

<b>HAVERFORD TOWNSHIP POLICE DEPARTMENT OPERATIONS MANUAL</b>		
<b>Issue Date</b> February 2021	<b>Review Date</b> February 2022	<b>Directive Number</b> <b>6.3.5</b>
<b>Accreditation Index:</b> 1.3.4; 1.3.5; 1.3.6; 1.3.9, 1.3.10		<b>Rescinds:</b> Directive 6.3.5 of November 2019
<b>Chapter:</b> Six – General Procedures		<b>Section:</b> Three – Use of Force
<b>Chief of Police:</b> <i>John F. Viola</i>		

**SUBJECT: ELECTRONIC INCAPACITATION DEVICE**

**I. PURPOSE**

The purpose of this Directive is to establish guidelines on the use of the electronic incapacitation devices. These devices are less lethal weapons available to officers of this Department who have been trained and certified on its use.

**II. POLICY**

The use of an electronic incapacitation device provides officers with a tool to subdue and apprehend a violent or potentially violent person without subjecting the officer or the citizen to an unnecessary risk of serious bodily injury or death.

It shall be the policy of this Department that officers shall follow the procedures outlined in this directive for the use of electronic incapacitation devices, as well as, those procedures for the care of persons subjected to electronic incapacitation device activation.

**III. DEFINITIONS**

**Bodily Injury:** Impairment of physical condition or substantial pain.

**Deadly Force:** Is defined by the Pennsylvania Crimes Code as: “Force, which under the circumstance in which it is used, is readily capable of causing death or serious bodily injury.”

**Electronic Incapacitation Device** – “a portable device which is designated or intended by the manufacturer to be used, offensively or defensively, to temporarily immobilize or incapacitate

persons by means of electric pulse or current, including devices operating by means of carbon dioxide propellant..." as defined in Title 18 Pa.C.S.A. § 908.1(f)

**Force:** Any degree of conduct beyond mere restraint used to control someone.

**Less Lethal Weapon:** A weapon authorized by this Department that when deployed is not intended or expected to cause death or serious bodily injury and that is commonly understood to have less potential for causing death or serious bodily injury than conventional, more lethal police weapons. Nonetheless, use of a Less Lethal Weapon can result in death or serious bodily injury.

**Non-Deadly Force:** A force application that is not intended or expected to cause death or serious bodily injury.

**Non-Force Option:** Any degree of conduct prior to mere restraint that is used by an officer to control a situation. Handcuffs when used as a restraint in arrest and transport activities, physical removal of peacefully resisting demonstrators, display of a weapon (unholstering or brandishing of a firearm), verbal direction and officer presence are all generally non-force options.

**Reasonable Force:** Force that satisfies the constitutional standard as "objectively reasonable" under the totality of the circumstance.

**Serious Bodily Injury:** 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.

#### **IV. PROCEDURES**

##### **A. Electronic Incapacitation Devices (E.I.D.)**

1. For the purposes of this directive the Less Lethal Weapon E.I.D. used by this department are those Conducted Electrical Weapon (CEW) products by TASER International Inc. Models M26, X26 and X26P.

##### **B. Use of Electronic Incapacitation Devices (E.I.D.)**

1. The decision to use an electronic incapacitation device shall be made based upon the actions of the subject or threats facing the officer and the totality of the circumstances surrounding the incident. The use of this device must be reasonable and necessary.

2. The electronic incapacitation device may be used in the following situations:
  - a) A subject is threatening harm to himself or herself, officers or others; and other means of control would be unreasonable, or could cause harm or injury to the subject, officers or others; or
  - b) Attempts to control the subject by other conventional tactics have been ineffective, or are inappropriate; or
  - c) When there is reasonable belief that it is unsafe for officers to approach within contact range of the subject; or
  - d) A subject is combative or resistant to arrest.  
**(PLEAC 1.3.4)**
3. Officers shall take into consideration the surroundings of the subject before using the electronic incapacitation device.

**Examples:** A subject may be in an elevated position or in other circumstances where a fall may cause serious injury or death. A subject standing in water may be susceptible to drowning.

4. The electronic incapacitation device shall not be deployed at subjects who have come in contact with flammable liquids or in an environment where flammable materials are obviously present.
5. The electronic incapacitation device shall only be issued to and used by officers who have satisfactorily completed the Department's training program.
6. The electronic incapacitation device shall be issued at rollcall by the duty supervisor to a trained officer under his/her supervision. The assigned officer shall be responsible for returning this device at the completion of his/her tour of duty. The electronic incapacitation device shall be kept in the supplied carrying case or carried on the duty belt.

C. Discharging Considerations:

1. Have a back up officer available to assist with the arrest. Officers should obtain sufficient back up before deploying the electronic incapacitation device since the effects of the device are temporary.

**NOTE:** Under exigent circumstances, nothing in this policy prohibits an officer from deploying the electronic incapacitation device without having the presence of additional officers.

2. When possible, have a second cartridge or electronic incapacitation device ready to discharge in case the probes miss the subject or the device malfunctions.
3. The electronic incapacitation device shall not intentionally be aimed at the head, face, or groin area of the subject.

D. Discharging Officer Responsibilities:

1. Use verbal commands and point the laser sight at the subject prior to deployment.
2. When possible the officer shall use cover and distance to ensure officer safety.
3. Consider the surroundings prior to deployment to reduce the risk of serious injury to the subject or officers.
4. After deployment of the electronic incapacitation device, the officer shall request a supervisor to respond to the scene, if not already present.
5. After deployment Officers may remove the electronic incapacitation device probes from a person under the following guidelines:
  - a) Officers shall follow the appropriate probe removal techniques as instructed in the electronic incapacitation device qualification training course.
  - b) Officers shall administer the appropriate first aid to the site of the probe punctures to the skin.
  - c) Probes shall not be removed if located in the face, neck, groin or spinal column areas:
    - (1) Paramedics shall be requested to respond to remove these probes and/or examine the subject.
    - (2) Paramedics shall determine if transportation to a medical facility is necessary.
  - d) The removed probes shall be considered a biohazard. Probes shall be disposed of as medical sharps in an appropriate container:
    - (1) Officers should take universal precautions when removing the probes from a subject, as well as in the handling and disposal of these probes.

6. Officers must request the paramedics to respond and examine a subject in the following circumstances:
  - a) The subject is exhibiting any adverse physical reaction to the electronic incapacitation device activation.
  - b) The subject is displaying any possible life threatening effects from the activation.
  - c) The subject has received two (2) or more full cycle electronic incapacitation device activations.
7. Prior to transport to an appropriate holding facility Officers shall obtain a hospital release form if the subject is treated by a medical facility as a result of a deployment of an EID.  
**(PLEAC 1.3.5)**
8. Complete a Department “Use of Force Report”.  
**(PLEAC 1.3.6 c)**
9. Place the discharged electronic incapacitation device out of service and turn it over to the Supervisor as soon as possible after the activation.

E. Supervisor Responsibilities:

1. Shall respond to the scene and take overall command of the incident.
2. Shall ensure the proper medical treatment is afforded to the subject of the deployment and police officers or citizens, if necessary.
3. Notify the Duty Commander of the incident, if the Duty Commander is on duty. Notification shall be made when the Duty Commander is off duty when the deployment of the electronic incapacitation device results in injuries requiring admission to a hospital for treatment or when death should occur.
4. Shall ensure that a Department “*Use of Force Report*” is completed.
5. Shall ensure that all reports associated with the incident are completed properly and submitted prior to the end of the tour of duty.
6. Shall ensure that a copy of the incident report detailing the use of the electronic incapacitation device and the device used in this activation are forwarded to the Special Operations Unit.

F. Special Operations Unit Responsibilities:

1. Establish and maintain a training program for the electronic incapacitation device. Maintain a record keeping system.
2. Maintain maintenance report for the electronic incapacitation device.
3. Ensure initial qualification training for all officers is completed prior to their approval to carry, use and deploy the electronic incapacitation device.  
**(PLEAC 1.3.9)**
4. Ensure re-qualification training for all officers trained in the use and handling of the electronic incapacitation device is conducted at least annually.  
**(PLEAC 1.3.10 c)**
5. Shall be responsible to ensure that all data from a discharged electronic incapacitation device is downloaded to the computer, and ensure a copy of all reports on the deployment of the electronic incapacitation device are forwarded to the Chief of Police as soon as possible.
6. Shall maintain a file containing all incidents involving electronic incapacitation device discharges and downloaded electronic incapacitation device data from these incidents.

**BY ORDER OF THE CHIEF OF POLICE**