

## Department of the Interior Departmental Manual

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**Effective Date:** 12/08/2023

**Series:** Law Enforcement and Security

**Part 446:** Law Enforcement

**Chapter 22:** Electronic Control Devices

**Originating Office:** Office of Law Enforcement and Security

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### 446 DM 22

**22.1 Purpose.** This chapter establishes the policy governing the use of Electronic Control Devices (ECD) by all Department of the Interior (Department) Law Enforcement Officers (LEOs) and Correctional Officers (COs).

**22.2 Scope.** This policy applies to all LEOs and COs of the Department.

**22.3 Authority.** This policy is issued pursuant to 5 U.S.C. § 301; 43 U.S.C. § 1454; Reorganization Plan No. 3 of 1950, (64 Stat. 1262), as amended; 54 U.S.C. § 102701 et seq., for the National Park Service; D.C. Code § 5-206 and related authorities for the U.S. Park Police; 43 U.S.C. §§ 1733(c)(1)-(2), for the Bureau of Land Management; law enforcement authorities specific to the Fish and Wildlife Service, including but not limited to 16 U.S.C. § 3375(b) and 16 U.S.C. § 460k-3; 25 U.S.C. § 2803, for the Bureau of Indian Affairs; and 43 U.S.C. § 373b, for the Bureau of Reclamation.

**22.4 Policy.** It is the responsibility of the Department to ensure ECDs are properly managed, maintained, and used in accordance with laws, policies, standards, and procedures, including those set forth herein. ECDs must be used in a manner consistent with 446 DM 20, *Use of Force* policy. Bureaus/Offices must create procedures that meet the standards set forth herein for the management, maintenance, and use of ECDs by LEOs and COs in the performance of their duties.

### 22.5 Responsibilities.

A. Assistant Secretary – Policy Management and Budget (AS-PMB) is responsible for providing management direction and support for all Department law enforcement (LE) programs and activities through Department-wide policies, standards, and guidelines.

B. Deputy Assistant Secretary, Public Safety, Resource Protection and Emergency Services (DAS-PRE) is the Department's primary LE policy officer and the principal advisor to the Secretary, Deputy Secretary, and Assistant Secretary – Policy Management and Budget on LE policy and operations.

12/08/2023 #5154

Replaces 4/16/09 #3841

C. Director, Office of Law Enforcement and Security (OLES) has the responsibility, as delegated by the DAS-PRE and pursuant to 112 DM 17 and 212 DM 17, for LE policy development and for oversight of the Department's LE programs, and is responsible for ensuring the proper implementation of this policy across the Department.

D. Bureau Directors are responsible for ensuring that Bureau LE programs are managed in accordance with laws, regulations, and Departmental policies.

E. Bureau Directors of Law Enforcement (BDLE) are responsible for establishing and enforcing Bureau policies and procedures which comply with laws, regulations, and Departmental policies.

F. Bureau/Office Law Enforcement Officers and Correctional Officers are responsible for complying with established laws, policies, and guidelines governing the use of ECDs.

**22.6 Definitions.** For the purposes of this Chapter, the terms below are defined as follows:

A. Correctional Officer / Detention Officer (CO). A non-commissioned officer who has received specific training in the care, custody and control of prisoners and is responsible for the supervision, safety, and security of prisoners.

B. Electronic Control Device. Also known as Conducted Energy Weapon, Conducted Electrical Weapon, Electronic Control Weapon, or a Taser®, is a less-lethal hand-held device that discharges electrical pulses designed to temporarily incapacitate a person by inhibiting the person's neuromuscular control.

C. ECD display. The ECD is removed from the holster and displayed in any manner, including activation of laser sights, to a subject to gain a subject's voluntary compliance without actual deployment of the probes or drive stun.

D. ECD demonstration. The ECD device is activated to demonstrate the device's electrical arcing to gain a subject's voluntary compliance without actual use of the ECD on the subject.

E. ECD deployment/probe mode (device fired). The ECD is fired at the subject with the intended effect of the two or more wired probes making separate contact with the subject's body to complete the electrical circuit and incapacitate the subject.

F. ECD deployment (drive stun). The ECD is activated and applied in direct contact with the subject's body causing pain and discomfort to that immediate area of the body. This method will not normally incapacitate a subject unless the drive stun also completes the electrical circuit in conjunction with at least one wired probe that remains connected between the subject and the ECD.

G. Function Test. A pre-shift test conducted to ensure the ECD is functioning properly and that all electronic components are performing adequately. Also referred to as a spark test.

H. Law Enforcement Officer (LEO). Department employee sworn and commissioned to enforce criminal statutes, and authorized to carry firearms, execute and serve warrants, search, seize, make arrests, and perform such duties as authorized by law.

I. Probes. Wired projectiles fired from an ECD in order to transmit electrical pulses to a subject.

22.7 **Standards.** This policy establishes minimum standard guidelines for the management, maintenance, and use of ECDs. Bureaus/Offices will establish written standard operating procedures which must include all of the minimum requirements detailed within this policy.

A. Pre-ECD Deployment.

(1) Only government issued ECDs are authorized to be carried or worn while on duty.

(2) Bureau/Office procedures must define when the ECD will be carried and the manner in which it will be carried (support side, cross draw, or thigh holster, etc.) on LEOs and COs.

(3) LEOs/COs are responsible for the security of their issued firearms and less-lethal equipment including ECDs. Bureaus and Offices must establish physical security standards and procedures for ECDs.

(4) LEOs/COs must conduct a function test at the beginning of each shift to verify their issued ECD is working correctly. Any ECD not working correctly must be taken out of service and reported to the supervisor immediately.

(5) Except in clearly articulated extenuating circumstances, ECDs should not be used when the LEO/CO perceives the use of an ECD may result in secondary injuries, including but not limited to situations when:

(a) A subject may fall from a significant height;

(b) A subject is operating a moving vehicle or machinery;

(c) A subject is in or near a body of water which presents a risk of drowning;

(d) A subject is believed to be contaminated by or otherwise near flammable or explosive materials;  
or

(e) A subject is believed to be at an increased risk for secondary injuries (e.g., the very young, the very old, the infirm, or the pregnant).

B. ECD Operational Requirements.

(1) When feasible, an announcement must be made to other personnel on the scene that a ECD is going to be activated.

(2) When feasible, a warning should be given to a subject prior to activating the ECD, unless doing so would place any person at risk. Warnings will be in the form of verbalization and display or visual stimulus (aiming the laser, electrical arcing).

(3) ECDs may be equipped with device-specific cameras and/or compatible with Body Worn Cameras (BWC) to record audio and video pursuant to the data management and data storage requirements in 446 DM 41, *Use of Body Worn Cameras*.

(4) LEOs/COs must not intentionally target sensitive areas (e.g., head, neck, genitalia) unless deadly force is justified, and such targeting is necessary to neutralize the imminent danger.

(5) ECDs must never be used in a punitive manner; as a prod or escort device; to wake unconscious or intoxicated individuals; to elicit statements; or, in any other manner not prescribed by law, regulations, or this policy or Bureau/Office procedures.

C. ECD Medical Considerations Post-ECD Deployment.

(1) Subjects that have been exposed to multiple or prolonged application of an ECD (i.e., more than 15 cumulative seconds) must be carefully evaluated in the field to determine whether they should be transported to a medical facility for evaluation. Officers should exercise their sound judgment when determining whether an individual should be transported to a medical facility for evaluation. Personnel conducting medical evaluations must be made aware that the suspect has been exposed to an ECD application so they can evaluate the need for further medical treatment.

(2) Subjects that have received an ECD application should be monitored regularly while in police custody even if they have received medical care. Notification of the ECD exposure must accompany the subject when transferred to jail personnel or until the subject is released from police custody.

(3) ECD probes must be treated as a biohazard when processed as evidence. Only medical personnel should remove probes that have penetrated a subject's sensitive areas (e.g., head, neck, genitalia), or are difficult to remove. Probes should be inspected to ensure that they are intact following removal from a subject.

D. Evidence Collection. Bureaus/Offices will establish procedures for evidence collection of ECD deployments.

(1) Photographs or body worn camera footage should be taken of a subject who has been subjected to the deployment of the ECD (probes or drive stun). The photographs or footage should include the area struck by the probe or drive stun and any area alleged by the subject to be injured. When taken, the photographs or footage shall be attached to the report in the Records Management System (RMS) and booked into evidence. LEOs/COs should exercise care and good judgement related to subject's privacy interest before capturing images and limit the taking of photographs or footage to only those areas needed to document the incident.

(2) Used probes shall be considered a sharp-object biohazard and be photographed and disposed of according to Bureau/Office evidence standards.

(3) Discharged ECD cartridges, as well as the insulated wire from the cartridges, shall be collected and booked into evidence.

(4) ECD downloads: firing data shall be downloaded after each use. Downloaded data such as date, time and duration of firing shall be referenced in the associated report.

E. ECD Reporting Requirements.

(1) All ECD deployments, except for training, must be documented and reported to supervisors. This includes unintentional and negligent discharges.

(2) The ECD data must be downloaded at least quarterly and as soon as practical after a deployment to be included as part of the case incident report.

(3) Supervisors must review the ECD data on a quarterly basis of all ECDs in use, as well as after every deployment generating a use of force report.

(4) Minimum reporting requirements must be followed and are outlined in 446 DM 17, 446 DM 20, and 446 DM 25.

(5) All ECD deployment reports must be stored in the Department's approved RMS.

F. ECD Training Requirements.

(1) Bureau/Office LEOs and COs must receive training that is compliant with 446 DM 20 and must qualify prior to carrying an ECD.

(2) Bureaus/Offices will develop supervisory training outlining what should be reviewed in the ECD data reports.

(3) Bureaus/Offices will develop training requirements that reflect the Federal Law Enforcement Training Centers (FLETC) ECD basic training curricula or the Manufacturers basic training curricula. Training curricula must include:

- (a) Operational procedures;
- (b) Medical components of ECD use;
- (c) Minimum standards for a qualification course of fire; and
- (d) Use of Force policy.

(4) ECD recertification will occur at least annually as part of the annual law enforcement refresher requirements in 446 DM 15 and consist of:

- (a) Weapon functionality, and weapon retention;
- (b) ECD drawing proficiency;
- (c) Bureau/Office policy including any changes;
- (d) Technology updates;
- (e) Medical updates;
- (f) Reviews of court rulings; and
- (g) Realistic, high-risk, and judgement-based scenario training.

(5) Bureaus/Offices may use manufacturer's instructor level training.

(6) Bureaus/Offices must be aware that exposure to ECD application during training could result in injury to personnel. With the possible exception of LEOs and COs in instructor level training, where exposure to ECDs may be required for certification, Departmental employees will not receive exposure to ECD application as part of any training curriculum.

(7) If a Bureau/Office uses more than one ECD model, training must emphasize the differences in the various models (e.g., duration of cycle, optimal probe spread, etc.).

(8) Bureau/Office Supervisors and training instructors must regularly review ECD deployments, both intentional and unintentional, and regularly revise training curricula to address deficiencies.

(9) Failure to comply with ECD training requirements will result in equipment removal from the LEO or CO.

G. ECD Lifecycle Management.

(1) ECDs must be acquired and controlled with strict accountability.

(a) ECDs must be accounted for as property in the Financial and Business Management System (FBMS);

(b) ECDs are subject to annual inventory requirements;

(c) Obsolete ECDs must be permanently disabled and disposed of consistent with Bureau/Office property management guidelines.

(2) ECDs should be issued to individual LEOs or COs and not shared.

(3) Like other electronic items, ECDs should be considered perishable items requiring recurring replacement. Replacement will be based on the manufacturer's recommendation.

(4) Bureau/Office policy will outline requirements for periodic inspection of ECDs to ensure product reliability. Bureaus/Offices should have a defined process for daily and periodic equipment checks as well as timely equipment replacement as required.