



Fitchburg State University Police Department

**Subject: ELECTRIC CONTROL
WEAPONS**

Reference: **IACLEA:** 7.1.7, 7.1.9, 7.2.4
MPAC: 1.3.10, 1.3.11, 1.3.12
501 CMR 8

Effective Date:
January 28, 2025

Review Date:

By Order of: Michael J. Cloutier, Chief of Police

General Order

7.3

I. PURPOSE

The purpose of this General Order is to provide guidance and direction on the use of electronic control weapons (ECWs) compliant with 501CMR 8.

II. POLICY

It is the policy of the Fitchburg State University Police Department to use only the force that is objectively reasonable, under the totality of the circumstances known to the officer at the time, to effectively bring an incident under control while protecting the safety of the officer, subject, and others.

III. Definition

Electronic Control Weapon (ECW)/Conducted Energy Devices. A stun gun as defined in M.G.L. c. 140, § 121, or any portable device or weapon, regardless of whether it passes an electrical shock by means of a dart or projectile via a wire lead, from which an electrical current, impulse, wave or beam that is designed to incapacitate temporarily by causing neuromuscular incapacitation or pain so that an officer can regain and maintain control of the subject.

501 CMR 8.03

III. PROCEDURES

A. Authorized Users

1. In order to use an electronic control weapon in the performance of their official duties, an authorized officer must:
 - a. Be currently certified by the POST Commission;

- b. Be employed as an appointed officer of the Fitchburg State University Police Department under MGL 22C§63
 - c. Have reviewed General Orders 7.1 Response to Resistance, 7.2 Weapon Proficiency, and this General Order (7.3 Electronic Control Weapon), acknowledged and attested through the department's Policy Management System (Currently PMAM)
 - d. Have successfully completed a defensive tactics training course approved by the MPTC or approved by the Colonel of the Massachusetts State Police (MSP) including, but not limited to, the MPTC or the MSP basic recruit training that incorporates defensive tactics in the curriculum; and
 - e. Be authorized by the Fitchburg State University Police Department to carry a firearm in the performance of the officer's official duties and have successfully completed both use of force training and firearms training as approved by the MPTC or the Colonel of the MSP.
2. Except for training purposes, an authorized officer shall not use or carry an electronic control weapon in the performance of their official duties until successfully completing an approved MPTC training program or a training program approved by the Colonel of the MSP pursuant to 550 CMR 6.04(5) for the use of electronic control weapons.
3. If not carried or under the control of the owner or other lawfully authorized user, electronic control weapons shall be secured in a locked container in accordance with M.G.L. c. 140, § 131L.

501 CMR 8.05 / ICLEA 7.7.7a

B. Training

1. Only training programs certified by the MPTC or the Colonel of the MSP may be approved by the Secretary of Public Safety and Security as meeting electronic control weapon training requirements. Those programs must contain, at a minimum, the following components:
 - a. Not less than six hours of training;
 - b. A review of the mechanics of an electronic control weapon;
 - c. Illustration of the medical issues involved with the use of an electronic control weapon including, but not limited to, information regarding the effects of electronic control weapons on individuals with pre-existing medical and other conditions and information on and a demonstration regarding the removal of probes from an individual after an electronic control weapon has been discharged;
 - d. Segments on weapon proficiency for trainees, including a demonstration on the accurate discharge of an electronic control weapon, practice discharge of an electronic control weapon by trainees, exercises wherein the trainee practices

- transitioning to and from an electronic control weapon, and scenario exercises involving electronic control weapons;
- e. A segment on the use of an electronic control weapon as a force option and an overview of the Fitchburg State University Police Department's policies and the electronic control weapon's relation to other weapons, tools, and tactics within the department's use of force policy; and
 - f. Testing to demonstrate knowledge of protocols, use, and effects of electronic control weapons.
2. All authorized officers who have successfully completed the authorized training program pursuant to 501 CMR 8.06(1) must then complete an annual requalification training program of no less than four hours consisting of:
- a. A review of the department's use of force policy and other policies and procedures related to electronic control authorized weapons;
 - b. Updates regarding the electronic control weapon;
 - c. Testing to demonstrate knowledge of policies, protocols, use, and effects of electronic control weapons; and
 - d. A demonstration of proficiency with the electronic control weapon. Officers shall not be authorized to carry the ECW until proficiency is demonstrated.
3. Training must be conducted by qualified instructors certified on the specific model of ECW carried by officers of the department.
4. Training should include scenario-based practice and should adhere to both the product manufacturer's recommendations as well as applicable state laws, standards, and leading practices.
5. Training records shall be documented, including authorized users. If the manufacturer offers certification to use the product, this certification shall be documented and kept current.

501 CMR.8.06 / IACLEA 7.7.7b, 7.2.4

C. Certification Requirements for Training Instructors

1. Training instructors for any approved training program for the Fitchburg State University Police Department on the use of electronic control weapons must be certified by the MPTC. Training instructors for the MSP must be certified by the Colonel of the MSP. At a minimum, the instructor must:
- a. Attend the instructor training program provided by the manufacturer(s) of the electronic control weapon(s) to be used by the department, which must consist of no less than 16 hours of instruction covering training on the use of electronic control weapons; and
 - b. Complete all training required by the MPTC or the Colonel of the MSP to obtain and maintain instructor certification.

501 CMR.8.07

D. Weapon Readiness

1. The ECW shall never be left unattended in an unsecured location (on- or off-duty).
2. The ECW should not be carried in a position or in close proximity to the firearm. Further, the ECW should be color-coded to distinguish it from the firearm.
3. An officer shall not draw or hold their ECW simultaneously with their firearm or other force option.
4. The ECW should be carried in an immediately deployable state with at least one cartridge in place. Cartridges should be replaced before their expiration date.
5. If applicable to the device, the ECW shall be carried with the safety in the "safe" position.
6. Officers should ensure the ECW batteries are properly charged and that the device is functioning properly in accordance with the manufacturer's guidelines and as specified in agency policy, in addition to having the ECW's most up-to-date firmware and/or software. If the ECW does not function as expected, the ECW shall be taken out of service, and the anomaly shall be reported to the appropriate supervisor or designee.
7. Modifications or repairs to the device shall be performed only by a trained technician and consistent with the manufacturer's guidelines and directions.

E. General Considerations for Use

1. The ECW is authorized to be used when it is objectively reasonable under the totality of the circumstances and what is known to the officer at the time. (See *Graham v. Connor*, 490 U.S. 386 (1989).)
2. Where feasible, subjects should be afforded an opportunity to comply before initial and any subsequent deployments.
3. Officers shall issue verbal and/or visual warnings consistent with training prior to deploying the ECW, when feasible and tactically appropriate. When practical, officers should also notify assisting officers that they intend to deploy the ECW.
4. Once successful probe connections have been made, officers shall allow a reasonable amount of time for the subject to comply unless doing so would increase the risk of injury to officers, the subject, or others.
5. Whenever possible, the ECW shall be deployed using a backup officer to assist with handcuffing or providing cover.
6. The preferred target areas include the back, lower abdomen, and thighs. Avoid aiming at the head or neck unless the encounter justifies a deadly force response.
7. As soon as the subject is compliant and the situation is under control, a supervisor shall be notified of the use of force.

8. Officers shall be aware of the general concerns present when an ECW is used on a member of an elevated-risk population group. Officers are not prohibited from using an ECW on such persons but shall limit use to those exceptional circumstances where the potential benefit of using the device reasonably outweighs the enhanced risks involved.
9. Officers shall activate the device on a subject no longer than objectively reasonable to overcome resistance and bring the subject under control. After initial activation and to the extent practicable, the totality of the circumstances should be re-evaluated before any additional activation.

IACLEA 7.7.7c

F. Potential Effects Of The ECW

1. The ECW is one of the most commonly used forms of force, but as with any use of force, it is not without potential risk and controversy. However, the information presently available suggests that ECWs do not create an unreasonable risk as compared to their potential benefit when used reasonably and in consideration of the totality of circumstances presented.
2. The potential effects of the ECW are well-documented but vary greatly depending on the subject and the circumstances involved. The following are examples of possible subject reactions and potential injuries and outcomes following an ECW deployment:
 - a. Falling to the ground, including secondary injuries that may occur because of this;
 - b. "Freezing" in place due to involuntary muscle contractions;
 - c. Yelling, screaming, or silence;
 - d. Immediately regaining control or feeling dazed for several seconds or minutes;
 - e. Experiencing a temporary tingling sensation;
 - f. Lacking any memory or sensation of pain;
 - g. In the drive-stun mode, receiving signature marks that may resemble surface burns, as well as red marks, blisters, and physical abrasions;
 - h. In the probe mode, when skin penetration occurs, receiving small puncture-type wounds with a mosquito bite appearance;
 - i. In the probe mode, when skin penetration does not occur, receiving small red marks at the location where the delivered charge was conducted from the probe point to the skin;
 - j. Having an increased potential for injury if the ECW contacts a sensitive area, such as the face or genitals;
 - k. In statistically rare cases, death may occur.

IACLEA 7.1.7d

G. Susceptible Population

1. Officers should be aware of the greater potential for injury when using an electronic control weapon against certain individuals. Electronic control weapons should not be used against:
 - a. Children under the age of seventeen (18);
 - b. Adults over the age of seventy (70);
 - c. Women believed to be pregnant; or
 - d. Those known to be suffering from severe mental illness.
 - e. Persons of small stature irrespective of age;
 - f. Persons known to be equipped with a pacemaker; or
 - g. Persons in obvious ill health.
2. Electronic weapons should only be deployed on these vulnerable groups if the officer's assessment at the time is that the individuals have or will cause immediate serious bodily harm to themselves and/or others but could be subdued by an electronic weapon.

IACLEA 7.1.7d

H. Forbidden ECW Use:

1. The ECW shall never be used:
 - a. In a punitive or coercive manner.
 - b. Aiming at or intentionally deploying the ECW into the neck, head, face or eyes unless there is a Lethal Threat perception.
 - c. Against a subject who is passively resisting the lawful commands of an officer.
 - d. Against a person exhibiting behaviors unlikely to cause death or serious personal injury who is at an elevated location, or who is running in an environment, where a fall may cause substantial injury or death.
 - e. Against handcuffed subjects absent overtly assaultive behavior that cannot reasonably be dealt with in any less intrusive manner.
 - f. Against an operator in physical control of a vehicle in motion (including bicycles and scooters) unless exigent circumstances exist.
 - g. Against a subject who is in close proximity to or having clothing or protective material saturated with flammable gas or liquid. Additionally, where a flammable gas or liquid is present (e.g., a meth lab, where gasoline is stored, alcohol-based OC spray, high-proof alcohol, etc.).
 - h. Against a subject who is located in water.

- i. To rouse unconscious, impaired, or intoxicated individuals.
- j. In an unprofessional manner (e.g., experimentation, horseplay, clowning around, etc.).
- k. For illegal purposes (e.g., illegal coercion, torture, etc.).

I. Primary Probe Deployment

1. The ECW is most effective at overcoming resistance and gaining subject control when used in the probe mode (vs. drive-stun), and from adequate distance consistent with training to allow sufficient probe spread on contact. Accordingly, probe mode is the preferred method of initial deployment.
2. Immediately prior to deployment, the officer should visually and physically confirm that the device selected is the ECW and not a firearm.
3. The ECW should be aimed at a preferred probe target location, consistent with training and manufacturers' recommendations. The ECW should not be intentionally aimed at a sensitive area, which includes the subject's face, eyes, head, throat, chest area, female breasts, groin, genitals, or known pre-existing injury areas, absent reasonable belief by the officer that they are facing an immediate risk of serious physical injury or death.
4. Officers shall consider the totality of circumstances, including suspect movement, limited sighting capability, and their ability to accurately deploy the device, to reduce the risk of unintended probe contact.
5. The ECW may be discharged for an initial cycle of up to five seconds:
 - a. In an attempt to minimize the number of ECW discharges necessary for subject compliance, during and immediately after this cycle, the officer should verbally give compliance instructions to the subject.
 - b. The officer shall be aware that an energized subject might not be able to respond to commands during or immediately following exposure.
 - c. The officer should allow a reasonable amount of time to assess the effectiveness of the cycle, and to allow the subject to comply with the instructions given.
 - d. The officer shall evaluate, under the totality of circumstances presented, whether additional cycles or probes are objectively reasonable and necessary in accomplishing the officer's lawful objectives. The evaluation shall include consideration of whether the subject is of an elevated-risk population that may be at a higher risk from multiple and/or prolonged ECW cycles.
 - e. The officer should consider deploying additional cartridges or probes (if using a multiple-cartridge ECW) or transitioning to alternative force options if the officer reasonably perceives that the subject has not responded to the ECW in the anticipated manner based on training and experience.

- f. To reduce the number of cycles and duration of exposure, the subject should be secured with handcuffs or other appropriate restraints as soon as practical and safe during or following exposure to an ECW cycle.

J. Drive-Stun Application

1. All drive-stun applications are subject to the same guidelines and restrictions as primary probe deployments.
2. Many ECWs can also be used in close-range, self-defense, and brief distraction situations in the drive-stun mode with the cartridge removed, or the expended cartridge in place. When the device is used in the drive-stun mode, it is:
 - a. Primarily a coercive control (pain compliance) tool, and
Less effective than when probes are deployed with adequate probe spread and proper placement.
3. Officers should use drive-stun mode only:
 - a. As a brief application to attempt compliance or distraction.
 - b. To "break-contact" or distraction tactic when engaged with a subject.
 - c. As a three- or four-point contact to attempt to achieve neuro-muscular incapacitation (NMI).
4. A preferred method of close-range drive-stun application with a single-shot ECW involves firing the probes at close range with the cartridge on, then applying the device in drive-stun mode consistent with training to an area of the body away from the probe location. This potentially creates a greater "probe spread" effect between the probe location and the point where the ECW is placed in contact with the subject's body to cause NMI.

K. Post-Deployment / AfterCare

The probes shall be removed from the subject as soon as practical after deployment and control, following the procedures outlined in training.

1. Probes may be removed from the subject after the subject is restrained.
2. The probes shall be treated as a biohazard risk.
3. EMS should be activated to remove probes and/or provide further medical care:
 - a. In all cases where the probe has penetrated sensitive tissue areas, such as the eyes, genitalia, female breast, or any place above the level of the clavicles.
 - b. If the subject had a known pre-existing medical condition especially one affecting the cardio-vascular system i.e. a pacemaker or cardiac surgery.

- c. Where it appears that the tip of the barbed probe broke off and remains under the skin or if it appears the probe might be embedded in bone, a blood vessel, or other sensitive structure.
 - d. If the subject is found to be pregnant, has a witnessed seizure, has extensive bleeding at probe sites, signs of respiratory distress, or a change in his/her mental status.
 - e. If it appears the subject has suffered any other injury from the use of the ECW or from falling when incapacitated by the ECW.
4. A subject exposed to an ECW activation will be monitored regularly while in police custody even if they received medical care, including breathing and circulation.
5. Officers should request emergency medical response for **any probe deployment** or if any of the following occurs:
- a. The subject requests medical attention.
 - b. The subject reasonably appears to be in medical distress.
 - c. The ECW has been used on a subject in an elevated-risk population category.
 - d. A probe has contacted a sensitive area.
 - e. There is difficulty removing the probes.
 - f. The subject does not appear to be recovering in a manner consistent with training and experience.
 - g. The subject has been exposed to more than three ECW cycles or more than 15 total seconds of discharge.
 - h. The subject has been simultaneously exposed to the effects of more than one ECW device.
 - i. The subject has exhibited signs of extreme uncontrolled agitation or hyperactivity, or excited delirium as described in training, prior to or during ECW exposure.
6. Following an ECW activation, officers should use a restraint technique that does not impair respiration.
7. Photographs of the affected area should be taken after the probe is removed whenever possible.
8. Officers will not remove probes that were from another department/officers ECW
9. When the device has been used operationally, the officer will collect as evidence, package, and mark as a biohazard; the air cartridge, wire leads, probes, as evidence. If equipped, several AFIDS should also be collected and packaged separately as evidence.

- a. Biohazard should be placed in a paper bag
- b. Some ECWs have digital AFIDS, and should noted in the officer's report if physical AFIDS are not discharged from ECW

IACLEA 7.1.9

L. Accidental Discharge Of An ECW:

1. If an officer accidentally discharges an ECW, they will render medical attention as outlined in the Post-deployment section of this policy.
2. If anyone is struck by a probe as a result of an accidental discharge then the officer shall directly notify their immediate supervisor as soon as reasonably practicable.
3. If nobody is struck by a probe as a result of an accidental discharge then the officer shall notify their immediate supervisor either in person or by email.
4. Officers must complete an incident report to detail the incident.

M. ECW Use on Animals

1. ECWs deployed against animals may reduce the need for greater or more intrusive force against such animals. Officers are authorized to deploy ECWs on animals when:
 - a. An animal is threatening or attacking a person or another animal.
2. Officers should provide reasonable aftercare and document the deployment appropriately

N. Evidence Collection

1. Once the subject has been controlled, and the need for medical care has been evaluated, officers will collect all evidence of the encounter. With respect for human dignity and privacy in mind, officers should take steps to avoid embarrassment and preserve confidentiality regarding the subject's medical treatment during this process.
2. When the device has been used in probe mode, the officer shall collect the cartridge, wire leads, darts, and anti-felon identification markers (AFIDs) if equipped, and secure them as evidence in compliance with the department's policy regarding biohazard material.
3. When lawful and appropriate, photographs should be taken of probe impact sites and any other related injuries before and after they are removed, as soon as reasonably possible.

O. Reporting

1. The Fitchburg State University Police Department shall comply with all data collection and reporting requirements as set forth by federal, state, and local law as required by their jurisdiction.
2. Officers will generate a report for displays of the ECW in addition to actual deployments.
 - a. This can provide insight into the effectiveness of the ECW display as a method of de-escalation to gain compliance.
3. The use of an ECW in either drive-stun or probe mode shall be documented as a use of force.
4. The deploying officer shall notify their supervisor as soon as practical after using the device, and the appropriate use-of-force/ response to resistance report shall be completed. Officers shall document in their use-of-force report the facts and circumstances that reasonably justified the use of the ECW. This should include:
 - a. The facts and circumstances which dictated the officer's use of force;
 - b. Commands given to the subject;
 - c. The manner in which the subject refused to comply;
 - d. Witnesses to the discharge of the ECW;
 - e. Number of discharges, and duration of each;
 - f. Location of probes on the subject's body;
 - g. Extent, if any, of the subject's injuries;
 - h. Contact information for EMTs or other medical professionals involved in the incident;
 - i. Description of first aid provided; and
 - j. The name of the supervisor notified, and the time of such notification.
5. Data from the ECW, including audio and video recordings, if the ECW is so equipped, shall be downloaded as soon as practical following use, and the file shall be considered a part of the use-of-force review.
6. Within the use-of-force report, additional explanation should be provided when the device has been used in any of the following manners:
 - a. The ECW is used in drive-stun mode.
 - b. The subject is exposed to ECW discharge for more than three cycles or longer than 15 seconds.

- c. The subject is exposed to more than one simultaneous ECW exposure.
- d. The ECW is used on an individual in an elevated-risk population group.

7. Supervisor Responsibility:

- a. Ensure that photographs of the area impacted by the probes are taken after the probes are removed, if possible. Officers are advised to protect the privacy and confidentiality of all subjects photographed.
- b. Ensure that the subject has received the proper medical attention as appropriate.
- c. In the case of a probe deployment, he/she shall ensure that the officer collects the cartridge, wire leads, probes, and AFIDs if equipped as evidence. Probes are to be treated as a biohazard material and appropriately handled.

8. Administrative Responsibilities:

- a. The Fitchburg State Police Department will comply with all data collection protocol and reporting requests as set forth in M.G.L. c. 140 § 131J and St. 2004, c. 170; Sec. 2.
- b. There will be an administrative review of each report of the discharge of an ECW. This will be conducted by the Chief or his/her designee.
- c. The department will conduct an annual analysis of reported uses of ECWs. Where indicated training needs, equipment upgrades, and/or policy modifications will be considered.

IACLEA 7.7.7e

P. Auditing

The Chief shall designate a supervisor to oversee the maintenance and auditing of the ECWs. This shall include:

- Ensuing quarterly that all department-owned ECWs are operational;
- Downloading and analysis of the ECWs, if deployed;
- Ensure the ECW has up-to-date firmware and synced time clock;
- Review of all reports where an ECW was displayed or discharged to ensure the use was in line with this general order and the department's Response to Resistance policy.

Approval:



Chief of Police

01/28/25