
Electro-Muscular Disruption Technology Guidelines

309.1 PURPOSE AND SCOPE

The Electro-Muscular Disruption Technology (EMDT) device is intended to control a violent or potentially violent individual while minimizing the risk of serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to officers and suspects.

309.2 POLICY

Personnel who have completed department-approved training may be issued the EMDT device for use during their current assignment. Personnel leaving a particular assignment may be expected to return it to the department's inventory.

Officers shall only use the EMDT device and cartridges that have been issued by the Department. Uniformed officers who have been issued the EMDT device shall wear the device in an approved holster on their person. Non-uniformed officers may secure the EMDT device in the driver's compartment of their vehicle.

If the EMDT device is carried as part of a uniformed officer's equipment, the EMDT device shall be carried away from the officer's duty weapon so not to be drawn in the same manner and confused for the other.

- (a) All EMDT devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry a total of two or more EMDT device cartridges on their person when carrying the EMDT device.
- (c) Officers shall be responsible for ensuring that their issued EMDT device is properly maintained and in good working order at all times.
- (d) Officers should never hold both a firearm and the EMDT device at the same time.

309.3 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the EMDT device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is for the following:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that a EMDT device may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and practical under the circumstances, the officer may, but is not required to, display the electrical arc (provided there is not a cartridge loaded into the EMDT device) or the laser in a further attempt to gain compliance prior to the application of the EMDT device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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The fact that a verbal and/or other warning was given or reasons it was not given shall be documented by the officer deploying the EMDT device .

309.4 USE OF THE EMDT DEVICE

As with any law enforcement equipment, the EMDT device has limitations and restrictions requiring consideration before its use. The EMDT device should only be used when its operator can safely approach the subject within the operational range of the EMDT device. Although the EMDT device is generally effective in controlling most individuals, officers should be alert to the potential for failure and be prepared with other options.

309.4.1 FACTORS TO DETERMINE REASONABLENESS OF FORCE

The application of the EMDT device is likely to cause intense, but momentary, pain. As such, officers should carefully consider and balance the totality of circumstances available prior to using the EMDT device including, but not limited to, the following factors:

- (a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
- (b) Officer/subject factors (i.e., age, size, relative strength, skill level, injury/exhaustion, number of officers vs. subject(s)).
- (c) Influence of drugs/alcohol (mental capacity).
- (d) Proximity of weapons.
- (e) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (f) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances).
- (g) Seriousness of the suspected offense or the reason for contact with the individual.
- (h) Training and experience of the officer.
- (i) Potential for injury to citizens, officers and suspects.
- (j) Risk of escape.
- (k) Other exigent circumstances.

309.4.2 APPLICATION OF THE EMDT DEVICE

Authorized personnel may use the EMDT device when circumstances known to the individual officer at the time indicate that such application of the EMDT device is reasonable to control a person in any of the following circumstances:

- (a) The subject is violent or physically resisting.
- (b) A subject who, by words or action, has demonstrated an intention to be violent or to physically resist and who reasonably appears to present the potential to harm officers, him/herself or others.
- (c) Absent meeting the conditions set forth in (a) or (b) above, or a reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing officers shall not serve as good cause for the use of the EMDT device to apprehend an individual.

When practicable, the officer should give a verbal warning of the intended use of the EMDT device followed by a reasonable opportunity to voluntarily comply.

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The officer must be able to articulate a reasonable belief that other available options appeared ineffective, impractical or would have presented a greater danger to the officer, the subject or others.

309.4.3 TARGETING CONSIDERATIONS

While manufacturers generally recommend that reasonable efforts should be made to target lower center mass and to avoid intentionally targeting the head, neck, chest and groin, it is recognized that the dynamics of each situation and officer safety may not permit the officer to limit the application of the EMDT device darts to a precise target area. As such, officers should take prompt and ongoing care to monitor the condition of the subject if one or more darts strikes the head, neck, chest or groin until he/she is released to the care of paramedics or other medical personnel.

309.4.4 MULTIPLE APPLICATIONS OF THE (EMDT) DEVICE

If the first application of the EMDT device appears to be ineffective in gaining control of an individual and if circumstances allow, the officer should consider the following before additional applications of the EMDT device:

- (a) Whether the probes or darts are making proper contact.
- (b) Whether the application of the EMDT device is interfering with the ability of the individual to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

This, however, shall not preclude any officer from deploying multiple, reasonable applications of the EMDT device on an individual.

309.4.5 REPORT OF USE

All EMDT device discharges shall be documented in the related arrest/crime report, the EMDT device report form and notification made to a supervisor in compliance with Policy § 300.4.1. Accidental discharges of a EMDT device cartridge will also be documented on the EMDT device report form. Any report documenting the discharge of a EMDT device cartridge will include the cartridge serial number and an explanation of the circumstances surrounding the discharge.

The onboard EMDT device memory will be downloaded through the data port by a supervisor or Rangemaster and saved with the related arrest/crime report. Photographs of probe sites should be taken, Anti-Felon Identification (AFID) tags should be collected and the expended cartridge along with both probes and wire should be submitted by the officer collecting the cartridge into evidence for future reference. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

309.5 MEDICAL TREATMENT

Absent extenuating circumstances or unavailability, only qualified personnel, including certified paramedics, should carefully remove EMDT device darts from a person's body. Used EMDT device darts shall be considered a sharp biohazard, similar to a used hypodermic needle. Universal precautions should be taken accordingly.

All persons who have been struck by EMDT device darts or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

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- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The EMDT device darts are lodged in a sensitive area (e.g., groin, female breast, near the eyes).
- (e) The person requests medical treatment.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person receiving custody or any person placed in a position of providing care that the individual has been subjected to the application of the EMDT device.

309.6 TRAINING

In addition to the initial department-approved training required to carry and use a EMDT device, any personnel who have not carried a EMDT device as a part of their assignment for a period of six months or more shall be recertified by a department approved EMDT device instructor prior to again carrying or using the device. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Patrol Sergeant.

The Patrol Sergeant should ensure that all training includes the following:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy § 300.
- (c) Target area considerations, to include techniques or options to reduce the intentional application of probes near the head, neck, chest, and groin.
- (d) De-escalation techniques.