

Conducted Energy Weapon

306.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the Conducted Energy Weapon (CEW).

306.2 POLICY

The CEW is used to control a violent or potentially violent individual. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

The CEW is a less-lethal force option that is authorized for use by the San Diego County Probation Department's designated officers. This intermediate weapon may be used to prevent escape, overcome resistance, and effect an arrest of a combative/resistive subject and to protect the public or officers from injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects. Any incident involving the use of the CEW must be in compliance with the San Diego County Probation Department's Use of Force Policy.

306.3 ISSUANCE AND CARRYING CONDUCTED ENERGY WEAPONS

Only sworn officers who have successfully completed department-approved training may be issued and may carry the CEW.

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

Officers shall only use the CEW and cartridges that have been issued by the Department. Officers who have been issued the CEW shall carry the device in an approved manner.

Officers carrying the CEW should perform a spark test and/or trigger test prior to every shift.

Officers who carry both a duty weapon and CEW shall carry the CEW in a non-dominant holster on the side opposite the duty weapon.

- (a) All CEWs shall be clearly and distinctly marked to differentiate them from a duty weapon and any other device.
- (b) Officers shall be responsible for ensuring that the issued CEW is properly maintained and in good working order.
- (c) Officers should not hold a firearm and the CEW at the same time except for the brief period of time required to transition from one weapon to the other.

306.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CEW should precede its application unless it would otherwise endanger the safety of the officer 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 CEW may be deployed.

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If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may display the electrical arc or the laser in a further attempt to gain compliance prior to the application of the CEW. The aiming laser should not be intentionally directed into anyone's eyes.

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

306.5 USE OF THE CEW

The CEW has limitations and restrictions requiring consideration before its use. The CEW should only be used when its operator can safely approach the subject within the operational range of the device. Although the CEW is effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

306.5.1 APPLICATION OF THE CEW

The CEW 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) Who is violent or is physically resisting.
- (b) Who has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm the officer, themselves, or others.

Mere flight, without other known circumstances or factors, is not good cause for using the CEW.

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

306.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CEW on certain individuals should be avoided unless the totality of the circumstances indicates that other 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 known to be pregnant.
- (b) Elderly individuals or obvious children.
- (c) Individuals with obviously low body mass.
- (d) Individuals 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 a height, operating vehicles).

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

306.5.3 TARGETING CONSIDERATIONS

The preferred targeting areas include the individual's back or front lower-center mass. The head, neck, chest, and groin should be avoided when reasonably practicable. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the CEW probes to a precise target area, the officer 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.

306.5.4 MULTIPLE APPLICATIONS OF THE CEW

Officers should apply the CEW for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Officers should not intentionally apply more than one CEW at a time against a single individual.

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

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

306.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Once the subject is under control following a CEW deployment, officers will monitor the subject for signs or symptoms of any medical needs, such as Excited Delirium or Sudden Death syndrome. The subject should be rolled to their side or placed in a seated position as soon as safely possible and monitored for consciousness, ability to converse, awareness of time, place, and date. Officers will request paramedics and administer first aid if necessary, until relieved by paramedics.

Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the CEW. As soon as practicable, the officer shall notify a supervisor any time the CEW has been discharged. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be 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.

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306.5.6 DANGEROUS ANIMALS

The CEW 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 likely would be ineffective.

306.5.7 OFF-DUTY CONSIDERATIONS

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

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

306.6 DOCUMENTATION

Officers shall document all CEW discharges in the appropriate report and the CEW report forms. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form.

306.6.1 REPORTS

The officer should include the following in their report:

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

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306.6.2 RANGEMASTER

The Rangemaster or designee will analyze the incident reports, event logs, and pulse graphs to identify trends, including deterrence and effectiveness. Following a deployment, the Rangemaster or designee should also conduct audits of data downloads and reconcile CEW report forms with recorded activations.

306.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove CEW probes from a person's body. Used CEW 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 CEW probes or who have been subjected to the electric discharge of the device or who experienced direct exposure of the laser to the eyes 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 CEW probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

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 officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CEW (see the Medical Aid and Response Policy).

306.8 SUPERVISOR RESPONSIBILITIES

A supervisor will be notified at the earliest opportunity when a CEW has been deployed.

A supervisor should review each incident where a person has been exposed to an activation of the CEW. The device's onboard memory should be downloaded through the data port by a supervisor, Rangemaster, or designee and saved with the related report. Photographs of probe sites should be taken and witnesses interviewed.

306.9 TRAINING

Sworn officers who are authorized to carry the CEW shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not

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carried the CEW as a part of their assignments for a period of six months or more shall be recertified by a qualified CEW instructor prior to again carrying or using the device.

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

The Rangemaster is responsible for ensuring that all members who carry CEWs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEWs during training could result in injuries and should not be mandatory for certification.

The Rangemaster should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing non-dominant draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest, and groin.
- (e) Handcuffing a subject during the application of the CEW and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration after applying the CEW.