

309 CED DEVICE

309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Conducted Energy Device (CED)s.

309.2 POLICY

The CED is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

309.3 ISSUANCE AND CARRYING CED DEVICES

Only members who have successfully completed department-approved training may be issued and carry the CED.

CEDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

Officers shall only use the CED and cartridges that have been issued by the Department. Uniformed officers who have been issued the CED shall wear the device in an approved holster on their person.

Members carrying the CED should perform a spark test on the unit in accordance with established procedure prior to every shift.

Members carrying the CED should perform a quarterly download of their CED in accordance with established procedure outlined in annual training. This is to ensure all CED units have the latest updates installed and to correct any downloading issues.

When carried while in uniform, officers shall carry the CED in a support holster on the side opposite the duty weapon.

- a. All CEDs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- b. Whenever practicable, officers should carry two cartridges on their person when carrying the CED.
- c. Officers shall be responsible for ensuring that their issued CED is properly maintained and in good working order.
- d. Officers shall not hold both a firearm and the CED at the same time.

309.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED 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 to:

- a. Provide the individual with a reasonable opportunity to voluntarily comply.
- b. Provide other officers and individuals with a warning that the CED 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 feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the CED. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the CED in the related report.

309.5 USE OF THE CED DEVICE

The CED device has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely approach the subject within the operational range of the device. Although the CED device is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options. An officer using the CED should have a second officer present to serve as lethal cover.

309.5.1 APPLICATION OF THE CED

The CED device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- a. The subject is violent or is physically resisting.
- b. The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

The above is not an all-inclusive list and the use of the CED is not limited to only those examples.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- a. Individuals who are known to be pregnant.
- b. Elderly individuals or obvious juveniles.
- c. Individuals with obviously low body mass.
- d. Individuals who are handcuffed or otherwise restrained.
- e. Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- f. Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the CED in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

The CED shall not be used to psychologically torment, elicit statements or to punish any individual.

309.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the CED probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

309.5.4 MULTIPLE APPLICATIONS OF THE CED

Officers should apply the CED for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the CED against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the CED appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the CED, including:

- a. Whether the probes are making proper contact.
- b. Whether the individual has the ability and has been given a reasonable opportunity to comply.
- c. Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one CED device at a time against a single subject.

309.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all CED discharges. Several confetti tags, the expended cartridge, along with both probes and wire, should be collected and submitted into evidence. 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.

309.5.6 DANGEROUS ANIMALS

The CED may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

309.5.8 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department CED while off-duty.

Officers shall ensure that CEDs are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

309.6 DOCUMENTATION

Officers shall document all CED discharges in the related offense report and Blue Team entry. Notification shall also be made to a supervisor in compliance with the Response to resistance Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented.

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Items that shall be included in the report and/or Blue Team entry are:

- a. The type and brand of CED and cartridge and cartridge serial number.

- b. Date, time and location of the incident.
- c. Whether any display, laser or arc deterred a subject and gained compliance.
- d. The number of CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- e. The range at which the CED was used.
- f. The type of mode used (probe or drive-stun).
- g. Location of any probe impact.
- h. Location of contact in drive-stun mode.
- i. Description of where missed probes went.
- j. Whether, and what, medical care was provided to the subject.
- k. Whether the subject sustained any injuries.
- l. Whether any officers sustained any injuries.
- m. Identification of all personnel firing CEDs
- n. Identification of all witnesses
- o. Observations of the subject's physical and physiological actions
- p. Any known or suspected drug use, intoxication or other medical problems

The Training and Recruitment Sergeant or designee should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training and Recruitment Sergeant or designee should also conduct audits of data downloads and reconcile IA Pro data with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

309.7 MEDICAL TREATMENT

Absent extenuating circumstances, only trained members or appropriate medical personnel should remove CED probes from a person's body. Only medical personnel should remove probes from sensitive areas such as the groin or female breasts. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes 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:

- 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 CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- e. The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated 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 providing medical care or receiving custody that the individual has been subjected to the application of the CED.

309.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CED may be used. A supervisor should respond to all incidents where the CED was activated.

A supervisor shall review each incident where a person has been exposed to an activation of the CED. The device's onboard memory should be downloaded through the data port in the presence of a supervisor and included with the related offense report. Photographs of probe sites should be taken and witnesses interviewed.

309.9 TRAINING

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing department-approved training. Any personnel who have not carried the CED as a part of their assignment for a period of six months or more shall be recertified by a department-approved CED instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued CEDs should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by a supervisor. All training and proficiency for CEDs will be documented in the officer's training file.

Command staff, supervisors and investigators should receive CED training as appropriate for the investigations they conduct and review.

Officers who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training and Recruitment Sergeant is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training.

Application of CEDs during training could result in injury to personnel and shall not be mandatory for certification.

The Training and Recruitment Sergeant should ensure that all training includes:

- a. A review of this policy.
- b. A review of the Response to resistance Policy.
- c. Performing weak-hand draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm.
- d. Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.
- e. Handcuffing a subject during the application of the CED and transitioning to other force options.
- f. De-escalation techniques.
- g. Restraint techniques that do not impair respiration following the application of the CED.