using a laser sight, and/or arc, to include "painting" the subject with the laser.

2. Drive Stun Mode

Pressing and holding the device against the subject as it is cycled. This mode is available with or without a cartridge in the device and with or without the probes deployed.

3. Standoff Mode

Deploying the probes by energizing the ECW with a live cartridge on the device that propels the probes towards the target and, upon effective contact, is intended to cause incapacitation.

B. ECW Guidelines

1. Unless doing so would place any person at risk, officers shall issue a verbal warning to the subject that the ECW will be used before discharging an ECW on the subject. Where feasible, the officer will defer ECW application for a reasonable time to allow the subject to comply with the warning.
2. As in all uses of force, certain individuals may be more susceptible to injury than others. It is each officer's responsibility to remain aware of the varying potential for individual injury as explained during ECW training.
3. Officers should have assistance available, if feasible, before deploying the ECW. This could minimize the number of deployment cycles required to place the subject in custody.
4. Upon discharging the device, the officer shall energize the ECW no longer than reasonably necessary, to accomplish the legitimate law enforcement objective. Upon discharging the device, back-up officers should attempt to handcuff the subject during the cycle (i.e., handcuffing under power) to reduce the risk of injury to the subject and officers.



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-53

Effective: 6/2/17 Review Due: 6/2/18 Replaces 6/29/16

5. Officers will independently justify the reasonableness of each cycle or a continuous cycle of five seconds and shall constantly assess the necessity of each cycle and any transition to other force options. Each cycle will be independently addressed in the use of force report.
6. After one standard ECW cycle (five seconds), the officer shall reevaluate the situation to determine if subsequent cycles are necessary. Continuous cycling of ECWs is permitted under exceptional circumstances where it is necessary to handcuff a subject under power (e.g., where the subject is armed and it would be unsafe to evaluate a subsequent cycle). Back-up officers should attempt hands-on control tactics during ECW applications, including handcuffing the subject during ECW application (i.e., handcuffing under power).

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 physical injury and is considered a serious use of force. Officers shall also weigh the risks of subsequent or continuous cycles against other force options.

7. Officers shall consider other available force options before deploying an ECW on potentially at-risk individuals. ECWs should not generally be used against visibly pregnant women, elderly persons, young children, or visibly frail persons. In some cases, other control techniques may be more appropriate as determined by the subject's threat level to themselves or others.
8. In standoff mode, center mass of the subject's back should be the primary target area when reasonably possible. In situations where a frontal deployment is the only available option, low center mass and/or the legs should be the targeted area, if feasible. Officers shall not intentionally target a subject's head, neck, or genitalia, except where lethal force would be permitted.
9. ECWs will not be used solely in the drive-stun mode as a pain compliance technique, but ECWs may be utilized as a drive-stun follow-up to a probe deployment in order to complete the incapacitation circuit. A drive-stun follow-up may be necessary to complete the circuit more effectively as a result of a close probe spread, a single dart connection or a clothing disconnect.

An officer may come into a physical confrontation with a subject which may necessitate a close-quarter deployment of the ECW. In this situation, an officer may utilize the ECW in drive-stun mode with the cartridge on the device in order to disengage from the subject, create distance, and consider all force options.



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-53

Effective: 6/2/17 Review Due: 6/2/18 Replaces 6/29/16

C. ECW Restrictions

Use of the ECW in a drive or standoff mode is considered a less-lethal level of force unless other variables are present (as described below) which may increase the likelihood of serious injury to the subject as a result of the secondary impact. Decisions to use an ECW must be objectively reasonable given the totality of the circumstances and after considering less intrusive control options. The following restrictions, considerations and conditions apply:

- 1-3 1. Officers must never use the ECW in a punitive or coercive manner.
- 6-7 2. Officers will not use the ECW on subjects whose only action is passive resistance. However, where an officer is attempting to bring the subject into custody and the officer has a reasonable, articulable expectation that it would be unsafe for the officer to approach the subject within contact range, the officer may use the ECW only after considering any lesser force options and de-escalation techniques. In this instance, the officer shall provide verbal warnings that the subject is under arrest and that the officer intends to use the ECW if the subject does not comply with commands before the officer discharges the ECW.
- N/A 3. Officers will not use the ECW on handcuffed, restrained, or subdued prisoners unless doing so is necessary to prevent them from causing serious physical injury to themselves or others, and if lesser attempts of control have been ineffective.
- N/A 4. As a result of the incapacitating effects of the ECW, subjects may lose the ability to protect themselves from injury in a fall. This increases the potential for serious injury from the secondary impact.
- N/A 5. Using the ECW based solely on the fact that a subject is fleeing an officer making a lawful detention or arrest is generally not authorized. However, the totality of the circumstances, including the severity of the offense and whether the subject poses an imminent threat to officers, others, or themselves, may justify ECW use under these conditions. Officers shall consider all such factors before using an ECW on a fleeing subject.
- 5-6 6. ECWs will not be used in any environment where an officer knows or reasonably should know that potentially flammable, volatile, or explosive materials are present (including but not limited to OC spray with volatile propellant, gasoline, natural gas, drug lab flammables, or propane).
- 5-6 7. ECWs will not be used where such deployment poses a substantial risk of serious physical injury or death from situational hazards, except where lethal force would be permitted. Situational hazards include falling from an elevated position, drowning, and losing control of a moving motor vehicle or bicycle.
- 1-3 8. Authorized devices will consist only of those devices issued and approved by the Department. Personally-owned ECWs are not authorized for duty carry.



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-53

Effective: 6/2/17 Review Due: 6/2/18 Replaces 6/29/16

D. ECW Training and Certification

- N/A**
1. Officers must complete and pass a Department-approved certification course of instruction on the operation and use of the ECW before being authorized to carry and deploy the device.
 2. Officers shall receive annual recertification training in order to maintain their certification to carry the ECW.

5-6 E. Holster and Securing the ECW

1. Under no circumstances will the ECW holster be located on the duty belt next to, or on the same side as an officer's firearm. The ECW will be carried on the support side, also known as the "weak side," while on duty.
2. ECWs will be secured in a Department-issued or approved personal holster.
3. All authorized sworn, uniformed officers, unless specifically exempted by the Chief of Police, will carry the ECW in the holster on their person at all times while on duty.
4. All authorized sworn, non-uniformed personnel issued an ECW will carry the device during the performance of any law enforcement function involving public contact unless otherwise exempted by their commander.

5-7 F. Post-Deployment of the ECW

1. The deploying officer shall immediately notify his or her immediate supervisor, or if unavailable, the next available on-duty supervisor, by radio dispatch as soon as practical after deploying the ECW. The supervisor will respond to the scene.
2. Albuquerque Fire Department (AFD) Rescue personnel will be called to the scene to provide medical treatment. AFD shall determine, per their protocol, if the person needs to be transported to a medical facility for high-risk/sensitive probe removal and/or other medical care. If it is determined that the person should be transported, transportation shall be provided as soon as practicable. Absent exigent circumstances, probes will be removed only by medical personnel.
3. Supervisors will ensure that an officer accompanies the person to the medical facility.
4. The primary officer or designee shall request a crime scene specialist to respond to the scene.
5. The deploying officer or designee shall monitor any subject who has received an ECW application while in police custody, scanning for impaired respiration and



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-53

Effective: 6/2/17 Review Due: 6/2/18 Replaces 6/29/16

signs of positional asphyxia per current training guidelines. (See SOP 2-82 – Restraint and Transportation of Prisoners)

6. The deploying officer shall inform responding medical personnel about any subjects who have been subjected to an ECW application, are under the influence of drugs and/or are exhibiting symptoms associated with excited delirium, or have been kept in prone restraints after ECW use.

7. Supervisory Responsibility for Downloads

- a. Supervisors will ensure that they download an officer's ECW after each deployment.
- b. The supervisor will submit a printed copy of the download record with the Use of Force report.
- c. Supervisors will note the type of incident (felony, misdemeanor, or other) to ensure proper data retention.

5-7

G. Unintended Discharge of the ECW

1. In the event an officer experiences an unintended discharge of an ECW cartridge, the officer will immediately notify his or her immediate supervisor or, if unavailable, the next available on-duty supervisor.
2. The ECW data will be downloaded prior to the beginning of the officer's next shift.
3. The responding supervisor will assume investigative responsibility for the unintentional discharge.
4. The officer will document the unintended discharge in an offense/incident report, including the serial number of the ECW cartridge discharged.
5. If an individual is hit by the unintentionally deployed probes and exposed to the effects of the ECW, it will be addressed as outlined in this policy.

H. Use of ECW on Animals

- N/A
1. Officers may deploy the ECW on dangerous animals that pose an imminent threat to officers or others.

5-7

2. If an officer is required to deploy an ECW against a dangerous animal, the officer will notify his or her immediate supervisor regarding the deployment once the scene has been secured.

7

3. The primary officer or designee will immediately contact Animal Control when officers successfully deploy an ECW against an animal.

N/A

I. Reissuing ECWs



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-53

Effective: 6/2/17 Review Due: 6/2/18 Replaces 6/29/16

Previously-issued ECWs will have their memory content downloaded before any reissue.

7

J. Quarterly Administrative Upload

1. Personnel shall conduct quarterly administrative uploads during January, April, July, and October. Quarterly uploads will be subject to random and directed audits per [SOP 8-2 Inspections and Audit Unit](#).
2. Personnel shall conduct all uploads utilizing the Evidence Sync system currently utilized for uploading the TASER Axon cameras.
3. All personnel will be responsible for uploading their issued ECW, utilizing their Evidence Sync login, while in the presence of their supervisor.
4. Lieutenants will have the data port upload cables required to upload the TASER X26 and will make them available to their sergeants to facilitate the upload of all ECWs.
5. Lieutenants will ensure that all personnel under their command conduct the quarterly ECW upload.
6. Commanders will ensure their lieutenants' ECWs are uploaded.
7. Deputy chiefs or majors will ensure their commanders' ECWs are uploaded.
8. The Operations Review lieutenant will ensure the ECWs issued to majors and above are uploaded.
9. Evidence.com may be utilized to verify compliance.
10. Supervisors will indicate on their monthly inspection forms that the officers they supervise have had their ECWs uploaded.

K. ECW Audits

1. Random Audits
 - a. The Audit and Inspection Unit shall conduct random audits to ensure all ECW deployments are reported properly.
 - b. The Audit and Inspection Unit will keep all records of audit work papers.
2. Directed Audits

A use of force event shall require the Critical Incident Review Team to download a deployed ECW and compare the data with the use of force report to ensure accuracy.