



**U.S. Customs and  
Border Protection**

**MAY 23 2012**

**TO:** John Steblein  
Director, Use of Force Policy Division  
Office of Training and Development

**FROM:** Clifton Wilcox *fol [Signature]*  
Acting Director, Labor-Management Relations  
Office of Human Resources Management

**SUBJECT:** Agency Head Review  
Memorandum of Understanding – Revised Electronic Control Device (ECD)  
Policy

The attached Memorandum of Understanding (MOU) signed May 11, 2012, memorializes an agreement between U.S. Customs and Border Protection (CBP) and the National Treasury Employees Union (NTEU). The agreement specifically addresses the implementation of the revised Electronic Control Device Policy. The negotiated terms have been reviewed in accordance with 5 U.S.C. §7114(c) and under Department of Homeland Security, Customs and Border Protection Delegation Order 10-001 dated February 23, 2010.

This MOU does not violate existing law, rule or regulation, and is hereby approved. This approval does not constitute a waiver of, or exception to, any existing law, rule, regulation, or policy.

If you have any questions or need additional assistance, you may contact Don Stakes, Chief Labor Negotiator, by telephone at (202) 863-6335, or by electronic mail at [Donald.Stakes@dhs.gov](mailto:Donald.Stakes@dhs.gov).

**CC:** Colleen Kelley, National President, NTEU  
Jonathan Levine, Attorney, NTEU  
Jon Batt, Director, Field Programs, Office of Field Operations  
Deb Eres, Field Services, Labor & Employee Relations  
Eric Reid, Labor-Management Relations Specialist

Attachment

**Agreement Between  
U.S. Customs and Border Protection (CBP)  
And  
National Treasury Employees Union (NTEU)**

With the goal of reducing violence against front-line officers, CBP implemented the Electronic Control Device (ECD) as a voluntary option for those employees authorized to carry intermediate force devices beginning in 2008. The ECD policy is updated to incorporate current law enforcement ECD guidance, U.S. District Court decisions regarding the use of an ECD and to maintain consistency with the CBP Use of Force Policy Handbook (4500-01B).

The below represents the full and final agreement on all matters related to the implementation of the revised Electronic Control Device policy:

1. Electronic Control Device basic training will remain voluntary for Customs and Border Protection Officers. Electronic Control Device trained CBP Officers must complete annual recertification training to keep their certification current.
2. To ensure that CBP Officers operate the ECD correctly, CBP will provide employees sufficient training; such training will emphasize safety and compliance with CBP Use of Force Policy. This training will thoroughly explain the classes of persons on whom an ECD should not be used (ECD Policy 6.2.5) and will provide examples of such classes of individuals.
3. On an as-needed basis, the Use of Force Policy Division will utilize Mustergrams to communicate ECD issues to Customs and Border Protection Officers. These Mustergrams may provide updated guidance from the manufacturer, clarify U.S. Court decisions, give updated law enforcement industry ECD guidance or provide further explanation or clarification regarding the current ECD training and/or policy.

*J. C. Atkinson* 5/11/2012  
CBP Date

*Joseph A. ...* 5/11/12  
NTEU Date

*Eric Reed* 5/11/2012  
CBP Date

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CBP Date