



District I:

ABSENT

HON. AVELINO B. SOLIS
City Councilor

HON. EDWIN G. GAWARAN
City Councilor

HON. MIGUEL N. BAUTISTA
City Councilor

HON. ROWENA BAUTISTA-MENDIOLA
City Councilor

HON. REYNALDO M. FABIAN
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HON. VENUS D. DE CASTRO
City Councilor

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HON. LEANDRO A. DE LEON
City Councilor

HON. ROBERT R. JAVIER
City Councilor

HON. VICTORIO L. GUERRERO, JR.
City Councilor - ABC Pres.

Attested by:

SHIELA S. LAZO

Supervising Admin Officer

Certified by:

HON. CATHERINE S. EVARISTO
City Vice Mayor/Presiding Officer

Approved by:

HON. STRIKE B. REVILLA
City Mayor

Republic of the Philippines
CITY OF BACOR
Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

CITY ORDINANCE NO.CO 20-2016
Series of 2016

AN ORDINANCE REGULATING THE USE, SALE, AND DISTRIBUTION OF ELECTRONIC CONTROL WEAPONS SUCH AS TASER GUNS OR STUN GUNS, ESTABLISHING THE BACOR ELECTRONIC CONTROL WEAPONS TRAINING PROGRAM, PROVIDING PENALTIES FOR VIOLATIONS HEREOF, AND FOR OTHER RELATED PURPOSES.

Sponsored by:

*Hon. Miguel N. Bautista, Hon. Rowena Bautista-Mendiola
Hon. Venus D. De Castro, Hon. Bayani M. De Leon, Hon.
Leandro A. De Leon, Hon. Reynaldo M. Fabian, Hon. Edwin G.
Gawaran, Hon. Victorio L. Guerrero Jr., Hon. Hernando C.
Gutierrez, Hon. Roberto R. Javier, Hon. Gaudencio P. Nolasco,
and Hon. Reynaldo D. Palabrica.*

WHEREAS, protecting the public against criminals is among the primary responsibilities of the city government and of every local government in the country;

WHEREAS, despite the best efforts of the Philippine National Police (PNP) and the city government, criminal elements continue to prey upon the peace-loving residents of the City of Bacoor.

WHEREAS, private citizens have begun arming themselves with TASER guns or stun guns. Unfortunately, the national government as well as the PNP does not have guidelines in place regulating the sale, use, or distribution of the said weapons.

WHEREAS, numerous studies conducted abroad have shown that the said weapons – while effective in deterring crime – may cause death or serious injury.

WHEREAS, the city government must take a proactive stance in regulating the use, sale and distribution of stun guns or TASER guns in order to prevent its abuse or misuse.

NOW THEREFORE, be it ordained by the Sangguniang Panlungsod of the City of Bacoor, Province of Cavite THAT:



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Article I
PRELIMINARY PROVISIONS

Section 1. Short Title. This Ordinance shall be referred to and cited as the **"Bacoor City TASER Gun Control Ordinance of 2016"**.

Section 2. City Government Policy. It shall be the policy of the City of Bacoor to promote and regulate the safe and judicious use, sale, and distribution of non-lethal electronic control weapons such as stun guns or TASER guns as long as Congress or the national government comes up with a more effective means of regulating the said weapons.

Section 3. Definition of Terms. The following words and phrases as used in this Ordinance shall have the following meaning/s:

3.1. Activation. Pulling the trigger of an electronic control weapon (ECW), causing arcing or probe discharge.

3.2. Active aggression. A threat or overt act of an assault through physical means, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.

3.3. Active resistance. A subject's physical actions to defeat an attempt of a police officer, barangay official or traffic management constable at control and to avoid being taken into custody. **Verbal statements alone –even if vehement or offensive --do not constitute active resistance.**

3.4. Anti-Felon Identification (AFID) tags. See "confetti tags".

3.5. Application. The actual contact and delivery of electrical impulse to the subject via probe discharge or drive stun.

3.6. Arcing. Pulling the trigger to activate an ECW without discharging the probes. This may be done as a warning to the subject or to test the ECW prior to deployment (sometimes referred to as a spark test).

3.7. Cartridge. A replaceable vessel that generally contains compressed gas, probes, connecting wires, and confetti tags.

3.8. "Complete the circuit". When there is inadequate spread between probes attached to a subject, or one probe misses the subject or dislodges, the ECW may be used in drive stun mode to incapacitate the subject. This allows for the electrical pulse to travel between the attached probe(s) and



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the point where the front of the ECW makes contact with the subject. This tactic is sometimes referred to as a three-point contact.

3.9. Conducted Energy Device (CED). See Electronic Control Weapon (ECW).

3.10. Confetti tags. Small identifying cards expelled from an ECW cartridge when probes are discharged. Each confetti tag contains a serial number unique to the specific cartridge used. Confetti tags are sometimes referred to as Anti-Felon Identification (AFID) tags.

3.11. Cardiopulmonary Resuscitation (CPR). An emergency procedure performed in an effort to manually preserve intact brain function until further measures are taken to restore spontaneous blood circulation and breathing in a person who is in cardiac arrest.

3.12. Cycle. The period during which electrical impulses are emitted from the ECW following activation. In most models, a standard cycle is 5 seconds for each activation. The duration of a cycle may be shortened by turning the ECW off but may be extended in certain models by continuing to pull the trigger.

3.13. Display. Drawing and exhibiting the ECW as part of a warning tactic, typically accompanied by appropriate verbalization.

3.14. Drive stun. Drive stun mode is possible whether or not the cartridge has been expended or removed from the ECW. (If the cartridge is not removed, the probes will enter the body.) This action requires pulling the trigger and placing the ECW in direct contact with the subject, causing the electric energy to enter the subject directly. Drive stun is frequently used as a non-incapacitating pain compliance technique. It may also be used to incapacitate the subject where at least one probe is attached to the subject's body and the ECW contact will complete the circuit.

3.15. Duration. The aggregate time that the ECW is activated. It is important to note that the duration of activation may differ from the duration of time that a subject is subjected to the electrical impulse from the ECW.

3.16. Electronic Control Weapon (ECW). A weapon designed primarily to discharge electrical charges into a subject that will cause involuntary muscle contractions and override the subject's voluntary motor responses. Originally called Conducted Energy Device (CED). The term shall also refer to stun guns and TASER guns.

3.17. Excited delirium. State of extreme mental and physiological excitement, characterized by behaviors and



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symptoms such as extreme agitation, elevated body temperature (hyperthermia), watering eyes (epiphoria), hostility, exceptional strength, and endurance without fatigue.

3.18. Exigent circumstances. Circumstances that would cause a reasonable person to believe that prompt and unusual action is necessary to prevent physical injury to self or others.

3.19. Firing. Discharging ECW probes at an intended target.

3.20. Fleeing. An active attempt by a person to avoid apprehension by a law enforcement officer through evasive actions while attempting to leave the scene of a crime.

3.21. Laser painting. The act of unholstering and pointing an ECW at a subject and activating the ECW's laser dot to show that the weapon is aimed at the subject.

3.22. Less-lethal weapon. Any apprehension or restraint tool that, when used as designed and intended, is less likely to cause death or serious injury than a conventional police lethal weapon (e.g., firearm).

3.23. Neuromuscular incapacitation. The effect of the ECW on a subject when, through the application of an electrical pulse, the ECW dominates the motor nervous system by interfering with electrical signals sent to the skeletal muscles by the central nervous system.

3.24. Passive resistance. Physical actions that do not prevent the officer's attempt to control, for example, a person who remains in a limp-prone position, passive demonstrators, etc.

3.25. Positional asphyxia. Death that occurs when a subject's body position interferes with breathing, either when the chest is restricted from expanding properly or when the position of the subject's head obstructs the airway.

3.26. Probe discharge. Pulling the trigger to release the probes from the cartridge to make contact with the subject and achieve neuromuscular incapacitation.

3.27. Probe spread. The amount of distance between probes fired from an ECW.

3.28. Probes. Projectiles with wires contained in an ECW cartridge. When the ECW is discharged, probes are expelled from the ECW and penetrate the subject's clothing and/or skin, allowing application of the electric impulse.

3.29. Proximity death. The death of a subject following exposure to an ECW.



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3.30. Sensitive areas. An area of the subject's body that may cause more serious injury to the subject if struck with an ECW probe (e.g., head, neck, genitalia).

3.31. Serious bodily harm. An injury to a person that, either at the time of the actual injury or at a later time, involves a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of any part or organ of the body, as well as any breaks, fractures, or burns of the third degree.

3.32. Three-Warning Rule. The procedure to be strictly implemented by all law enforcement personnel before they can discharge an ECW within the City of Bacoor.

Section 4. Rules on Interpretation. In case a conflict in the interpretation hereof arises between the English version of this ordinance and its Filipino translation, the provisions of this ordinance and its annexes appearing in English shall prevail.

The following rules shall be observed in the interpretation of this ordinance:

4.1. Words used in singular also include the plural. The reverse is also true;

4.2. Words used in the present tense shall also include the past tense. The reverse is also true;

4.3. The words "must", "shall", "will" and "may not" as used in this ordinance are mandatory;

4.4. The word "may" is permissive while "should" is advisory and not mandatory or required;

4.5. When used with numbers, "Up to X," "not more than X" and "a maximum of X" all include X;

4.6. Words or phrases not defined herein shall be interpreted in the context it was used in this ordinance and in consideration of the reason why the Sangguniang Panlungsod used the said terms;

4.7. In interpreting words and phrases not defined herein, the meaning of the said terms as popularly understood at the time the ordinance was approved shall be used;

4.8. Any word, phrase, or term not enumerated above but used in this ordinance shall be interpreted by taking into account the context in which it was used, its meaning as popularly understood, or its definition in either Black Law Dictionary or in the 2015 edition of Merriam - Webster Dictionary; and



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4.9. Unless otherwise specified, any reference to the male gender in any provision of this ordinance shall also include the female gender and vice versa.

Section 5. Date of Effectivity. This Ordinance shall take effect immediately after it has been published at least once in a newspaper of general circulation and after the Sangguniang Panlalawigan of the Province of Cavite has approved it.

Section 6. Automatic Review. The Sangguniang Panlungsod shall automatically review this Ordinance once every three (3) years after its approval or whenever the need for such review arises.

Section 7. Due Process Requirements. The rudimentary requirements of administrative due process shall be strictly observed prior to the imposition of any of the penalties specified hereunder. Thus, the City Mayor and all other city employees under him shall ensure that persons against whom the said penalties are intended to be imposed shall be:

- (a) Notified in writing of the acts committed or not committed that constitutes a violation of this Ordinance;
- (b) Given at least 24 hours from receipt of the notice within which to comply with the particular provision of the Ordinance that was allegedly violated;
- (c) Exempted from facing criminal prosecution after the suspected offender voluntarily pays the corresponding fine for the offense allegedly committed; and
- (d) Allowed to defend himself in a proper court of law before the imposition of any fine in case the suspected offender chooses to challenge the allegations against him.

Section 8. Repeal Clause. All ordinances, resolutions, or executive orders in conflict with the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 9. Separability Clause. Any provision of this Ordinance nullified by any court of law shall not affect the validity of the remaining provisions hereof not affected by the said judicial declaration.



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Article II
Regulatory Guidelines

Section 10. Authority to Use ECW's by Law Enforcers.

Only police officers, barangay officials, and traffic management constables (to be collectively referred to hereafter as "law enforcers") on duty and in uniform in the act of performing their duties in accordance with law within the City of Bacoor shall be permitted to use electronic control weapons (ECWs).

Section 11. Use of ECW's by Private Individuals. Private individuals residing in the City of Bacoor may use ECW's but only if all of the following circumstances are present:

11.1. The ECW is covered by a license issued and signed by the City Mayor and by the Chief of Police of the City of Bacoor;

11.2. The private individual actually took and passed the training program to be developed by the Bacoor Peace and Order Council with regard the use of ECW's;

11.3. The private individual shall only use the ECW while inside his place of residence. The phrase "place of residence" shall not include motor vehicles owned or driven by the private individual concerned or his place of business or employment; and

11.4. The private individual shall only use the device in self-defense or in defense of others inside his place of residence.

Section 12. Authority of Duly Licensed Private Individuals to Carry ECW Outside of Place of Residence. As a general rule, private individuals duly licensed to carry an ECW should not bring their device outside of their place of residence except in the following instances:

a) When bringing the ECW registered under his name for repair, or when he is on his way to his place of residence after such repair, while in possession of a printed Repair Appointment Slip or official receipt issued by the manufacturer or distributor of the ECW device in favor of the said private individual on the same day that he was carrying the ECW;

b) When the private individual is moving out of his former place of residence and moving into a new place of residence while in possession of a duly notarized Barangay Certification evidencing that he is moving in to his new place of residence; or

c) When the private individual is carrying the ECW to secure his License to Carry and Use or to have such license renewed at the Bacoor City Police Station situated at the



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Bacoor Government Center in Barangay Bayanan, Bacoor City, Cavite while in possession of various documents related to the release or renewal of his license.

Section 13. Meaning of "Place of Residence". For purposes of this Ordinance, the place of residence of the private individual duly licensed to use an ECW is the address indicated in his license application. The term also covers the garage, any motor vehicle parked within the garage, front yard, and backyard of the place of residence – if any. The term shall also cover any motor vehicle registered under the name of the private individual or that was placed under his custody parked immediately in front of his place of residence. In case he intends to change his place of residence, he must submit a notarized affidavit to the Chief of the Bacoor PNP stating his new place of residence together with a duly notarized Barangay Certification evidencing that he is moving into a new place of residence signed by the Punong Barangay of the barangay where his new place of residence is located.

Section 14. Use of ECW by Duly Licensed Private Individual Outside of Place of Residence, When Allowed. A private individual carrying an ECW outside of his place of residence may use the device only when all of the following circumstances are present:

- a) He was carrying the ECW due to any of the three (3) circumstances specified in Section 13 hereof;
- b) An act of unlawful aggression was done against him, a relative, or a stranger in his presence;
- c) The private individual did not commit sufficient provocation against the aggressor immediately prior to the attack on his person or on his relative. In case the stranger subject of the attack gave sufficient provocation justifying the aggression, the private individual should not have been a part of such provocation;
- d) The act of aggression, if allowed to continue, may cause the death or serious injury of the private individual carrying the ECW, his relative, or of the stranger subject of the aggression;
- e) There are no other sufficient means by which he can repel, stop, or prevent such unlawful aggression other than to use the ECW he was carrying against the aggressor;
- f) The private individual observed the Three-Warning Rule prior to discharging his ECW;
- g) The private individual observed the Five-Second Rule after the discharge of his weapon; and
- h) The private individual immediately reported the fact that he discharged his ECW to the police after he has repelled or prevented the aggression or has already extricated himself from the dangerous situation.



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Section 15. "Unlawful Aggression" Defined. Unlawful aggression as used in this Ordinance, shall refer to actual, sudden, unexpected or imminent danger not merely threatening and intimidating action exerted upon the private individual carrying the ECW outside his place of residence, upon his relative, or upon a stranger while in his presence. Unlawful aggression is present only when the one attacked faces real and immediate threat to ones life.

Section 16. Ban Against Use of ECW by a Private Individual in Defense of Property Rights Outside his Place of Residence. A private individual duly licensed to use an ECW shall be allowed to use his weapon outside his place of residence in defense of property rights when all of the following circumstances concur:

- a) He is carrying the ECW registered under his name due to any of the circumstances enumerated under Section 13 hereof;
- b) His personal property, that of a relative, or that of a stranger is being stolen while in his presence;
- c) There are no other sufficient means by which he can repel, stop, or prevent such unlawful aggression other than to use the ECW he was carrying against the aggressor;
- d) The private individual observed the Three-Warning Rule prior to discharging his ECW;
- e) The private individual observed the Five-Second Rule after the discharge of his weapon; and
- f) The private individual immediately reported the fact that he discharged his ECW to the police after he has repelled or prevented the aggression or has already extricated himself from the dangerous situation.

Section 17. Accountability. The person who owns the ECW or who has custody of the same shall be ultimately accountable for any misuse or abuse of the said devices. The said person shall at all times ensure that the ECW he owns or that is under his custody is beyond the reach of children, minors, or of people whose mental abilities are equivalent to that of a child. Any injury caused by such child, minor, or person whose mental abilities are equivalent to that of a child to any third person shall make the person who owns the ECW or who has custody of the device ultimately liable for such injury.

Section 18. The 1:1 Rule. No person in the City of Bacoar shall be allowed to own or have in custody more than one ECW. No household shall be allowed to have more than one ECW of whatever brand or make within its premises.

Section 19. The Totality of Circumstances Rule. The law enforcers authorized under this Ordinance to use ECW's should always consider the totality of the circumstances surrounding a particular situation when applying the various guidelines



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contained herein. In certain situations, exigent circumstances may outweigh the recommendation of a specific guideline. The law enforcer concerned should always be able to articulate the justification for going beyond the policies herein provided or the training he received.

Section 20. Development of the Bacoor Electronic Control Weapons Training Program. Within sixty (60) calendar days following the date of effectivity of the Ordinance, the Chief of Police of the City shall submit a draft training program based on this Ordinance for the review and consideration of the Bacoor Peace and Order Council and the Commission on Human Rights. The said training program should be applicable to law enforcers and to civilians who would qualify to use ECWs under this Ordinance.

The said draft training program should be the product of consultation with various divisions of the Philippine National Police, medical specialists, as well as with private security consultants with years of expertise on the use of ECWs in the Philippines or abroad. Mandatory skills tests, written exams, and psychological evaluations of all persons who would be authorized to use ECWs shall be part of the training program.

The Bacoor Peace and Order Council shall review each aspect of the training program and shall test the effectiveness of its various elements in curtailing the spread of criminality. The safety of the law enforcers who would use ECWs, the general public, and that of the persons on whom the said devices would be used shall be considered by the Bacoor Peace and Order Council in approving the said training program. Once approved, the said training program shall be known as the **Bacoor Electronic Control Weapons Training Program**.

Section 21. Development of Police-Medical Protocol on Treatment of ECW Related Injuries. The City Health Office and the Chief of Police of the City of Bacoor shall jointly develop a police-medical protocol on the treatment of injuries caused by ECWs and on the removal of ECW probes after ECW application. The said protocol shall be developed within thirty (30) days after the approval of the Bacoor Electronic Control Weapons Training Program. The said protocol shall be submitted to the Bacoor Peace and Order Council and to the Regional Office of the Department of Health for approval. Once approved, the said protocol shall be considered a part of Bacoor Electronic Control Weapons Training Program.

Section 22. Approval of Training Program a Prerequisite to Ordinance Implementation. No provision of this Ordinance shall be implemented unless the Bacoor Electronic Control Weapons Training Program and the Police-Medical Protocol on the treatment of ECW related injuries has been approved by the Bacoor Peace and Order Council, the Commission on Human Rights, and the Department of Health.



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City Mayor

Section 23. Continuing Test and Review of Training Program and Protocol. Once approved, the Bacoor Electronic Control Weapons Training Program and the Police-Medical Protocol on the treatment of ECW related injuries shall be continuously tested and reviewed by a Special Committee on Inquiry to be comprised by the following:

Committee Chair
Vice Chair
Members:

City Health Officer
Bacoor PNP Chief

- a) City Legal Officer;
- b) Representative of the Commission on Human Rights;
- c) Medical practitioner specializing in cardiology and/or trauma treatment;
- d) Representative of the Department of Health; and
- e) Martial arts or security expert specializing in the use of ECWs.

The special committee shall meet at least once a quarter or when directed to meet by the City Mayor. The results of the tests and review conducted by the special committee shall be reported by the Chair of the said committee to the Sangguniang Panlungsod and to the Bacoor Peace and Order Council. The results of the said tests and review shall be used by the Sangguniang Panlungsod in revising this Ordinance and by the Bacoor Peace and Order Council in revising the Bacoor Electronic Control Weapons Training Program and the Police-Medical Protocol on the treatment of ECW related injuries.

Section 23.1. Additional Powers of the Special Committee on Inquiry. Aside from the foregoing, the special committee shall also have the power to investigate the following:

- a) A subject experiences a proximity death or serious injury following ECW application;
- b) A subject experiences prolonged ECW application (longer than 15 seconds);
- c) The ECW appears to have been used in a punitive or abusive manner;
- d) There appears to be a substantial deviation from ECW training or policy; and
- e) A subject in an at-risk category has been subjected to ECW application (e.g., young children, individuals who are elderly/frail, pregnant women, and any other activation as determined by a supervisor).



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Section 24. Honoraria of Committee Members. The members of the special committee mentioned in the preceding section shall be entitled to an honorarium not exceeding Three Hundred Pesos (PhP 300.00) for every meeting that he/she actually attended. Under no circumstance shall the committee meet more than twice a month. The honoraria of the committee members shall be taken from the intelligence fund of the City Mayor.

Section 25. Weak Hand Holstering Rule. No law enforcer authorized under this Ordinance to use and carry ECWs shall be allowed to holster the device on his strong side in order to prevent accidental firing of the device. Accordingly, the Bacoor Electronic Control Weapons Training Program should emphasize and prioritize weak-hand draw training of all persons who shall be authorized to use ECWs under this Ordinance.

Section 26. Yellow Colored ECWs. All ECWs to be purchased and distributed by the city government to law enforcers shall be yellow colored in order to reduce the escalation of a force situation, to make the device clearly visible, and to decrease the possibility that other police units on the scene would mistake the ECW as a firearm.

Section 27. Scenario-and-Judgment Based Training. In the development and approval of the Bacoor Electronic Control Weapons Training Program and the Police-Medical Protocol on the treatment of ECW related injuries, the Bacoor Peace and Order Council shall consider scenario-and-judgment based training that recognizes the limitations of ECW application and the need for personnel to be prepared to transition to other force options as needed.

Section 28. Manufacturer Training Curriculum Not Sole Basis of Training Program. The training curriculum recommended by the manufacturer/s of ECWs covered by this Ordinance shall not be the sole basis of the development of the Bacoor Electronic Control Weapons Training Program. In approving the training program, the Bacoor Peace and Order Council shall consider the compatibility of the manufacturer's recommended training curriculum to the existing use-of-force policies and values of the Philippine National Police as approved by the Commission on Human Rights and the Department of Health.

Section 29. Limitation on ECW Application During Training. The following regulations shall be strictly implemented whenever ECW application is used on persons participating in the training program:

29.1. Only persons not suffering from any heart ailment or nervous disorders shall be subjected to ECW application during training;



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29.2. No person participating in the training shall be forced to undergo ECW application;

29.3. No more than one person per training class shall be allowed to volunteer to undergo ECW application;

29.4. A person who volunteers to undergo ECW application shall be subjected to cursory medical examination by a physician before proceeding with the ECW application;

29.5. A person who volunteers to undergo ECW application shall be required to sign a waiver exonerating the city government, the PNP, and the Bacoor Peace and Order Council from any injury that he/she might suffer as a result of the ECW application;

29.6. All conceivable safety precautions including the placement of a mattress on the spot where the volunteer is expected to fall once the ECW application is done and the effects of neuromuscular incapacitation sets in shall be observed by training officers;

29.7. No video or photograph of the person who volunteered to undergo ECW application shall be taken during the training session; and

29.8. In case no one volunteers for ECW application, the training officers shall instead exhibit video clips provided by the manufacturer of the device showing the effects of ECW on humans.

Section 30. The Five-Second Cycle Rule. Due to the risk of causing death or serious injury as a result of multiple applications or continuous cycling of an ECW, the use of an ECW for more than a five-second cycle by any person or law enforcer authorized to use ECWs shall be strictly prohibited. To further emphasize the importance of this Rule, the city government shall strictly implement the following guidelines:

30.1. Persons applying for the authority to use ECWs as well as law enforcers entitled to carry and use the said devices shall be trained to use an ECW for one standard cycle not exceeding five seconds and then evaluate the situation to determine if subsequent cycles are necessary; and

30.2. A sticker emphasizing this Rule shall be attached to the ECW to be used by the law enforcer or person applying for a license to use such a device. For this purpose, the person applying for a License to Carry or Use shall bring his ECW unit to the Bacoor PNP for the attachment of the said sticker to the device prior to the release of the license.



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Section 31. Training on Effects of Positional Asphyxia and Proper Cardiopulmonary Resuscitation. The Bacoor Electronic Control Weapons Training Program and the Police-Medical Protocol on the treatment of ECW related injuries should emphasize the risk of positional asphyxia, and thus law enforcers should be trained to ensure that a subject's breathing is not impaired following an ECW application. The training program and protocol shall also contain instructions on how to properly administer cardiopulmonary resuscitation.

Section 32. Defense Against ECW Attack. The Bacoor Electronic Control Weapons Training Program shall emphasize that when a subject is armed with an ECW and attacks or threatens to attack a police officer who is alone, the officer must defend himself or herself or take actions to avoid becoming incapacitated and risking the possibility that the subject could gain control of the officer's firearm. However, if multiple officers are present, a subject's attack with an ECW against one officer should not in and of itself cause a deadly-force response by other officers.

Section 33. Prohibition Against Use of Drive Stun Mode. Due to the very high risk of causing death or serious injury, the use of the drive stun mode by any law enforcer or person authorized to use an ECW under this Ordinance is strictly prohibited.

Section 34. Mandatory Supplemental Hands-On Control Training. The Bacoor Electronic Control Weapons Training Program shall make it mandatory for trainees to undergo hands-on control tactics during ECW application, including handcuffing the subject during ECW application (i.e., handcuffing under power). Training should also emphasize that touching a subject during ECW application shall not cause exposure to the electrical charge, so long as caution is taken not to touch the subject along the circuit (i.e., between the locations of the two probes).

Section 35. Mandatory Training of Punong Barangay, Bacoor PNP Officers, and Bacoor Traffic Management Department Head and Supervisors on ECW. It shall be mandatory for the following persons to attend an annual training on ECW use and techniques:

- All Punong barangays in the City of Bacoor;
- Bacoor PNP officers; and
- The Head and supervisors of the Bacoor Traffic Management Department.

Section 36. Use of Only Non-Lethal ECW Model. The city government shall only use and purchase non-lethal ECW models such as, but not limited to, the Taser X-26 stun guns.



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Section 37. The Three-Warning Rule. Whenever feasible, such as when the life of a law enforcer or of a person sought to be protected by a law enforcer is not in immediate danger, law enforcers authorized to carry and use ECWs shall issue three verbal warnings to the subject to desist from what he is doing and submit to arrest before ECW application. The said verbal warning shall be cried out by the law enforcer and shall be in the vernacular to make sure that the subject understood the warning.

In case making such warnings is not feasible such as when a person is in imminent danger of dying or getting severely injured by the subject, the law enforcer shall be in the form of verbalization, display, laser painting, arcing, or a combination of these tactics.

No law enforcer shall be permitted to use an ECW unless this Rule is complied with.

Section 38. Verbal Warning to Other Law Enforcement Units. To prevent unintended injuries and whenever feasible, a verbal warning to nearby law enforcement units shall be made by a law enforcer before firing an ECW.

Section 39. Ban Against Use of Multiple ECWs on a Subject. Whenever feasible, only one ECW shall be used on one subject. The intentional and/or unnecessary use by law enforcers of more than one ECW unit on one subject shall be considered an act of torture and a violation of this Ordinance. **Provided however,** that (a) in case a subject is unusually strong or resistant to the effects of one ECW applied against him and the safety of a law enforcer or of a member of the public is endangered because of such unusual strength or resistance, (b) if the situation is so fluid and volatile as to cause the death or severe injury to any member of the public, or (c) if the next best option left to law enforcers on the scene is to use their firearm on the subject causing the death of the latter –the use of more than one ECW on one subject shall be considered justified. **Provided moreover,** that a formal inquiry on the use of multiple ECW units on one subject shall be conducted by the special committee created under Section 19 hereof within 24 hours after such use regardless of whether the subject dies or suffers serious injury as a result of the use of multiple ECW units on him. **Provided further,** that law enforcers subject of such special inquiry shall be subjected to preventive suspension pending completion of the investigation. The special committee shall confiscate the ECW units used by the said law enforcers within 24 hours after such discharge. The said ECW units shall then be tested and examined by the special committee. **Provided further** that the committee, upon completion of its investigation, shall immediately make the results of the inquiry public. **Provided**



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lastly that the investigation shall be completed within thirty (30) calendar days and shall respect the right to due process of the law enforcers concerned who shall be represented by a counsel of their own choice during the proceedings.

Section 40. Use of ECWs Only During Active Aggression.

ECWs should be used only against subjects who are exhibiting active aggression or who are actively resisting in a manner that, in the law enforcer's judgment, is likely to result in injuries to themselves or others. ECWs should not be used against a passive subject.

Section 41. Use of ECWs on Fleeing Subjects. Fleeing should not be the sole justification for using an ECW against a subject. Law enforcers should consider the severity of the offense, the subject's threat level to others, and the risk of serious injury to the subject before deciding to use an ECW on a fleeing subject.

Section 42. Ban Against Use of ECWs on Children, Elderly, Visibly Pregnant Women and the Infirm. Unless when the life or safety of the public or of the subject is at risk, ECWs should not generally be used against visibly pregnant women, elderly persons, young children, and visibly frail persons. Law enforcers should evaluate whether the use of the ECW is reasonable, based upon all circumstances, including the subject's age and physical condition. In some cases, other control techniques may be more appropriate as determined by the subject's threat level to others.

Section 43. Ban Against Targeting of Sensitive Areas. Law enforcers are prohibited from intentionally targeting the sensitive areas of a subject's body such as the head, neck, or genitalia.

Section 44. Ban Against Use of ECWs on Handcuffed Subjects; Exception. ECWs should not be used on handcuffed subjects unless doing so is necessary to prevent them from causing serious bodily harm to themselves or others and if lesser attempts of control have been ineffective.

Section 45. Ban Against Use of ECW on Persons Operating a Moving Vehicle. ECWs should never be used against subjects in physical control of a moving vehicle such as automobiles, trucks, motorcycles, bicycles, or scooters. A parked motor vehicle is not considered moving even if its engine is running. However, a vehicle that has temporarily stopped at an intersection or on any part of a road in compliance with a traffic signal or directive from a law enforcer is still considered moving.

Section 46. Ban Against Use of ECW Against a Subject in Elevated Positions. ECWs should never be used when a subject is



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in an elevated position such as a roof, a tree, or a ledge where a fall may cause substantial injury or death.

Section 47. Ban Against Use of ECW Together with Pepper Spray and Other Combustible Fumes. ECWs should not be used in the known presence of combustible vapors and liquids or other flammable substances including alcohol-based Oleoresin Capsicum (O.C.) spray carriers more commonly known as "pepper spray".

Section 48. Use of ECWs on Rabid or Rampaging Animals. Law enforcers may validly use ECWs on rabid or rampaging animals especially if public order or safety is at risk.

Article III

**LICENSING REQUIREMENTS
AND THE REGULATION OF THE SALE AND DISTRIBUTION OF ECWs**

Section 49. Completion of Training and Passing of Licensure Examination as Prerequisites to Grant of Authority to Use. No person or law enforcer shall be granted the authority to use an ECW unless he completes the Bacoor Electronic Control Weapons Training Program and has passed a licensure exam to be given by the Office of the City Mayor. The said exam shall be developed by the special committee created under Section 19 hereof and shall be taken by a private individual or law enforcer within five (5) calendar days upon graduation from the training program. The special committee shall draw lots to determine who among them shall check the examination papers of those who graduated from the training program. No person or law enforcer shall be considered to have passed the licensure examination unless he obtains a score not lower than 80%.

Section 50. No License to Carry or Use (LCU) In Favor of Convicted Persons. No license to carry or use (LCU) an ECW shall be issued in favor of any person who has been convicted of a crime or a felony under Philippine laws.

Section 51. Fingerprinting and Blood Testing as Prerequisites to Issuance of License. No license to carry or use shall be issued in favor of any person who refuses to have his fingerprints taken by the Bacoor PNP and his blood tested by the CHO.

Section 52. Payment of Licensing Fee. Upon graduation from the training program and passing of the licensure examination, applicants for a LCU shall pay a licensing fee of **Four Thousand Pesos (Php 4,000.00)** with the Office of the City Treasurer. Law enforcers are exempted from paying the said fee.

Section 53. License to Carry is Only Good Within the City of Bacoor. The License to Carry and Use only authorizes the



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possession or carrying of the ECW within the territorial jurisdiction of the City of Bacoor.

Section 54. License Effectivity. Any license issued under this Ordinance shall only be effective for one year.

Section 55. Process of License Renewal. An expired license may be renewed by means of the following:

1. The license holder shall bring his ECW and expired license with the Bacoor PNP;
2. The Bacoor PNP shall temporarily take custody of the ECW and the expired license while the renewal process is ongoing. The applicant shall pay a Custody Fee of **Three Hundred Pesos (PhP 300.00)** with as well as an ECW Training Fee of **One Thousand Pesos (PhP 1,000.00)** the Office of the City Treasurer after the PNP has taken custody of his ECW;
3. The Office of the City Treasurer shall issue an official receipt in favor of the applicant;
4. The applicant shall go back to the Bacoor PNP and submit photocopies of the official receipts issued to him;
5. The Bacoor PNP shall begin the re-training of the applicant within five (5) working days following the payment of the said fees;
6. The applicant must graduate from the training program and must pass the licensure exam to be given within five (5) working days after his completion of the program;
7. The applicant shall allow the taking of his picture, fingerprints and blood sample by the Bacoor PNP in coordination with the City Health Office;
8. A new license shall be given to the applicant within five (5) working days after he pays a License Renewal Fee of **Three Hundred Pesos (PhP 300.00)** with the Office of the City Treasurer; and
9. The Bacoor PNP shall return the applicant's ECW once a new license is issued in favor of the latter. The applicant shall be required by the Bacoor PNP to sign a certificate evidencing that his ECW was already returned to him and that it was in good working condition when he regained possession of it.

Section 56. Use of Various Fees and Fines. The various fees and fines collected under and by virtue of this Ordinance shall be used to finance the various administrative matters related to the implementation hereof.

Section 57. Regulation of Sale and Distribution of ECWs. No sale and distribution of ECWs to the public shall be allowed unless the seller or distributor complies with the following:



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City Councilor - ABC Pres.

Attested by:

SHIELA S. LAZO

Supervising Admin Officer

Certified by:

HON. CATHERINE S. EVARISTO
City Vice Mayor/Presiding Officer

Approved by:

HON. STRIKE B. REVILLA
City Mayor

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a) The seller or distributor must be duly registered with the Securities and Exchange Commission (SEC) or the Department of Trade and Industry (DTI) and must possess the various permits required by national government agencies related to such sale or distribution;

b) The seller or distributor has paid all the right fees and taxes to the national agencies concerned in relation to the sale or distribution of ECWs;

c) The seller or distributor has been issued a valid Business Permit and Mayor's Permit by the Mayor's Office prior to the said sale or distribution;

d) The seller or distributor shall not sell more than one ECW unit to a person or juridical entity including security agencies;

e) The seller or distributor shall accept a 50% downpayment from the buyer but he shall not release the ECW to the buyer unless the latter has already completed the Bacoor Electronic Control Weapons Training Program, passed the licensure exam, and has paid the following fees with the Office of the City Treasurer:

ECW Training Fee of **One Thousand Pesos (Php 1,000.00)**; and

Licensing Fee of **Four Thousand Pesos (Php 4,000.00)**.

f) In case the buyer fails to complete the Bacoor Electronic Control Weapons Training Program or did not pass the licensure exam, the seller or distributor shall return the downpayment in full to the buyer within three (3) calendar days after verbal demand by the buyer who must show the official receipt issued to him by the seller or distributor.

Section 58. Obligation of Seller or Distributor to Keep Sales and Maintenance or Repair Records. The seller or distributor of ECWs must keep all the records related to the sale, repair, or maintenance of ECWs for possible use by the PNP and other law enforcement agencies in investigating crimes committed with the use of ECWs. Such records must contain the following:

- Name, address, date of birth, picture, signature and fingerprint of the buyer;
- Date and place of purchase;
- Registration and product number of the ECW unit; and
- Scanned back-to-back copy of the buyer's License to Carry and Use.

Section 59. Penalties for Carrying of ECW without a License. Anyone who carries an ECW upon his person without a



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license issued and signed by the City Mayor and the Chief of the Bacoor PNP authorizing such person to carry such weapon or instrument within City of Bacoor, shall be fined not more than **Five Thousand Pesos (PhP 5,000.00)** and shall be imprisoned for not more than six (6) months. These penalties shall in no way limit the power of courts to impose additional penalties for violations of the Revised Penal Code and other laws by the offender.

Section 60. Penalties for Improper or Unauthorized Use of ECW. Anyone who improperly uses an ECW, or uses an ECW without the proper authority, shall be meted with a fine of **Five Thousand Pesos (PhP 5,000.00)** and shall be imprisoned for one (1) year. These penalties shall in no way limit the power of courts to impose additional penalties for violations of the Revised Penal Code and other laws by the offender.

Section 61. Penalty for the Illegal Issuance of a License to Carry and Use. A fine of **Five Thousand Pesos (PhP 5,000.00)** plus termination from public service shall be meted against any civil servant who illegally issues a License to Carry and Use in favor of any person in violation of this Ordinance.

Section 62. Revocation of License and Confiscation of ECW. The license of any person to carry or use an ECW shall be immediately revoked if it is proven that he violated any provision of this Ordinance. The PNP is hereby empowered to confiscate his ECW and use the same as evidence against the offender.

Article IV

MEDICAL CONSIDERATIONS

Section 63. Awareness on Risk of Death. All persons who shall participate in the Bacoor Electronic Weapons Training Program should be aware that there is a higher risk of sudden death in subjects under the influence of drugs and/or exhibiting symptoms associated with excited delirium.

Section 64. Presence of Emergency Medical Personnel in Site of ECW Application. When possible, emergency medical personnel should be notified when law enforcers respond to calls for service in which they anticipate an ECW application may be used against a subject who exhibits the symptoms of excited delirium prior to the ECW application.

Section 65. Medical Evaluation after ECW Application. All subjects who have been exposed to ECW application should receive a medical evaluation by emergency medical responders in the field or at a medical facility within the City of Bacoor. Subjects who have been exposed to prolonged application (i.e., more than 15 seconds) should be transported to a hospital emergency room for evaluation within 30 minutes after such application. Personnel conducting the medical evaluation should be made aware by the law enforcer



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concerned that the suspect has experienced ECW activation, so they can better evaluate the need for further medical treatment.

Section 66. Regular Medical Monitoring of Persons in Police Custody Subjected to ECW Application. All subjects who have received an ECW application should be monitored regularly while in police custody even if they received medical care by the City Health Office. Documentation of the ECW exposure should accompany the subject when transferred to jail personnel or until the subject is released from police custody.

Section 67. ECW Probes are Biohazards. ECW probes should be treated as a biohazard. Law enforcers should not remove ECW probes from a subject that have penetrated the skin unless they have been trained to do so. Only properly trained medical personnel should remove probes that have penetrated a subject's sensitive areas or are difficult to remove. For this purpose, the City Health Office shall formulate and conduct a special course on this topic to be embedded within the Bacoor Electronic Weapons Training Program and the Police-Medical Protocol on Treatment of ECW Related Injuries.

Article V

REPORTING AND ACCOUNTABILITY

Section 68. Accountability of Off-Duty Law Enforcers. Off-duty law enforcers are responsible for the storage, transportation, use and maintenance of the ECWs assigned to them. Any law enforcer who loses or damages the ECW assigned to him due to neglect or misuse shall be accountable for the replacement or repair of the device. No liability shall be incurred if the said damage or loss occurred while in the act of duty.

Section 69. Documentation and Investigation of Unintended or Improper ECW Discharge. The Chief of the Bacoor PNP shall investigate and document any unintended and improper ECW discharge.

Section 70. Procedure for ECW Discharge Investigation. Every ECW discharge investigation should comply with the following procedures:

a) All law enforcers involved in the ECW discharge as well as the persons subjected to ECW application shall be interviewed;

b) The interviews shall be conducted at the investigation room of the Bacoor City Police Headquarters in the presence of the counsel chosen by the law enforcers involved and the persons subjected to the ECW discharge;



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c) Forensic quality photographs (including a ruler to show distances) of subject and officer injuries, if any, should be produced and be made part of the records of the investigation;

d) Photographs of ECW cartridges/probes should also be taken and made part of the records of the investigation;

e) The Bacoor Chief of Police shall collect all ECW cartridges, probes, data downloads, police car dashboard video (if any), and confetti tags related to the investigation;

f) Copies of the ECW data download and other related information shall also be taken into custody;

g) When reviewing downloaded ECW data, supervisors and investigators should be aware that the total time of activation registered on an ECW may not reflect the actual duration of ECW application on a subject. Thus, the investigator must rely on the totality of evidence gathered before making any conclusion;

h) The results of the investigation shall be submitted to the Special Committee on Inquiry for review before the same is submitted to Bacoor Peace and Order Council or to the National Police Commission for appropriate action.

Section 71. Random ECW Data Downloads Audits. The Special Committee on Inquiry shall periodically conduct random audits of ECW data downloads and reconcile use-of-force reports with recorded activations. The audits should be conducted to verify that all personnel who carry ECWs have attended initial and recertification training. Any inconsistency discovered during the said audit shall subject the law enforcers concerned to investigation by the Special Committee.

Section 72. Data Gathering Duties of the Special Committee. Considering that the technology behind ECWs is relatively new and requires further study and testing, the Special Committee, in addition to its various powers mentioned herein, shall also periodically gather the following data:

a) Date, time, location of incident involving ECW applications or discharge;

b) The use of display, laser painting and/or arcing, and whether those tactics deterred a subject and gained compliance;

c) Identifying and descriptive information and investigative statements of the subject (including membership in an at-risk population), all personnel firing ECWs, and all witnesses;

d) The type and brand of ECW used;



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- e) The number of ECW activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications;
- f) The level of aggression encountered by law enforcers;
- g) Any weapons possessed by the subject;
- h) The type of crime/incident the subject of an ECW application was involved in;
- i) Determination of whether deadly force would have been justified;
- j) The type of clothing worn by the subject;
- k) The range at which the ECW was used;
- l) The type of mode used (probe deployment or drive stun);
- m) The point of probe impact on a subject with the device in probe mode;
- n) The point of impact on a subject with the device in drive stun mode;
- o) Location of missed probe(s);
- p) Terrain and weather conditions during ECW use;
- q) Lighting conditions at the site where the ECW was used;
- r) The type of cartridge used;
- s) Suspicion that subject was under the influence of drugs (specify if available);
- t) Medical care provided to the subject after ECW application; and
- u) Any injuries incurred by law enforcers or by the subject due to the ECW discharge.

Article VI

PUBLIC INFORMATION AND COMMUNITY RELATIONS

Section 73. Neighborhood Awareness Programs on ECW.

The Bacoor City PNP shall conduct neighborhood awareness programs that would educate community members on the



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effects of ECWs and the guidelines being implemented regarding its use. The Public Information Office of the City of Bacoor shall assist the Bacoor PNP in developing the information materials to be used during the said neighborhood awareness programs.

Article VII

IMPLEMENTING GUIDELINES AND MISCELLANEOUS PROVISIONS

Section 74. Committee on the Formulation of Implementing Guidelines. A special committee tasked with the duty of formulating the implementing guidelines of this Ordinance is hereby created. The said committee shall be comprised of the following:

| | |
|-------------|---|
| Chairperson | City Mayor (or his representative) |
| Vice-Chair | City Legal Officer |
| Secretary | SP Secretary |
| Members: | |
| | Bacoor PNP Chief |
| | City Health Officer |
| | Commission on Human Rights Representative |
| | IBP Representative |

The said committee shall meet within thirty (30) days after the date of effectivity of this Ordinance. The first draft of the said implementing guidelines should be submitted for review by the committee to the Sangguniang Panlungsod and to the Bacoor Peace and Order Council within forty-five (45) calendar days after the first day that the committee has convened.

Section 75. Effect of Approval of the Implementing Guidelines. The Implementing Guidelines of this Ordinance shall be approved by the Sangguniang Panlungsod and shall be considered a part of this Ordinance.

ORDAINED by Sangguniang Panlungsod of Bacoor, Province, Cavite this 28th day of March 2016.



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This is to certify that the contents of the foregoing Ordinance are true and correct and that it was duly passed in accordance with law.

Certified by:

HON. CATHERINE S. EVARISTO
City Vice Mayor/Presiding Officer

Attested by:

MS. SHIELA S. LAZO
Supervising Admin. Officer

Approved by:

HON. STRIKE B. REVILLA PhD
City Mayor

(Date of Approval)