

**FISH AND WILDLIFE SERVICE
LAW ENFORCEMENT**

Law Enforcement

Part 442 Firearms and Use of Force

Chapter 7 Electronic Control Devices

442 FW 7

7.1 What is the purpose of this chapter? This chapter establishes policy for Service law enforcement officers who use Service-issued Electronic Control Devices (e.g., TASERS® or other manufacturer).

7.2 What is the scope of this chapter? This chapter applies to all Service officers who may carry Electronic Control Devices (ECDs) as part of their official duties.

7.3 What is the authority for this chapter? The authority for this chapter is [446 DM](#), Law Enforcement.

7.4 What is an ECD?

A. An ECD is a handheld, conducted energy device designed to transmit an electrical impulse to stun a person and disrupt movement.

B. The components of an ECD are:

(1) Probes. Probes are projectiles fired from an ECD to transmit an electrical impulse to a target.

(2) Anti-Felon Identification (AFIDs). AFIDs are small, confetti-like pieces of paper that are expelled from the ECD air cartridge when fired. Each AFID contains a serial number unique to the specific cartridge used.

(3) Cartridges. Cartridges are replaceable containers that hold the probes, probe wires, AFIDs, and pressurized nitrogen capsules.

7.5 What is the Service policy regarding ECDs? Service officers may use ECDs as an optional tool to protect themselves or others from physical harm or to bring a non-compliant subject safely and effectively under control if:

A. They have successfully completed a Service-approved ECD training program, and

B. Their Special Agent in Charge or Regional Chief, National Wildlife Refuge System has authorized it (see section 7.6C).

7.6 Who is responsible for the ECD program?

A. The Chief – Office of Law Enforcement:

(1) Ensures that all law enforcement officers within the Office of Law Enforcement comply with this policy,

(2) May delegate authority to the Special Agents in Charge (SAC) to implement an ECD program in their Regions,

(3) Works with the Assistant Director – National Wildlife Refuge System to approve the make and model of ECDs Service Officers may use (see section 7.10), and

(4) Ensures the agents in the Professional Responsibility Unit (PRU) receive the proper training and equipment to investigate complaints from ECD deployments.

B. The Assistant Director – National Wildlife Refuge System (NWRS):

(1) Works with the Regional Chiefs – NWRS to ensure that Refuge Law Enforcement Officers comply with this policy,

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(2) May delegate authority to the Regional Chiefs – NWRS to implement an ECD program in their Regions, and

(3) Works with the Chief – Office of Law Enforcement to approve the make and model of ECDs Service Officers may use (see section 7.10).

C. Special Agents in Charge and Regional Chiefs - NWRS:

(1) Implement the ECD program within their Region depending on operational needs of the duty stations, refuges, and individual officers. The SACs and Regional Chiefs - NWRS may:

(a) Delegate authority to another officer to serve as ECD coordinator for the Region,

(b) Choose not to authorize ECD programs in their Regions,

(c) Choose duty stations or refuges to implement ECD programs, and

(d) Choose individual officers who may carry ECDs.

(2) Designate ECD instructors and maintain a list of all authorized instructors and users in their Regions.

(3) Ensure instructors receive initial training and refresher training (see section 7.9).

D. Supervisors of Service law enforcement officers must ensure:

(1) Officers authorized to carry ECDs receive appropriate training (see section 7.7),

(2) Officers who do not carry ECDs receive familiarization training (see section 7.8), and

(3) Compliance with this policy at the local level.

E. The Office of Law Enforcement Training and Inspection and the Branch of Refuge Law Enforcement Training must:

(1) Approve all ECD user and instructor training courses;

(2) Maintain a list of:

(a) Service-authorized ECD training, instructors, and armorers;

(b) Each Region's and program's users; and

(c) ECDs issued and the serial numbers.

(3) Ensure that ECD certification and recertification adhere to the specifications in [446 DM 22](#).

7.7 What are the ECD training requirements?

A. Initial ECD training: To carry an ECD, Service officers must successfully complete ECD training that the Office of Law Enforcement Branch of Training and Inspection or the Branch of Refuge Law Enforcement Training has approved. ECD use must be consistent with approved ECD training curricula.

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B. Refresher ECD training: The Office of Law Enforcement Training and Inspection and the Branch of Refuge Law Enforcement Training determine what refresher training officers must complete for their Service-issued ECD. The training is based on the recommendation of the ECD manufacturer. Officers who do not satisfy refresher training requirements may not carry ECDs.

C. No ECD impulse to Service Officers: We must not stun Service officers with an ECD impulse as part of training curricula (see [446 DM 22](#)).

7.8 If officers are not authorized to carry ECDs, do they have to take any ECD training? Service officers who are not authorized to carry ECDs will receive basic familiarization training on the use of ECDs instead of the full certification course. ECD instructors will provide this familiarization training (approved by the Office of Law Enforcement Training and Inspection or the Branch of Refuge Law Enforcement Training). The training covers basic use and effects of the ECD.

7.9 What are the requirements for certified ECD instructors?

A. Designating ECD instructors: The Special Agent in Charge or Regional Chief - NWRS designates Service officers to provide ECD training. To become an ECD instructor, an officer must attend and successfully complete instructor training approved by the Office of Law Enforcement Training and Inspection or the Branch of Refuge Law Enforcement Training. The manufacturer of the ECDs we use provides the training to instructors.

B. Refresher training for ECD instructors: The Office of Law Enforcement Training and Inspection and the Branch of Refuge Law Enforcement Training determine what refresher training ECD instructors must take. The refresher training requirements are based on the recommendation of the manufacturer of the ECDs we use. Instructors who do not receive appropriate instructor refresher training may not provide ECD training to Service officers.

7.10 What ECDs and holsters may Service officers carry and use? Service officers may only use ECDs and holsters the Service issues or approves. The Chief – Office of Law Enforcement and the Assistant Director - NWRS jointly approve the specific make and model of ECDs we may issue to officers. Consult the Law Enforcement memorandum on ECDs to determine the current standards.

7.11 When may a Service officer use an ECD?

A. When the use of an ECD is consistent with Service and Department policy on use of force (see [442 FW 2](#) and [446 DM 22](#)) and the officer has approval and training allowing its use, officers may use ECDs:

(1) On individuals who are actively resisting a Service officer or to prevent individuals from seriously harming themselves or harming others, and

(2) On animals if they pose a danger to the Service officer or others.

B. Unless Service officers can clearly articulate compelling reasons to do so, they should not use ECDs when:

(1) A subject exhibits passive resistance to a Service officer;

(2) The officer believes the use of deadly force is necessary (see [446 DM 20](#), Use of Deadly Force); or

(3) The officer believes using an ECD may result in direct or secondary injuries, including but not limited to when a subject:

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- (a) May fall from a significant height;
- (b) Is actively operating a moving vehicle or machinery;
- (c) Is in or near a body of water that presents a risk of drowning;
- (d) May be contaminated by or otherwise near flammable or explosive materials; or
- (e) Appears to be part of a group that may be at high risk for secondary injuries (e.g., children, the elderly, the infirm, visibly pregnant females).

7.12 What must happen after an officer deploys an ECD?

A. If a Service officer reasonably believes that the person he/she stunned with an ECD impulse is in need of medical treatment, the officer must make reasonable efforts to obtain such treatment.

B. If ECD probes are embedded in the following sensitive areas or described subjects, a medical care provider must remove them, in the presence of a Service officer:

- (1) Face, neck, groin, or female breast;
- (2) High risk subjects such as children, the elderly, the infirm, and visibly pregnant females;
- (3) Subjects who display signs of distress, loss of consciousness, difficulty breathing, or chest pain; or
- (4) Subjects who receive three or more ECD impulse cycles.

C. Service officers may remove ECD probes embedded in non-sensitive bodily areas or from subjects who are not high-risk according to procedures outlined in training. Officers must follow universal precautions for infection control and treat probes as biohazard sharps.

D. When practicable and appropriate, officers should take photographs of ECD probe impact sites before and after probe removal.

E. Service Officers must secure and place the ECD into evidence for later shipment to a Service-approved ECD armorer (see sections 7.6E(2) and 7.12G.) (Service-approved armorers are identified during ECD training.)

F. Service officers must place probes, wire leads, the expended cartridge, and a representative sample of the AFIDs into evidence separately from the ECD (see 445 FW 3). Label the evidence "Bio Hazard" in accordance with OSHA's Bloodborne Pathogens Standard .

G. A Service-approved ECD armorer must download data and complete a use history report from the deployed ECD as soon as practicable, but no later than 72 hours after deployment. The armorer gives the report to the officer, and the officer attaches it to the case file report (see section 7.16).

H. Service officers who have deployed an ECD in any situation must:

- (1) Maintain a log of the deployment as evidence, and

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(2) Notify their supervisor as soon as practical after using the device and follow Departmental and Service reporting requirements for Serious Incident Reporting (see [446 DM 17](#) and [054 FW 1](#)). See sections 7.16 and 7.17 for further reporting and review requirements.

7.13 What are the requirements for carrying and storing an ECD? [Table 7-1](#) below describes how Service officers must carry and store ECDs:

Table 7-1: Carrying and Storing ECDs	
Service officers must...	
A. ECD Holster	(1) Carry ECDs in a holster or container designed for the ECD, and (2) Carry the holster on the duty belt, on an external body armor vest, or in a thigh mounted holster, on the side opposite the duty firearm. A cross-draw position is optional.
B. Power Level and Testing	(1) Carry ECDs with an inserted cartridge, power source in place, with the safety on, (2) Check the strength of the power source each time he/she carries the ECD on duty, (3) Replenish the power source when it is below 20% power, and (4) Conduct a spark test at the beginning of each shift.
C. Spare cartridges	(1) Have a minimum of one spare cartridge as a back-up, (2) Store and carry the spare cartridges in the way they were trained, and (3) Replace the cartridges according to the manufacturer's expiration requirements.
D. Batteries	Use only battery power sources that the ECD manufacturer recommends.
E. Storage	(1) Store their Service-issued ECDs safely and securely in the same manner as their Service-issued firearms (see 442 FW 1), and (2) Follow manufacturer recommendations for long-term storage.

7.14 What chemical agents may Service officers use in conjunction with ECDs? Non-flammable Oleoresin Capsicum is the only approved chemical agent that Service officers may carry and use (see 442 FW 2 and section 7.11B(3)(d) of this chapter). Information about ECDs and Oleoresin Capsicum is in the most current Law Enforcement memorandum on ECDs.

7.15 May Service officers fly with an ECD on commercial airlines? Service officers authorized to carry ECDs:

A. May carry them on board a commercial aircraft if the officer is flying in compliance with Transportation Safety Administration (TSA) guidelines and 442 FW 4, Airline Travel and Law Enforcement Equipment.

B. Must follow TSA's procedure for transporting firearms when carrying ECDs in checked baggage. Officers should contact the airport's Federal Security Director or Ground Security Coordinator to determine proper procedures (see 442 FW 4).

7.16 What types of documentation and records must Service officers maintain?

A. Service officers who carry ECDs must maintain a record of all:

(1) ECDs and ECD cartridges they receive, including serial numbers and Service officer identifying information;

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- (2) ECD and ECD cartridge damage, repair, or loss;
- (3) ECD certification and training;
- (4) Annual ECD inspection (a Service-approved and trained ECD armorer performs this inspection); and
- (5) Unintentional ECD deployments.

B. Officers must maintain device-specific use history reports for all ECD deployments, excluding those associated with training and demonstrations (see section 7.12G).

7.17 With what other chapters related to using ECDs should officers and their managers be familiar? Although unlikely, using an ECD could result in serious injury or death to an individual under certain conditions. Service officers, supervisors, and managers must follow procedures found in:

- A.** 054 FW 1 (Policy and Procedures for Reporting Serious Incidents),
- B.** 442 FW 2 (Use of Force),
- C.** 442 FW 3 (Boards of Review), and
- D.** 442 FW 6 (Management of Officer-Involved Critical Incidents).

7.18 What are the legal ramifications of the policy? This policy is for internal use only. Violating the policy may be the basis of an agency personnel action, but the policy is not intended to, and does not create, any third-party right or benefit, substantive or procedural, enforceable at law or equity by any party against the United States, the Fish and Wildlife Service or its entities, its officers, or any other person.

/sgd/ Sam D. Hamilton
DIRECTOR

Date: February 5, 2010